



**NORTHERN  
MIDLANDS  
COUNCIL**

# **MINUTES**

**ORDINARY MEETING OF COUNCIL**

**MONDAY, 30 JANUARY 2023**



MINUTES of the Ordinary Meeting of the Northern Midlands Council held on 30 January 2023 at 5.00pm in person at the Council Chambers, 13 Smith Street, Longford

## **1 ATTENDANCE**

### **PRESENT**

Mayor Mary Knowles OAM, Deputy Mayor Janet Lambert, Cr Dick Adams OAM, Cr Alison Andrews AM, Cr Richard Archer, Cr Matthew Brooks, Cr Richard Goss, Cr Andrew McCullagh

### **IN ATTENDANCE**

Mr Des Jennings - General Manager (to 8.24pm), Miss Maree Bricknell - Corporate Services Manager (to 8.24pm), Mr Leigh McCullagh - Works Manager (to 8.24pm), Mr Paul Godier - Senior Planner (to 6.15pm), Mr Ryan Robinson (to 6.15pm), Mrs Gail Eacher - Executive Assistant (to 8.24pm)

### **APOLOGIES**

Cr Paul Terrett



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**MINUTE NO. 23/001**

DECISION

Deputy Mayor Lambert/Cr Andrews

That Council adopt the table of contents incorporating item 13.5 Policy Review: Code of Conduct for Elected Members.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil



### 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.

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

Council RESOLVED to accept the following Declarations of Interest:

- Councillor Richard Archer - Item 14.1: PLN 22-0185
- Councillor Richard Goss - Item 14.1: PLN22-0251
- Councillor Andrew McCullagh - Item 14.1: PLN21-0073 and PLN21-0243

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 COUNCIL MEETING MINUTES

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

##### MINUTE NO. 23/002

##### DECISION

Cr Brooks/Cr Goss

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 12 December 2022, be confirmed as a true record of proceedings.

Carried Unanimously

##### **RECOMMENDATION**

That the Open Council Minutes of the Ordinary Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 12 December 2022, be confirmed as a true record of proceedings.

### 5.2 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, 20 February 2023 in person only.

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### 5.3 MOTIONS ON NOTICE

The following notice of Motion/Motions have been received.

#### 5.3.1 Notice Of Motion: Airport Rates

Responsible Officer: Des Jennings, General Manager

##### MINUTE NO. 23/003

##### DECISION

Cr McCullagh/Cr Brooks

That Council authorise and instruct the General Manager to take all steps necessary to withdraw from and bring an end to all legal claims and proceedings against Australia Pacific Airports (Launceston) Pty Ltd (ACN 081 578 903) in relation to matter TD 27 of 2018 between NORTHERN MIDLANDS COUNCIL and THE COMMONWEALTH OF AUSTRALIA (First Respondent) and AUSTRALIAN PACIFIC AIRPORTS (LAUNCESTON) PTY LTD (ACN 081 578 903) (Second Respondent).

Lost

Voting for the Motion:

Cr Brooks and Cr McCullagh

Voting Against the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer and Cr Goss

##### **OFFICER'S RECOMMENDATION**

- 1) That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting.
- 2) That the Officers report specifies: actions specified in the resolution; whether actions have been wholly or substantially carried out.

Councillor Andrew McCullagh has requested the below Notice of Motion be tabled at the 30 January 2023 Council Meeting.

##### **NOTICE OF MOTION**

*That Council authorise and instruct the General Manager to take all steps necessary to withdraw from and bring an end to all legal claims and proceedings against Australia Pacific Airports (Launceston) Pty Ltd (ACN 081 578 903) in relation to matter TD 27 of 2018 between NORTHERN MIDLANDS COUNCIL and THE COMMONWEALTH OF AUSTRALIA (First Respondent) and AUSTRALIAN PACIFIC AIRPORTS (LAUNCESTON) PTY LTD (ACN 081 578 903) (Second Respondent)*

##### **BACKGROUND**

The reasons for this motion, Per section 16(5) of the Act, are to cease further expense to the Ratepayers of the Northern Midlands Council. The matter has been afoot for almost four years and has already cost around \$300,000.00. The chances of success appear minimal at best and the Council can focus on more positive outcomes and enhance the working relationship with the Launceston Airport Corporation for the betterment of the Community. Additionally monies expended on further Legal bills could be better spent on Community Infrastructure.

##### **OFFICER'S RECOMMENDATION**

- 1) Pursuant to the Local Government Act 1993 Section 63, the General Manager must ensure that Council receives advice from persons who have the necessary qualification or experience to give such advice, information or recommendation on the matter before Council.





RECOMMENDATION: That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting.

- 2) Pursuant to the Local Government Regulations, Regulation 18, a councillor or council committee cannot overturn a decision passed at a previous meeting held since the last ordinary election, except by the resolution of an absolute majority (for council) or a simple majority ( for council committee).

Any advice given to a council in respect of a proposed motion to overturn a resolution is to specify if the original motion directed certain action to be taken, and whether that action has been wholly or substantially carried out.

RECOMMENDATION: That the officers report specifies:

- Actions specified in the resolution
- Whether actions have been wholly or substantially carried out.

## ATTACHMENTS

Nil

### 5.3.2 Notice Of Motion: Amalgamation

Responsible Officer: Des Jennings, General Manager

#### MINUTE NO. 23/004

##### DECISION

Cr McCullagh/Cr Brooks

That Council establish a working group made of Councillors and chaired by Councillor Andrew McCullagh and authorise that working group to initiate discussion(s) with the following Councils to discuss options for potential amalgamation:

- Meander Valley Council;
- Break O'Day Council;
- Glamorgan Spring Bay Council.

Lost

Voting for the Motion:

Cr Brooks and Cr McCullagh

Voting Against the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer and Cr Goss

#### OFFICER'S RECOMMENDATION

That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting.

Councillor Andrew McCullagh has requested the below Notice of Motion be tabled at the 30 January 2023 Council Meeting:

#### NOTICE OF MOTION

*That Council establish a working group made of Councillors and chaired by Councillor Andrew McCullagh and authorise that working group to initiate discussion(s) with the following Councils to discuss options for potential amalgamation:*

- Meander Valley Council;
- Break O'Day Council;
- Glamorgan Spring Bay Council.



## BACKGROUND

*The reasons for this motion are to explore and discuss potential options with neighbouring Councils, placing the Northern Midlands on the front foot in any potential long term restructuring process whether it be forced or encouraged by the Community and State Government. With the Local Government Review well advanced, it would be prudent and wise to look at the best options for our Municipality and look at what may be the “best fit” for the Northern Midlands Council should the merger option arise. <insert text here>*

## OFFICER’S RECOMMENDATION

Pursuant to the Local Government Act 1993 Section 63, the General Manager must ensure that Council receives advice from persons who have the necessary qualification or experience to give such advice, information or recommendation on the matter before Council.

RECOMMENDATION: That Council Officer’s prepare a report on the notice of motion to be presented to a future Council Meeting.

## ATTACHMENTS

Nil



## 6 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES

### MINUTE NO. 23/005

#### DECISION

Cr Adams/Cr Goss

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

Carried Unanimously

#### **RECOMMENDATION**

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

Minutes of meetings of the following Committees are attached:

Date	Committee	Meeting
30 November 2022	Cressy Local District Committee	Ordinary
6 December 2022	Campbell Town District Forum	Ordinary
6 December 2022	Ross Local District Committee	Ordinary
6 December 2022	Evandale Advisory Committee	Ordinary
7 December 2022	Longford Local District Committee	Ordinary
17 January 2023	Cressy War Memorial Swimming Pool	Ordinary
6 December 2022	Perth Local District Committee	Ordinary
4 January 2023	Longford Local District Committee	Ordinary

Matters already considered by Council at previous meetings have been incorporated into **Information Item: Officer's Actions**.

In the attached minutes of Council Committees, recommendations of Committees are listed for Council's consideration in the Agenda Item 7 below.



## 7 COUNCIL COMMITTEES - RECOMMENDATIONS

### 7.1 CAMPBELL TOWN DISTRICT FORUM

At the ordinary meeting of the Campbell Town District Forum held on 6 December 2022 the following motion/s were recorded for Council's consideration:

#### CAMPBELL TOWN UNDERPASS

##### MINUTE NO. 23/006

##### DECISION

Deputy Mayor Lambert/Cr Adams

That Council write to State Growth and convey the Campbell Town District Forum suggestion for a Community Art Project at the underpass.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **Officer Recommendation:**

That Council write to State Growth and convey the Campbell Town District Forum suggestion for a Community Art Project at the underpass.

##### **Committee Recommendation:**

Council request State Growth to work with the community to beautify the underpass e.g.: Community Art Project – in order to enhance the community safety and appeal.

##### **Officer Comment:**

The installation of the underpass has caused disharmony for some in the Campbell Town community, however a Community Art Project enhancing the appeal of the underpass, will provide an opportunity for positive engagement, improving relationships within the community and across the two tiers of government (state and local).

Council's mission states:

*Northern Midlands is an enviable place to live, work and play. Connected communities enjoy safe, secure lives in beautiful historical towns and villages. Our clean, green agricultural products are globally valued.*

*Local business and industry is strongly innovative and sustainable.*

Northern Midlands Council's ambition is that everyone in our community has opportunities to lead happy and healthy lives. This project demonstrates that the health and wellbeing of all the Northern Midlands communities is important and provides the Campbell Town community with an opportunity to establish social cohesion and leadership that can be replicated and reinforced when other/similar community projects are identified and implemented.



### KING STREET RESERVE: WILLOW TREE IN THE RIVER (OLD SWIMMING POOL)

Council RESOLVED to note the recommendation which has been completed.

**Officer Recommendation:**

That Council note the recommendation which has been completed.

**Committee Recommendation:**

That the removal of the willow tree in the river (old swimming pool) near the King Street Reserve be made a priority by Council.

**Officer Comment:**

Council's Works Manager was already aware of this issue and the tree has now been removed.

### ERADICATION OF WILD RABBIT POPULATIONS

#### MINUTE NO. 23/007

DECISION

Cr Adams/Cr Archer

That Council note the committee recommendation.

Carried Unanimously

**Voting for the Motion:**

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

**Voting Against the Motion:**

Nil

**Officer Recommendation:**

That Council note the committee recommendation.

**Committee Recommendation:**

That Council investigate the eradication of the rabbit population in Campbell Town

**Officer Comment:**

Management of invasive species such as wild rabbits is the responsibility of the Department of Natural Resources and Environment Tasmania (DNRET), not by Council.

According to the DNRET website, the Calicivirus, also known as Rabbit haemorrhagic disease virus (RHDV1), was not released in the first half of 2022 (summer and autumn) and there are several contributing factors which consequently are hampering its release on an ongoing basis.

Specifically, there is currently an abundance of food available, (especially green grass) providing ideal conditions for rabbits to breed, meaning they are less likely to take calicivirus treated bait.

In addition, young rabbits (up to 12 weeks) may also develop immunity from calicivirus if exposed. Release of calicivirus in the presence of large numbers of young rabbits therefore increases the risk of developing calicivirus immunity within rabbit populations.

RHDV1 is a viral disease which only affects European rabbits. It was introduced into Australia in 1996 and Tasmania in 1997, and since then it has spread throughout most of Australia. It is also worth noting that the effectiveness of a biological control agent reduces over time, so research is ongoing to find a different strain of the virus to release, to boost effectiveness.



## MOWING ON THE EASTERN SIDE OF WEST STREET

### MINUTE NO. 23/008

#### DECISION

Cr Brooks/Cr McCullagh

That Council note the Committee recommendation and advise that the verge on the eastern side of West Street between Church Street and Pedder Street, only to the end of the houses in West Street, will be included in the Council mowing schedule.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

#### **Officer Recommendation:**

That Council note the Committee recommendation and advise that the verge on the eastern side of West Street between Church Street to Pedder Street will not be included in Council mowing schedule.

#### **Committee Recommendation:**

*The verge on the eastern side of West Street from Church Street to Pedder Street to be included in Council mowing.*

#### **Officer Comment:**

Consultation with Council's Works Manager identified that the area identified as the eastern side of West Street between Church Street to Pedder Street, is defined as undeveloped land which is slashed annually to reduce fuel loads and maintain appropriate fire safety protocols.



Ref: picture retrieved from Google Maps (<https://www.google.com/maps/place/West+St,+Campbell+Town+TAS+7210/@-41.9216156,147.4804291,17z/data=!3m1!4b1!4m5!3m4!1s0xaa70ffc4d3f1d577:0xd8afe4e49d92722c!8m2!3d-41.9216156!4d147.4826178>)

Slashing is used to maintain large areas of undeveloped land whereas mowing is utilised in developed areas such as parks and residential street verges.



## 7.2 CRESSY LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Cressy Local District Committee held on 30 November 2022 the following motion/s were recorded for Council's consideration:

### DUMP POINT LOCATION

#### MINUTE NO. 23/009

#### DECISION

Cr Goss/Cr Adams

That Council does not investigate the location at the Church Street corner of the park.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

#### **Officer Recommendation:**

That Council does not investigate the location at the Church Street corner of the park.

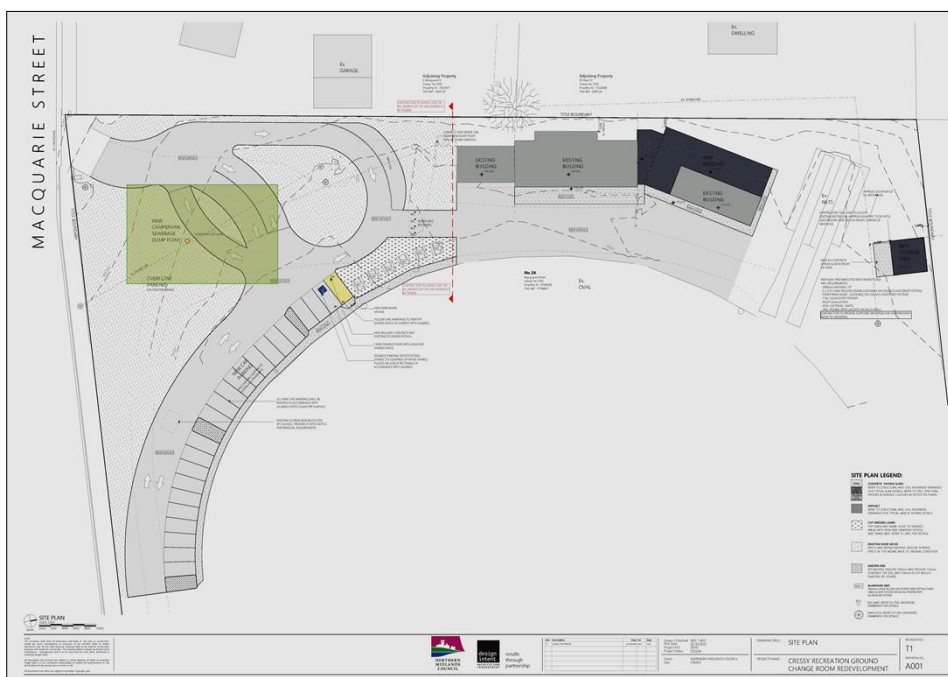
#### **Committee Recommendation:**

That the location at Church Street corner of the park be reviewed again.

#### **Officer Comment:**

The Church Street corner of the park is not a suitable location for a dump point.

Council has identified the recreation ground as a suitable location and car parking concerns have been addressed in the layout below.







### 7.3 EVANDALE ADVISORY COMMITTEE

At the ordinary meeting of the Evandale Advisory Committee held on 6 December 2022 the following motion/s were recorded for Council's consideration:

#### SHORT STAY ACCOMMODATION

##### MINUTE NO. 23/010

##### DECISION

Cr Andrews/Deputy Mayor Lambert

That the request by Evandale Advisory Committee, that Council develop a Short Stay Accommodation policy, be investigated and a report provided to Council.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **Officer Recommendation:**

That the request by Evandale Advisory Committee, that Council develop a Short Stay Accommodation policy, be investigated and a report provided to Council.

##### **Committee Recommendation:**

That Council Develop a Short Stay Accommodation policy.

##### **Officer Comment:**

The Evandale Advisory Committee is concerned that too many houses are moving towards short-stay accommodation. This is a sentiment which has been echoed by other communities particularly considering housing affordability however, it must also be balanced against the need for accommodation to promote events/festivals, and tourism which have a range of social and economic benefits, as it injects money into the local economy.

The Tasmanian Government imposes the planning requirements for visitor accommodation. According to the Planning in Tasmania website (<https://planningreform.tas.gov.au/planning/short-stay-accommodation-act-2019>), "Short stay accommodation refers to houses, apartments and other types of dwellings that are let out to paying guests for overnight accommodation, generally on a temporary basis and usually to people who are on holiday or vacation.

*You do not require a planning permit if you meet the 'home-sharing' exemption, which applies if the dwelling is used by the host (as owner or occupier) as their main place of residence and:*

- *the dwelling is only let to visitors while they are on vacation or are temporarily absent, or*
- *visitors are accommodated in not more than four bedrooms while the host is living there.*

*For all other instances, a planning permit subject to specific planning requirements is required from the relevant local council.*

*Planning requirements may currently vary from council to council while the staged implementation of the single Tasmanian Planning Scheme is rolled out across councils."*

According to the "Report on data collection Quarter 1 2022, Short Stay Accommodation Act 2019" compiled by the state government, there is approximately 61 short term accommodation options in the Northern Midlands municipality (extract from report attached).

Council does not have a Short Stay Accommodation Policy and must decide if one is required balanced against the statutory planning requirements, community benefits and consequences.





## 7.4 LONGFORD LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Longford Local District Committee held on 7 December 2022 the following motion/s were recorded for Council's consideration:

### VIEWING AREA LOCATED ON PATEENA ROAD

#### MINUTE NO. 23/011

##### DECISION

Cr Adams/Cr Andrews

That Council officers meet with Longford Local District Committee members on site to at Newry corner and provide a report back to Council about the proposal including infrastructure requirements and associated costs, for consideration.  
Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **Officer Recommendation:**

That Council officers meet with Longford Local District Committee members on site to at Newry corner and provide a report back to Council about the proposal including infrastructure requirements and associated costs, for consideration.

##### **Committee Recommendation:**

That NMC consider viewing area with platform at historic Newry corner, and that LLDC delegation meet with NMC officers on site, to discuss our proposals

##### **Officer Comment:**

Longford Local District Committee (LLDC) has been researching locations for a "pull over spot", (a place to take a photo of the vista showing the South Esk River in the foreground, rolling plains in the middle, and the Western Tiers in the background) on Pateena Road since September 2022. Committee members took photos at various locations and have considered vehicle/pedestrian safety as well as the cost of construction of any required infrastructure, in narrowing their recommendation. Locations proposed include:

1 - The entrance to the old Long Bridge (photos provided by Neil Tubb):





Near No: 938 on the flying mile (photos provided by Annette Aldersea)



Near Driveway of the racing stables (photo provided by Annette Aldersea)



The LLDC are requesting the opportunity to discuss their proposal with Council officers with a view to developing the proposal further.



## 7.5 PERTH LOCAL DISTRICT COMMITTEE

At the ordinary meeting of the Perth Local District Committee held on 6 December 2022 the following motion/s were recorded for Council's consideration:

### TRAIN PARK SIGNAGE

#### MINUTE NO. 23/019

##### DECISION

Cr Adams/Cr McCullagh

That Council note that the Committee has been advised that the placement of "Children" signage on Little Mulgrave Street is to be included in the Works Program.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **Officer Recommendation:**

That Council note that the Committee has been advised that the placement of "Children" signage on Little Mulgrave Street is to be included in the Works Program.

##### **Committee Recommendation:**

The committee asks for a re-consideration of the decision not to place "Children" signs on the Little Mulgrave Street side of the Train Park Playground. This side of the playground is not fenced and with the completion of the 15 units at the end of the road traffic unfamiliar with local surroundings i.e. visitors, will increase.

##### **Officer Comment:**

The Committee notified that "Children" signage is to be placed on Little Mulgrave Street, works to be included in the Works Programme.

### TRAIN PARK SCULPTURES

#### MINUTE NO. 23/020

##### DECISION

Deputy Mayor Lambert/Cr Andrews

That Council note that the sculptures are expected to be installed by the artist by mid-February and Council officers have advised the Committee of the timeline.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **Officer Recommendation:**

That Council note that the sculptures are expected to be installed by the artist by mid-February and Council officers have advised the Committee of the timeline.



**Committee Recommendation:**

Request an update on the installation of the wooden sculpture at the Train Park.

**Officer Comment:**

Council officers have contacted the artist who has advised that he has been faced with some challenges which have affected the timeline for installation and that the sculptures are to be installed prior to mid-February. Council officers have advised the Committee accordingly.





## 8 INFORMATION ITEMS

### MINUTE NO. 23/021

#### DECISION

Deputy Mayor Lambert/Cr Adams

That the Information Items be received.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

### 8.1 COUNCIL WORKSHOPS/MEETINGS HELD SINCE THE LAST ORDINARY MEETING

Responsible Officer: Des Jennings, General Manager

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

Date Held	Purpose of Workshop
30/01/2023	<b>Council Workshop</b> Discussion: <ul style="list-style-type: none"><li>Council Meeting Agenda items</li></ul>
30/01/2023	<b>Council Meeting</b>

### 8.2 MAYOR'S ACTIVITIES ATTENDED & PLANNED

Mayor's Activities Attended & Planned for the period 13/12/2022 to 30 January 2023 are as follows:

Date	Activity
13 Dec 2022	Attended TEMT Tamar Estuary Management Taskforce meeting, Launceston
14 Dec 2022	Attended meeting with Chris Griffin, Launceston
14 Dec 2022	Attended meeting with Brian Mitchell, Fiona Young and the Campbell Town Hospital Board members
15 Dec 2022	Attended Evandale Primary End of Year Assembly
15 Dec 2022	Attended Longford Primary Presentation Assembly
16 Dec 2022	Attended Cressy District High School Presentation Assembly
16 Dec 2022	Attended Campbell Town District High School Celebration Assembly
17 Dec 2022	Attended Perth Community BBQ and Carols
18 Dec 2022	Attended Evandale Light Rail 10 Years at Morven Park celebration
18 Dec 2022	Attended Avoca community Christmas gathering, Avoca
19 Dec 2022	Attended LGAT online Local Government Review Briefing, Gipps Creek
20 Dec 2022	Attended Campbell Town District High School Year 10 Bursary Presentation, Campbell Town
21 Dec 2022	Attended Official Reassign media launch, Brickendon
21 Dec 2022	Attended lunch with Launceston Mayor, Danny Gibson
22 Dec 2022	Attended meeting with Executive, Longford
22 Dec 2022	Attended Works Christmas lunch, Cressy
9 Jan 2023	Attended Council Chambers to sign documents
18 Jan 2023	Attended meeting with Kristen Carroll, Our Watch, Longford
23 Jan 2023	Attended meeting with Shane O'Hare, Launceston Airport
23 Jan 2023	Attended meeting with Evandale doctor re service, Evandale
26 Jan 2023	Officiated at Australia Day Event, Cressy
30 Jan 2023	Planned to attend Council Workshop and Council Meeting, Longford
	Attended to email, phone, and mail enquiries



### 8.3 GENERAL MANAGER'S ACTIVITIES

General Manager's Activities Attended & Planned for the period 12 December 2022 to 29 January 2023 are as follows:

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

Date	Activity
12/12/2022	Attended Council Workshop, AGM and Council Meeting
13/12/2022	Met with Eric Abetz re Development Proposal, Beadlbane
14/12/2022	Met with Oliver Diprose, Gradco
14/12/2022	Met with Garry Chapman Boral
15/12/2022	Met with Marc Brown, Telstra
20/12/2022	Attended NTDC Christmas function
21/12/2022	Northern Local Government General Managers Group and Minister Nic Street
21/12/2022	Met with proponent re development proposal, Western Junction
22/12/2022	Attended Council's Works Department Staff Christmas function
23/12/2022	Attended Council's Indoor Staff Christmas function
19/01/2023	Attended New Year's lunch hosted by Simmons Wolfhagen
20/01/2023	Met with Events Tasmania re Event proposal
20/01/2023	Met with Landscape Architect re Pioneer Park master plan
23/01/2023	Attended NTDC Board Meeting
25/01/2023	Met with Department of Police, Fire and Emergency Management re Campbell Town development
26/01/2026	Attended Australia Day event at Cressy
Attended to various Ratepayer, Council, Councillor & staff matters	

### 8.4 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.

**ATTACHMENTS**

Nil

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

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

## 8.6 132 & 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 2022/2023 year												Total 2022/2023 YTD	Total 2021/2022
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
<b>132</b>	77	77	69	78	62	69							<b>432</b>	<b>995</b>
<b>337</b>	47	35	43	26	36	43							<b>230</b>	<b>530</b>



## 8.7 ANIMAL CONTROL

Prepared by: Martin Maddox, Accountant

Item	Income/Issues 2021/2022		Income/Issues for Dec 2022		Income/Issues 2022/2023	
	No.	\$	No.	\$	No.	\$
Dogs Registered	4,272	109,997	59	2,416	4,049	102,114
Dogs Impounded	30	4,302	3	295	10	750
Euthanised	1					
Re-claimed	25		3		10	
Re-homed/Dogs Home	4					
New Kennel Applications	19	1,368	1	75	4	300
Renewed Kennel Licences	83	3,652			83	3,818
Infringement Notices (paid in full)	28	5,142	1	336	8	1,475
Legal Action						
Livestock Impounded						
<b>TOTAL</b>		<b>124,461</b>		<b>3,122</b>		<b>108,457</b>

### Audits:

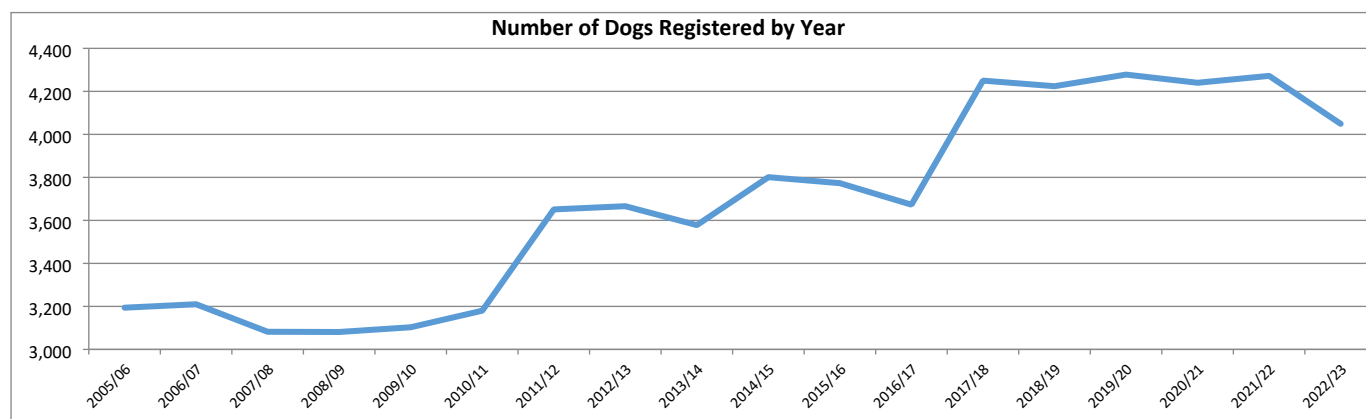
Ongoing including Dangerous Dogs, Kennel Licences, Fire Hazards.

### Microchips:

0 dogs microchipped.

### Attacks:

0 attack - 1 under investigation.



## 8.8 ENVIRONMENTAL HEALTH SERVICES

Prepared by: Kate Clark, Environmental Health Officer

Achieve improved levels of environmental and public health by ongoing monitoring, inspection, education and, where necessary, by applying corrective measures to comply with legislation.

Ensure safe standards of food offered for sale are maintained.

Investigations/ Inspections/ Licences Issued	Prior Years		
	2019/2020	2020/2021	2021/2022
Notifiable Diseases	1	0	1
Inspection of Food Premises	111	67	170
Place of Assembly Approvals		1	14





Actions	2022/2023												
	YTD	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Routine Fixed Food Inspections	36 / 208	5	15	16	9	5	3						
Routine Mobile/Market stall Food Inspections	1	1	1	0	1	1	1						
Preliminary Site Visits – Licensed Premises	8	8	3	0	0	0	0						
On-site wastewater Assessments	0	0	0	0	0	9	6						
Complaints/Enquiries – All Types	10	10	11	6	15	24	34						
Place of Assembly approvals	0	0	0	0	1	1	1						
Notifiable Diseases	0	0	0	1	0	0	0						

All Food premises are due for at least one inspection from 1 July of 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*.

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.

For those enquiring about opening a food business i.e. Home based food business, officers inspect the premises and after a risk assessment determine whether a food licence is to be issued.

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.
- Further inspections may be required to ensure any non-compliance issued have been addressed.

On-site Wastewater Assessments are completed after receiving a system design report from a consultant which basically determines what type of sewage system is required (septic or AWTs) and the method of distributing the sewage effluent on site based on AS1547.

A place of assembly is required for any mass outdoor public event. This means an event with over 1000 people for 2 hours or more. It may be any performance, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance or publicly advertised lecture.

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.

## 8.9 CUSTOMER REQUEST RECEIPTS

Operational Area	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Animal Control				4	5	5						
Building & Planning	6	1	5	1	7	14						
Community Services	4	1	4	1	4	2						
Corporate Services	3	3			1	2						
Governance				3	10	2						
Waste					5	2						
Works	29	18	28	20	47	39						



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

Date	Recipient	Purpose	Amount \$
3-Aug-22	Reptile Rescue	Donation to service	\$1,000.00
3-Aug-22	Campbell Town District High School	Inspiring Positive Futures Program	\$7,272.73
3-Aug-22	Andrew G Upton	Donation - State Rep for Darts Tas Senior Mens Team	\$100.00
17-Aug-22	Lucy Johnston	Aust Inter-Schools Championships Equestrian 2022	\$100.00
17-Aug-22	Debbie Mahar	Aust Multi Disability Bowls Champions 2022	\$100.00
21-Sep-22	Ryan Sansom	Represent Tasmanian Junior 8-Ball Team in Nationals	\$100.00
19-Oct-22	C'Town, Cressy, Evandale, Longford	End of Year School Presentations 2022	\$450.00
19-Oct-22	Longford Fire Brigades	Christmas Lolly run 2022	\$100.00
10-Oct-22	Jonty Nicolson	Second Instalment further education bursary	\$1,000.00
12-Oct-22	Kalani C Brain	Second Instalment further education bursary	\$1,000.00
18-Oct-22	Erica Kirk	Second Instalment further education bursary	\$1,000.00
18-Oct-22	Alex Airey	Second Instalment further education bursary	\$1,000.00
15-Nov-22	Longford Care a Car	Donation	\$1,000.00
15-Nov-22	Helping Hand Association	Donation	\$1,500.00
		TOTAL	\$23,772.73

## 8.11 ACTION ITEMS: COUNCIL MINUTES

Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
	1.3	16/03/2020 - Deferred Item - GOV8 Overhanging Trees/Hedges: Evandale	In progress	Deferred to provide opportunity for the community to attend.	Des Jennings, Gail Eacher	29/09/2021 Harbour Software Support 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. 25/01/2022 Gail Eacher Correspondence forwarded to property owner, awaiting response. 14/02/2022 Gail Eacher Letter received from property owner. Draft response to queries raised prepared. 01/04/2022 Gail Eacher Letter sent to property owner, response awaited. 08/07/2022 Gail Eacher Further information being sought prior to workshop discussion.
	1.4	17/09/2021 - 289/21 - LGAT Motions	In progress	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.	Des Jennings, Gail Eacher	29/09/2021 Harbour Software Support Motions to be prepared and workshopped. 25/01/2022 Gail Eacher Advice sought.
27/06/2022	7.3.3	Wellington Street - Traffic Calming	In progress	That Council investigate the feasibility of installing an LED Smart Speed Display, or similar.	Jonathan Galbraith, Lorraine Wyatt	30/06/2022 Lorraine Wyatt Council decision communicated to LLDC via email 1 July 2022. 22/07/2022 Jonathan Galbraith These signs are very expensive (indicatively \$25,000+), need to consider if the cost is justified. Jonathan has emailed DSG to see if they are using these signs or can provide further information.
27/06/2022	9.8	Commonwealth Bank Customer Advocate Visit to the Northern Midlands	In progress	That Council a) ...; and b) write to the Commonwealth Bank to ask what their intentions are in relation to the provision of banking services in the Northern Midlands; and c) revisit the conversation relating to the provision of banking services by Bendigo Bank.	Lorraine Green	04/07/2022 Lorraine Green Letter forwarded to the Commonwealth Bank Customer Advocate on 4 July 2022, seeking advice as to how the information collected during the Advocate's visit in April 2022 had been applied, and an indication of what the intentions of the Commonwealth Bank are in relation to the future provision of banking services in the Northern Midlands. The issue of revisiting the conversation relating to the provision of banking services by the Bendigo Bank has been referred to the agenda of a forthcoming Council Workshop. 20/07/2022 Lorraine Green A survey of Commonwealth customers is being



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
						progressed. 23/01/2023 Gail Eachers CBA attendance scheduled for 6 March workshop.
15/08/2022	9.8	Swimming Pool Operations: 2021-2022 Full Season Update	In progress	That Council receives a further report with matters clarified and that templates be created so that the information received from the facilities is consistent.	Leslie Hall, Maree Bricknell	09/09/2022 Leslie Hall New process being put in place for 2022/23 season. Currently reviewing process, and looking to utilise new WHS inspection reporting. Report will be prepared once review is complete. New reporting will address inconsistencies with reporting accuracy. Corporate services are liaising with Committees to look to align financial reporting from committees with the pool season, as opposed to current Calendar Year reporting periods. 10/10/2022 Gail Eachers INFO item to Council after commencement of season and system is up and running.
15/08/2022	9.5	Youth Advisory Group	In progress	That Council endorse the progression of the Northern Midlands Youth Advisory Group.	Natalie Dell	14/09/2022 Natalie Dell Terms of Reference being prepared. Commencement plan: recruit young people for YAG during Term 4, commence group in Term 1.
15/08/2022	7 3.2	Bicycle Advisory Committee	In progress	Motion: PLN22-0040: Road & Streetscape Works - Wellington Street, Longford: That the kerb outstands (pinch points) incorporate rideable/mountable kerbing or, designated bike lane within the kerb outstands, this can be in the same line as the outstand or bend in towards the existing kerb line. Pavement or kerbing to be marked green with the appropriate signage. Decision: That Council considers conditioning PLN22-0040 to include the Bicycle Advisory Committees motion.	Paul Godier, Trent Atkinson	09/09/2022 Trent Atkinson Further information being sourced for presentation at future workshop 21/11/2022 Paul Godier Project Officer has taken to workshop with previous council and will workshop with current council. Changes to plans to be made if required. Re-submit planning application if the changes are substantial. 06/12/2022 Gail Eachers Workshop presentation to be scheduled. Presentation to Bicycle Advisory Committee on 7 December. Meeting with Trucking Assoc. to be arranged.
24/10/2022	7 3.2	Playground Policy and Shade Structures	In progress	That Council receive a report on the audit of playgrounds currently being undertaken, together with a draft Playground Policy document for discussion prior to consideration of the 2023/2024 municipal budget.	Gail Eachers	22/11/2022 Gail Eachers Playground audit in progress.
24/10/2022	7 3.4	William Street Reserve - Naming of Bridge and Installation of Bench	In progress	That Council: 1) agree to the proposal to install a bench seat and plaque in honour of John Stagg near the William Street Reserve footbridge; 2) agree to the secretarial assistance allocation of the PLDC being contributed toward the installation of the memorial seat; and 3) on completion of the William Street Reserve bridge, invite the PLDC and the Perth community to make submissions for the naming of the bridge, prior to a report to Council.	Gail Eachers, Leigh McCullagh, Maree Bricknell	22/11/2022 Gail Eachers Committee advised of Council decision. Matter to be progressed. 19/01/2023 Gail Eachers PLDC have advised that the wording for seat plaque has been given to the family for consideration. PLDC Chair to liaise with Council regarding provision and placement of park bench.
24/10/2022	12.2	Safety at the intersection of Mulgrave and Secombe St	In progress	That the existing giveaway signs be replaced with larger size giveaway signs and rumble bars be installed in the centre of the road.	Jonathan Galbraith	21/11/2022 Jonathan Galbraith Design work for proposed works has been completed. Currently seeking quotes to carry out works.
24/10/2022	7 1.2	CTDF Recommendation 1	In progress	That the request by the Campbell Town District Forum for a community meeting to discuss community concerns about the future of the swimming pool be investigated and a report be provided to Council (the report to include additional costings).	Leslie Hall, Lorraine Wyatt, Trent Atkinson	23/11/2022 Gail Eachers Report to future Council Meeting.
28/11/2022	13.5	Avoca Primary School Premises	In progress	That Scouts Tasmania be requested to: i) provide Council with a Business Plan; and ii) make a presentation to a Council Workshop; and iii) note that if Council were to enter into an agreement with Scouts Tasmania, that it would be at no cost to Council or the ratepayers.	Des Jennings, Gail Eachers	06/12/2022 Gail Eachers Scouts Tasmania advised of outcome of meeting and progressing preparation of a business plan.
28/11/2022	5 3.2	Sale of Campbell Town Hall	In progress	That Council Officer's prepare a report on the notice of motion to be presented to a	Des Jennings,	06/12/2022 Gail Eachers Report to be prepared post a workshop presentation.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
				future Council Meeting; and That the Officers report specifies: actions specified in the resolution; whether actions have been wholly or substantially carried out; and That no further action be taken until the further report is considered by Council. 1) Council does not proceed with the sale of the Campbell Town Hall . 2) Minute No 122/21,176/21, 284/21, 22/23 and 22/296 be rescinded 3) Minute No. 122/21, 22/23 and 22/296 any discussion, decision, report or document be released to the public 4) A further updated report be brought back to Council on the maintenance, restoration, and future use for the building with a fully modelled and costed works programme. 5) That a committee be appointed to look at alternative strategies and uses for the building and a business model be developed for the building.	Gail Eachner	
28/11/2022	5 3.4	Waste Dump Point at Evandale	In progress	That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting. That a report be prepared for council to examine the installation of a new Recreational Vehicle waste pump point in the Evandale area. The report should include costs to install a new pump point and possible sites in the Evandale area. The report should be sent to the Evandale District Committee for comment.	Des Jennings, Gail Eachner	06/12/2022 Gail Eachner Investigation commenced.
12/12/2022	5 3.1	Sticky Beaks Cafe: Crash protection barriers	In progress	1. That Council Officer's prepare a report regarding the works at Sticky Beak's Corner (cnr Wellington and Marlborough Streets) to be presented to a future Council Meeting. 2. That the Officers report specifies: works that have been wholly or substantially carried out; other opportunities to improve the safety of the area; and insurance status.	Des Jennings, Gail Eachner, Jonathan Galbraith, Leigh McCullagh	19/01/2023 Gail Eachner Report to be prepared for February 2022 Council meeting.
28/11/2022	13.1	Council Calendar: 2023 Schedule of Council Meetings and Workshops Dates	Not yet started	iv) that a bus tour take place at a date to be determined.	Maree Bricknell	To be scheduled.
12/12/2022	13.3	Appointment of Council Representatives to Special Committees, Advisory Committees & Outside Bodies: Longford Local Legends	Completed	That Council appoint Cr Brooks as its representative on the Longford Local Legends Committee for the 2022-2026 period.	Gail Eachner	14/12/2022 Gail Eachner Committee advised of appointment.
12/12/2022	13.4	Policy Review: Councillors Allowances, Travelling & Other Expenses	Completed	That Council, subject to the following amendment to the Capital Cost allowance provision "a capital cost allowance up to a maximum of \$2,000, to be increased by CPI annually, for purchase of a mobile phone, printer/scanner and a filing cabinet to assist then in performing his/her duties" endorse the amendments to the Councillors Allowances, Travelling and Other Expenses Policy.	Gail Eachner	14/12/2022 Gail Eachner Policy, policy manual and website updated,
12/12/2022	13.2	Invitation to Join Mayor's Voice to Parliament Public Statement	Completed	That Council determine to not support the "Mayors for the Voice to Parliament Public Statement".	Lorraine Wyatt	17/01/2023 Lorraine Wyatt Council decision noted.
12/12/2022	13.1	Dogs On Lead in the	Completed	That Council maintain the status of the	Kirsty Loader	No further action at this time.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
		Ross Village Green		Ross Village Green as a Dogs on-lead at all times in accordance with current legislation Dog Control Act 2000 (4)(1) - Dog under effective control, except within 10 metres of the playground area (as per declared prohibited public area); and that a review of all dogs on lead areas be undertaken within the next 12 months.		
12/12/2022	15.2	Audit Committee	Completed	That Council seek Expressions of Interest for independent membership to the Northern Midlands Council Audit Committee for a four-year term; and appoint Councillors Adams and Terrett to the Committee.	Maree Bricknell	Expressions of interest advertised 25 and 28 January. Appointments noted.
31/01/2022	10.2	Municipal Boundary Adjustment: 101 Pateena Road	Completed	That Council resolve to request the Director of Local Government in accordance with Section 16 (4A) of the Local Government Act 1993 to initiate a minor municipal boundary adjustment for 101 Pateena Road to be entirely in the Municipality of Meander Valley.	Paul Godier	08/02/2022 Paul Godier Have requested the Spatial Information Specialist at the Department of Natural Resources and Environment to prepare the required maps. 03/03/2022 Paul Godier Spatial Information Specialist provided map on 17 February 2022. Meander Valley Council to consider the request for municipal boundary adjustment at its meeting of 8 March 2022. 25/03/2022 Gail Eacher 8/3/2022 Meander Valley Council agreed to adjustment. Request sent to LG Division 18/3/2022. 04/04/2022 Paul Godier 31 March 2022, the Local Government Division requested consent of new landowner and provision of Municipal Map. Being provided in conjunction with Meander Valley Council. 03/05/2022 Paul Godier Meander Valley Council advised on 1 April 2022 that they will follow up the new ownership and consent. 10/07/2022 Paul Godier Meander Valley Council advised that they have requested the contact details for the new owner from the purchaser's solicitor and followed up. As soon as they have the contact details for the new owner, MVC will make contact to see if they are willing to provide consent for the minor municipal boundary adjustment. 10/10/2022 Paul Godier Asked Meander Valley Council if they now have the new owner details and would they contact the new owner to see if they agree to the municipal boundary adjustment. 13/12/2022 Paul Godier Discussed with MVC who advised they last wrote to the new owners on 28/10/2022 and have had no response. 23/01/2023 Paul Godier Awaiting owner's advice. Action to be taken when advice received.
28/11/2022	11.1	Draft Amendment 01 of the Northern Midlands Local Provisions Schedule: TRANSLink Specific Area Plan Area 4	Completed	1. That, under section 38(2)(a) of the Land Use Planning and Approvals Act 1993, council decide to agree to the amendment and prepare draft amendment 01 of the Local Provisions Schedule; and 2. That, under section 40F(2)(a) of the Land Use Planning and Approvals Act 1993, council certify draft amendment 01 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria ...	Paul Godier	02/12/2022 Paul Godier Draft amendment on public exhibition for 28 days. 22/01/2023 Paul Godier On public exhibition for 28 days until 15 January 2023. No representations received. TPC advised.
28/11/2022	11.2	Draft Amendment 02 of the Northern Midlands Local Provisions Schedule: 21 Macquarie Street, Cressy	Completed	1. That, under section 38(2)(a) of the Land Use Planning and Approvals Act 1993, council decide to agree to the amendment and prepare draft amendment 02 of the Local Provisions Schedule; and 2. That, under section 40F(2)(a) of the Land Use Planning and Approvals Act 1993, council certify draft amendment 02 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria. ...	Paul Godier	02/12/2022 Paul Godier Draft amendment on public exhibition for 28 days. 22/01/2023 Paul Godier On public exhibition for 28 days until 15 January 2023. No representations received. TPC advised.



Meeting Date	Item No.	Item	Status	Action Required	Assignees	Action Taken
28/11/2022	5 3.1	Council Meetings	Completed	That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting. That Council holds the Ordinary Meetings of the Northern Midlands Council every three months in a different town in the council area. Prior to the meetings Council letterbox householders in those town and notices in the Northern Midland Courier, that Council will be meeting in the town, showing the time and location of the meeting. Notification should also be placed on the council web page.	Gail Eachner	06/12/2022 Gail Eachner Investigation commenced. 19/01/2023 Gail Eachner Report prepared tabled at 30 January 2022 Council meeting.
28/11/2022	5 3.3	Live Streaming of Open Council Meetings	Completed	That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting. The Northern Midlands Council investigate options for live streaming of open council meetings, including the technology and software requirements, timeframes for implementation and budget considerations.	Gail Eachner	06/12/2022 Gail Eachner Investigation commenced. 19/01/2023 Gail Eachner Report prepared tabled at 30 January 2022 Council meeting.
24/10/2022	12.1	Request for changed speed limit in Breadalbane	Complete	That Council request the Transport Commissioner at the Department of State Growth to consider lowering the speed limit in Breadalbane to 60kph.	Jonathan Galbraith	21/11/2022 Jonathan Galbraith Currently preparing information for review by the transport commissioner 05/12/2022 Jonathan Galbraith Proposal for change to speed limit has been submitted to the Department of State Growth
	1.14	18/09/2017 - 279/17 - Historical Records and Recognition: Service of Councillors	Completed	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.	Gail Eachner	29/09/2021 Harbour Software Support Historic photos to be catalogued and collated. 05/10/2021 Gail Eachner Framed photographs installed - action complete. Resources not available to undertake archiving of historic photographs and production of photo book. Additional resource to be sought. 06/12/2021 Gail Eachner Cataloguing and collation of historical photographs has commenced. 29/07/2022 Gail Eachner Cataloguing and collation of historical photographs continues to be undertaken subject to staff workloads. 23/01/2023 Gail Eachner Collation and cataloguing of historical photographs ongoing.

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

Resource Sharing Summary 1/7/22 to 30/6/23	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	147.50	3,095
Street Sweeper - Plant Hire Hours	147.50	4,704
<b>Total Services Provided by NMC to Meander Valley Council</b>		<b>7,799</b>
<b>Service Provided by Meander Valley Council to NMC</b>		
<b>Wages and Oncosts</b>		
Plumbing Inspector Services	276.8	21,183
Engineering Services	-	-
<b>Total Service Provided by MVC to NMC</b>		<b>13,678</b>
<b>Net Income Flow</b>		<b>- 5,878</b>
<b>Total Net</b>		<b>- 5,878</b>





#### Private Works and Council Funded Works for External Organisations

Evandale Anglican Church – Mowing	7
Uniting Church High Street Evandale – Mowing	7.5
Evandale War Memorial Hall - Cleaning	11
Cressy Uniting Church Ground - Mowing	3.5
Evandale Community Centre - Cleaning	26
Elizabeth Macquarie Trust – Dam surveillance	7
Ross Rec Ground – Cleaning clubrooms	42
Education Dept – Avoca School – Maintenance of grounds	22
Fingal Police Station – Cleaning	5
Ash Centre Avoca – Cleaning & Ground Maintenance	32
Avoca Town Hall – Cleaning	10.5
Campbell Town Police Station – Cleaning	1
Longford, Perth & Evandale – Pitch cover removal	31.5
Oakley & Butler – Ross subdivision tree planting	29.5
Topsoil delivery – 13 Paton Street, Longford	4
Austral Bricks – Street Sweeper hire	1
	240.5

### 8.13 VANDALISM

Prepared by: Daniel Stearnes, Trainee Engineering Officer

Incident	Location	Dec 2022	Estimated Cost of Damages	
			Total 2022/23	Total 2021/22
Graffiti and broken light switch at Village Green Toilets	Longford	\$ 1,000		
Graffiti at Train Park	Perth	\$ 200		
<b>TOTAL COST VANDALISM</b>		<b>\$ 1,200</b>	<b>\$ 7,600</b>	<b>\$ 10,200</b>

### 8.14 YOUTH PROGRAM UPDATE

Prepared by: Natalie Dell, 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 December as follows:

	Date of Session	Attendance	Comment
Perth			
	1-12	20	
	8-12	24	
	15-12	10	Perth Primary School- Leavers Dinner
			2022: 35 sessions, 385 attendances.

#### Free2B Girls Program

The Free2B Girls program is funded by Tasmania Community Fund and has commenced in Longford and Campbell Town. Youth Health North supports both groups monthly. The program was supported by a team of 6 volunteers during 2022. Attendance for the month of December as follows:

Session Venue	Date of Session	Attendance	Comment
Campbell Town			
	7-12	6	Youth Health North attended the session
	14-12	6	
			2022: 12 sessions



Session Venue	Date of Session	Attendance	Comment
Longford			
	6-12	9	
	13-12	11	
	20-12	8	
			2022: 25 sessions
			Program Total of 111 attendances

#### 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. NMAY is well received by staff and students with multiple comments about it, especially promoting social inclusion and physical activity.

Attendance for the month of December as follows:

Session Venue	Date of Session	Attendance	Comment
Campbell Town			
	6-12	26	
	13-12	0	School event
	20-12	14	
			2022: 33 sessions
Cressy			
	1-12	24	
	8-12	17	
	15-12	28	
			2022: 33 sessions
			Program Total of 1211 attendances

#### Meetings

Natalie Dell represents Council on the Northern Youth Coordinating Committee and the Northern Midlands Interagency Meetings.

Breakfast Club- Cressy: The Cressy Breakfast program has been further developed liaising with the School Chaplain and Youth Officer, to provide freely available Breakfast items for students. The school has identified several young people who will benefit from participating in the program. The program addresses students health, well-being, and food security. This program is being well received by the students and School.

SPARK: To help foster leadership and support youth focused initiatives in Schools. School Representative Councils (SRC) can apply for funding of projects (up to \$300/year) to be held in their schools. Supporting education and employment opportunities for young people.

Youth Advisory Group: group aiming to commence in Term 1 once school resumes.

NM Youth Health Expo: Following excellent feedback from Campbell Town District High School Staff, Students and Service Providers, aiming to make the Expo for Mental Health week an annual event.





## 8.15 INTEGRATED PRIORITY PROJECTS & STRATEGIC PLANS UPDATE

Prepared by: Maree Bricknell, Corporate Services Manager & Lorraine Green, Project Officer

CURRENT AS OF 20 DECEMBER 2022

Progress Report:

Not Started (obstacles)
  On Hold
  On Track
  Completed

### INTEGRATED PRIORITY PROJECTS PLAN:

	Project		Status	Budget 2022-23	\$	Scheduled
1	Progress: Economic health and wealth - grow and prosper					
Foundation Projects						
4.1	Main Street Upgrades: Campbell Town, Longford & Perth	Gov	<b>Campbell Town</b> Construction of Midland Highway underpass at Campbell Town completed. Building Better Regions Fund application submitted for funding towards implementation of Stage 1 of the Urban Design Strategy. Outcome awaited.	Budget allocation 2022-23 plus contribution from \$8m Federal Govt Election Commitment 2022.	1,450,000	Commence Dec-Oct 23
		Gov	<b>Longford</b> Commitment of \$4m from National Party prior to 2019 Federal Election. Consultation completed for memorial hall upgrade.	Budget allocation 2022-23. Designed and at DA	1,293,000	Future Workshop
		C&D	<b>Perth</b> Council has endorsed the plan and draft amendments to planning scheme to be prepared. Main Street upgrades included in NMC Priority Projects document	Budget allocation 2022-23 plus contribution from \$8m Federal Govt Election Commitment 2022.	1,141,000	Finalising Documentation for DA
4.4	TRANSLink Intermodal Facility	Gov	Including precinct renewal – stormwater & gas pipeline. Seeking grant assistance to fund planned works. Included in NMC Priority Projects document.	Federal Election commitment of \$5m for planning stage. No Council funded Budget allocation 2022-23. Further \$30m commitment subject to planning stage.	5,000,000	Preliminary discussions commence immediately
Enabling Projects						
5.1	Perth Sports Precinct & Community Centre	Gov	Concept master plan developed October 2020. Included in NMC Priority Projects document.	Valuation for land provided to property owner for consideration. No budget allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.1	Ben Lomond Public Shelter Development	Gov	<b>Feasibility Study: Investment in Ben Lomond Ski Field Northern Tasmania</b> Study being driven by external stakeholders, Council support provided when requested. Included in NMC Priority Projects document. Government has committed to infrastructure expenditure and development of a master plan.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3	Campbell Town – Town Hall Sale or Lease	Gov	Expressions of interest for selling the hall advertised closed 20 May 2022. Agent appointed.	Small gain/loss in Budget 2022-23 expected if sold.	884,000	Report being prepared
5.3	Longford Library & exhibition Building on the Village Green	Gov	<b>Longford Motor Sport Museum</b> Alternative sites for museum being sought by proponents. Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3	Power Undergrounding in Evandale, Longford & Perth	Works	Awaiting funding streams to come available. Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage



Project	Status	Budget 2022-23	\$	Scheduled
5.4 Subdivisions (several – Cressy, Evandale, Longford & Perth)	C&D Council to identify opportunities to provide infrastructure and secure funding. Included in NMC Priority Projects document	Evandale Drainage Easement secured. Awaiting DA from subdivider. No allocation 2022-23.	-	Not scheduled at this stage
<b>2 People: Cultural and society – a vibrant future that respects the past</b>				
<b>Enabling Projects</b>				
5.1 Oval Upgrades (several)	Gov <b>Campbell Town War Memorial Oval Precinct</b> Implementation of Final Stages. Included in NMC Priority Projects document. Gov <b>Cressy Recreation Ground</b> Implementation of Final Stages Levelling the Playing Field funding received – building work completed. Final report and acquittal submitted. BBQ facility & landscaping to be funded through Local Roads and Community Infrastructure grant. Cricket Australia funding secured towards the upgrade of the practice facility..	Irrigation system adjacent to tennis area \$45,000, building acoustics and minor improvements \$41,500, and carpark sealing \$126,000 included in 2022-23 Budget. Budget allocation in 2022-23 Budget - BBQ shelter completion.  Cricket Australia grant \$18,500 State Government 2021 Election commitment \$5,400 NMC \$13,100	212,500  128,000	Commence Nov 22  BBQ Facility, Completion Mid FEB
5.1 Morven Park Master Plan	Gov Implementation of Final Stages Works substantially completed: grant acquittal report submitted. Relocation of cricket nets completed – minor works being undertaken funded through State Government election commitment.	Budget commitment 2022-23 towards future drainage improvements \$26,582. Budget allocation for removal of old cricket nets and surrounds \$10,000.	10,000	Drainage when balance funding sought. Cricket net removal Dec 22
5.1 Swimming Pool Upgrades (several)	Gov <b>Covering of Campbell Town &amp; Cressy Swimming Pools</b> Included in NMC Priority Projects document. Gov <b>Cressy</b> Implementation of Final Stages State election funding grant of \$100,000 received. \$400,000 commitment from National Party prior to 2019 federal election. Grant acquittals submitted Works substantially completed. Concourse, carpark and landscaping to be completed 2021/2022 - 2022/2023. Gov <b>Ross</b> Pool operation to continue (as per the current funding model) whilst structurally/operationally safe to do so.	No allocation 2022-23 staff resources only.  Budget allocation 2022-23 for renewal of concourse and fencing. LRCI grant allocated to the project.  Budget allocation 2022-23 towards WHS issues.	-  600,000  10,000	Not scheduled at this stage  Completed  Oct-22
5.2 Shared Pathways	Gov Committee established and program to be prepared. Included in NMC Priority Projects document.	State Vulnerable User Grant funding 2022-23.	250,000	Design stage
<b>4 Place: Nurture our heritage environment</b>				
<b>Foundation Projects</b>				
4.2 Perth South Esk River Parklands	Gov Building Better Regions Fund grant secured towards the extension of the walkway, installation of footbridge and BBQ. Grant Agreement executed Feb 2022. Progress report submitted October 2022. Included in NMC Priority Projects document..	Budget allocation for footbridge construction, footpath connection and BBQ. Building Better Regions Fund grant of \$187,500	310,000	Underway.
4.3 Sheepwash Creek Corridor & Open Space	Gov Grants to be sought for major new/improved infrastructure. Included in NMC Priority Projects document.	Supplementary Budget project 2022-23.	200,000	Not scheduled at this stage



Project	Status	Budget 2022-23	\$	Scheduled
4.5 <i>Municipal Tree Planting Program</i>	Annual program being implemented. Included in NMC Priority Projects document.	Budget allocation 2022-23.	100,000	Ongoing
<b>Enabling Projects</b>				
5.1 <i>Conara Park Upgrade</i>	Gov Concept prepared: awaiting funding opportunities. Included in NMC Priority Projects document.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
5.3 <i>Redevelop Cressy Park</i>	Gov Liaising with Local District Committee to establish/prepare plans for upgrade.	No allocation 2022-23 staff resources only.	-	Not scheduled at this stage
<b>Total 2022-23 Budget Allocation</b>			<b>11,588,500</b>	

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

Prepared by: *Fiona Dewar, Tourism Officer*

### Tourism update:

- Events:
  - Assist local event organisers to fulfil Council compliance requirements.
  - Assist event organisers seeking funding and in-kind support.
  - Keep event list updated and distribute.
  - Update NMC website calendar.
  - Liaise with event organisers re planning and information as required.
- Progress Town Promotion Video project.
- Progress development of Joan Davies bronze plaque.
- Liaise with local tourism operators to provide industry information.

### HHTRA update:

- HHTRA board meeting held 15 December 2022.
- Ongoing marketing activities include website blog posts and social media.
- Progress reprint of HHTRA Touring Map and Guide.

## 8.17 DEPARTMENT OF PREMIER & CABINET CORRESPONDENCE

Prepared by: *Mayor Mary Knowles*

As requested by the Director of Local Government correspondence dated 19 January 2023 is hereby tabled for information.

### ATTACHMENTS

1. Letter from Do LG - Expectations of Behaviour - Northern Midlands Council [8.17.1 - 3 pages]



## 9 PUBLIC QUESTIONS AND STATEMENTS

### **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 at approximately 5:30pm 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**

#### **Cressy Stormwater**

##### ***Trudy McLeod, Cressy***

Ms McLeod provided background to her suggestion that Council consider the purchase of land at the rear of King Street alongside the Stock Route for stormwater purposes to be proactive and facilitate future development.

Council's General Manager advised an initial assessment of the proposal would need to be undertaken; and that Stormwater System Flood & Risk Studies have been completed for all urban areas.



## 10 COUNCIL ACTING AS A PLANNING AUTHORITY

### MINUTE NO. 23/012

#### DECISION

Cr Goss/Deputy Mayor Lambert

That the Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for Agenda Item/s 11.1 to 11.5.

Carried Unanimously

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.

### 10.1 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.

#### **PLAN 11.1: PLN-22-0211: 8 Dwellings for Over 55s, 110 Main Street, Cressy**

##### ***Roderick von Stieglitz, Cressy***

Mr von Stieglitz provided the following statement from which he read:

*... I live in Cressy at 7 Saundridge Road which is opposite the proposed development PLN22-0211 at 6 Saundridge Road.*

*Since seeing the planning application posted on the adjoining lot on the 22/12/2022 I have been trying to get some professional advice on my objections but due to the Christmas/New Year holiday period I have not succeeded as yet. I submitted some points that immediately came to mind on the 5/1/2023 which I note that Bianca Pople of Prime Design has since replied to. I'm afraid to say that her replies to my concerns are not satisfied.*

- 1) Firstly there has been no community consultation that I know of. I think that it would be courteous when there is to be massive change to a 150+ year old precinct.*
- 2) The proposed development will have substantial view impacts from both my lounge room and dining room ...*
- 3) The proposed development has insufficient off street parking for the number of dwellings. To insinuate that older people do not own or drive cars is in my view insulting. ... Bianca Pople in her proposal preamble mentions that special considerations are given to the design of Aged residences. I consider that the absolute minimum area allocated for car parking and manoeuvring by people whom are probably gradually losing mobility is not one of them.*
- 4) The proposed developments impact on the availability of on street parking to current residents, school staff and vehicles checking load restraints. As the frontage of the proposed development is only some 20 metres a lot of which is taken up by the driveway it means that visitors, relations, careworkers, etc. will take the on street parking from the present residents. Why does the traffic report on 2.1 fig 2 show pictures of Main Street? There doesn't appear to be any pictures of 6 Saundridge Road.*
- 5) There are some very old oak trees on and adjacent to the site that are refuges for a variety of native animals including ringtail possums and various bird species.*
- 6) Bin day will be a sight with up to 16 bins having to be left on the sidewalk.*
- 7) The development seems to be jammed in compared with other developments. The site is approx 2,000m<sup>2</sup> with 8 units on it and I don't believe that conforms with the planning scheme. ...*
- 8) As the property next to the development has been sold I shudder to think what plans the new owner will come up with.*
- 9) The nearest medical facility to the development would be Longford or Launceston.*
- 10) some of the units on the site don't conform to the planning schemes habitable room orientation for windows directive 4.1.*



*I trust that Council will consider my objection.*

(photos and supporting documentation provided)

**PLAN 11.2: PLN-22-0037: 116 Lot Subdivision, folio of the Register 174678/1 Drummond Street (accessed off Napoleon Street), Perth**

**Vicky Maloney, Perth**

Ms Maloney provided the following statement from which she read:

*I welcome development in Perth but believe that the safety of our streets has been misjudged by the planned road layout of this subdivision. Myself and others object to the proposed main road entrance to this subdivision coming off Napoleon Street opposite number 5 Napoleon, causing a significant increase of the number of cars that will be negotiating the blind sharp corner of Napoleon and Phillip Street, the significant light disturbance to the residence at number 5 for all of the vehicles exiting the subdivision in the evenings is totally unfair to the owner of the property and unnecessary.*

*I and many others believe that the best option for entrance to the main road of the proposed subdivision to come off an extension of Phillip Street and for Napoleon Street to become a T intersection with a give way or stop sign. This will surely increase the safety factor and the intersection will operate the same as the intersection of Cromwell and Phillip Streets.*

*I ask that council request a change to the proposed layout and make it a condition of the subdivision that the main entrance come off an extension of Phillip Street.*

*In my submission letter I referred to the lack of park facilities on the western side of Perth.*

*Looking at the agenda and items for today's meeting I have seen a very detailed plan for a lovely community space including BBQ, shelter, beautiful trees and play facilities that can be enjoyed by all. I am not sure why this plan was not shown with the public documents for comment on the Northern Midlands Council website for the proposed subdivision.*

*It is pleasing to see this plan but I worry that it will not come to fruition as it seems to take up an additional lot (I think lot 52) other than the delegated Public Open Space shown where the detention basin is to be located.*

*I and other parents and grandparents would like a guarantee from council that the plans as shown will be built and there will not be an exchange of money in lieu of public open space therefore stopping this proposed beautiful park being built.*

*I reiterate my request that the heritage of the land be recognised, this can be achieved in the naming of the roads in this proposed development. I would hope to see in particular the owners the MacKinnon Family and long time residents of the now derelict house ruins, the Powell Family recognised.*

*Molly Johnson's (nee Powell) ashes were scattered by her descendants at the ruins where she had lived, and I would hope for this to be taken into consideration when names for the roads are considered. Perhaps something along the lines of MacKinnon Avenue in recognition of generations of ownership by the MacKinnon family, and Molly Powell Place in memory of Molly's love of her final resting place be considered.*

Council's Senior Planner, Paul Godier, provided the following comments:

- the Traffic Engineer's advice is that the proposed road layout and accesses does meet the Planning Scheme requirements in regard to safety;
- if Council were of a mind to have Phillip Street extended to become a T-junction, that should be assessed by a traffic expert, and in that event the opinion of the Senior Planner was that the application should be refused as it would be too big a change to condition the permit and Council would be at risk of not having decided on the application lodged;
- the concept plan for the park was not advertised as it was not submitted with the application, the application proposed some public open space, however, as part of the assessment Council officers have proposed additional public open space, being lots 53 and 54. Being the lots on which the concept plan has been based.





***Hugh Mackinnon, Longford***

Mr Mackinnon thanked Councillors and representatives for their work and acknowledged the concerns raised.

He noted

- they had tried to adhere to the principles of the Perth Development Plan;
- he welcomed the approach to public open space and would work with Council to achieve that; and
- thanked Ms Maloney for her comments in relation to heritage which he would look to implementing

***Vicky Maloney, Perth***

Ms Maloney noted that when the bypass was constructed some residences qualified for the installation of noise mitigation measures and enquired as to whether Council would be considering any conditions or noise mitigation measures for the properties?

Council's Senior Planner, Paul Godier, provided the following comment:

- the Planning Scheme has an attenuation area around highways of 50m from the boundary of the highway;
- subdivisions have to have building envelopes outside of that 50m area, the subdivision complies, and the larger lots with the backyards to the highway and the houses can be built outside of the attenuation area
- there is no requirement under the Planning Scheme to have a noise report for houses outside the attenuation area;
- buildings are generally required to have double glazing in order to meet energy efficiency building standard requirements.

***Pat Todd, Perth***

Ms Todd enquired what the traffic count had been.

Council's Senior Planner, Paul Godier, provided the following comment:

- the traffic count had been conducted given the representations received;
- traffic counter had only been removed earlier in the day and the information was not available as yet, and agreed to make the traffic count information available when available.

**PLAN 11.3: PLN-22-0263: 2.1m High Front Fence, 16 King Street, Cressy**

***Trudy McLeod***

Ms McLeod queried the recommendation for the fence, whether the 30% was from the ground up or just the excess height and the proposed construction material.

Council's Planner, Ryan Robinson, provided the following comment:

- the application was recommended for approval with a condition that rather than a solid fence, the fence must have 30% transparency;
- the 30% would apply to the whole fence;
- timber fence palings were proposed.

**PLAN 11.5: PLN-22-0217: 3 Multiple Dwellings, 21 Union Street, Longford**

***Shannon Millwood, Longford***

Ms Millwood noted

- their property neighbour the proposed development and they are opposed to the development
- the proposal is for three dwellings on a 1020m<sup>2</sup> block
- it does not fit within the established character of the area, especially being a Heritage Precinct



- the proposed development results in a substantial impact on privacy, the condensed shrubs and garden that is mentioned is sparse during Autumn and Winter, living rooms and kitchen look out towards the proposed development
- the proposed driveway bounds the property
- Union Street is busy street with both cars and foot traffic





## 11 PLANNING REPORTS

### 11.1 PLN-22-0211: 8 DWELLINGS FOR OVER 55s, 110 MAIN STREET, CRESSY

*File:* 109800.88; PLN-22-0211  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

#### MINUTE NO. 23/013

##### DECISION

Cr Adams/Deputy Mayor Lambert

That application PLN-22-0211 to develop and use 8 dwellings for over 55s including a communal garden, removal of trees and hedge (Retirement Village) (Vary front and side setbacks, vary carparking provisions) (Heritage Listed Property) 110 Main Street (CT249681-2) and extend stormwater main in Saundridge Road, Cressy be approved subject to the following conditions:

#### **1 Layout not altered**

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

P1 Prime Design Drawing PD21258-01 Rev 7, 21-11-2022

P2 Prime Design Drawing PD21258-02 Rev 7, 21-11-2022

P3 Prime Design Drawing PD21258-03 Rev 7, 21-11-2022

P4 Prime Design Drawing PD21258-05 Rev 7, 21-11-2022

P5 Prime Design Drawing PD21258-06 Rev 7, 21-11-2022

P6 Prime design Drawings PD21258 Rev 07 22-11-2022 Floor Plans and Elevations for Unit 1; Units 2, 3, & 4; Units 5 & 6; Unit 7; Unit 8.

D1 Prime Design Letter 9 September 2022.

D2 Gandy and Roberts Engineers Advice 19/12/2022

D3 Praxis Environment Statement of Archaeological Potential December 2022.

D4 JMG letter 21 November 2022

D5 Traffic Impact Assessment, Midson Traffic, December 2022.

#### **2 TasWater conditions**

Water and sewer services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number: TWDA 2022/01560-NMC) – *Appendix A*.

#### **3 Council's Works and Infrastructure Department Conditions**

##### **3.1 Stormwater**

- a) Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & 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.
- g) The stormwater main extension must end with an access hole.

##### **3.2 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.

**3.3 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.

**3.4 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.

**3.5 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.

**3.6 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.

**4 Landscaping**

- a) Landscaping works must be in accordance with the endorsed plans, except that the hedge along the front boundary must be retained and maintained, and landscaping works for each unit must be completed prior to the commencement of use of that unit and then maintained for the duration of the use.
- b) A bond of \$500 per unit must 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 must be sealed in accordance with the endorsed plans prior to the commencement of use of the unit.
- b) All outdoor parking spaces must be clearly and permanently labelled with the relevant unit number or as visitor parking.

**NOTE:**

*Excavation crews for any works on site must be briefed for the (unlikely) possibility that these may be encountered, and in the event that any such items are found, then work must stop immediately and a historical archaeologist called to the site. It is not considered necessary for excavations to be archaeologically monitored given the very low likelihood of such remains being present.*



***In the event that archaeological remains (non-human remains) are found.***

*Although considered extremely unlikely, shallow excavation evidence of headstones, grave surrounds, grave goods etc. may be found (even if fragmentary). Whilst these may not necessarily be of archaeological potential, they are of historical interest and could indicate associated burials (they could also represent discard/deposition from elsewhere). If any such items are encountered, a historical archaeologist is to be called and any further excavations in that immediate area must be monitored.*

***In the event that human remains are found.***

*Given the low likelihood of burials on the site, there is no up-front requirement to plan for any possible exhumations associated with any future excavation of the site. Accordingly, at this stage excavations are not permitted as an exhumation under either Sections 30 or 70 of the Burials and Cremations Act 2019, therefore human remains, if encountered, these must not be disturbed or removed.*

*Again, considered extremely unlikely, if human remains are found, work is to stop immediately, and the site secured. A historical archaeologist is to attend, and they and/or the project manager is to immediately contact the Coroner (6165 7134), Tasmania Police (13 13 44) and Northern Midlands Council's Environmental Health Officer (6397 7303). The directions of those authorities are to be followed. At that point, and in consultation with those authorities, the property owner and if necessary the planning authority (in the event that any conditions of planning approval require consultation if human remains are encountered) are to decide a course of action. Such a course of action may be exhumation, or an agreement that development can proceed without disturbance, but with obscuring of any particular burial site.*

Carried Unanimously

**Voting for the Motion:**

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

**Voting Against the Motion:**

Nil

**RECOMMENDATION**

That application PLN-22-0211 to develop and use 8 dwellings for over 55s including a communal garden, removal of trees and hedge (Retirement Village) (Vary front and side setbacks, vary carparking provisions) (Heritage Listed Property) 110 Main Street (CT249681-2) and extend stormwater main in Saundridge Road, Cressy be approved subject to the following conditions:

**1 Layout not altered**

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

P1 Prime Design Drawing PD21258-01 Rev 7, 21-11-2022

P2 Prime Design Drawing PD21258-02 Rev 7, 21-11-2022

P3 Prime Design Drawing PD21258-03 Rev 7, 21-11-2022

P4 Prime Design Drawing PD21258-05 Rev 7, 21-11-2022

P5 Prime Design Drawing PD21258-06 Rev 7, 21-11-2022

P6 Prime design Drawings PD21258 Rev 07 22-11-2022 Floor Plans and Elevations for Unit 1; Units 2, 3, & 4; Units 5 & 6; Unit 7; Unit 8.

D1 Prime Design Letter 9 September 2022.

D2 Gandy and Roberts Engineers Advice 19/12/2022

D3 Praxis Environment Statement of Archaeological Potential December 2022.

D4 JMG letter 21 November 2022

D5 Traffic Impact Assessment, Midson Traffic, December 2022.

**2 TasWater conditions**

Water and sewer services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number: TWDA 2022/01560-NMC) – Appendix A.

**3 Council's Works and Infrastructure Department Conditions**



### **3.1 Stormwater**

- a) Each dwelling must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & 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.
- g) The stormwater main extension must end with an access hole.

### **3.2 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.

### **3.3 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.

### **3.4 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.

### **3.5 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.

### **3.6 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.

## **4 Landscaping**

- a) Landscaping works must be in accordance with the endorsed plans, and landscaping works for each unit must be



completed prior to the commencement of use of that unit and then maintained for the duration of the use.

- b) A bond of \$500 per unit must 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 must be sealed in accordance with the endorsed plans prior to the commencement of use of the unit.
- b) All outdoor parking spaces must be clearly and permanently labelled with the relevant unit number or as visitor parking.

**NOTE:**

*Excavation crews for any works on site must be briefed for the (unlikely) possibility that these may be encountered, and in the event that any such items are found, then work must stop immediately and a historical archaeologist called to the site. It is not considered necessary for excavations to be archaeologically monitored given the very low likelihood of such remains being present.*

***In the event that archaeological remains (non-human remains) are found.***

*Although considered extremely unlikely, shallow excavation evidence of headstones, grave surrounds, grave goods etc. may be found (even if fragmentary). Whilst these may not necessarily be of archaeological potential, they are of historical interest and could indicate associated burials (they could also represent discard/deposition from elsewhere). If any such items are encountered, a historical archaeologist is to be called and any further excavations in that immediate area must be monitored.*

***In the event that human remains are found.***

*Given the low likelihood of burials on the site, there is no up-front requirement to plan for any possible exhumations associated with any future excavation of the site. Accordingly, at this stage excavations are not permitted as an exhumation under either Sections 30 or 70 of the Burials and Cremations Act 2019, therefore human remains, if encountered, these must not be disturbed or removed.*

*Again, considered extremely unlikely, if human remains are found, work is to stop immediately, and the site secured. A historical archaeologist is to attend, and they and/or the project manager is to immediately contact the Coroner (6165 7134), Tasmania Police (13 13 44) and Northern Midlands Council's Environmental Health Officer (6397 7303). The directions of those authorities are to be followed. At that point, and in consultation with those authorities, the property owner and if necessary the planning authority (in the event that any conditions of planning approval require consultation if human remains are encountered) are to decide a course of action. Such a course of action may be exhumation, or an agreement that development can proceed without disturbance, but with obscuring of any particular burial site.*

**1 INTRODUCTION**

This report assesses an application to develop and use 110 Main Street (CT249681-2) & Saundridge Road, Cressy for 8 dwellings for over 55s including a communal garden, removal of trees and hedge (Retirement Village) (Vary front and side setbacks, vary carparking provisions) (Heritage Listed Property) and extend stormwater main in Saundridge Road.

**2 BACKGROUND**

**Applicant:**

Prime Design

**Zone:**

27.0 Community Purpose

**Owner:**

Church of England Trustees

**Codes:**

C2.0 Parking and Sustainable Transport Code

C3.0 Road and Railway Assets Code

C6.0 Local Historic Heritage Code



**Classification under the Scheme:**

Residential – Retirement Village

**Deemed Approval Date:**

4 February 2023

NOR-S3.0 Cressy Specific Area Plan

**Existing Use:**

Vacant

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- Variation to front setback.
- Variation to western side setbacks.
- Variation to parking requirements.
- Development of a local heritage listed place.
- Development of a place of archaeological potential.

**Planning Instrument:** *Tasmanian Planning Scheme – Northern Midlands, effective from 9<sup>th</sup> November 2022.*

**Preliminary Discussion:**

- Preliminary correspondence with the applicant is attached.



^ Subject Site

**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.

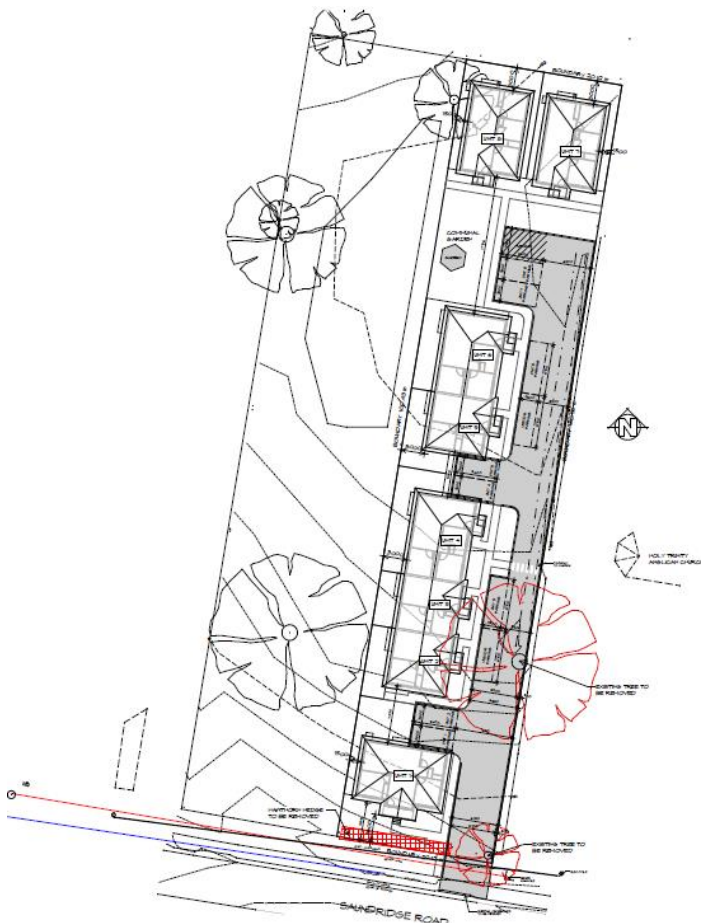




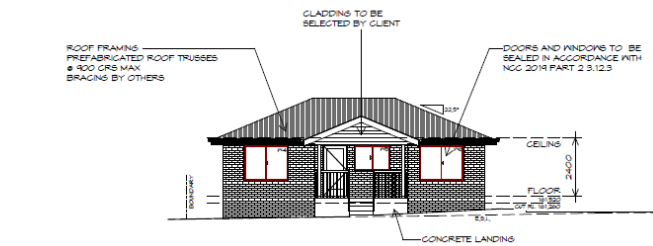
## 4 ASSESSMENT

### 4.1 Proposal

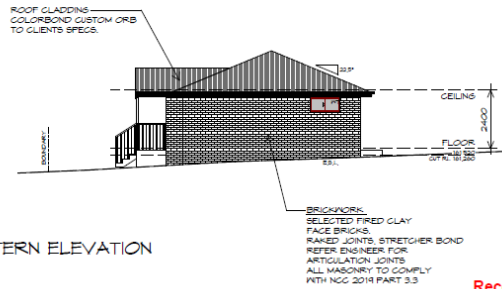
It is proposed to develop a village for over 55s consisting of 8 dwellings and communal garden, removal of trees and hedge (Retirement Village) (Vary front and side setbacks, vary carparking provisions) (Heritage Listed Property) and extend stormwater main in Saundridge Road.



^ Site plan



SOUTHERN ELEVATION  
1 : 100



EASTERN ELEVATION  
1 : 100

Received  
19.12.2022



#### ^Street elevation

#### 4.2 Zone and Land Use

The land is zoned Community Purpose and is subject to the Parking and Sustainable Transport Code, the Road and Railway Assets Code, & the Local Historic Heritage Code.

The relevant Planning Scheme definition is:

retirement village	means use of land to provide permanent accommodation for retired people or the aged and includes communal recreational or medical facilities for residents of the village.
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Residential is Permitted (with permit) in the zone, if for a retirement village.

#### 27.2 Use Table (extract)

Permitted	
Residential	<p>If for:</p> <ul style="list-style-type: none"> <li>(a) A residential care facility, respite centre, retirement village or assisted housing; or</li> <li>(b) Accommodation for staff or students of a use on the site.</li> </ul>

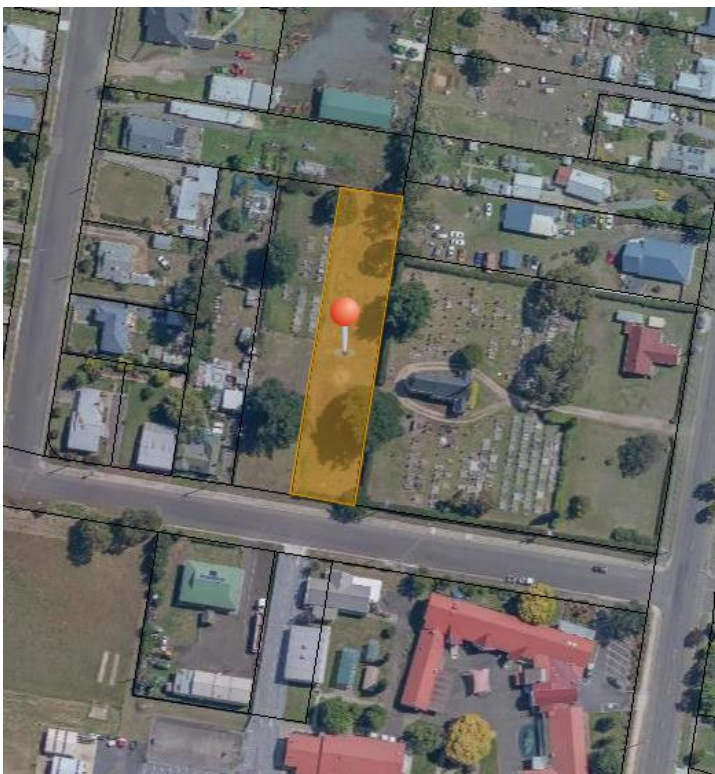




^ Zone Map – Community Purpose Zone

#### 4.3 Subject Site and Locality

The author of this report undertook a site visit on 20 January 2023. The site is on the northern side of Saundridge Road, Cressy. It adjoins a church to the east and a cemetery to the west. Over the road is Cressy High School. To the north is residential land.



^ Aerial photograph of area



^ Subject site from Saundridge Road



^ Tree proposed for removal

#### 4.4 Permit/Site History

Relevant permit history includes:

- 14/74 – Toilet block
- PLN18-0249 – planning scheme amendment to list church in heritage code
- PLNA19-0120 – Tree removal
- PLN22-0211 – Retirement village
- PLN22-0261 – Tree removal

#### 4.5 Referrals

##### **TasWater**

Taswater issued a Submission to Planning Authority Notice on 27/09/2022 (Taswater Ref: TWDA 2022/01560-NMC).

##### **Council's Heritage Adviser**

Council's Heritage Adviser, David Denman advised of no objection to the proposal and commented:

Because of the long narrow nature of the site and its location, the bulk of this development will be internal and therefore have the same impact on the streetscape as a single dwelling.



The general scale, forms and architectural detailing are considered acceptable in meeting the standards of the Local Historic Heritage Code.

The separation between the historic church building and the proposed development is considered acceptable.

#### Council's Works & Infrastructure Department

Council's Works & Infrastructure Department advised that the 225mm diameter is acceptable for the stormwater main extension, but it needs to have an access hole at the end.

#### 4.6 Planning Scheme Assessment

COMMUNITY PURPOSE ZONE
27.1 ZONE PURPOSE
<i>To provide for key community facilities and services including health, educational, government, cultural and social facilities.</i>
<i>To encourage multi-purpose, flexible and adaptable social infrastructure.</i>
<b>Assessment:</b> The proposal complies with the zone purpose.

#### 27.2 Use Table (extract)

Permitted	
Residential	If for: (c) A residential care facility, respite centre, retirement village or assisted housing; or (d) Accommodation for staff or students of a use on the site.

USE AND DEVELOPMENT STANDARDS
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#### 27.3 Use Standards for non-residential use – not applicable, the proposal is a residential use.

#### 27.4 Development Standards for Buildings and Works

##### 27.4.1 Building height

Objective: That building height:

- (a) Is compatible with the streetscape; and
- (b) Does not cause an unreasonable loss of amenity to adjoining residential properties.

Acceptable Solutions	Performance Criteria
<b>A1</b> Building height must be not more than 10m.	<b>P1</b> Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> <li>(a) The topography of the site;</li> <li>(b) The height, bulk and form of existing buildings on the site and adjacent properties;</li> <li>(c) The bulk and form of proposed buildings;</li> <li>(d) The apparent height when viewed from the road and public places;</li> <li>(e) Any overshadowing of adjoining properties or public places; and</li> <li>(f) The need to located the building on the site.</li> </ul>
Complies.	N/a

##### 27.4.2 Setback

Objective: That building setback:

- (a) Is compatible with the streetscape; and
- (b) Does not cause an unreasonable loss of amenity to adjoining residential zones.

Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must be setback from a frontage of:	<b>P1</b> Buildings must have a setback from a frontage that is compatible with the streetscape, having regard to:



<p>(a) Not less than 5m; or</p> <p>(b) Not more or less than the maximum and minimum setbacks of the buildings on adjoining properties,</p> <p>Whichever is the lesser.</p>	<p>(a) The topography of the site;</p> <p>(b) The setbacks of buildings on adjacent properties;</p> <p>(c) The height, bulk and form of existing and proposed buildings; and</p> <p>(d) The safety of road users.</p>
Does not comply.	Setback to the porch is 3.36m and to the front wall is 4.8m. These setbacks are compatible with the streetscape. The adjoining property at 8 Saundridge Road has a lesser setback. The proposal complies with the performance criteria.
<p><b>A2</b></p> <p>Buildings must have a setback from side and rear boundaries adjoining a General Residential Zone, Inner Residential Zone or Low Density Residential Zone not less than:</p> <p>(a) 3m; or</p> <p>(b) Half the wall height of the building,</p> <p>Whichever is the greater.</p>	<p><b>P2</b></p> <p>Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, having regard to:</p> <p>(a) Overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) Overlooking and reduction of privacy to adjoining properties; and</p> <p>(c) Visual impacts caused by apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
Does not comply. Units 1, 7 and 8 have side setbacks of 1.5m.	<p>The location of units 1, 7 and 8 in relation to the adjoining properties is such that the 1.5m setbacks will not cause an unreasonable loss of amenity due to overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings, overlooking and reduction of privacy to adjoining properties, and visual impacts caused by apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p> <p>The proposal complies with the performance criteria.</p>
<p><b>A3</b></p> <p>Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone.</p>	<p><b>P3</b></p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone, must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to sensitive uses, having regard to:</p> <p>(a) The characteristics and frequency of emissions generated;</p> <p>(b) The nature of the proposed use;</p> <p>(c) The topography of the site and location of adjoining sensitive uses; and</p> <p>(d) Any proposed mitigation measures.</p>
Does not comply.	Such systems will be standard for residential development. It is considered that the proposal complies with the performance criteria.

#### 27.4.3 Fencing

Objective: That fencing:

- (a) Is compatible with the streetscape; and
- (b) Provides for passive surveillance.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) within 4.5m of a frontage must:</p> <p>(a) Provide for security and privacy while allowing for passive surveillance of the road; and</p>



	(b) Be compatible with the streetscape, having regard to: (i) Its height, design, location and extent; (ii) The topography of the site; and (iii) Traffic volumes on the adjoining road.
-	No fence within 4.5m of a frontage is proposed.

#### 27.4.4 Outdoor storage areas

Objective: That outdoor storage areas do not detract from the appearance of the site or surrounding area.

Acceptable Solutions	Performance Criteria
<b>A1</b> Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	<b>P1</b> Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.
Complies.	N/a

#### 27.5 Development Standards for Subdivision – not applicable.

CODES		
C1.0	SIGNS CODE	N/a
C2.0	PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – see Code assessment below.
C3.0	ROAD AND RAILWAY ASSETS CODE	Complies – see Code assessment below.
C4.0	ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE	N/a
C5.0	TELECOMMUNICATIONS CODE	N/a
C6.0	LOCAL HISTORIC HERITAGE CODE	Complies – see Code assessment below.
C7.0	NATURAL ASSETS CODE	N/a
C8.0	SCENIC PROTECTION CODE	N/a
C9.0	ATTENUATION CODE	N/a
C10.0	COASTAL EROSION HAZARD CODE	N/a
C11.0	COASTAL INUNDATION CODE	N/a
C12.0	FLOOD-PRONE AREAS HAZARD CODE	N/a
C13.0	BUSHFIRE-PRONE AREAS CODE	N/a
C14.0	POTENTIALLY CONTAMINATED LAND CODE	N/a
C15.0	LANDSLIP HAZARD CODE	N/a
C16.0	SAFEGUARDING OF AIRPORTS CODE	N/a

#### C2.0 Parking and Sustainable Transport Code

##### C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for parking precincts and pedestrian priority streets.

##### Comment

Complies with the Code Purpose

#### C2.5 Use Standards

##### C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solutions	Performance Criteria
<b>A1</b> The number of on-site car parking spaces must be no less than the	<b>P1.1</b> The number of on-site car parking





<p>number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p style="padding-left: 40px;"><math>N = A + (C - B)</math></p> <p style="padding-left: 40px;">N = Number of on-site car parking spaces required</p> <p style="padding-left: 40px;">A = Number of existing on site car parking spaces</p> <p style="padding-left: 40px;">B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p style="padding-left: 40px;">C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p><b>P1.2</b></p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p>For a residential use in any zone other than General Residential Zone, Table C2.1 requires 1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 multiple dwellings or every 10 bedrooms for a non-dwelling residential use (rounded up to the nearest whole number).</p> <p>13 bedrooms are proposed. <math>13/3 \times 2 = 8.6</math> (9) + 2 visitor spaces = 11 required. 10 proposed. Must be assessed against the performance criteria.</p> <p><i>The Traffic Impact Assessment provided with the application states:</i></p> <p><i>Empirical Parking Demands</i></p> <p><i>The RMS Guide provides guidance on two types of aged care facility: 'resident funded' and 'subsidised'. These are defined as follows:</i></p> <p><i>"Resident funded developments tend to have a higher per unit cost and attract residents with higher financial resources. The car ownership levels of such residents is likely to be relatively high, as is the associated traffic</i></p>	



generation and parking requirements of these residents. Subsidised developments, which are often run by religious organisations, are usually associated with lower car ownership levels and consequently lower corresponding generation rates. In assessing the parking demands for aged or disabled persons' housing, consideration must be given to the funding arrangement proposed for the development".

The development is classified as 'resident funded'. The parking requirements for self-funded aged care facilities are as follows:

Independent living units – 2 spaces per 3 units (residents), plus  
1 space per 5 units (visitors)

This equates to a total parking provision of 7 spaces. The provision of 10 spaces meets this requirement.

In operational terms, the allocation of parking has been designed to provide each unit with one parking space and two visitor parking spaces for the site. This parking provision clearly meets the likely demands of the site noting the RMS requirements outlined above.

The car parking requirements of Table C2.1 is:

1-bedroom unit – 2 spaces per unit.

2-bedroom unit – 1 space per unit.

1 dedicated visitor space per 4 dwellings.

This equates to 15 spaces.

**Note:** The TIA uses the parking requirement for the General Residential Zone. The land is in the Community Purpose Zone which has a parking requirement of 11 spaces.

The TIA addresses the performance criteria as follows:

a. Nature and intensity of use. The development is for a retirement village which has lower parking demands than a standard residential unit. The parking demands associated with the development proposal are set out in Section 5.2. The likely parking demands are 7 spaces, which is catered for with the 10 space on-site provision.

b. Dwelling size. The units are small in size and have two bedrooms.

c. On street parking. There is a relatively large pool of public on-street car parking available.

Observations indicate that on-street parking demands are low in Saundridge Road and Main Street near the subject site outside school peak periods.

Based on the above assessment the development meets the requirements of Performance Criteria P1 of Clause C2.5.1 of the Planning Scheme. Specifically, the empirical parking demands associated with the development are catered for on-site.

It is considered that the proposal complies with the performance criteria.

#### C2.5.2 Bicycle parking numbers

Not required for retirement village.

#### C2.5.3 Motorcycle parking numbers

Not required for retirement village.

#### C2.5.4 Loading Bays

Not required for retirement village.

#### C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable

### C2.6 Development Standards for Buildings and Works

#### C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

##### Acceptable Solutions

###### A1

All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;
- (b) be drained to the public stormwater system, or contain stormwater on the site; and

##### Performance Criteria

###### P1

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions,





(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	having regard to: (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.
Complies. Condition required.	N/a

#### C2.6.2 Design and layout of parking areas

Objective:

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solutions	Performance Criteria
<p><b>A1.1</b> Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ul> <p>(b) comply with Australian Standard AS 2890-Parking facilities, Parts 1-6.</p> <p><b>A1.2</b> Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> <li>(a) be located as close as practicable to the main entry point to the building;</li> <li>(b) be incorporated into the overall car park design; and</li> <li>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.<sup>1</sup></li> </ul> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>	<p><b>P1</b> All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the proposed slope, dimensions and layout;</li> <li>(c) useability in all weather conditions;</li> <li>(d) vehicle and pedestrian traffic safety;</li> <li>(e) the nature and use of the development;</li> <li>(f) the expected number and type of vehicles;</li> <li>(g) the likely use of the parking areas by persons with a disability;</li> <li>(h) the nature of traffic in the surrounding area;</li> <li>(i) the proposed means of parking delineation; and</li> <li>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</li> </ul>
The proposal complies with the requirements of Table C2.2 for an access width of 4.5m for the first 7m from the road carriageway and 3m thereafter and passing bays 2m wide x 5m long every 30m, and the requirements of the Australian	N/a



Standard. The proposal complies.	
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### C2.6.3 Number of accesses for vehicles

Objective:

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

Acceptable Solutions	Performance Criteria
<b>A1</b> The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	<b>P1</b> The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.
Complies.	N/a
<b>A2</b> Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	<b>P2</b> Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.
Not applicable	Not applicable

### C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Not applicable

### C2.6.5 Pedestrian access

*Uses that require 10 or more car parking spaces must have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:*

- (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or*
- (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle.*

The proposal complies.

### C2.6.6 Loading bays

Not applicable

### C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable

### C2.6.8 Siting of parking and turning areas

Not applicable

### C2.7 Parking Precinct Plan

Not applicable

### C3.0 Road and Railway Assets Code

#### C3.1 Code Purpose



The purpose of the Road and Railway Assets Code is:
C3.1.1 To protect the safety and efficiency of the road and railway networks; and
C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

<b>Comment</b>
Complies with the Code Purpose

<b>C3.5 Use Standards</b>	
<b>C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction</b>	
Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1.1</b> For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) A new junction;</li> <li>(b) A new vehicle crossing; or</li> <li>(c) A new level crossing.</li> </ul> <p><b>A1.2</b> For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b> For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b> Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) The amounts in Table C3.1; or</li> <li>(b) Allowed by a licence issued under Part IVA of the <i>Road and Jetties Act 1935</i> in respect to a limited access road.</li> </ul> <p><b>A1.5</b> Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p><b>P1</b> Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) Any increase in traffic caused by the use;</li> <li>(b) The nature of the traffic generated by the use;</li> <li>(c) The nature of the road;</li> <li>(d) The speed limit and traffic flow of the road;</li> <li>(e) Any alternative access to a road;</li> <li>(f) The need for the use;</li> <li>(g) Any traffic impact assessment; and</li> <li>(h) Any advice received from the rail or road authority.</li> </ul>
Complies. A Traffic Impact Assessment accompanied the application and finds that traffic generation for the development is likely to be 16 vehicles per day with a peak generation of 2 vehicles per hour. The traffic generation at the site's access represents an increase of 16 vehicles per day, thus meeting the requirements of A1.4 (40 vehicle movements per day).	N/a

<b>C3.6 Development Standards for Buildings or Works</b>
<b>C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area</b>
Not applicable.

<b>C6.0 Local Historic Heritage Code</b>
<b>C6.1 Code Purpose</b>
The purpose of Local Historic Heritage Code is:
C6.1.1 To recognise and protect:
(a) The local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential; and



(b) Significant trees.

C6.1.2 This code does not apply to the Aboriginal heritage values.

**Comment**

Complies with the Code Purpose

**C6.6 Development Standards for Local Heritage Places**

**C6.6.1 Demolition**

Objective: That the demolition or removal of buildings do not cause an unacceptable impact on the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> Demolition or removal of buildings on a local heritage place must not cause an unacceptable impact on the local historic heritage significance of the place, having regard to: (a) The physical condition of the local heritage place; (b) The extent and rate of deterioration of the building or structure; (c) The safety of the building or structure; (d) The streetscape or setting in which the building or structure is located; (e) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (f) Any options to reduce or mitigate deterioration; (g) Whether demolition is a reasonable option to secure the long-term future of a building or structure; and (h) Any economic considerations.

**Comment:** Not applicable

**C6.6.2 Site coverage**

Objective: That site coverage is compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> The site coverage must be compatible with the local historic heritage significance of a local heritage place, having regard to: (a) The topography of the site; and (b) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person.

**Council's Heritage Advisers' Comment**

The site is a simple rectangular shape with 20.12m street and rear boundaries and 100.58m side boundaries, and although the proposed development is quite large, the bulk of the site coverage is internal. A single dwelling unit will present to the street.

**C6.6.3 Height and bulk of buildings**

Objective: That the height and bulk of buildings are compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> The height and bulk of buildings must be compatible with the local historic heritage significance of a local heritage place, having regard to:



	<ul style="list-style-type: none"><li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li><li>(b) The character and appearance of the existing building or place;</li><li>(c) The height and bulk of other buildings in the surrounding area; and</li><li>(d) The setting of the local heritage place.</li></ul>
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**Council's Heritage Advisers' Comment**

The height and bulk of the proposed dwellings are compatible with the surrounding development and will therefore be sympathetic with the street and townscape.

**C6.6.4 Siting of buildings and structures**

Objective: That the siting of buildings is compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> The front, side and rear setbacks of a building must be compatible with the local historic heritage significance of the place, having regard to: <ul style="list-style-type: none"><li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li><li>(b) The topography of the site;</li><li>(c) The size, shape, and orientation of the lot; and</li><li>(d) The setbacks of other buildings in the surrounding area.</li></ul>

**Council's Heritage Advisers' Comment**

The proposed front and side setbacks are compatible with the surrounding area.

The majority of the dwellings are located behind the single dwelling that will have a street frontage.

The dwellings are setback to the west side boundary, which will give acceptable separation from the historic church building.

**C6.6.5 fences**

Objective: That fences are compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<b>A1</b> New fences and gates on local heritage places must be designed and constructed to match existing original fences on the site.	<b>P1</b> New fences and gates must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"><li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li><li>(b) The architectural style of the buildings on the site;</li><li>(c) The dominant fencing style in the setting;</li><li>(d) The original or previous fences on the site; and</li><li>(e) The proposed height and location of the fence.</li></ul>

**Comment**

No new fence proposed.

**C6.6.6 Roof form and materials**

Objective: That roof form and materials are compatible with the local historic heritage significance of local heritage places.



Acceptable Solutions	Performance Criteria
<b>A1</b> Replacement roofs on local heritage places which will be visible from any road or public open space adjoining the site, must be of a form and material to match the existing roof being replaced.	<b>P1</b> Roof form and materials must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> <li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li> <li>(b) The design, period of construction and materials of the building on the site that the roof directly relates to;</li> <li>(c) The dominant roofing style and materials in the setting; and</li> <li>(d) The streetscape.</li> </ul>
<b>Council's Heritage Advisers' Comment</b> The proposed predominant 22.5-degree hipped roof forms with smaller gable entrance roof sections are compatible with the surrounding dwellings and structures within the streetscape and surrounding area.	

C6.6.7 Building alterations, excluding roof form and materials	
Objective: That building alterations, excluding roof form and materials, are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> Building alterations, excluding roof form and materials, of an existing building that is a local heritage place must be compatible with and not detract from the local historic heritage significance of the place, having regard to: <ul style="list-style-type: none"> <li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li> <li>(b) The design, period of construction and materials of the building on the site that the building alterations most directly relate to;</li> <li>(c) The dominant external building materials in the setting; and</li> <li>(d) The streetscape.</li> </ul>
<b>Comment</b> N/a	

C6.6.8 Outbuildings and structures	
Objective: That the siting of outbuildings and structures are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Outbuildings and structures on local heritage places must: <ul style="list-style-type: none"> <li>(a) Not be located in the front setback;</li> <li>(b) Not be visible from any road or public open space adjoining the site;</li> <li>(c) Not have a side that is longer than 3m;</li> <li>(d) Have a gross floor area less than 9m<sup>2</sup>;</li> <li>(e) Have a combined total area of all outbuildings on the site of not more than</li> </ul>	<b>P1</b> Outbuildings and structures must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> <li>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</li> </ul>



<p>20m<sup>2</sup>;</p> <p>(f) Have a maximum height less than 2.4m above existing ground level;</p> <p>(g) Not have a maximum change of level as a result of cut or fill or more than 1m; and</p> <p>(h) Not encroach on any service easement or be located within 1m of any underground service.</p>	<p>(b) The bulk, form and size of buildings on the site;</p> <p>(c) The bulk, form and size of the proposed outbuilding or structure;</p> <p>(d) The external materials, finishes and decoration of the outbuilding or structure; and</p> <p>(e) The visibility of the outbuilding or structure from any road or public open space adjoining the site.</p>
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**Comment**

The proposed garden sheds comply with A1.

**C6.6.9 Driveways and parking for non-residential purposes**

Objective: That driveways and parking for non-residential purposes are compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Driveways and parking areas for non-residential purposes on local heritage places must be located behind the building line of buildings located or proposed on a site.</p>	<p><b>P1</b></p> <p>Driveways and parking areas for non-residential purposes must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <p>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>(b) The loss of any building fabric;</p> <p>(c) The removal of gardens or vegetated areas;</p> <p>(d) Parking availability in the surrounding area;</p> <p>(e) Vehicle and pedestrian traffic safety; and</p> <p>(f) The streetscape.</p>

**Comment**

N/a

**C6.6.10 Removal, destruction or lopping of trees, or removal of vegetation, that is specifically part of a local heritage place**

Objective: That the removal, destruction or lopping of trees or the removal of vegetation that is specifically part of a local heritage place does not impact on the local historic heritage significance of the place.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>The removal, destruction or lopping of trees or the removal of vegetation which is specifically part of a local heritage place listed in the relevant Local Provisions Schedule, must not cause an unreasonable impact on the local historic heritage significance of a local heritage place, having regard to:</p> <p>(a) The historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>(b) The age and condition of the tree or vegetation;</p> <p>(c) The size and form of the tree or vegetation;</p> <p>(d) The importance of the tree or vegetation to the local historic heritage significance of a local heritage place; and</p> <p>(e) Any advice by a suitably qualified person.</p>

**Comment**

The trees and hedge to be removed are not part of a local heritage place listed in the relevant Local Provisions





Schedule.

#### C6.8.1 Development Standards for Places of Archaeological Potential

Objective: That building and works on a place or precinct of archaeological potential is implemented in a manner that seeks to retain or protect, preserve or otherwise appropriately manage archaeological evidence.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> Building and works on places or precincts of archaeological potential must not cause an unacceptable impact on archaeological evidence, having regard to: (a) the nature of the archaeological evidence, either known or potential; (b) measures proposed to investigate the archaeological evidence to confirm statements of potential; (c) strategies to avoid, minimise or control impacts arising from building, works and demolition; (d) measures proposed to preserve significant archaeological evidence in situ; and (e) any advice contained in a statement of archaeological potential.

The application provided a Statement of Archaeological Potential from Praxis Environment, Heritage, Planning, Archaeology which states:

*It is concluded that there is a very low likelihood, if any, of burials on the subject site. Whilst the land has been owned by the Anglican Church since the mid-c19th, it appears never to have been part of the 'churchyard proper' and was probably retained for possible future cemetery expansion that does not appear to have occurred.*

*It is likely merely circumstantial that the subject site is between two known cemeteries – noting that these are not related, one being Anglican, the other being Uniting (former Methodist) and associated with the historic Wesleyan Chapel that was located on what is now 105-107 Main Street Cressy.*

*No historical depictions of burials on the subject site was found. It is known that in 1951 the church intentionally retained ownership of the site, and the 1946 aerial photograph, and other photographs from later decades give no definitive evidence of monuments/burials on the site. It defies logic that early burials would be made on the subject site, and then it be allocated as a separate lot in the 1885 subdivision of church land. Whilst there is a gap in documentation between 1885 and the 1946 aerial, there are a large number of marked graves in the churchyard proper from that period – it would again defy logic for any burials on the subject site during that period.*

*Noting the high unlikelihood of burials, as a precaution, the following mitigation strategies are proposed to be implemented in any major excavations on the subject site:*

*If any archaeological remains are on site, these would comprise of:*

- *Human remains.*
- *Funerary goods (e.g., coffins)*
- *Monument fragments (including headstones, footstones and surrounds). It is considered almost impossible that there would be any major underground funerary structures on the subject site (e.g. vaults) as the rate of survival of these are much higher given the status of persons that these were associated with.*

*Excavation crews for any works on site must be briefed for the (unlikely) possibility that these may be encountered, and in the event that any such items are found, then work must stop immediately and a historical archaeologist called to the site. It is not considered necessary for excavations to be archaeologically monitored given the very low likelihood of such remains being present.*

***In the event that archaeological remains (non-human remains) are found.***

*Although considered extremely unlikely, shallow excavation evidence of headstones, grave surrounds, grave goods etc. may be found (even if fragmentary). Whilst these may not necessarily be of archaeological potential, they are of historical interest and could indicate associated burials (they could also represent discard/deposition from elsewhere). If any such items are encountered, a historical archaeologist is to be called and any further excavations in that immediate area must be monitored.*

***In the event that human remains are found.***

*Given the low likelihood of burials on the site, there is no up-front requirement to plan for any possible exhumations associated with any future excavation of the site. Accordingly, at this stage excavations are not permitted as an exhumation under either Sections 30 or 70 of the Burials and Cremations Act 2019, therefore human remains, if encountered, these must not be disturbed or removed.*



*Again, considered extremely unlikely, if human remains are found, work is to stop immediately, and the site secured. A historical archaeologist is to attend, and they and/or the project manager is to immediately contact the Coroner (6165 7134), Tasmania Police (13 13 44) and Northern Midlands Council's Environmental Health Officer (6397 7303). The directions of those authorities are to be followed. At that point, and in consultation with those authorities, the property owner and if necessary, the planning authority (in the event that any conditions of planning approval require consultation if human remains are encountered) are to decide a course of action. Such a course of action may be exhumation, or an agreement that development can proceed without disturbance, but with obscuring of any particular burial site.*

SPECIFIC AREA PLANS	
NOR-S1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
NOR-S2.0 CAMPBELL TOWN SPECIFIC AREA PLAN	N/a
NOR-S3.0 CRESSY SPECIFIC AREA PLAN	N/a. The site is zoned Community Purpose, NOR-S3.7.1 applies to the General Residential zone for multiple dwellings.
NOR-S4.0 DEVON HILLS SPECIFIC AREA PLAN	N/a
NOR-S5.0 EVANDALE SPECIFIC AREA PLAN	N/a
NOR-S6.0 LONGFORD SPECIFIC AREA PLAN	N/a
NOR-S7.0 PERTH SPECIFIC AREA PLAN	N/a
NOR-S8.0 ROSS SPECIFIC AREA PLAN	N/a

SPECIAL PROVISIONS	
7.1 Changes to an Existing Non-conforming Use	N/a
7.2 Development for Existing Discretionary Uses	N/a
7.3 Adjustment of a Boundary	N/a
7.4 Change of Use of a Place Listed on the Tasmanian Heritage Register or a Local Heritage Place	N/a
7.5 Change of Use	N/a
7.6 Access and Provision of Infrastructure Across Land in Another Zone	N/a
7.7 Building Projecting onto Land in a Different Zone	N/a
7.8 Port and Shipping in Proclaimed Wharf Areas	N/a
7.9 Demolition	N/a
7.10 Development Not Required to be Categorised into a Use Class	N/a
7.11 Use or Development Seaward of the Municipal District	N/a
7.12 Sheds on Vacant Sites	N/a
7.13 Temporary Housing	N/a

STATE POLICIES
The proposal is consistent with all State Policies.

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

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

#### 4.7 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 was received from:

- RG von Stigleitz & TM Cooper, 7 Saundridge Road, Cressy



**The proposed development would result in substantial view impacts as it is going from a heritage area of over 150yrs duration to a high density residential site.**

Council's Heritage Adviser, David Denman advised of no objection to the proposal and commented:

Because of the long narrow nature of the site and its location, the bulk of this development will be internal and therefore have the same impact on the streetscape as a single dwelling.

The general scale, forms and architectural detailing are considered acceptable in meeting the standards of the Local Historic Heritage Code.

The separation between the historic church building and the proposed development is considered acceptable.

**The proposed development has insufficient off street parking and impacts on the availability of on street parking to current residents, school staff, and heavy vehicles checking load restraints.**

The land is in the Community Purpose Zone. For a residential use in any zone other than General Residential Zone, Table C2.1 requires 1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 multiple dwellings or every 10 bedrooms for a non-dwelling residential use (rounded up to the nearest whole number).

13 bedrooms are proposed.  $13/3 \times 2 = 8.6$  (9) + 2 visitor spaces = 11 required. 10 proposed. Must be assessed against the performance criteria:

The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:

- (a) the nature and intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the surrounding area.

The Traffic Impact Assessment provided with the application states:

*Empirical Parking Demands*

*The RMS Guide provides guidance on two types of aged care facility: 'resident funded' and 'subsidised'. These are defined as follows:*

*"Resident funded developments tend to have a higher per unit cost and attract residents with higher financial resources. The car ownership levels of such residents is likely to be relatively high, as is the associated traffic generation and parking requirements of these residents. Subsidised developments, which are often run by religious organisations, are usually associated with lower car ownership levels and consequently lower corresponding generation rates. In assessing the parking demands for aged or disabled persons' housing, consideration must be given to the funding arrangement proposed for the development".*

*The development is classified as 'resident funded'. The parking requirements for self-funded aged care facilities are as follows:*

*Independent living units – 2 spaces per 3 units (residents), plus  
1 space per 5 units (visitors)*

*This equates to a total parking provision of 7 spaces. The provision of 10 spaces meets this requirement.*

*In operational terms, the allocation of parking has been designed to provide each unit with one parking space and two visitor parking spaces for the site. This parking provision clearly meets the likely demands of the site, noting the RMS requirements outlined above.*

*The car parking requirements of Table C2.1 is:*

*1-bedroom unit – 2 spaces per unit.*

*2-bedroom unit – 1 space per unit.*

*1 dedicated visitor space per 4 dwellings.*

*This equates to 15 spaces.*



**Note:** The TIA uses the parking requirement for the General Residential Zone. The land is in the Community Purpose Zone which has a parking requirement of 11 spaces.

The TIA addresses the performance criteria as follows:

*a. Nature and intensity of use. The development is for a retirement village which has lower parking demands than a standard residential unit. The parking demands associated with the development proposal are set out in Section 5.2. The likely parking demands are 7 spaces, which is catered for with the 10 space on-site provision.*

*b. Dwelling size. The units are small in size and have two bedrooms.*

*c. On street parking. There is a relatively large pool of public on-street car parking available.*

*Observations indicate that on-street parking demands are low in Saundridge Road and Main Street near the subject site outside school peak periods.*

*Based on the above assessment the development meets the requirements of Performance Criteria P1 of Clause C2.5.1 of the Planning Scheme. Specifically, the empirical parking demands associated with the development are catered for on-site.*

It is considered that the proposal complies with the performance criteria.

**The proposed developments impact on wildlife as its proposed location is on ground with heritage trees.**

The State Planning Provisions address impact on wildlife through the Natural Assets Code, the purpose of which includes 'to manage impacts on threatened fauna species by minimising clearance of significant habitat.' The site is not subject to the Natural Assets Code

**The proposed developments impact on existing infrastructure i.e., stormwater, sewerage etc.**

The application proposes to extend the stormwater main in Saundridge Road to the site and provide underground stormwater detention on site in accordance with council's policy. TasWater has assessed the application in terms of reticulated water supply and sewerage disposal and have provided conditions to be included in any permit issued.

## **5 FINANCIAL IMPLICATIONS TO COUNCIL**

Assessment of the application is within budget allocations.

## **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 front setback.
- Variation to western side setbacks.
- Variation to parking requirements.
- Development of a local heritage listed place.
- Development of a place of archaeological potential.

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

As discussed in this report, the proposal complies with the requirements of the planning scheme. It is therefore recommended for approval.



## 8 ATTACHMENTS

1. Proposal Page [**11.1.1** - 1 page]
2. Folio Plan [**11.1.2** - 1 page]
3. Additional Information Request [**11.1.3** - 1 page]
4. Proposal Plans - Prime Design - Received 19 December 2022 [**11.1.4** - 31 pages]
5. Letter - JMG Engineers & Planners - 21 November 2022 [**11.1.5** - 5 pages]
6. Planning Response - Prime Design - 9 September 2022 [**11.1.6** - 2 pages]
7. Statement of Historical Archaeological Potential - Praxis Environment - December 2022 [**11.1.7** - 19 pages]
8. Traffic Impact Assessment - Midson Traffic - December 2022 [**11.1.8** - 23 pages]
9. Stormwater Report - Gandy and Roberts - 19 December 2022 [**11.1.9** - 7 pages]
10. Memo Style [**11.1.10** - 3 pages]
11. Heritage referral PL N-22-0211 110 Main Street Cressy [**11.1.11** - 5 pages]
12. Representation - R Von Stigleitz & T Cooper [**11.1.12** - 1 page]
13. Representation Response - 110 Main Street, Cressy [**11.1.13** - 2 pages]



## **11.2 PLN-22-0037: 116 LOT SUBDIVISION, FOLIO OF THE REGISTER 174678/1 DRUMMOND STREET (ACCESSED OFF NAPOLEON STREET), PERTH**

*File:* 107400.12; PLN-22-0037  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Paul Godier, Senior Planner

### **MINUTE NO. 23/014**

#### DECISION

Cr Archer/Cr Andrews

That application PLN-22-0037 to develop and use a 116 lot subdivision (staged) (creation of new roads, public open space lots, & water, sewer and storm water infrastructure) on folio of the Register 174678/1 Drummond St (accessed from Napoleon St), & Napoleon St & Frederick St, Perth, be approved subject to the following conditions:

#### **1. LAYOUT NOT ALTERED**

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

- (a) P1 (Subdivision Proposal Plans, PDA Surveyors, 44156K-P09 (4 pages));
- (b) D1 (Servicing Report 20 December 2021, Servicing Report 6 May 2022, Servicing Report 14 June 2022, Servicing Report Addendum, 16 June 2022);
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- (d) D3 Traffic Impact Assessment, Traffic and Civil Services, December 2021;
- (e) D4 Natural Values Report, Livingston Natural Resource Services, 25 January 2022, Version 2.

#### **2. PLANS REQUIRED**

Before the development starts, a design plan to the approval of the General Manager must be submitted. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:

- (a) Public open space lot 303 deleted.
- (b) Lots 53, 54 and 306 shown as a combined public open space lot 306.
- (c) A landscaping plan of street trees planted at intervals of not less than 10m measured between the centre of each trunk, in locations where sight distances to vehicle access points are compliant with *Australian Standard AS 2890.1:2004, Parking Facilities, Part 1: Off-street car parking, section 3, Access Facilities to Off-street Parking Areas and Queuing Areas*, and coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each tree.
- (d) a reticulated water connection to the public open space lot 306.
- (e) a sewer connection to the public open space lot 306.
- (f) electricity supply to each lot, in consultation with TasNetworks, minimising the use of overhead power.
- (g) a building area for sensitive uses that is at least 50m from the Midland Highway boundary.

#### **3. ROADS AND ACCESS**

##### **3.1. Detailed engineering plans required**

Before the commencement of any works for the subdivision, detailed engineering plans by a certified engineer, to the approval of Council's General Manager, must be lodged with Council. When approved the plans will be endorsed and form part of this permit. The plans must include:

- (a) An engineering design of the road and drainage system including pavement long sections and cross sections.

##### Napoleon Street

- (a) Widening of Napoleon Street with hotmix sealed pavement to create a finished seal width of 12.0 metres.
- (b) Kerb and channel, nature strip and 1.8m wide concrete footpath for the length of Napoleon Street.

##### Public Open Space lots

A concrete driveway crossover and concrete apron to all lots including the public open space lots.

##### **3.2. Roadworks**

Before the final plan is sealed, the works detailed in the plans required by condition 3.1 must be completed in accordance with those plans.

##### **3.3. Access**



- (a) A concrete driveway crossover and apron must be constructed from the edge of the street to the property boundary of each lot including the Public Open Space lots in accordance with Council standard drawing TSD R09.
- (b) Access works must not commence until an application for vehicular crossing has been approved by Council.

#### **3.4. Works in road reserve**

No works shall 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 hours (24) notice shall be given to the Works Department to inspect works within road reserve and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

#### **3.5. Nature strips**

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

### **4. STORMWATER**

#### **4.1. Stormwater system**

- (a) Each lot, excluding the public open space lots, must be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works Department.
- (b) A stormwater design plan including long sections and the depth, size and grade of all mains is to be provided to Council prior to the commencement of any works on site.
- (c) Calculations must be provided to demonstrate that the system is of sufficient capacity to drain the road and all lots to be created for rainfall events up to the 1:10 ARI event.

#### **4.2. As constructed information - stormwater**

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

#### **4.3. Hydraulic separation**

- (a) Any existing pipes and stormwater connections shall be located where required pipes are to be rerouted to provide an independent system for each lot.
- (b) Certification shall be provided that hydraulic separation between all lots has been achieved.

#### **4.4. Easements to be created**

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

#### **4.5. Pollutants**

- (a) The developer/property owner shall be responsible for ensuring pollutants such as mud, silt or chemicals are not released from the site.
- (b) Prior to the commencement of the development works the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. No material or debris is to be transported onto the road reserve (including the nature strip footpath and road pavement). Any material that is deposited on the road reserve shall be removed by the applicant. 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.

### **5. 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 shall be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works Department. Any construction, including maintenance periods, shall also be completed to the approval of the Works Department.

### **6. MAINTENANCE PERIOD**

The subdivision shall be subject to a maintenance period and a bond shall be held by Council until the completion of the maintenance period. The bond shall be calculated based on 5% of the total cost of works based on Council's standard road construction rates.





**7. PUBLIC OPEN SPACE**

- (a) In accordance with Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, when the Final Plan is submitted for sealing, the Public Open Space Lots must be dedicated as Public Open Space.
- (b) A cash contribution must be paid in lieu of shortfall of provision of 5% of land for public open space (The applicant must obtain a valuation not less than one month old by a registered land valuer, of the subject land) or land for public open space or land may be provided with lot 117 to make up 5% of the land.
- (c) The Public Open Space lots must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Developer.

**8. PLANTING OF STREET TREES**

- (a) Street trees must be planted in accordance with the plan required by Condition 2.
- (b) Before the final plan is sealed, a bond or bank guarantee of \$250 per tree must be provided to the Council.
- (c) The developer must plant the street trees in accordance with the plan required by condition 2(a) at the end of the 12-month maintenance period. If the trees are not planted, Council may use the bond/bank guarantee to ensure the plantings occur.
- (d) Each tree must be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal and be coordinated with the construction plans of underground services and pavement works to provide sufficient clearances around each tree.

**9. STREET LIGHTING**

Street lighting must be provided to the subdivision to the requirements of TasNetworks.

**10. TASWATER CONDITIONS**

Sewer and water services must be provided in accordance with TasWater's Submission to Planning Authority Notice (reference number TWDA 2022/00498-NMC) – Appendix A).

**11. REQUIREMENTS OF TRAFFIC IMPACT ASSESSMENT**

Before the Final Plan for Stage 1 is sealed:

- The Council Road improvements summarised in Figure 64 of the TIA must be implemented.
- A curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, must be installed.
- Napoleon Street must be constructed from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.
- The proposed southern and northern junctions with Napoleon Street must be constructed with Simple Right & Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street.

**12. AGREEMENT UNDER PART 5 OF THE LAND USE PLANNING AND APPROVALS ACT 1993**

The applicant must enter into, and comply with all conditions of, an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 (Act) with the Northern Midlands Council to provide for the following:

*That any rear fence erected on the boundary of any lot that is adjacent to the Midland Highway or borders the public reserve between the Highway be constructed only of Colorbond material of 'Colorbond Monument' colour with the fence panels on the Highway side.*

*That any fence that adjoins a public open space lot or the detention basin lot be constructed only of Colorbond material of 'Colorbond Monument' colour, with the fence panels on the public open space or detention basin side.*

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

**13. SEALING OF FINAL PLAN**

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.



#### ADVICE: TASNETWORKS

As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, TasNetworks recommends you contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at your earliest convenience.

Carried

#### Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer and Cr Goss

#### Voting Against the Motion:

Cr Brooks and Cr McCullagh

#### RECOMMENDATION

That application PLN-22-0037 to develop and use a 116 lot subdivision (staged) (creation of new roads, public open space lots, & water, sewer and storm water infrastructure) on folio of the Register 174678/1 Drummond St (accessed from Napoleon St), & Napoleon St & Frederick St, Perth, be approved subject to the following conditions:

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## 1 INTRODUCTION

This report assesses an application for a 116 Lot Subdivision (staged) (creation of new roads, public open space lots, & water, sewer and storm water infrastructure) on folio of the Register 174678/1 Drummond St (accessed from Napoleon St), & Napoleon St & Frederick St, Perth.

## 2 BACKGROUND

#### Applicant:

PDA Surveyors obo Mackinnon Estates P/L

#### Zone:

8.0 General Residential Zone

#### Owner:

Hugh Curzon Mackinnon

#### Codes:

C2.0 Parking and Sustainable Transport Code  
C3.0 Road and Railway Assets Code  
C7.0 Natural Assets Code  
C13.0 Bushfire-Prone Areas Code  
C16.0 Safeguarding of Airports Code  
NOR-S7.0 Perth Specific Area Plan

#### Classification under the Scheme:

Subdivision

#### Deemed Approval Date:

16 February 2023

#### Existing Use:

Resource development (grazing)

#### Recommendation:

Approve subject to conditions

#### Discretionary Aspects of the Application:

- 8.6.1 P1 – Creation of lots 53, 81, 82, 83, & 110 with less than 12m of frontage.
- 8.6.1 P4 - Creation of lots without long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.
- 8.6.2 P1 – Creation of new roads.
- C3.5.1 P1 – new accesses to Napoleon Street.
- NOR-S7.8.3 P1 – Creation of internal lots.
- NOR-S7.8.4 P1 – Creation of new roads.

#### Planning Instrument:

- *Tasmanian Planning Scheme - Northern Midlands, Effective from 9 November 2022*

#### Preliminary Discussion:

Before the application was placed on public exhibition, the following information was requested from the applicant:

6 April 2022:



*Drawing P09 shows proposed subdivision stormwater pipes discharging to the proposed detention basin, but also that same network linked to pipes which bypass the detention basin. Please provide a plan which shows a breakdown of the proposed sub catchments, including the existing Napoleon Street sub catchment, which clearly shows which will be directed to unmade Frederick Street and which will be via the proposed detention basin. On the plan please also confirm the location of all proposed major (1% AEP) overland flow paths.*

*There are culvert(s) which link the catchment above the Perth Bypass through to the proposed subdivision. As per Council's letter of 7 November 2019, please show the highway culvert crossings, their discharge points and how these will link to the subdivision drainage network.*

*It is noted in the Servicing Report (PDA, 20/12/2021) an impervious fraction of 0.5 has been adopted for this initial modelling. This may be suitable for if, in future, houses are built on the proposed lots. Given the size of the lots, however, it is possible that a significant number of them could become unit developments without a restriction on the titles.*

*Section 1 of the Servicing Report states the developed overflow from the detention basin in AEP 1% is 334 L/s, however Figure A3 showings the post development overflow rate at 543 L/s. It is unclear if this is conflicting information or if Figure A3 includes flows in addition to those from the basin. Given the overflow path immediately downstream of the detention basin is through private property, the range 1% AEP developed flows are required to be fully contained by the detention basin. Please provide updated modelling and plans which shows how this will be achieved. Please also provide evidence of how the stormwater system in Napoleon Street will function in both the 10% and 1% AEP.*

*Please provide surface and invert levels and diameters for the proposed pipework. A full design is not required at this stage but sufficient information is required to assess whether the design will work.*

27 May 2022:

*Thank you for the updated servicing report provided on 9 May 2022.*

*Council's hydrologist, Cameron Oakley, has reviewed the information. As a result, the following is advised and requested.*

*The assumed fraction impervious may be low, based on the likelihood that a large proportion of the blocks could hold multiple dwellings.*

*Breaking down the residential areas and roads with open space naturestrips determines a fraction impervious for the overall catchment around 0.52, assuming lots are developed with 70% impervious.*

*If the lots were just for houses the impervious fraction would drop considerably, but there is a risk most of the lots could be units. For example, if an 80% impervious area is assumed for the lots, then that increases the overall fraction to 0.58, which would make a difference to the basin sizing.*

*Please revise the 50% impervious assumption, and increase it to 70% for the residential lots, unless a Part 5 Agreement is placed on the titles which eliminates the possibility of multiple dwellings.*

*The report suggests that even if the assumed runoff levels are low, detention on a lot to lot scale can be required. Council officers have advised on similar proposals that lot based detention will not be accepted.*

*Catchment A2 (Appendix D in the report) has several lots fronting Napoleon Street. It is suggested that these lots will be able to drain to the detention basin. The lots fall to the road, it is not clear how this could be achieved.*

*The basin has been sized at 2ML. No indicative dimensions for it are provided. It is assumed there would be no issues fitting this onto the available space. When the detail design is provided, Council will need to advise of the minimum grades, offsets etc. to make sure it is maintainable.*





*A permit for dam works may be required under the Water Management Act 1999 from the Department of Natural Resources and Environment Tasmania.*

*Request comment on culverts linking the highway to the subdivision. Photos were provided which seem to show it is not linked, but formal comment on this is required.*

*Please provide surface levels, inverts, and diameters of pipework as requested.*

*Catchment A2 is shown as discharging to the detention basin. 100 year flows will flow down the road. It is not clear how overland flows from here will enter the basin as stated, as the basin appears raised on the western side, relative to the overland flow path. This flow path is required, otherwise it will go through private property.*

*The application includes works in Napoleon Street (land maintained by Council) and the Frederick Street reserved road (Crown Land).*

*The General Manager has advised that the above information is required before he will sign the landowner consent section of the application form and provide written consent to the making of the application as required by section 52 (1B) of the Land Use Planning and Approvals Act 1993.*

*To form a valid application, landowner consent from the General Manager and the Minister of the Crown administering the Frederick Street reserved road are required.*

### **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**

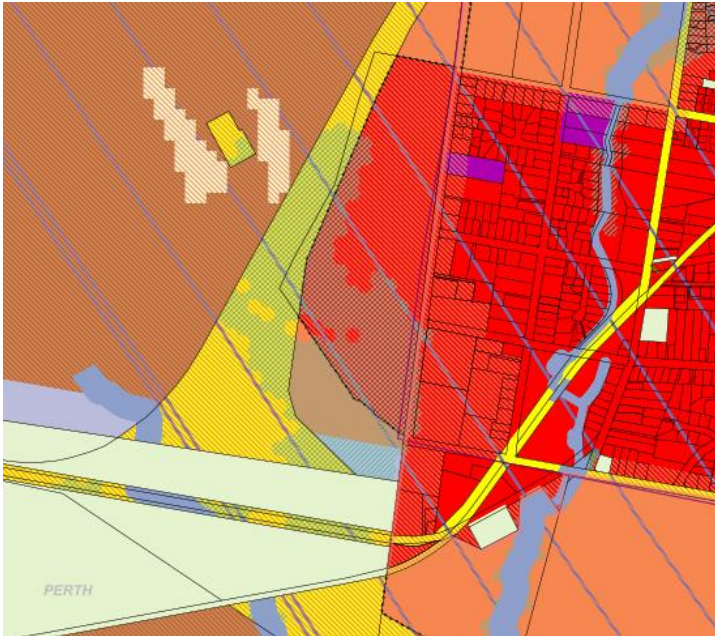
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## Subdivision Plan

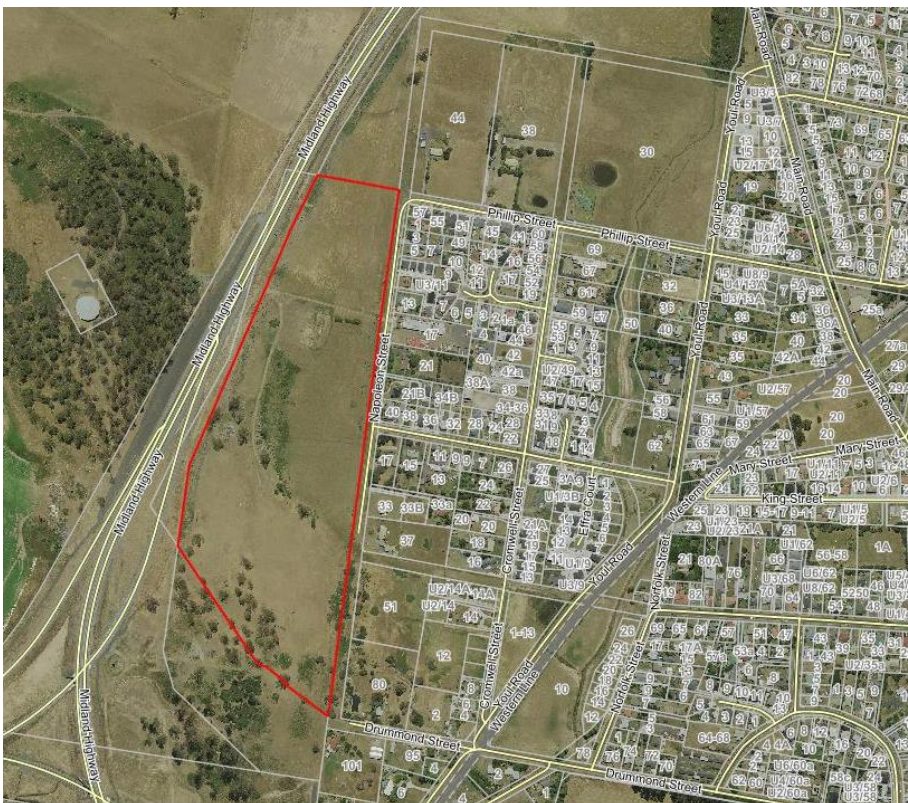




#### 4.3 Subject Site and Locality

The author of this report carried out a site visit on 20 January 2023. The site has an area of 19.14ha and is situated between the Midland Highway and Napoleon Street, Perth.

***Aerial photograph of area – subject site outlined in red.***







Photographs of subject site











#### 4.4 Permit/Site History

Relevant permit history includes:



- Amendment 08/05 to the Northern Midlands Planning Scheme 1995 to rezone from Rural General to Particular Purpose (retirement village) approved by the Resource Planning and Development Commission on 15 February 2006.
- P06-078 – 1 Lot (retirement village zone) and balance.
- Zoned General Residential with the introduction of the Northern Midlands Interim Planning Scheme 2013.
- PLN20-0203 – Subdivision for tree corridor.

#### 4.5 Referrals

##### TasWater

TasWater issued a Submission to Planning Authority Notice dated 06/06/2022 (Taswater Ref: TWDA 2022/00498-NMC) providing conditions to be included in any permit issued.

##### TasNetworks

TasNetworks advised Council on 6th January 2023 that the development is not likely to adversely affect TasNetwork's operations.

##### Department of State Growth

The Department of State Growth advised:

###### Noise

*State Growth notes that the plan of subdivision proposes a 'no build area', about 30 metres wide, in addition to a strip of land noted as under contract to Northern Midlands Council, which appears to be about 20 metres wide, and includes landscaping being undertaken by the Council.*

*Although not mentioned in the planning assessment report, it is assumed the 'no build area' is shown to address the requirements of clause C3.7.1 of the Road and Railway Assets Code, by providing a building area not within the road or railway attenuation area.*

*Given the information relating to the predicted noise levels was undertaken prior to the construction of the Highway, State Growth strongly recommends that the developer undertake a full noise assessment of current conditions to determine whether the 'no build area' is sufficient or otherwise.*

*In the absence of a noise assessment of current conditions for the full subdivision, State Growth considers there is no acceptable level of encroachment by habitable buildings into the 'no build area' for Lots 56-82, and this should be enforced on the permit.*

*Once the subdivision is developed, if any habitable building is proposed within the 'no build area', State Growth, as road authority, would expect that a noise assessment prepared by a suitably qualified expert be provided to determine current noise levels and appropriate building treatments, for each individual proposal.*

**Planner's comment:** The developer cannot be required to undertake a full noise assessment of current conditions as recommended by State Growth. The planning scheme requires a building area for a sensitive use that is not within a road attenuation area. The road attenuation area is 50m from the Midland Highway. It is recommended that this be a condition on any permit issued.

###### Passenger Transport

*Bus services in Perth were rerouted due to the construction of the Midland Highway bypass around Perth. Services between Cressy, Longford and Launceston travel via the Midland Highway instead of Drummond Street which no longer connects to Illawarra Road.*

*Services between Evandale and Launceston travel via Clarence Street. All services then travel along Main Road, where the main attractors such as shops and services are located. Bus services would not deviate into the western side of Perth as it is not a logical extension of the network.*

*The nearest bus stop for the northern part of the subdivision is Main Road/Phillip Street which is 750m from the corner of Napoleon Street and Phillip Street. The nearest bus stop for the southern part of the subdivision will be approximately 1.2-1.6km away depending on the walking path taken to either Scone Street or Main Road/Phillip Street.*

*In rural areas bus stops are typically 800m apart, however some people may have to travel further to the bus stop.*

*The subdivision should be designed to have good connections to Main Road where the bus routes are. Access to the bus stops on Main Road can be improved by providing good pedestrian amenity such as cut-throughs, footpaths and pedestrian crossings.*

###### Planner's comment:

The northern bus stop (Main Road/Phillip Street) is approximately 750m from the corner of Napoleon Street and Phillip Street and does not require crossing over the railway.

The middle bus stop (Scone Street near Main Road) is approximately 1.5km along Frederick Street, including unmade sections of Frederick Street, a non-signalised, non-pedestrianised crossing of the railway.

The southern bus stop is approximately 1.6km from the Drummond Street intersection with Napoleon Street, along Drummond Street, which includes a crossing over a signalised but non-pedestrianised crossing of the railway.



Due to the lesser distance it is expected that people would generally use the middle bus stop in preference to the southern stop. However, the middle stop takes a route that requires an unsignalized, unpedestrianized crossing of the railway, and this should not be encouraged until there is a proper crossing.

#### 4.6 Planning Scheme Assessment

8.0 GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<p><i>To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.</i></p> <p><i>To provide for the efficient utilisation of available social, transport and other service infrastructure.</i></p> <p><i>To provide for non-residential use that:</i></p> <ul style="list-style-type: none"> <li><i>(a) Primarily serves the local community; and</i></li> <li><i>(b) Does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</i></li> </ul> <p><i>To provide for Visitor Accommodation that is compatible with residential character.</i></p>
<p><b>Assessment:</b> The proposal complies with the zone purpose.</p>

USE AND DEVELOPMENT STANDARDS
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**8.3 Use Standards** – not applicable.

**8.4 Development Standards for Dwellings** – not applicable.

**8.5 Development Standards for Non-dwellings** – not applicable.

**8.6 Development Standards for Subdivision**

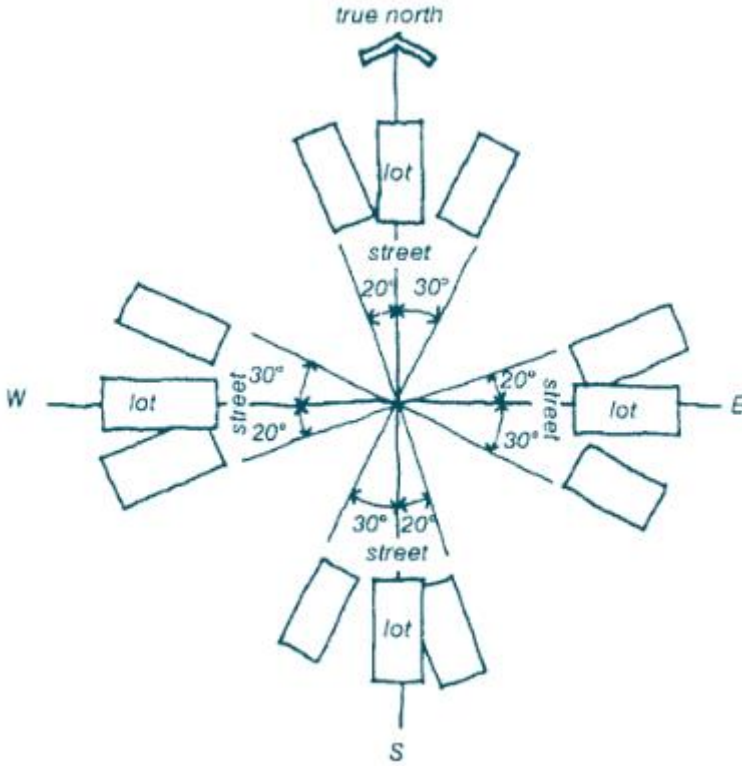
##### 8.6.1 Lot Design

Objective:	<p>That each lot:</p> <ul style="list-style-type: none"> <li>(a) Has an area and dimensions appropriate for use and development in the zone;</li> <li>(b) Is provided with appropriate access to a road;</li> <li>(c) Contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and</li> <li>(d) Is orientated to provide solar access for future dwellings.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) Have an area of not less than 450m<sup>2</sup> and: <ul style="list-style-type: none"> <li>(i) Be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> <li>a. All setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</li> <li>b. Easements or other title restrictions that limit or restrict development; and</li> </ul> </li> <li>(ii) Existing buildings are consistent with the setback required by Clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</li> </ul> </li> <li>(b) Be required for public use by the Crown, a</li> </ul>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The relevant requirements for development of buildings on the lots;</li> <li>(b) The intended location of buildings on the lots;</li> <li>(c) The topography of the site;</li> <li>(d) The presence of any natural hazards;</li> <li>(e) Adequate provision of private open space; and</li> <li>(f) The pattern of development existing on established properties in the area.</li> <li>(g)</li> </ul>





<p>council or a State authority;</p> <p>(c) Be required for the provision of Utilities; or</p> <p>(d) Be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	
The proposal complies with clause A1 (a).	N/a
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The width of frontage proposed, if any;</li> <li>(b) The number of other lots which has the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(c) The topography of the site;</li> <li>(d) The functionality and useability of the frontage;</li> <li>(e) The ability to manoeuvre vehicles on the site; and</li> <li>(f) The pattern of development existing on established properties in the area,</li> <li>(g) and is not less than 3.6m wide.</li> </ul>
Does not comply. Lots 53, 81, 82, 83, 110 have frontages less than 12m. Must be assessed against the performance criteria.	<p><b>Assessment:</b> The proposed frontages less than 12m are for lots 53 (5.69m), 81 (7.07m), 82 (7.5m), 83 (7.5 m) &amp; 110 (6.61m). All are internal lots. None have connection by right of carriageway. The frontage is sufficient to allow vehicle access to future development of the site. Established properties in the area have similar frontages to internal lots such as 7, 21A, 33A &amp; 33B Napoleon Street and 13 and 34C Edward Street. The proposal complies with the performance criteria.</p>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The topography of the site;</li> <li>(b) The distance between the lot or building area and the carriageway;</li> <li>(c) The nature of the road and the traffic;</li> <li>(d) The anticipated nature of vehicles likely to access the site; and</li> <li>(e) The ability for emergency services to access the site.</li> </ul>
Complies. Condition required as per Works & Infrastructure Departments requirements for access.	N/a
<p><b>A4</b></p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p><b>P4</b></p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The size, shape and orientation of the lots;</li> </ul>

	<p>(b) The topography of the site;</p> <p>(c) The extent of overshadowing from adjoining properties;</p> <p>(d) Any development on the site;</p> <p>(e) The location of roads and access to lots; and</p> <p>(f) The existing pattern of subdivision in the area.</p>
<p>Does not comply with A4. Must be assessed against the performance criteria.</p> <p>The subdivision provides lots oriented substantially similar to the parameters below, given the orientation of the existing Napoleon Street and Midland Highway, and the large size of the lots. The subdivision complies with the performance criteria.</p>	
	
<p>^Figure from the Tasmanian Code of Residential Development (Department of Environment and Land Management, 1998) showing lots oriented for solar access in temperate climates.</p>	

#### 8.6.2 Roads

Objective:	<p>That the arrangement of new roads within a subdivision provides for:</p> <p>(a) Safe, convenient and efficient connections to assist accessibility and mobility of the community;</p> <p>(b) The adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</p> <p>(c) The efficient ultimate subdivision of the entirety of the land and of surrounding land.</p>
<b>Acceptable Solutions</b>	
<b>A1</b>	
The subdivision must include no new roads.	
<b>Comment.</b> Does not comply as the subdivision includes new roads. Must be assessed against the Performance Criteria.	
<b>Performance Criteria</b>	
<b>P1</b>	
<p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <p>(a) Any road network plan adopted by the council.</p>	



**Comment:** Council has not adopted a road network plan.

*(b) The existing and proposed road hierarchy.*

**Comment:** The TIA notes that Phillip Street and Edward Street are minor collector roads, Youl Road is a collector road and Main Road is an arterial road. It is considered that Napoleon Street will take on a similar function as Phillip Street and Edward Street, being a minor collector road, and the new roads within the subdivision will be local access roads.

*(c) The need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential.*

**Comment:** The proposal has direct road connection to the adjoining land to the south and has the ability to connect to the land to the north via Napoleon Street.

*(d) Maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks.*

**Comment:** The proposal provides two new junctions with Napoleon Street, offset from the two existing junctions with Phillip Street and Edward Street. It also allows for connection to Drummond Street.

*(e) Minimising the travel distance between key destinations such as shops and services and public transport routes.*

**Comment:** The proposal provides two new junctions with Napoleon Street which allow for access to the town centre and bus stops via Phillip Street and Edward Street.

*(f) Access to public transport.*

**Comment:** The Department of State Growth has advised:

Bus services in Perth were rerouted due to the construction of the Midland Highway bypass around Perth. Services between Cressy, Longford and Launceston travel via the Midland Highway instead of Drummond Street which no longer connects to Illawarra Road.

Services between Evandale and Launceston travel via Clarence Street. All services then travel along Main Road, where the main attractors such as shops and services are located. Bus services would not deviate into the western side of Perth as it is not a logical extension of the network.

The nearest bus stop for the northern part of the subdivision is Main Road/Phillip Street which is 750m from the corner of Napoleon Street and Phillip Street. The nearest bus stop for the southern part of the subdivision will be approximately 1.2-1.6km away depending on the walking path taken to either Scone Street or Main Road/Phillip Street.

In rural areas bus stops are typically 800m apart, however some people may have to travel further to the bus stop.

The subdivision should be designed to have good connections to Main Road where the bus routes are.

Access to the bus stops on Main Road can be improved by providing good pedestrian amenity such as cut-throughs, footpaths and pedestrian crossings.

*(g) The efficient and safe movement of pedestrians, cyclists and public transport.*

**Comment:**

*(h) The need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016.*

**Comment:** The application does not propose a new arterial or collector road.

*(i) The topography of the site.*

**Comment:** The site is gently undulating.

*(j) The future subdivision potential of any balance lots on adjoining or adjacent land.*

**Comment:** The subdivision potential of the adjoining land is not limited by the proposed road layout as adjoining land to the north has access off unmade Napoleon Street and adjoining land to the south has access off unmade Drummond Street.

### 8.6.3 Services

Objective:	That the subdivision of land provides services for the future use and development of the land.	
Acceptable Solutions	Performance Criteria	
A1	P1	



Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to: <ul style="list-style-type: none"> <li>(a) Flow rates;</li> <li>(b) The quality of potable water;</li> <li>(c) Any existing or proposed infrastructure to provide the water service and its location;</li> <li>(d) The topography of the site; and</li> <li>(e) Any advice from a regulated entity.</li> </ul>
Complies.	N/a
<b>A2</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	<b>P2</b> No Performance Criterion.
Complies.	N/a
<b>A3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	<b>P3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: <ul style="list-style-type: none"> <li>(a) The size of the lot;</li> <li>(b) Topography of the site;</li> <li>(c) Soil conditions;</li> <li>(d) Any existing buildings on the site;</li> <li>(e) Any area of the site covered by impervious surfaces; and</li> <li>(f) Any watercourse on the land.</li> </ul>
Complies.	N/a

CODES		
C1.0	SIGNS CODE	N/a
C2.0	PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – see Code Assessment below.
C3.0	ROAD AND RAILWAY ASSETS CODE	Complies – see Code Assessment below.
C4.0	ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE	N/a
C5.0	TELECOMMUNICATIONS CODE	N/a
C6.0	LOCAL HISTORIC HERITAGE CODE	N/a
C7.0	NATURAL ASSETS CODE	Complies – see Code Assessment below.
C8.0	SCENIC PROTECTION CODE	N/a
C9.0	ATTENUATION CODE	N/a
C10.0	COASTAL EROSION HAZARD CODE	N/a
C11.0	COASTAL INUNDATION CODE	N/a
C12.0	FLOOD-PRONE AREAS HAZARD CODE	N/a
C13.0	BUSHFIRE-PRONE AREAS CODE	Complies – see Code Assessment below.
C14.0	POTENTIALLY CONTAMINATED LAND CODE	N/a
C15.0	LANDSLIP HAZARD CODE	N/a



C16.0 SAFEGUARDING OF AIRPORTS CODE	Complies – see Code Assessment below.
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## C2.0 Parking and Sustainable Transport Code

### C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

### Comment

Complies with the Code Purpose

## C2.5 Use Standards

### C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solutions	Performance Criteria
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p style="padding-left: 40px;"><math>N = A + (C - B)</math></p> <p style="padding-left: 40px;">N = Number of on-site car parking spaces required</p> <p style="padding-left: 40px;">A = Number of existing on site car parking spaces</p> <p style="padding-left: 40px;">B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p style="padding-left: 40px;">C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of</p>



	bedrooms; and (c) the pattern of parking in the surrounding area.
<b>Comment</b> Complies with A1 as the lots are able to provide the parking required for a single dwelling.	
<b>C2.5.2 Bicycle parking numbers</b>	
Not applicable	
<b>C2.5.3 Motorcycle parking numbers</b>	
Not applicable	
<b>C2.5.4 Loading Bays</b>	
Not applicable	
<b>C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone for Non-Residential Buildings</b>	
Not applicable	
<b>C2.6 Development Standards for Buildings and Works</b> Not applicable to subdivision. To be assessed with future development applications.	
<b>C3.0 Road and Railway Assets Code</b>	
<b>C3.1 Code Purpose</b>	
The purpose of the Road and Railway Assets Code is: C3.1.1 To protect the safety and efficiency of the road and railway networks; and C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.	
<b>Comment</b> Complies with the Code Purpose	
<b>C3.5 Use Standards</b>	
<b>C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction</b>	
Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) A new junction;</li> <li>(b) A new vehicle crossing; or</li> <li>(c) A new level crossing.</li> </ul> <p>N/a</p> <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>Must be assessed against the performance criteria.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>N/a</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) Any increase in traffic caused by the use;</li> <li>(b) The nature of the traffic generated by the use;</li> <li>(c) The nature of the road;</li> <li>(d) The speed limit and traffic flow of the road;</li> <li>(e) Any alternative access to a road;</li> <li>(f) The need for the use;</li> <li>(g) Any traffic impact assessment; and</li> <li>(h) Any advice received from the rail or road authority.</li> </ul>



<p>(a) <i>The amounts in Table C3.1; or</i></p> <p>(b) <i>Allowed by a licence issued under Part IVA of the Road and Jetties Act 1935 in respect to a limited access road.</i></p> <p>N/a</p> <p><i>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</i></p>	
<p>Does not comply. Must be assessed against the Performance Criteria.</p>	<p>The Traffic Impact Assessment finds:</p> <p><i>Sight distance requirements at the proposed junctions are satisfied.</i></p> <p><i>There are no identified traffic safety issues with the existing road network.</i></p> <p><i>The projected increases in traffic activity will not exceed guidelines on acceptable impact on residential liveability safety and amenity,</i></p> <p><i>The proposed junction layouts satisfy sight distance requirements at the proposed junctions are satisfied.</i></p> <p><i>From Austroads Safe System Assessment of Napoleon Street the road is assessed to be well aligned with the safe systems objectives and has a very low crash risk.</i></p> <p><i>Reported 5 Year Crash History shows no crash propensity on Napoleon Street</i></p> <p><i>There are no identified traffic safety issues with the existing road network.</i></p> <p><i>From the proposed subdivision layout over the flat and gently undulating natural surface of the site it is estimated that access sight distance requirements will be satisfied.</i></p> <p><i>Existing road network is being retrofitted with footpath on one side and similarly the proposed subdivision road network will include footpath at least on one side to cater for pedestrians and cyclists.</i></p> <p>The Traffic Impact Assessment recommends:</p> <ul style="list-style-type: none"> <li><i>Proposed roads, junctions, property accesses and pedestrian facilities be constructed in accordance with Northern Midlands Council standards and the relevant LGAT standard drawings, see part 8 of this report.</i></li> <li><i>Implement the Council Road improvements summarised in Figure 64.</i></li> <li><i>Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.</i></li> <li><i>Reconstruct and seal Napoleon Street from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.</i></li> <li><i>Construct the proposed southern and northern junctions with Napoleon Street with Simple Right &amp; Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street, see Figures 45,46,48 and 49.</i></li> </ul> <p>With implementation of the recommendations, the proposal complies with the Performance Criteria.</p>

### **C3.6 Development Standards for Buildings or Works**

#### **C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area**

Not applicable. Does not propose habitable buildings.

### **C3.7 Development Standards for Subdivision**

#### **C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area.**





*A1 A lot, or a proposed lot in a plan of subdivision, intended for sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.*

**Comment:** The road attenuation area is 50m from the Midland Highway. It is recommended that this be a condition on any permit issued.

## C7.0 Natural Assets Code

### C7.1 Code Purpose

The purpose of the Natural Assets Code is:

- C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- C7.1.4 To minimise impacts on identified priority vegetation.
- C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

**Comment** Complies with the Code Purpose

C7.2.1 (c) (xii) states that this code applies to development of land within the General Residential Zone, only if an application for subdivision.

### C7.7.2 Subdivision within a priority vegetation area

Objective: That:

- (a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.

#### Acceptable Solutions

##### A1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area, must:

- (a) be for the purposes of creating separate lots for existing buildings;
- (b) be required for public use by the Crown, a council, or a State authority;
- (c) be required for the provision of Utilities;
- (d) be for the consolidation of a lot; or
- (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area, services or vehicular access within a priority vegetation area.

#### Performance Criteria

##### P1.1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (a) Subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;
- (b) subdivision for the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) subdivision involving clearance of native vegetation



	<p>that is of limited scale relative to the extent of priority vegetation on the site.</p> <p><b>P1.2</b> Works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</li> <li>(b) Any particular requirements for the works and future development likely to be facilitated by the subdivision;</li> <li>(c) The need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</li> <li>(d) Any mitigation measures implemented to minimise the residual impacts on priority vegetation;</li> <li>(e) Any on-site biodiversity offsets; and</li> <li>(f) Any existing cleared areas on the site.</li> </ul>
Does not comply.	Complies with P1.1 (c) as the subdivision is in the General Residential Zone.

### C13.0 Bushfire-Prone Areas Code

#### C13.1 Code Purpose

The purpose of the Bushfire-Prone Areas Code is:

C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

#### Comment

Complies with the Code Purpose

### C13.6 Development Standards for Subdivision

#### C13.6.1 Provision of hazard management areas

Objective: That subdivision provides for hazard management areas that:

- (a) Facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) Provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) Provide protection for lots at any stage of a staged subdivision.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant</li> </ul>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the</p>



<p>the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) Shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas</i>; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be management in accordance with the bushfire hazard management plan.</p>	<p>building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) The dimensions of hazard management areas;</p> <p>(b) A bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) The nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) The topography, including site slope;</p> <p>(e) Any other potential forms of fuel or ignition sources;</p> <p>(f) Separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) An instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) Any advice from the TFS.</p>
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**Comment.** Complies with A1. The Bushfire Hazard Report finds:

All land within the distances shown in diagrams in the Report must be managed as low threat vegetation from sealing of titles for any lot and maintained in perpetuity. The stages shown below and should be considered indicative only and may be adapted as required for any changes to sequencing.

Lot 117 to be low threat vegetation within 16m of Lot 55 boundary from sealing of titles for lot 55 and managed until construction of a dwelling on lot 55, once construction has commenced the HMA may be reduced to all land within 16m of the habitable building and any building within 6m of the habitable building. Grazing and or mowing on lot 117 is expected to provide the required fuel load reduction however a binding agreement must be in place to allow management of fuels if required on Lot 117 by the owner of lot 55 prior to issue of titles for Lot 55.

All Hazard management areas must be maintained in perpetuity, with the owner of a lot responsible for management of fuels on their lot, with the exception of the HMA on lot 117, that provides protection for Lot 55 which is the responsibility of the owner of Lot 55.

#### C13.6.2 Public and fire fighting access

Objective: That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) Allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) Provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;
- (c) Are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) Provide access to water supplies for fire appliances; and
- (e) Are designed to allow connectivity, and where needed, offering multiple evacuation points.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire</p>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) Appropriate design measures, including:</p>



<p>fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire management plan that:</p> <p>(i) Demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>(i) two way traffic;</p> <p>(ii) all weather surfaces;</p> <p>(iii) height and width of any vegetation clearances;</p> <p>(iv) Load capacity;</p> <p>(v) Provision of passing bays;</p> <p>(vi) Traffic control devices;</p> <p>(vii) Geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) Use of through roads to provide for connectivity;</p> <p>(ix) Limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) Provision of turning areas;</p> <p>(xi) Provision for parking areas;</p> <p>(xii) Perimeter access; and</p> <p>(xiii) Fire trails; and</p> <p>(b) The provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(c) Any advice from the TFS.</p>
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**Comment:** Complies with A1. The Bushfire Hazard Report finds:

Subdivision roads within bushfire prone areas must comply with the relevant elements of Table E1 Roads from Planning Directive No. 5.1 Bushfire-Prone Areas Code and must be in place prior to sealing of titles of each stage.

The terminus of any dead-end road, including during staging, must meet turning circle provisions including a 12m outer radius. For staged roads this may be gravelled and temporary until further stages are added. Cul de sac heads must have no parking signs, and if the turning provision /carriageway is less than 12m outer radius, mountable kerbs and footpaths must be installed to provide compliant trafficable surface.

The southern terminus of Napoleon Street requires either a turning provision or Drummond Street to be upgraded to compliant standards.

Roads compliant with table E1 of Planning Directive No. 5.1 Bushfire-Prone Areas Code must be in place prior to sealing of titles of each stage.

Road lot (206) at the terminus adjacent to Lot 13 & 117 is insufficient in width for a compliant turning circle. Provision must be made for adequate turning on either Lot 117 or the adjacent lot south of the subdivision or alternatively a compliant through access to Drummond St could be provided on that lot.

Access to a dwelling with must comply with the relevant elements of Table E2 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code

Access to the majority of lots will be less than 30m and or no access to water supply points (hydrants) required. If access to a water supply point within the lot is required it must meet Element . Depending on the location of habitable building on Lot 117 and available hydrants , access in excess of 30m and access to a static water supply may be required to meet Element B standards of table E2.

Access to habitable buildings must be compliant prior to commencement of construction.

A minor boundary change or binding agreement or must be in place to allow turn provision for Stage 1 road on lot 117 if that that has been created as a separate title. It is assumed that the turn provision can be on the balance lot during staging if title to lot 117 has not been issued as would be the case for a temporary turn.

#### **C13.6.3 Provision of water supply for fire fighting purposes**

Objective: That an adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage to allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.



Acceptable Solutions	Performance Criteria
<p><b>A1</b> In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</li> <li>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P1</b> No Performance Criterion.</p>
<p><b>Comment:</b> Complies with A1. The Bushfire Hazard Report finds: The subdivision will be serviced by a reticulated supply. All Lots are expected to have hydrants located within 120m of the furthest extents of building areas including Lot 117. Existing hydrants on Napoleon Street between Phillip and Edward St partially service the subdivision including lots 85-102 (stage 1) Hydrants compliant with table E4 of Planning Directive No. 5.1 Bushfire-Prone Areas Code must be in place prior to sealing of titles for any stage. If a future habitable building on lot 117 is greater than 120m from a hydrant it will require a static water supply compliant with table 5 of of Planning Directive No. 5.1 Bushfire-Prone Areas Code.</p>	
<p><b>A2</b> In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</li> <li>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P2</b> No Performance Criterion.</p>
<p><b>Comment:</b> Not applicable</p>	

## C16.0 Safeguarding of Airports Code

### C16.1 Code Purpose

The purpose of the Safeguarding of Airports Code is:

C16.1.1 To safeguard the operation of airports from incompatible use or development;

C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

#### Comment

Complies with the Code Purpose

## C16.7 Development Standards for Subdivision

### C16.7.1 Subdivision

Objective: That provide for subdivision:

- (a) That allows for sensitive use to be suitably located to avoid exposure to excessive aircraft noise; and
- (b) So that future development for sensitive use does not compromise the operation of airports.

Acceptable Solutions	Performance Criteria
<p><b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within an airport noise exposure area must be:</p> <ul style="list-style-type: none"> <li>(a) Be for the creation of separate lots for</li> </ul>	<p><b>P1</b> Each lot, or a lot proposed in a plan of subdivision, within an airport noise exposure area must not create an opportunity for a sensitive use to be exposed to excessive aircraft noise,</p>



<p>existing buildings;</p> <p>(b) Be required for public use by the Crown, a council or a State authority;</p> <p>(c) Be required for the provision of Utilities;</p> <p>(d) Be for the consolidation of lots;</p> <p>(e) Be for the creation of a lot that contains a building area not less than 10m x 15m entirely located outside of the airport noise exposure area; or</p> <p>(f) Not be intended for a sensitive use.</p>	<p>having regard to:</p> <p>(a) The location, orientation and elevation of the site relative to aircraft flight paths;</p> <p>(b) The current and future type and frequency of aircraft operating from the airport;</p> <p>(c) The type of use and the operational requirements for the use;</p> <p>(d) The layout and construction of buildings associated with the use;</p> <p>(e) The need to not compromise the future operation of the airport;</p> <p>(f) The requirements of any relevant airport master plan; and</p> <p>(g) Any advice from the airport operator or Airservices Australia.</p>
<p><b>Comment:</b> Complies. Each lot is outside of the airport noise exposure area.</p>	

SPECIFIC AREA PLANS	
NOR-S1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
NOR-S2.0 CAMPBELL TOWN SPECIFIC AREA PLAN	N/a
NOR-S3.0 CRESSY SPECIFIC AREA PLAN	N/a
NOR-S4.0 DEVON HILLS SPECIFIC AREA PLAN	N/a
NOR-S5.0 EVANDALE SPECIFIC AREA PLAN	N/a
NOR-S6.0 LONGFORD SPECIFIC AREA PLAN	N/a
NOR-S7.0 PERTH SPECIFIC AREA PLAN	Complies, see assessment below.
NOR-S8.0 ROSS SPECIFIC AREA PLAN	N/a

<p><b>NOR-S7.0 Perth Specific Area Plan</b></p> <p><b>NOR-S7.1 Plan Purpose</b></p> <p>The purpose of the Perth Specific Area Plan is:</p> <p>NOR-S7.1.1 To provide for residential use and development that is compatible with the unique and intact history and rural character of the town, its landscape setting along the riverbank and its views to the Ben Lomond Ranges and the Western Tiers.</p> <p>NOR-S7.1.2 To provide for public and private transport links to Launceston.</p> <p>NOR-S7.1.3 To provide for the subdivision of key development sites and provide for appropriately located public open space for good pedestrian connectivity within Perth and to the river precinct.</p> <p>NOR-S7.1.4 To encourage subdivision that provides for large lots and minimises internal lots.</p> <p>NOR-S7.1.5 That as part of any new subdivision new trees are provided to increase the township's tree canopy cover.</p> <p><b>Comment:</b> The proposal complies with the Perth Specific Area Plan Purpose</p>
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<p><b>NOR-S7.8 Development Standards for Subdivision</b></p> <p><b>NOR-S7.8.1 Lot design in development precincts</b></p> <p>Objective: That each development precinct creates an efficient lot design that provides connectivity and optimal location for public open space compatible with the rural township character.</p>	<table> <tr> <th>Acceptable Solutions</th><th>Performance Criteria</th></tr> <tr> <td> <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be in accordance with the lot layout shown in the Precinct Masterplans</p> </td><td> <p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be consistent with the rural township character and provide an optimal location for public open space, having regard to:</p> <p>(a) Lot layout shown in the applicable precinct masterplans in Figures</p> </td></tr> </table>	Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be in accordance with the lot layout shown in the Precinct Masterplans</p>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be consistent with the rural township character and provide an optimal location for public open space, having regard to:</p> <p>(a) Lot layout shown in the applicable precinct masterplans in Figures</p>
Acceptable Solutions	Performance Criteria				
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be in accordance with the lot layout shown in the Precinct Masterplans</p>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be consistent with the rural township character and provide an optimal location for public open space, having regard to:</p> <p>(a) Lot layout shown in the applicable precinct masterplans in Figures</p>				



in Figures NOR-S7.2.2, NOR-S7.2.3 and NOR-S7.2.4.	<p>NOR-S7.2.2, NOR-S7.2.3 and NOR-S7.2.4;</p> <ul style="list-style-type: none"> <li>(b) The road network as north south grid;</li> <li>(c) Fronting new lots onto existing roads where possible;</li> <li>(d) Minimising cul-de-sacs;</li> <li>(e) The provision of public open spaces that facilitate pedestrian loops around the town;</li> <li>(f) Creating connections between new and existing public open spaces;</li> <li>(g) Creating road frontages around public open spaces;</li> <li>(h) Using public open spaces for stormwater detention;</li> <li>(i) The relevant requirements for development of buildings on the lots;</li> <li>(j) The intended location of buildings on the lots; and</li> <li>(k) The pattern of development existing on established properties within the area.</li> </ul>
<b>Comment:</b> Not applicable, the site is not in a development precinct.	

#### NOR-S7.8.2 Lot design

Objective: That subdivision lot designs provides for each lot:

- (a) Has an area and dimensions appropriate for the use and development;
- (b) Is provided with appropriate access to a road;
- (c) Contains areas which are suitable for development appropriate to the purpose of the zone and specific area plan, located to avoid natural hazards; and
- (d) Is oriented to provide solar access for future dwellings.

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) Have an area of not less than 600m<sup>2</sup> and:</li> <li>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> <li>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</li> <li>b. easements or other title restrictions that limit or restrict development; and</li> <li>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; or</li> <li>(b) Be required for public use by the Crown, a council or a State authority; or</li> <li>(c) Be required for the provisions of Utilities; or</li> <li>(d) Be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) The relevant requirements for development of buildings on the lots;</li> <li>(b) The intended location of buildings on the lots;</li> <li>(c) The topography of the site;</li> <li>(d) The presence of any natural hazards;</li> <li>(e) Adequate provision of private open space; and</li> <li>(f) The pattern of development existing on established properties within the area.</li> </ul>
<b>Comment:</b> Complies with A1.	

#### NOR-S7.8.3 Internal lots

Objective: That subdivision layout of land outside the precinct masterplans in Figures NOR-S7.2.2, NOR-S7.2.3 and NOR-S7.2.4:

- (a) Minimises internal lots;
- (b) Is consistent with existing patterns of residential development in the surrounding area; and





(c) Retains the rural township character.

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> Each internal lot, or an internal lot proposed in a plan of subdivision must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> <li>(a) Consistency with existing patterns of residential development of the surrounding area;</li> <li>(b) The lot gaining access from a road existing prior to the planning scheme coming into effect;</li> <li>(c) Site constraints making an internal lot configuration the only reasonable option to efficiently use the land;</li> <li>(d) The lot contributing to the more efficient use of residential land and infrastructure;</li> <li>(e) The amenity of adjacent lots not being unreasonably affected by subsequent development and use;</li> <li>(f) The lot having access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</li> <li>(g) Passing bays being provided at appropriate distances to service the likely future use of the lot;</li> <li>(h) The access strip being adjacent to or combined with no more than three other internal lot access strips provided that it is otherwise not appropriate to provide access via a public road;</li> <li>(i) The lot addressing and providing for passive surveillance of public open space and public rights of way if it fronts such public spaces;</li> <li>(j) The relevant requirements for development of buildings on the lots;</li> <li>(k) The intended location of buildings on the lots;</li> <li>(l) The topography of the site;</li> <li>(m) The presence of any natural hazards;</li> <li>(n) Adequate provision of private open space; and</li> <li>(o) The pattern of development existing on established properties in the area.</li> </ul>

**Comment:** Complies with P1.

#### NOR-S7.8.4 Roads

Objective: That the arrangement of new road within a subdivision provides for:

- (a) Safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) The adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;
- (c) Adequate areas for the planting of street trees in the road reserve; and
- (d) The efficient ultimate subdivision of the entirety of the land and of surrounding land.

Acceptable Solutions	Performance Criteria
<b>A1</b> The subdivision includes no new roads.	<b>P1</b> The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: <ul style="list-style-type: none"> <li>(a) Any road network plan adopted by the council;</li> <li>(b) The existing and proposed road hierarchy;</li> <li>(c) The need for connecting roads and pedestrian and cycling paths to common boundaries with adjoining land to facilitate future subdivision potential;</li> <li>(d) Maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</li> <li>(e) Minimising the travel distance between key destinations such as shops</li> </ul>



	<p>and services and public transport routes;</p> <p>(f) Access to public transport;</p> <p>(g) The efficient and safe movement of pedestrians, cyclists and public transport;</p> <p>(h) The need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>;</p> <p>(i) The topography of the site; and</p> <p>(j) The future subdivision potential of any balance lots on adjoining or adjacent land.</p>
<p><b>Comment:</b> The Traffic Impact Assessment finds:</p> <p><i>Sight distance requirements at the proposed junctions are satisfied.</i></p> <p><i>There are no identified traffic safety issues with the existing road network.</i></p> <p><i>The projected increases in traffic activity will not exceed guidelines on acceptable impact on residential liveability safety and amenity,</i></p> <p><i>The proposed junction layouts satisfy sight distance requirements at the proposed junctions are satisfied.</i></p> <p><i>From Austroads Safe System Assessment of Napoleon Street the road is assessed to be well aligned with the safe systems objectives and has a very low crash risk.</i></p> <p><i>Reported 5 Year Crash History shows no crash propensity on Napoleon Street</i></p> <p><i>There are no identified traffic safety issues with the existing road network.</i></p> <p><i>From the proposed subdivision layout over the flat and gently undulating natural surface of the site it is estimated that access sight distance requirements will be satisfied.</i></p> <p><i>Existing road network is being retrofitted with footpath on one side and similarly the proposed subdivision road network will include footpath at least on one side to cater for pedestrians and cyclists.</i></p> <p>The Traffic Impact Assessment recommends:</p> <ul style="list-style-type: none"> <li>• <i>Proposed roads, junctions, property accesses and pedestrian facilities be constructed in accordance with Northern Midlands Council standards and the relevant LGAT standard drawings, see part 8 of this report.</i></li> <li>• <i>Implement the Council Road improvements summarised in Figure 64.</i></li> <li>• <i>Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.</i></li> <li>• <i>Reconstruct and seal Napoleon Street from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.</i></li> <li>• <i>Construct the proposed southern and northern junctions with Napoleon Street with Simple Right &amp; Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street, see Figures 45,46,48 and 49.</i></li> </ul> <p>With implementation of the recommendations, the proposal complies with the Performance Criteria.</p>	
<p><b>A2</b></p> <p>Where the subdivision plan includes one or more new roads, street trees must be provided within the road reserve:</p> <p>(a) At intervals of not less than 10m measured between the centre of each trunk; or</p> <p>(b) At intervals not less than the canopy diameter of the tree species at maturity; and</p> <p>(c) In locations where sight distances to vehicle access points are compliant with the following:</p> <p>(h) in the case of non-commercial vehicle accesses, <i>Australian Standard AS 2890.1:2004, Parking Facilities, Part 1: Off-street car parking, section 3, Access Facilities to Off-street Parking Areas and Queuing Areas</i>; and</p> <p>(ii) in the case of commercial vehicle accesses, <i>Australian Standard AS</i></p>	<p><b>P2</b></p> <p>No Performance Criterion.</p>



2980.2:2002, *Parking facilities Part 2: Off-street commercial vehicle facilities.*

**Comment:** Condition required for landscaping plan.

#### SPECIAL PROVISIONS

7.1 Changes to an Existing Non-conforming Use	N/a
7.2 Development for Existing Discretionary Uses	N/a
7.3 Adjustment of a Boundary	N/a
7.4 Change of Use of a Place Listed on the Tasmanian Heritage Register or a Local Heritage Place	N/a
7.5 Change of Use	N/a
7.6 Access and Provision of Infrastructure Across Land in Another Zone	N/a
7.7 Building Projecting onto Land in a Different Zone	N/a
7.8 Port and Shipping in Proclaimed Wharf Areas	N/a
7.9 Demolition	N/a
7.10 Development Not Required to be Categorised into a Use Class	N/a
7.11 Use or Development Seaward of the Municipal District	N/a
7.12 Sheds on Vacant Sites	N/a
7.13 Temporary Housing	N/a

#### 5 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?	X	
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"?		X
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?		X
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?		X
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?		X
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?		X
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?		X
83(7) (b)	provide means of sewerage for all or some specified kind of effluent from the block?		X

Section 84	Council not to approve subdivision	Yes	No
84(1)(c)	Does the subdivision include any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, and the Minister administering the <i>Roads and Jetties Act 1935</i> has first not approved so much of the application as affects the drainage?		X



	<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;	X
85(b)	that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of;	X
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;	X
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;	X
85(d)	that the layout should be altered to include or omit –	
85(d)(i)	blind roads;	X
85(d)(ii)	alleys or rights of way to give access to the rear of lots;	X
85(d)(iii)	public open space;	X
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;	X
85(d)(v)	private roads, ways or open spaces;	X
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;	X
85(d)(vii)	licences to embank highways under the <i>Highways Act 1951</i> ;	X
85(d)(viii)	provision for widening or deviating ways on or adjoining land comprised in the subdivision;	X
85(d)(ix)	provision for the preservation of trees and shrubs;	X
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;	X
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;	X
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;	X
85(g)(ii)	party-wall easements;	X
85(g)(iii)	the state of a party-wall on its boundary.	X
<b>Section 86</b>	<b>Security for payment</b>	<b>Yes 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;	X
86(2)(d)	the works required for the discharge of the owner's obligations under <u>section 10 of the Local Government (Highways) Act 1982</u> in respect of the highways	X



	opened or to be opened on the subdivision;		
86(2)(e)	the making and draining of footways that are not part of a road and of private roads and similar footways serving 3 lots or more;		X
86(2)(f)	the filling in of ponds and gullies;		X
86(2)(g)	the piping of watercourses.		X
	<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?		X
	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)		X
108 (1) (b)	Does council, in respect of an existing highway, require to obtain a licence to embank?		X

### Public Open Space

The title shows that the land has an area of 19.14 ha. 5% of the land area is 9,570m<sup>2</sup>.

Excluding the detention basin (7,542m<sup>2</sup>), the subdivision plan shows public open space:

Lot 302	720m <sup>2</sup>
Lot 303	910m <sup>2</sup>
Lot 304	620m <sup>2</sup>
Lot 306	420m <sup>2</sup>
<b>Total</b>	<b>2,670m<sup>2</sup></b>

9,570m<sup>2</sup> - 2,670m<sup>2</sup> = an additional 6,900m<sup>2</sup> that council could take for public open space.

A concept plan (attached) for a public open space area of 2,607m<sup>2</sup> is attached, encompassing lot 53 (1,119m<sup>2</sup>) and lot 54 (1,068m<sup>2</sup>) next to the proposed public open space lot 306 (420m<sup>2</sup>)

Council's Works Manager advises that the 3 public open space links to the tree corridor next to the highway are excessive for council to maintain. Two are sufficient for public access. It is recommended that the middle linking space lot 303 (910m<sup>2</sup>) be removed.

### STATE POLICIES

The proposal is consistent with all State Policies.

### OBJECTIVES OF LAND USE PLANNING & APPROVALS ACT 1993

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



STRATEGIC PLAN/ANNUAL PLAN/COUNCIL POLICIES

**Strategic Plan 2017-2027**

- Statutory Planning

**4.7 Representations**

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

- J Tymms, 3 Napoleon Street, Perth
- C Cooper, 3 Napoleon Street, Perth
- P Todd, 5 Napoleon Street, Perth
- V Maloney, 13 Napoleon Street, Perth
- S Davidson, 23 Napoleon Street, Perth

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

**C Cooper, 3 Napoleon Street, Perth**

*Is it intended to develop Drummond Street as an access point? If not, this will further increase traffic along Napoleon Street.*

**Planner's comment:** The Traffic Impact Assessment is based on not developing Drummond Street as an access point and states, 'This TIA reviews the proposal to develop Lot 1 Drummond Street, Perth (PID 9539821, Title Reference 174678/1) with a 116 residential subdivision with access via Napoleon St'.

*The northern entrance on Napoleon St to the new development will encounter the majority of all traffic due to the location of the off ramps and on ramps on the new highway at the Northern end of Perth, all traffic will take the shortest route which is human nature and a natural thing to do, this will take most traffic if not all up Phillip street turn left on Napoleon street, my concern is that Napoleon street will encounter almost 100% of new traffic.*

*To spread some of this traffic moving the entrance to the subdivision at the Phillip St end to extend Phillip St would improve safety for all road and footpath users. This would also give back land of greater value to the developer.*

**Planner's comment:** The application must be assessed with the layout as submitted. The Traffic Impact Assessment finds that simple left and right junction layouts are sufficient for the proposed Napoleon Street junctions.

***Traffic Impact Assessment***

**SAFETY** *This report is outdated (December 2021) and does not reflect the current state of traffic in Perth.*

*The entire block in the immediate area has seen significant growth and increase in house-holds. The left turn from Phillip St onto Napoleon St is a narrow choke point that has busses and larger vehicles turning on a daily basis.*

*Accessing private residents both with standard vehicles and larger vehicles with trailers etc. needs further consideration especially where near intersections.*

*The width of Napoleon St needs to be made a lot wider for safe commuting and it needs to be done prior to an increase in larger vehicles coming and going as the development progresses. The left turn onto Napoleon St gives clear indications of the daily hazards encountered by residents made evident by the guide posts and their condition.*



**Planner's comment:** The Traffic Impact Assessment finds that signage is needed at the Phillip St – Napoleon St intersection and recommends widening of Napoleon Street.

#### *Nature Report*

*I have seen Bandicoots several times on my evening walks. There is one that lives down the end of Napoleon St on the edge of the Paddock near Edward Street. I am not sure what sort of Bandicoot.*

*I have also seen one dead on the road. I don't know if that is relevant to this or not I have seen them over several years in the same area.*

**Planner's comment:** According to [www.threatenedspecieslink.tas.gov.au](http://www.threatenedspecieslink.tas.gov.au):

*The Eastern Barred Bandicoot is a threatened species and is vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 and a permit is required under the Tasmanian Threatened Species Protection Act 1995 to 'take' (which includes kill, injure, catch, damage, destroy and collect), keep, trade in or process any specimen or products of a listed species. Additional permits may also be required under other Acts or regulations to take, disturb or interfere with any form of wildlife or its products, (e.g. dens, nests, bones). This may also depend on the tenure of the land and other agreements relating to its management.*

#### *Fauna Report*

*This report is outdated and based on assumptions, pretty poor evaluation and a very disappointing evaluation of our potential impact on the environment by all involved that would consider this report relevant and up to date.*

#### **J Tymms, 3 Napoleon Street, Perth**

#### *Subdivision Proposal Plan*

*QUESTION: Fredrick Street is referenced in the map as an access road and on the name of the folio of the register title as an access street; however, in current reality it is not a street that is in use or accessible for traffic it is grass.*

*CONCERN: Developing Fredrick Street to Napoleon Street sits outside of the scope of the Developers listed land parcel and is not part of the development plan scope, what is the intention by the developer for Fredrick St? If the answer is nothing. Then how is traffic to flow to and from Frederick St to the new development?*

**Planner's comment:** It is not proposed to construct Frederick Street. Traffic will access the development by Phillip Street and Edward Street.

#### *Bushfire Hazard*

*SAFETY Given the higher Bush Fire Attack Level (BAL) ratings of 12.5 and 19 applying to properties on the right-hand side of the estate extending Phillip Street as an access point to the instead of creating a new road has the added benefit of using land that would have lower probability of being built on by new land purchasers due to the heightened construction costs. 11m for BAL 19 and 16m for BAL 12.5 which would affect blocks 85, 83 and 82.*

*SUGGESTION: Make a change to the design of the northern blocks 85, 83 and 82. These are the only blocks needed to change the entry point and extend Phillip St Road to become the entrance to the estate at the north end of Napoleon St. Run the road straight up, curving in to the existing new road on the estate.*

*This change would:*





- *Return land of greater value to the developer by giving 2 new blocks with no BAL restrictions where the entrance had been and a larger block 86 and 84.*
- *It also creates direct access for Fire and Emergency vehicles to the estate in the event of fire or other natural disaster.*

**Planner's comment:** The Bushfire Hazard Report has found that the proposal as submitted complies with the Bushfire Prone Areas Code.

#### *Traffic Impact Assessment*

*SAFETY:10.4.15.6 'Walking and Cycling Networks (Objective is to provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.) Why is the road entrance to the new subdivision 4 houses down from the end of Phillip St. rather than an extension of Phillip Street? Causing Wheelchairs, Prams, Scooters and Pedestrians to cross about 30m from a sharp corner with a high fence over a gutter or on a private driveway?*

*SUGGESTION: Move the entrance to the subdivision at the Phillip St end to extend Phillip St. This would allow people to cross with increased safety at the corner of the road when cars are already slowing down and they have maximum visual line of sight in both directions. They would also be able to step off the curb and go directly to the new foot path built on the other side of the road for the new subdivision.*

*In an ideal world a stop sign at best and a give way sign at minimum would signal for cars to be slowing at the T intersection that would now be marked on this higher traffic roadway slowing traffic appropriately and reducing the risk of accidents for both road and pedestrians.*

*SAFETY This report is outdated (December 2021) and does not reflect the current state of traffic in Perth. My concern is there are errors in the methodology used for the basis of gathering the facts used to prepare the report.*

#### *Specifically:*

- *The report was prepared during COVID when many people were travelling much less – they were working from home, not working, schooling at home, minimising travel and commuting.*
- *The period listed that traffic was counted was roughly 8:34am-9:04am and 4:54pm to 5:24pm. This misses school commutes and buses (which leave before 8am) as do most office workers and we have a significant number of trades and people in non-office jobs that don't work 9-5pm. Likewise for coming home buses bring kids home before 5pm as do parents and many workers don't meet the government window.*
- *For those living in Napoleon St we know traffic comes from the Phillip St end, not 50/50 and that there are accidents with the sign being bent or knocked over and people taking the corner wide or too fast. They may not report the accident, but it doesn't mean errors aren't happening. We would prefer we don't have harmful or fatal injury and instead get on the front foot to create a solution to avoid or minimise risk to human harm, rather than an attitude of waiting for it to occur.*

*The average household adult occupancy has increased in the street as evidenced by the number of vehicles that are parked on the kerbside on any given day. It is reasonable to expect that this will further increase as the number of houses increases in the street. At Phillip St end of Napoleon St, we have cars parked outside every day, often on both sides.*

*I have attached a photo taken today from outside my house at 3 Napoleon St looking down the road the direction of 5 Napoleon St where the new road is proposed to enter the estate to show the cars currently parked. This is taken on a Sunday afternoon around 1.30pm 15/1/2023.*

*Putting a new entry road on outside 5 Napoleon which will have cars having two blind corners and reversing behind parked cars from driveways into busy streets seems a recipe for accidents with pedestrians, kids and cars. It makes no*



sense, particularly when we have an existing road that can be extended allowing for a T intersection with good access and clear line of sight.

**SUGGESTIONS:**

1. Undertake a new traffic impact assessment. Use something like a road tube counter for 2-7 continuous days to count to flow of traffic at each entry road to Napoleon St.

**Benefits include:**

- This will avoid any bias for industry, day, or time of count.
  - Using a current period, it will be reflective of the numbers that populate Perth in the current climate rather than a global pandemic and
  - Will consider the building boom that has occurred in Perth over the past few years.
2. Place a give way sign at the corner of Phillip and Napoleon St to slow traffic down as part of the new development in preparation for the influx of traffic and pedestrians
3. Extend Phillip St rather than having two hard turns one left then one right straight after which will encourage cars to cut both corners across blind spots where there is a high brick fence and increased risk of accident
4. Increase width of Youl road where it joins Main Road before the round-a-bout at Launceston end of main road as this is also a blind spot with high volume of cars parked on the side of the road now that traffic has increased, and units have been built. This will increase in risk further after the subdivision occurs and traffic grows significantly through this area.

**Planner's comment:** The application must be assessed with the layout as submitted. In the absence of advice from a traffic expert to the contrary, the findings of the Traffic Impact Assessment are accepted. The Traffic Impact Assessment recommends:

- Proposed roads, junctions, property accesses and pedestrian facilities be constructed in accordance with Northern Midlands Council standards and the relevant LGAT standard drawings, see part 8 of this report.
- Implement the Council Road improvements summarised in Figure 64.
- Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.
- Reconstruct and seal Napoleon Street from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.
- Construct the proposed southern and northern junctions with Napoleon Street with Simple Right & Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street, see Figures 45,46,48 and 49.

**P Todd, 5 Napoleon Street, Perth**

1. I know that in the planning report that Napoleon Street states 'No significant traffic safety issues' -

I dispute this claim totally. The corner of Philip St and Napoleon St is a dangerous vehicle area having weekly close calls with traffic turning in either direction. This in part is due to the restricted visibility caused by the fence height at 57 Phillip St. Trucks and buses entering Napoleon St from Philip St often either going on the opposite side of the road to make the turn. Myself and others have also witnessed these vehicles mounting the kerb to make the turn. Sometimes without noticing that there are young families walking with toddlers some on bikes and in prams that must take evasive action on that corner. This is confirmed by the number of times the guideposts are being regularly replace etc.

2. Standard vehicles also take the corner wide or cut the corner due to the fence at the property on the corner of Napoleon and Philip St because you cannot see oncoming traffic (concerns over the height of the fence at this corner were



*lodged with planning when it was proposed to the council). I personally have had to take evasive action to prevent being hit by oncoming cars multiple times. Again, I refer to your planning report which has identified with a picture (Figure 25) Looking left (north) along Youl Rd from Edward St 'Trees that need trimming' which are approximately 200m from corner 'To maintain sight lines'. This site line consideration has not been given to traffic turning into Napoleon St from Philip St or vis versa due to the fence at the corner property. Not all accidents are reported to the Police or even to Insurance companies therefore to state there have never been any accidents on that corner are incorrect.*

*3. There are regularly various sized vehicles parked at the end of Philip St (approximately 6 meters from the corner) before the turn into Napoleon St. When they are there, in order to negotiate turning into Napoleon St you have to go partly or totally onto the other side of the road before making the turn and if a car is coming around the corner, they then either hit the guideposts or have to take evasive action or hit you. Again, the line of site is an issue.*

*4. I call into question the veracity of the Traffic Assessment Report – The data for this assessment was done in 2020 at the height of the global pandemic and therefore the figures, traffic assumptions etc. are flawed. Plus I am concerned about the data gathering schedule:*

*a. The Traffic Assessment Report was conducted between approx. 8:30am-9:00am and 4:30pm-5:00pm. Most commuters traveling to work would be outside this time schedules. and because the assessment was made when a large number of people were working from home due to Covid the figures therefore not a true reflection of traffic volume.*

*b. The Traffic Assessment Report does not take into consideration school age children either walking or being transported in private/public vehicles who would also be outside this time frame.*

*c. The foot traffic in this area has increased considerably in the past 12 months.*

*5. The proposal also assumes that the traffic to the proposed subdivision will be split evenly between Philip St and Edward St. This assumption in my opinion is wrong – the majority of people going to the proposed subdivision will (in my opinion) will take the Philip St route from Youl Road as a more direct line of access. Most current residents who live at the South end of Napoleon Street access via Philip St not Edward St.*

*6. The increased potential for damage to the cars that are parked between No 1 Napoleon St and No 13 Napoleon St everyday belonging to residents and daily visitors. This risk is increased due to the fact that Napoleon St is:*

*a. A narrow road that will not accommodate for tuning vehicles into the proposed t-intersection and vehicles parked on either side of the road.*

*b. Vehicles entering from Philip Street and then making a right-hand turn into the t-intersection within approximately 65 meters will undoubtedly do it in a sweeping motion increasing the likelihood of hitting parked vehicles.*

*c. The residents at the units at No9 Napoleon St Park their cars on the road in front of 5, 9 and 11 Napoleon St which could hinder the line of sight and turning capacity for the T-intersection.*

*7. The t-intersection will be directly in front of my home (5 Napoleon St), and I am concerned about numerous potential hazards*

*a. Lights from oncoming vehicles into my lounge room and two main bedrooms. Will detrimentally affect my quality of living in my own home. Which may cause substantial health issues.*

*b. The potential for someone not taking the turn and damaging my property. Which is a very worrying and stressful.*

*c. The risk when leaving my driveway, I would have to contend with cars turning from Phillip St, cars on Napoleon St and then cars coming from the proposed t-intersection.*



*d. My and my visitors' vehicles parked outside my property on a permanent basis are at risk of being damaged.*

*e. My property is also a Multi-Dwelling residence as I have a short term rental at the property.*

*f. The potential detrimental affect to my property value*

*8. Access of emergency vehicles e.g., fire trucks, ambulances etc. The current refuse disposal truck need to either cut the corner or traverse the centre line to navigate the corner.*

*9. Lack of specifically dedicated children's play area – To my knowledge there is no designated play area on the West side without having to cross Youl Road. The area around my home has exploded over the last few years with young families and there is a need to provide them with a safe open space to play.*

*Suggested Alterations to subdivision access.*

- I would propose that Phillip St be extended, and access to the subdivision be given via perhaps blocks marked 83, 82, 84 etc. These blocks (along with a number of others) have been identified in the Bush Fire Risk Assessment study and special building requirements for property owners to adhere too. These building requirements may impact the viability of these blocks for prospective buyers. However, by using these blocks for entrance from Philip St to the subdivision could create two blocks in the proposed T-intersection to offset them. This would also assist Fire and Emergency Vehicles to access the areas between the highway and the back of the proposed subdivision when they need to.*

*The extension of Philip St would elevate some of the extra approximately 232 cars (this is an estimation based on the number of blocks and the assumption that each residence will have two vehicles at a minimum) that would be turning from Phillip St to Napoleon Street then making a sweeping motion to turn right into the subdivision.*

*Also, as I understand it the property at 44 Philip Street has been sold to a developer with the intention of another subdivision - therefore by continuing Phillip Street this will facilitate future access to that future subdivision. There is a road reserve that continues Napoleon St North next to 44 Phillip St then turning right to Youl Rd so consideration has already been made for future developments.*

- Alternatively, if Napoleon Street was widened to no less than double its current width as an option (according to the Road Link in the subdivision proposal states that 'through roads are to be no less than 8.9 meters wide from kerb-to-kerb') Napoleon St at the moment is approximately 7-7.5meterswide. More consideration needs to be given for vehicles to avoid the parked cars, reduce the possibility of missing the t-intersection turn and careering into my property and residents parked cars.*
- As stated above by increasing the width of Napoleon St this would increasing the turning area at the corner of Philip St and Napoleon Street to compensate for the turning visibility on that corner and proposed increased traffic, but the increase needs to be substantial due to the high volume of traffic that will be negotiating it daily.*

**Planner's comment:** As mentioned above, the application must be assessed with the layout as submitted. In the absence of advice from a traffic expert to the contrary, the findings of the Traffic Impact Assessment are accepted. The Traffic Impact Assessment recommends:

- Proposed roads, junctions, property accesses and pedestrian facilities be constructed in accordance with Northern Midlands Council standards and the relevant LGAT standard drawings, see part 8 of this report.*
- Implement the Council Road improvements summarised in Figure 64.*
- Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.*
- Reconstruct and seal Napoleon Street from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.*



- Construct the proposed southern and northern junctions with Napoleon Street with Simple Right & Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street, see Figures 45,46,48 and 49.

**V Maloney, 13 Napoleon Street, Perth**

*I have concerns in relation to the street layout causing an increased amount of traffic at an already dangerous corner, the lack of existing sound mitigation for noise caused by the highway bypass traffic and whether it will be addressed in this development, there being no detail in relation to a specified park/play equipment area for children and recognition of the history of the property.*

*The traffic report on Appendix A.1, shows that the traffic counts were completed July 2020, during indicated times 8:30 am – 9:00am (approx.) when majority of commuters would have already left on their commute to Launceston, school buses would have already collected children and departed Perth at approx. 7:45am – 8:15am. The evening count completed during 5:00pm – 5:30pm (approx.), when most workers that were commuting at that time would have still been at work. It does not appear to have been taken into consideration that a number of people were at this time still working and being schooled from home due to the Covid 19 Pandemic and would not be commuting.*

*The Traffic Report estimates that the traffic will be split evenly between Phillip and Edward Street, I do not believe this to be accurate. As a Napoleon Street resident of nearly 30 years I frequently see residents from the Southern end of Napoleon Street pass my property travelling to and from Phillip Street, obviously utilizing Phillip and not Edward Street when they are travelling to and from the North (Launceston and surrounds?). Logically, given the existing traffic habits, one would think that the majority of traffic entering this proposed new subdivision from the North of Perth will travel along Phillip Street from Youl Road. As occurs with existing residents, I anticipate that a majority will also depart by this route as well.*

*I suggest that another report be completed with traffic counters installed to accurately measure traffic on both Phillip and Edward Street over a period of between 3 and 7 days to accurately measure what existing volumes of traffic are and how the traffic accesses Napoleon Street.*

*The new traffic will need to navigate a narrow left turn from Phillip Street onto Napoleon Street before completing a right turn onto proposed Road Lot 209, opposite 5 Napoleon Street.*

*Given local traffic habits I believe the number of anticipated vehicles utilizing the Phillip and Napoleon Street corner to be much higher than estimated in the report.*

*The traffic report provided the following recommendation in relation to the corner of Phillip and Napoleon Street: Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.*

*I am very concerned that this recommendation is not sufficient, as the existing corner of Phillip and Napoleon Street is a very sharp turn with very limited visibility, and despite there already being a road mid-line painted on the corner, as detailed in the recommendation, myself and other members of my household have had several near misses turning onto Napoleon Street as the majority of vehicles turning from Napoleon Street onto Phillip Street fail to stay on the left of the painted line due to the narrowness and sharpness of the corner.*

*Vehicles parked on Phillip Street near the corner mean that any traffic travelling toward Napoleon Street need to cross onto the opposite side of the road to pass, and this creates yet another issue as you often find yourself braking suddenly as you are facing head on with another vehicle that is turning the corner.*

*There are large school buses that are kept at the sheds at 17 Napoleon Street, and large trucks that also make deliveries to the businesses at 17 Napoleon Street that also navigate this extremely sharp corner a number of times per day. With*





*the proposed new lots, has consideration been given to whether school buses will be required to access the new roads navigating the sharp narrow corners for pick up and drop off?*

*In the traffic report page 35, Figure 54 shown below states that there are no roadside hazards, I dispute this and believe the entire western side of Napoleon Street to be a hazard. There are essentially two ditches, one near the fence and one at the edge of the bitumen, that both hold water in the winter months. Vehicles when parked on the narrow bitumen area of the street take up valuable road space prohibiting vehicles to safely pass. The only solution is for north travelling vehicles to drive onto the gravel and grassed area at the side of the road, and one can easily become bogged on the western side of the road if you need to move off the road to let another vehicle safely pass.*

*This demonstrates that the bitumen area of Napoleon Street needs to be widened to provide safe carriageway.*

*I trust that kerb and gutter would be installed and the bitumen area of the road widened as much as possible within the road reserve to eliminate this existing hazard.*

*The near misses experienced by not only my family but other residents in addition to the continual damage to the guide posts installed at this corner clearly demonstrate that vehicles cannot navigate this corner safely.*

*Damage is clearly visible and is shown in figure 22 included below and copied from the Traffic Report*

*\*\* Note\*\*\* As indicated earlier a road midline has been painted defining the corner on the road since the below image was taken, but still vehicles often unsafely cross this line when navigating the corner or hit the guide posts.*

*The high concrete and timber fence at the residence at the corner of Napoleon and Phillip Street limits visibility from both directions on both streets and with the extreme increase in traffic proposed to come around this corner, I fear that there will soon be an incident.*

*I also note that the installation of this access road is opposite existing dwellings will cause significant light pollution to the residences at both 3 and 5 Napoleon Street. This is not fair to these homeowners whatsoever as night time vehicles travelling out of the proposed subdivision will have their head lights shining directly at the residences when they exit the proposed new road. This will no doubt cause significant disturbance to these residences. These homeowners did not choose to live opposite a busy intersection and it is not fair to force this upon them.*

*I query why the proposed Northern entrance to the new road area is not a simple left turn off a continuation of Phillip Street, in the vicinity of proposed lots 82 and 83. This would eliminate the light pollution to the houses in Napoleon Street and more importantly serve to reduce the number of vehicles turning onto Napoleon Street. This would also surely reduce the Bushfire Hazard rating on the northern most lots 83, 84, 85 and 86 as the road and road reserve area would create a buffer.*

*Installation of a Give Way/Stop sign at the Northern end of Napoleon Street, which would then become a T-Intersection would slow/stop traffic turning at this corner onto Phillip Street in the same manner as traffic from Cromwell Street turning onto Phillip Street gives way, noting that there is no crash history recorded at the Cromwell/Phillip Intersection as it is clearly marked and has clear visibility in both directions unlike the existing restricted visibility at the corner of Napoleon and Phillip Streets.*

*I note that within the town of Perth speed mitigation has been installed on Seccombe Street to reduce traffic speed. I would like to see similar speed mitigation installed on Phillip Street to reduce the speed of the traffic approaching the Napoleon Street intersection and for Napoleon Street to be widened as much as possible on the western side within the road reserve to increase the safety of the street and intersection at Phillip Street.*

*In regard to the noise pollution that is generated by the traffic on the bypass and has eliminated the previously peaceful living environment of the Western side of Perth, will a condition of the development be for the developer to extend the*



*dirt barrier that currently exists at the south western boundary and ends near where the existing right of way ends near the highway, to provide some measure of noise mitigation? The cost to the people who purchase these lots for glazing and building design to eliminate the noise would be quite significant and may deter prospective purchasers, I would hope that council would look at the extension of the dirt barrier as a required measure.*

**Planner's comment:** In the absence of advice from a traffic expert to the contrary, the findings of the Traffic Impact Assessment are accepted. The Traffic Impact Assessment recommends:

- *Proposed roads, junctions, property accesses and pedestrian facilities be constructed in accordance with Northern Midlands Council standards and the relevant LGAT standard drawings, see part 8 of this report.*
- *Implement the Council Road improvements summarised in Figure 64.*
- *Install a curve warning and 35km/h advisory speed signs on the approaches to the Phillip Street / Napoleon Street junction and a B1 barrier line, see Figure 58.*
- *Reconstruct and seal Napoleon Street from the proposed southern junction to Edward Street to form a junction with Napoleon Street as the priority road.*
- *Construct the proposed southern and northern junctions with Napoleon Street with Simple Right & Left layouts with culverts to cater for the existing surface stormwater drain on the west side of Napoleon Street, see Figures 45,46,48 and 49.*

There is not a requirement for noise mitigation, other than requiring new buildings to be at least 50 from the Highway.

*There are currently two parks in Perth with play equipment, the nearest to the western side of Perth is the "Train Park" on the Main Road. The play equipment at the Train Park is dated and in some cases damaged, the newer Seccombe Street park is accessible but much further away. There is also play equipment located on the school grounds. All of these parks are located on the Eastern side of Main Road.*

*I note that there are a number of public open spaces detailed on the plan which appear to be access points to the trees planted in the greenspace along-side the highway, and the majority of open space Lot 305 would appear to be a detention basin.*

*I would like to know if there is a requirement for safety fencing on Lot 305 to ensure that the detention basin is safe/secure as large open spaces tend to attract children for play.*

*In relation to specific park/play area and equipment for the children on the Western side of Perth, I would like to know if perhaps seating and a BBQ area, and play equipment could installed by council to make a community park area part of this proposed development and for council to commit to creating a community environment for the residents on the western side of Perth.*

**Planner's comment:** Advice is being sought on whether there are requirements for fencing of the detention basin.

The title shows that the land has an area of 19.14 ha. 5% of the land area is 9,570m<sup>2</sup>.

Excluding the detention basin (7,542m<sup>2</sup>), the subdivision plan shows public open space:

Lot 302	720m <sup>2</sup>
Lot 303	910m <sup>2</sup>
Lot 304	620m <sup>2</sup>
Lot 306	420m <sup>2</sup>
<b>Total</b>	<b>2,670m<sup>2</sup></b>

9,570m<sup>2</sup>- 2,670m<sup>2</sup> = an additional 6,900m<sup>2</sup> that council could take for public open space.





A concept plan (attached) for a public open space area of 2,607m<sup>2</sup> is attached, encompassing lot 53 (1,119m<sup>2</sup>) and lot 54 (1,068m<sup>2</sup>) next to the proposed public open space lot 306 (420m<sup>2</sup>)

*Lastly in regard to the history of the land being recognized, this can be achieved in the naming of the roads in this proposed development. I would hope to see in particular the owners the MacKinnon Family and longtime residents of the now derelict house ruins, the Powell Family recognised.*

*Molly Johnson's (nee Powell) ashes were scattered by her descendants at the ruins where she had lived, and I would hope for this to be taken into consideration when names for the roads are considered. Perhaps something along the lines of MacKinnon Avenue in recognition of generations of ownership by the MacKinnon family, and Molly Powell Place in memory of Molly's love of her final resting place be considered.*

**Planner's comment:** These suggested street names have been passed on to the applicant who then needs to apply for street names to Council separate from the planning application.

**S Davidson, 23 Napoleon Street, Perth**

*Inconsistent subdivision pattern, setbacks and lot sizes with established side of Napoleon St and the area generally.*

**Planner's comment:** The lots are larger than the 600m<sup>2</sup> required by the Perth Specific Area Plan, and comply with the planning scheme requirements.

*No dust pollution/construction material mitigation practices proposed.*

**Planner's comment:** It is the developer's responsibility to ensure that they comply with the Environmental Management and Pollution Control Act.

*Overdevelopment of existing site – lot density is excessive.*

**Planner's comment:** The lots are larger than the 600m<sup>2</sup> required by the Perth Specific Area Plan, and comply with the planning scheme requirements.

*Potential traffic congestion, particularly in the absence of accessible public transport – heavy reliance on motor vehicle usage and movements.*

**Planner's comment:** The Traffic Impact Assessment has found the proposal to ...

*Proposed feeder roads insufficient to enable smooth traffic access & egress from subdivision onto/from Napoleon St.*

*Unacceptable high traffic generation and congestion, particularly during peak periods.*

**Planner's comment:** The Traffic Impact Assessment has found Apart from some minor improvements, the existing Council Road infrastructure, intersections and junctions are adequate and will easily cope with the traffic generated by the proposal.

*The potential further subdivision &/or multi-dwelling development of Lot 117 exacerbates the above issues.*

**Planner's comment:** The TIA took this lot into consideration 'with stratum subdivision potential for 12 high density units generating 4 vpd /unit i.e. 48vpd and 5 vph'.

*No detailed landscaping plan for the subdivision is provided.*

**Planner's comment:** A landscaping plan will be required as a condition of approval.



*Proposal likely to further threaten currently identified endangered plant species in the area.*

**Planner's comment:** The developer is responsible for knowing the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* and the *Tasmanian Threatened Species Protection Act 1995* in relation to the development.

*Insufficient development/building setbacks of proposed lots fronting Napoleon St.*

**Planner's comment:** The lots are large enough for the required 4.5m setback for houses and 5.5m setback for garages and carports.

*No nature strip or road reserve provided along Napoleon St (as per opposite side).*

**Planner's comment:** This will be required as a condition of approval.

*Insufficient detail (except for drainage - detention basin outlet & inlet) re: proposed public open space fronting Napoleon St.*

**Planner's comment:** A concept proposal for public open space is attached to this report.

*Nothing proposed/indicated re: noise attenuation (i.e., fencing/acoustic barriers) for:*

*1. Periods during construction*

*2. Lots along the Midlands highway*

**Planner's comment:** Lots along the Highway require a building envelope at least 50m from the highway, and do not require noise attenuation barriers.

The Environmental Management and Pollution Control (Noise) Regulations 2016 details the prohibited hours of use for mobile machinery and portable equipment as follows:

**SCHEDULE 1  
PROHIBITED HOURS OF USE  
FOR MOBILE MACHINERY, FORKLIFT TRUCK  
OR PORTABLE EQUIPMENT\* (see NOTE)**

Days of Operation	Prohibited hours of use
(a) Monday to Friday	Before 7 a.m. and after 6 p.m.
(b) Saturday	Before 8 a.m. and after 6 p.m.
(c) Sunday or Public Holiday	Before 10 a.m. and after 6 p.m.

**NOTE:** Portable equipment includes any equipment that can be demounted and transported without major disassembly, such as a power tool, gas or air compressor, generator, pump or cement mixer.

## **5 FINANCIAL IMPLICATIONS TO COUNCIL**

Assessment of the application is within budget allocations.

## **6 OPTIONS**

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



## 7 DISCUSSION

Discretion to refuse the application is limited to:

- 8.6.1 P1 – Creation of lots 53, 81, 82, 83, & 110 with less than 12m of frontage.
- 8.6.1 P4 - Creation of lots without long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.
- 8.6.2 P1 – Creation of new roads.
- C3.5.1 P1 – new accesses to Napoleon Street.
- NOR-S7.8.3 P1 – Creation of internal lots.
- NOR-S7.8.4 P1 – Creation of new roads.

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

For the reasons outlined in this report it is recommended that the application be approved with the conditions given in the recommendation.

## 8 ATTACHMENTS

1. proposal page [11.2.1 - 1 page]
2. 1 - Cover Letter and Planning Report - PDA Surveyors 28 February 2022 [11.2.2 - 4 pages]
3. A - Subdivision Proposal Plan - PDA Surveyors [11.2.3 - 4 pages]
4. B - Development Application Form proposal page [11.2.4 - 4 pages]
5. C - Copy of Title Plan-174678-1 [11.2.5 - 1 page]
6. D - Servicing Report - PDA Surveyors - 20 December 2021 [11.2.6 - 4 pages]
7. E - Bushfire Assessment - Scott Livingston 18 January 2022 [11.2.7 - 42 pages]
8. F - Traffic Impact Assessment TCS December 2021 [11.2.8 - 74 pages]
9. G - Natural Values Assessment - Livingston Natural Resource Services 25 January 2022 [11.2.9 - 39 pages]
10. G 1 - EPBC Act Protected Matters Report 18 January 2022 [11.2.10 - 11 pages]
11. G 2 - Natural Values Atlas Report 18 January 2022 [11.2.11 - 39 pages]
12. Additional Information Request 6 April 2022 [11.2.12 - 2 pages]
13. Servicing Report - PDA Surveyors - 6 May 2022 [11.2.13 - 15 pages]
14. Email - 09.05.2022 [11.2.14 - 1 page]
15. Additional Information Required - Stormwater 27 May 2022 [11.2.15 - 2 pages]
16. Servicing Report - PDA Surveyors - 14 June 2022 [11.2.16 - 15 pages]
17. Servicing Report - Midlands Highway As- Constructed - 16 June 2022 [11.2.17 - 1 page]
18. Servicing Report - PDA Surveyors - 16 June 2022 - addendum [11.2.18 - 2 pages]
19. 1. Representation - P Underlin [11.2.19 - 3 pages]
20. 2. Representation - J Tymms [11.2.20 - 4 pages]
21. 3. Representation - V Maloney [11.2.21 - 5 pages]
22. 4. Representation - C Cooper [11.2.22 - 2 pages]
23. 5. Representation - K Davidson [11.2.23 - 2 pages]
24. 6. Representation - DSG [11.2.24 - 2 pages]
25. NMC NSS P 0123 Landscape Presentation - A [11.2.25 - 1 page]
26. Tas Water Submission to Planning Authority Notice 6 June 2022 [11.2.26 - 4 pages]



### 11.3 PLN-22-0263: 2.1M HIGH FRONT FENCE, 16 KING STREET, CRESSY

*File:* 107700.1; PLN-22-0263  
*Responsible Officer:* Des Jennings, General Manager  
*Report prepared by:* Ryan Robinson, Planner

#### MINUTE NO. 23/015

##### DECISION

Cr Goss/Cr Andrews

That application PLN-22-0263 to develop and use a 2.1m Timber Fence (Vary fence height and transparency) at 16 King Street, Cressy be approved and subject to the following conditions:

#### **1 Fence height and transparency**

- 1.1 The fence must have a height no greater than 2.1m.
- 1.2 For that part of the fence above 1.2m high, the fence must have a uniform transparency of not less than 30%, excluding any posts or uprights, along its entire length.

Carried Unanimously

*Voting for the Motion:*

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

*Voting Against the Motion:*

Nil

#### **RECOMMENDATION**

That application PLN-22-0263 to develop and use a 2.1m Timber Fence (Vary fence height and transparency) at 16 King Street, Cressy be approved and subject to the following conditions:

#### **1 Fence height and transparency**

- 1.1 The fence must have a height no greater than 2.1m.
- 1.2 For that part of the fence above 1.2m high, the fence must have a uniform transparency of not less than 30%, excluding any posts or uprights, along its entire length.

## **1 INTRODUCTION**

This report assesses an application for a 2.1m high solid timber front fence at 16 King Street, Cressy.

## **2 BACKGROUND**

#### **Applicant:**

Dylan Mcleod-Barker

#### **Zone:**

8.0 General Residential

#### **Classification under the Scheme:**

Residential

#### **Deemed Approval Date:**

03/02/2023

#### **Owner:**

Dylan John Guy Andrew Mcleod-Barker

#### **Codes:**

C2.0 Parking and Sustainable Transport Code

#### **Existing Use:**

Residential

#### **Recommendation:**

Approve

#### **Discretionary Aspects of the Application:**

- 8.4.7 Frontage fences for all dwellings (Vary fence height and transparency).



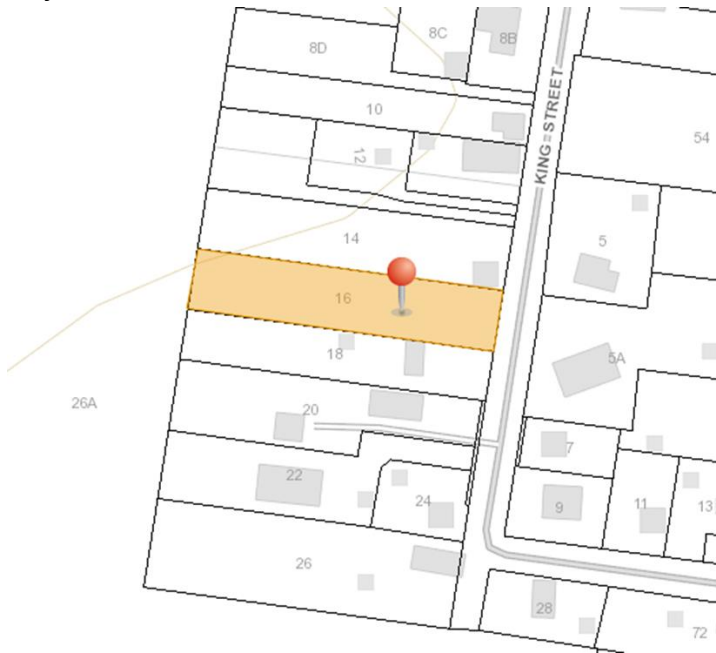
**Planning Instrument:**

- *Tasmanian Planning Scheme – Northern Midlands, effective from 9th November 2022*

**Preliminary Discussion:**

Prior to the application being placed on public exhibition, further information was requested from the applicant, and the proposal was discussed with the applicant. The applicant did not provide a response satisfying the relevant provisions of Clause 8.4.7 P1 of the planning scheme, and was made aware that the planner's recommendation would be to refuse the application. Nonetheless, the applicant insisted on proceeding with advertising the application and completing the assessment process.

**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**

- 2.1m Solid Timber Fence (Vary fence height and transparency)

**4.2 Zone and Land Use**

The land is zoned General Residential. The relevant planning scheme definition is:

<i>single dwelling</i>	<i>means a dwelling on a lot on which no other dwelling is situated; or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.</i>
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Residential (single dwelling) is a No Permit Required use in the Zone. However, as the proposal relies on compliance with Performance Criteria, the application has a Discretionary status.

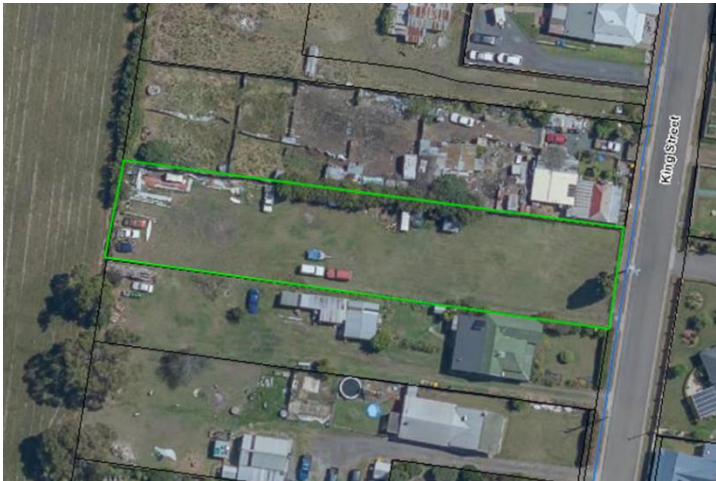
#### **4.3 Subject Site and Locality**

A site inspection was undertaken on the 9th of December 2022. The 2,023m<sup>2</sup> site has approval for a single dwelling, carport and shed, and is surrounded by residential uses.

The existing fence is approximately 1.2m in height and constructed of separated vertical palings with a uniform transparency of approximately 50%.

A review of frontage fences along King and Archer Streets revealed that there are no solid frontage fences with a height above 1.8m. With the exception of 1 Archer St, all frontage fences that are solid to 1.8m are on secondary frontages. In the case of 1 Archer St, the primary frontage (shortest frontage boundary) is technically to the south and the longer side (secondary frontage), which is open to the front of the dwelling, has a low hedge in place of a fence.

#### ***Aerial photograph of area***



#### ***Photographs of subject site***







*Photographs of solid frontage fences on King and Archer Streets (up to 1.8m in height)*







#### 4.4 Permit/Site History

Relevant permit history includes:

- E22-0016 – Dwelling, Shed, Carport

#### 4.5 Representations

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

#### 4.6 Referrals

The application did not require any referrals.

#### 4.7 Planning Scheme Assessment

8.0 GENERAL RESIDENTIAL ZONE
ZONE PURPOSE
<i>To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.</i>
<i>To provide for the efficient utilisation of available social, transport and other service infrastructure.</i>
<i>To provide for non-residential use that:</i>
<i>1. Primarily serves the local community; and</i>
<i>2. Does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</i>
<i>To provide for Visitor Accommodation that is compatible with residential character.</i>
<b>Assessment:</b> The proposal meets the zone purpose.

PRECIS OF DEVELOPMENT STANDARDS FOR SINGLE DWELLINGS
8.4.2 Setback and building envelopes for all dwellings
<b>A1</b> Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is at least:



N/a	(a)4.5m from primary frontage, or not less than existing dwelling on site; <b>or</b>
N/a	(b)3m from secondary frontage, or not less than existing dwelling on site; <b>or</b>
N/a	(c)if a vacant lot, setback which is not more or less than dwellings on immediately adjoining lots; <b>or</b>
N/a	(d)if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.
<b>A2Garage or carport to have a setback at least:</b>	
N/a	(a)5.5m from primary frontage or 1m behind the building line; <b>or</b>
N/a	(b)the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; <b>or</b>
N/a	(c)1m if existing ground level slopes up or down at a gradient steeper than 1 in 5 for 10m from frontage.
<b>A3Dwellings (excluding outbuildings with a building height of not more than 2.4m and protrusions extending not more than 0.9m horizontally beyond the building envelope):</b>	
	(a)to be within building envelope:
N/a	(i)frontage setback (as above), or for an internal lot, at least 4.5m from rear boundary of a property with an adjoining frontage; <b>and</b>
N/a	(ii)projecting a line at 45 degrees from the horizontal at a height of 3m above <i>natural ground level at side and rear boundaries, and maximum height 8.5m; and</i>
N/a	(b)only have a setback less than 1.5m from a side or rear setback if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; <b>or</b> (ii) does not exceed 9m or $\frac{1}{2}$ the length of the side boundary (whichever is lesser).
<b>8.4.3 Site coverage and private open space for dwellings</b>	
N/a	A1(a)max. site coverage of 50% (excluding eaves up to 0.6m wide).
	A2Private open space that is:
N/a	(a)(i)at least 24m <sup>2</sup> in one location; <b>and</b>
N/a	(b)(i)horizontal dimension at least 4m; <b>and</b>
N/a	(c)between dwelling and frontage only if frontage is orientated between 30 degrees west of north and 30 degrees east of north; <b>and</b>
N/a	(d)not steeper than 1:10.
<b>8.4.4 Sunlight and overshadowing</b>	
N/a	No requirement for single dwellings.
<b>8.4.5 Width of openings for garages and carports</b>	
N/a	A1Garage or carport within 12m of a primary frontage (whether freestanding or not), total width of openings facing frontage of not more than 6m or half the width of the frontage (whichever is lesser).
<b>8.4.6 Privacy</b>	
N/a	A1A balcony, deck, roof terrace, parking space or carport (whether freestanding or not) with a finished surface or floor level more than 1m above existing 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:
N/a	(a)a side boundary (if within 3m)
N/a	(b)a rear boundary (if within 4m)
	A2Window or glazed door to habitable room with floor level more than 1m above existing ground level, must:
N/a	(a)(i)be setback at least 3m setback from side boundary; <b>and</b>
	(ii) be setback at least 4m setback from rear boundary; <b>OR</b>
N/a	(b)(i)be offset horizontally 1.5m from glazing of habitable rooms of another dwelling; <b>or</b>
	(ii)have a sill height of at least 1.7m above floor level or fixed obscure glazing extending to at least 1.7m



	above floor level; or
	(iii) have 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%.
<b>8.4.7 Frontage fences for all dwellings</b>	
X	A1 No acceptable solution (exemption applies see Table 4.6)
<b>8.4.8 Waste storage for multiple dwellings</b>	
N/a	A1 Storage area of not less than 1.5m <sup>2</sup> per dwelling for waste and recycling bins
<b>Easements</b>	
P	No construction over an easement

Accordingly, the development relies on the following performance criteria:

**8.4.7 Frontage fences for all dwellings**

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

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
  - (i) the topography of the site; and
  - (ii) traffic volumes on the adjoining road.

**Comment**

The proposed frontage fence would have height of 2.1m and would be constructed of solid timber. The fence would provide security and privacy. However, as it would prevent sightlines between the road reserve and the interior of the property (including the proposed dwelling – see NPR for E22-0016) the fence would prevent passive surveillance. Further, the planner's assessment of fences on the same street shows that the proposed height and transparency of the fence is not compatible with the height or transparency of fences in the street. As such, the proposal does not comply with the provisions of Clause 8.4.7 P1 (a) or (b).

On the 18<sup>th</sup> of January 2023, Council received a letter from the applicant approving an extension of time to the 3<sup>rd</sup> of February 2023 to allow for assessment of the application at the Council meeting to be held on the 30<sup>th</sup> of January 2023. In that letter, the applicant states that they are willing to have a fence with a uniform transparency of 30%.

It is noted that frontage fences up to 1.8m in height with a uniform transparency of 30% qualify for exemption under Clause 4.6.3 of the planning scheme.

It is considered that if a condition is placed on the approval of the application, which requires the proposed fence to have a uniform transparency of 30%, and be no greater than 2.1m in height, that the proposal would comply with the provisions of the Performance Criteria.

CODES	
C1.0 SIGNS CODE	N/a
C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – no changes to existing parking.
C3.0 ROAD AND RAILWAY ASSETS CODE	N/a
C4.0 ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE	N/a
C5.0 TELECOMMUNICATIONS CODE	N/a
C6.0 LOCAL HISTORIC HERITAGE CODE	N/a
C7.0 NATURAL ASSETS CODE	N/a
C8.0 SCENIC PROTECTION CODE	N/a
C9.0 ATTENUATION CODE	N/a
C10.0 COASTAL EROSION HAZARD CODE	N/a
C11.0 COASTAL INUNDATION CODE	N/a
C12.0 FLOOD-PRONE AREAS HAZARD CODE	N/a
C13.0 BUSHFIRE-PRONE AREAS CODE	N/a



C14.0 POTENTIALLY CONTAMINATED LAND CODE	N/a
C15.0 LANDSLIP HAZARD CODE	N/a
C16.0 SAFEGUARDING OF AIRPORTS CODE	N/a

SPECIFIC AREA PLANS	
NOR-S1.0 TRANSLINK SPECIFIC AREA PLAN	N/a
NOR-S2.0 CAMPBELL TOWN SPECIFIC AREA PLAN	N/a
NOR-S3.0 CRESSY SPECIFIC AREA PLAN	N/a
NOR-S4.0 DEVON HILLS SPECIFIC AREA PLAN	N/a
NOR-S5.0 EVANDALE SPECIFIC AREA PLAN	N/a
NOR-S6.0 LONGFORD SPECIFIC AREA PLAN	N/a
NOR-S7.0 PERTH SPECIFIC AREA PLAN	N/a
NOR-S8.0 ROSS SPECIFIC AREA PLAN	N/a

SPECIAL PROVISIONS	
7.1 Changes to an Existing Non-conforming Use	N/a
7.2 Development for Existing Discretionary Uses	N/a
7.3 Adjustment of a Boundary	N/a
7.4 Change of Use of a Place Listed on the Tasmanian Heritage Register or a Local Heritage Place	N/a
7.5 Change of Use	N/a
7.6 Access and Provision of Infrastructure Across Land in Another Zone	N/a
7.7 Building Projecting onto Land in a Different Zone	N/a
7.8 Port and Shipping in Proclaimed Wharf Areas	N/a
7.9 Demolition	N/a
7.10 Development Not Required to be Categorised into a Use Class	N/a
7.11 Use or Development Seaward of the Municipal District	N/a
7.12 Sheds on Vacant Sites	N/a
7.13 Temporary Housing	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 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:



- 8.4.7 Frontage fences for all dwellings (Vary fence height and transparency).

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

It is recommended that the permit be conditioned so that for that part of the fence above 1.2m high, the fence must have a uniform transparency of not less than 30%, excluding any posts or uprights, along its entire length.

## **8 ATTACHMENTS**

1. PL N-22-0263 public exhibition documents [**11.3.1** - 5 pages]



### 11.4 PLN-22-0235: 3 MULTIPLE DWELLINGS, 17 MAIN ROAD, PERTH

File: 108900.08; PLN-22-0235

Responsible Officer: Des Jennings, General Manager

Report prepared by: Ryan Robinson, Planner

#### MINUTE NO. 23/016

##### DECISION

Cr Goss/Cr Andrews

That application PLN-22-0235 to develop and use the land at 17 Main Road, Perth for 3 multiple dwellings (1 existing, 2 new) be approved subject to the following conditions:

#### **1 Layout not altered**

The use and development must be in accordance with the endorsed plans numbered P1 – P14 Unify SDA Housing – Multiple Dwelling Development (Project No: U22-005; Sheet No's: A000-A007, A100, A202, A203, A101 & A203; Dated: Undated, received by Council 28/10/2022).

AND

P1 Unify SDA Housing – Multiple Dwelling Development (Project No: U22-005; Sheet No's: A001; Dated: Undated, received by Council 13/12/2022)

#### **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 areas 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 State road reserve**

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

##### **2.4 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 2022/01832-NMC).

## **4 Screening for a window to a habitable room within 2.5m of a shared driveway**

In accordance with the provisions for A3 (b) of Clause 8.4.6 of the Scheme, prior to the commencement of the use, the window of unit 2, which is within 2.5m of the shared driveway and has a sill height less than 1.7m from the ground level, must be either fitted with a screen of not less than 1.7m in height located between the window and driveway, or must have fixed obscure glazing to a height of 1.7m above ground level.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

## **RECOMMENDATION**

That application PLN-22-0235 to develop and use the land at 17 Main Road, Perth for 3 multiple dwellings (1 existing, 2 new) be approved subject to the following conditions:

### **1 Layout not altered**

The use and development must be in accordance with the endorsed plans numbered P1 – P14 Unify SDA Housing – Multiple Dwelling Development (Project No: U22-005; Sheet No's: A000-A007, A100, A202, A203, A101 & A203; Dated: Undated, received by Council 28/10/2022).

AND

P1 Unify SDA Housing – Multiple Dwelling Development (Project No: U22-005; Sheet No's: A001; Dated: Undated, received by Council 13/12/2022)

### **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 areas 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.

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## **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.

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## **4 Screening for a window to a habitable room within 2.5m of a shared driveway**

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## 1 INTRODUCTION

This report assesses an application for 17 Main Road, Perth for 3 multiple dwellings (1 existing, 2 new) (vary residential density for multiple dwellings; vary setbacks and building envelope for dwellings).

## 2 BACKGROUND

**Applicant:**

Unify SDA Housing

**Zone:**

General Residential Zone

**Classification under the Scheme:**

Discretionary

**Deemed Approval Date:**

03/02/2023

**Owner:**

Cameron James Scott & Georgia Caitlin Macgibbon

**Codes:**

Parking and Sustainable Transport Code

**Existing Use:**

Residential

**Recommendation:**

Approve

**Discretionary Aspects of the Application:**

- NOR-S7.7.1 Residential density for multiple dwellings P1
- 8.4.2 Setbacks and building envelope for all dwellings P3

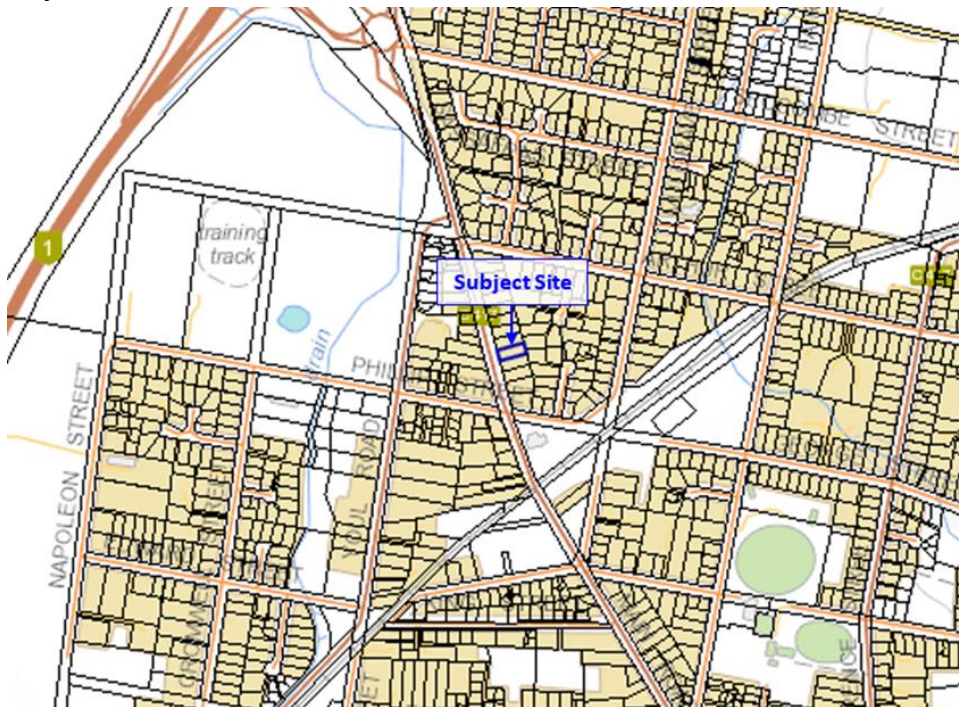
**Planning Instrument:**

- *Tasmanian Planning Scheme – Northern Midlands, Effective from 9 November 2022*

**Preliminary Discussion:**

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

- 3 multiple dwellings (1 existing, 2 new) designed as specialist disability housing (vary residential density for multiple dwellings; vary setbacks and building envelope for dwellings)

**Site Plan (extract)**

Received

28.10.2022

**SITE PLAN LEGEND & NOTES:**

GENERAL NOTES:  
DURING CONSTRUCTION SOIL AND WATER IS TO BE APPROPRIATELY MANAGED. THIS  
INCLUDES THE PROVISION OF SILT FENCING, FILTER SCREENS OR DEDICATED SILT  
TRAPS TO PREVENT DISCHARGE OF GRAVEL, SOIL OR OTHER DEBRIS TO ANY  
EXISTING WATER COURSE OR ADJOINING PROPERTY DURING THE CONSTRUCTION  
PROCESS.

EXCAVATION:  
ALLOW FOR BULK EXCAVATION WHERE REQUIRED AND ALL EXCAVATION, FILLING,  
BACK FILLING AND CONSOLIDATION REQUIRED FOR THE FOOTINGS AND SLAB, RETAIN  
ALL ACCESS AND SERVICES INDICATED. MAKE GOOD.

THE CLIENT IS RESPONSIBLE FOR VERIFYING THE BOUNDARY PEGS ARE IN THE CORRECT LOCATION, MARKED AND CLEARLY VISIBLE FOR THE BUILDER. THE BUILDER SHALL ACCURATELY SET-OUT THE WORKS AND VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORKS, AND SHALL MAKE GOOD AT HIS OWN EXPENSE ANY ERRORS ARISING FROM INACCURACIES OF THE SETOUT.



### Frontage







**Unit 1 (existing dwelling)**



South Elevation  
Scale: 1:50



East Elevation  
Scale: 1:50



North Elevation  
Scale: 1:50

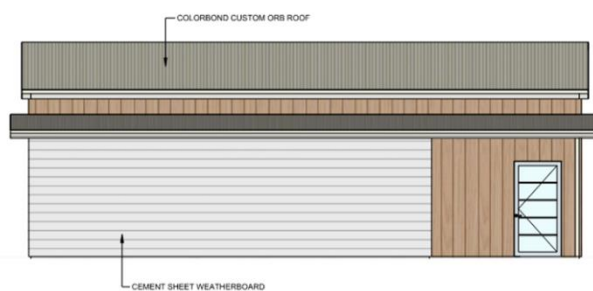


West Elevation  
Scale: 1:50

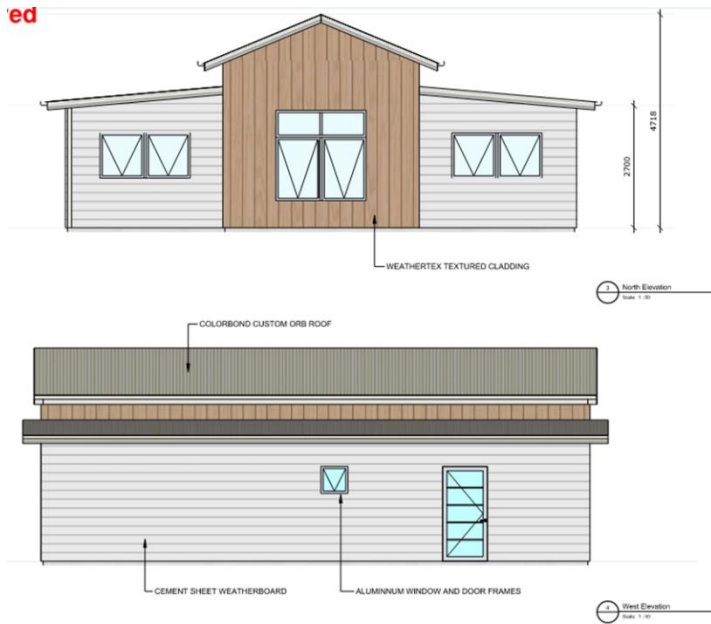
**Units 2 & 3 (Specialist Disability Housing)**



South Elevation  
Scale: 1:50



East Elevation  
Scale: 1:50



#### 4.2 Zone and Land Use

The land is zoned General Residential and is within the Perth Specific Area Plan. The proposed development is subject to the Parking and Sustainable Transport Code.

The relevant Planning Scheme definition is:

Multiple dwellings	Means 2 or more dwellings on a site
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#### Zone Map



#### 4.3 Subject Site and Locality

The author of this report carried out a site visit on 11/11/2022. The site is flat, of a rectangular shape, with an area of 1,012m<sup>2</sup>, and a single frontage to Main Road, Perth. The site contains a single dwelling and two outbuildings, which include a small shed and a carport. The area between the frontage and the building line is sealed with asphalt, and land to the rear of the house is otherwise grassed.

The site has a single access, which is adjacent to a power pole within the verge, and a neckdown in the road carriageway. Main Road is owned and maintained by the Department of State Growth.





***Aerial photograph of area***



***Photographs of subject site***





#### 4.4 Permit/Site History

Relevant permit history includes:

- 83/81 - 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 no representations were received.

#### 4.6 Referrals

<b>Department of State Growth</b>
The Department responded saying they have no comment on the proposal.
<b>TasWater</b>
A Taswater Submission to Planning Authority Notice was issued on 15/11/2022 (TasWater Ref: TWDA 2022/01832-NMC).
<b>Council's Works Department</b>
Council's Works & Infrastructure Department (Jonathan Galbraith) reviewed the application and his recommended conditions are included in the conditions of approval.

#### 4.7 Planning Scheme Assessment

<b>8.0 General Residential Zone</b>
<b>8.1 Zone Purpose</b>
The purpose of the General Residential Zone is:
8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
8.1.3 To provide for non-residential use that:
(a) primarily serves the local community; and
(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
8.1.4 To provide for Visitor Accommodation that is compatible with residential character.
<b>Comment</b>
Complies with the Zone Purpose



## 8.2 Use Table

Multiple Dwellings are Permitted if not listed as No Permit Required

## 8.3 Use Standards

### 8.3.1 Discretionary uses

Not applicable

### 8.3.2 Visitor Accommodation

Not applicable

## 8.4 Development Standards for Dwellings

### 8.4.1 Residential density for multiple dwellings

Under Clause NOR-S7.2.5 of the Perth Specific Area Plan, the provisions of Clause 8.4.1 of the TPS are substituted by those of NOR-S7.7.1

## NOR-S7.7 Development Standards for Buildings and Works

### NOR-S7.7.1 Residential density for multiple dwellings

This clause is a substitution for General Residential Zone – clause 8.4.1 Residential density for multiple dwellings.

Objective:

That the density of multiple dwellings:

- (a) makes efficient use of land for housing,
- (b) maintains the rural character of Perth; and
- (c) optimises the use of infrastructure and community services.

#### Acceptable Solutions

A1 Multiple dwellings must have a site area per dwelling of not less than 400m<sup>2</sup>.

#### Performance Criteria

P1 Multiple dwellings must only have a site area per dwelling that is less than 400m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:

- (a) is compatible with the density of existing development on established properties within the area; or
- (b) provides for a significant social or community benefit and is:
  - (i) wholly or partly within 400m walking distance of a public transport stop; or
  - (ii) wholly or partly within 400m walking distance of a Village Zone, Local Business Zone, or General Business Zone.

#### Comment

The proposed development is for three units on a site with a total area of 1,012m<sup>2</sup>. As such, the site area per dwelling will be 337.3m<sup>2</sup>, and the application therefore requires assessment against the provisions of the Performance Criteria as follows:

The density of the proposed dwellings will not exceed the capacity of infrastructure services (refer to the referral responses and associated conditions provided by Council's Engineering Officer, and by TasWater); and

- (a) Not applicable.
- (b) The proposed development is for specialist disability accommodation, and the applicant is a NDIS Registered Provider of Housing. As such it is considered that the proposal will provide for significant social and community benefit.
- (c) The subject site is within approximately 75m of two bus stops on Main Road and within approximately 100m of a General Business zone at 25A Main Road.

The application complies with the provisions of the Performance Criteria P1 (b) (i) and (ii).

### 8.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;



<p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p>P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>
<p><b>Comment</b></p> <p>There will be no change to the frontage setback of a dwelling or other dwelling on the site.</p>	
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p><b>Comment</b></p> <p>Complies with A2 as one of the new carports will be located in front of the building line of the existing dwelling but will have a frontage setback of 5.9m.</p>	
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the</p>	<p>P3 The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p>





length of the side boundary (whichever is the lesser).	(i) an adjoining property; or (ii) another dwelling on the same site.
<p><b>Comment</b></p> <p>Does not comply with A3 as the proposed units will have a total height of 4.718m to the peak of their roof. This peak will protrude 150mm vertically through the building envelope along the northern (side) of the site for unit 2. As such the proposal requires assessment against the provisions of the Performance Criteria.</p> <p>As the relevant protrusion is located on the northern side of the site it is considered that the protrusion will not impact another property with overshadowing. As the protrusion is only 150mm vertically, it is considered that any potential visual impact would be only marginally greater than that of a building completely contained within the building envelope.</p> <p>The separation between dwellings on different lots within the surrounding area will not change significantly as a result of the proposed development, which will therefore be consistent with the surrounding area.</p> <p>It is considered that the proposed development complies with the provisions of the Performance Criteria (a), (b), and (c).</p>	

8.4.3 Site coverage and private open space for all dwellings	
<p><b>Objective:</b></p> <p>That dwellings are compatible with the amenity and character of the area and provide:</p> <p>(a) for outdoor recreation and the operational needs of the residents;</p> <p>(b) opportunities for the planting of gardens and landscaping; and</p> <p>(c) private open space that is conveniently located and has access to sunlight.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>P1 Dwellings must have:</p> <p>(a) site coverage consistent with that existing on established properties in the area;</p> <p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p><b>Comment</b></p> <p>Complies with A1 as the proposal will have site coverage less than 50%, and each unit will have a total area of private open space that is greater than 60m<sup>2</sup>.</p>	
<p>A2 A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p>	<p>P2 A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>



(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.	
<b>Comment</b> Complies with A2 as each unit will have an area of private open space that is greater than 24m <sup>2</sup> in one area, which has minimum horizontal dimension of 4m, is on land with a gradient not steeper than 1 in 10 and is located to the north of the relevant unit.	

#### 8.4.4 Sunlight to private open space of multiple dwellings

Objective:

That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.

Acceptable Solutions	Performance Criteria
A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 8.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing 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 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	P1 A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.
<b>Comment</b> Not applicable. There are no units located to the north of the private open space of another dwelling on the site.	

#### 8.4.5 Width of openings for garages and carports for all dwellings

Objective:

To reduce the potential for garage or carport openings to dominate the primary frontage.

Acceptable Solutions	Performance Criteria
A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	P1 A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.
<b>Comment</b> Not applicable. Although the proposal includes a carport within 12m of the primary frontage of the site, the opening of the carport is orientated towards the southern (side) boundary.	





<b>8.4.6 Privacy for all dwellings</b>	
Objective: To provide a reasonable opportunity for privacy for dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 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>	<p>P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>
<b>Comment</b> Not applicable	
<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>P2 A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>
<b>Comment</b> Not applicable	
<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 not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p>	<p>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 unreasonable impact of vehicle noise or vehicle</p>



(i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.	light intrusion to a habitable room of a multiple dwelling.
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**Comment**

It is considered that if the window on the southern wall of the kitchen (habitable room) to proposed unit 2, which has a sill height less than 1.7m above ground level, either has a screen of not less than 1.7m in height located between the window and driveway or has fixed obscure glazing to a height of 1.7m, then the application will comply with the provisions of the Acceptable Solution A3 (b). A condition of approval has been recommended to this end.

**8.4.7 Frontage fences for all dwellings**

**Objective:**

The height and transparency of frontage fences:

- (a) provides adequate privacy and security for residents;
- (b) allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) is reasonably consistent with that on adjoining properties.

**Acceptable Solutions**

A1 No Acceptable Solution.1

1 An exemption applies for fences in this zone – see Table 4.6

**Performance Criteria**

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

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
  - (i) the topography of the site; and
  - (ii) traffic volumes on the adjoining road.

**Comment**

The proposed fence is exempt from requiring a Planning Permit under Clause 4.6.3 (a) (i) of the Scheme.

**8.4.8 Waste storage for multiple dwellings**

**Objective:**

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

**Acceptable Solutions**

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:

- (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or
- (b) a common storage area with an impervious surface that:
  - (i) has a setback of not less than 4.5m from a frontage;
  - (ii) is not less than 5.5m from any dwelling; and
  - (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.

**Performance Criteria**

P1 A multiple dwelling must have storage for waste and recycling bins that is:

- (a) capable of storing the number of bins required for the site;
- (b) screened from the frontage and any dwellings; and
- (c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.

**Comment**

Complies with A1 (a) as each unit will have access to an appropriate area for the storage of waste and recycling bins.

**8.5 Development Standards for Non-dwellings**



Not applicable

## 8.6 Development Standards for Subdivision

Not applicable

CODES	
C1.0 Signs Code	N/A
C2.0 Parking and Sustainable Transport Code	Complies – See code assessment below
C3.0 Road and Railway Assets Code	Complies – See code assessment below
C4.0 Electricity Transmission Infrastructure Protection Code	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	N/A
C7.0 Natural Assets Code	N/A
C8.0 Scenic Protection Code	N/A
C9.0 Attenuation Code	N/A
C10.0 Coastal Erosion Hazard Code	N/A
C11.0 Coastal Inundation Hazard Code	N/A
C12.0 Flood-Prone Areas Hazard Code	N/A
C13.0 Bushfire-Prone Areas Code	N/A
C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	N/A
C16.0 Safeguarding of Airports Code	N/A

## C2.0 Parking and Sustainable Transport Code

### C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

### Comment

The proposal complies with the Code Purpose.

## C2.5 Use Standards

### C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solutions	Performance Criteria
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> </ul>	<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</li> <li>(b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> </ul>



<p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p><b>Comment</b></p> <p>The proposed development complies with the provisions of the Acceptable Solution to A1. Subclauses (a)-(d) do not apply.</p>	

C2.5.2 Bicycle parking numbers	
<p>Objective:</p> <p>That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>
<p><b>Comment</b></p> <p>The proposed development complies with the provisions of the Acceptable Solution to A1. Secure bicycle parking is available within the private yards of each unit.</p>	

C2.5.3 Motorcycle parking numbers	
<p>Objective:</p> <p>That the appropriate level of motorcycle parking is provided to meet the needs of the use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking</p>	<p>P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature of the proposed use and development;</p> <p>(b) the topography of the site;</p> <p>(c) the location of existing buildings on the site;</p>



spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.	(d) any constraints imposed by existing development; and (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.
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**Comment**

The proposed development complies with the provisions of the Acceptable Solution to A1 (a). In accordance with Table C2.4 there is no requirement for motorcycle parking at the site, and none are proposed.

**C2.5.4 Loading Bays**

Not applicable

**C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone**

Not applicable

**C2.6 Development Standards for Buildings and Works**

**C2.6.1 Construction of parking areas**

Objective:

That parking areas are constructed to an appropriate standard.

Acceptable Solutions	Performance Criteria
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to: (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.

**Comment**

Complies with A1 as the proposed development will have a driveway and circulation areas finished with an asphalt surface and drained to the public stormwater system.

**C2.6.2 Design and layout of parking areas**

Objective:

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solutions	Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;	P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of



<p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890-Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.<sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>	<p>vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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**Comment**

It is noted that the site plans show six vehicle parking spaces. However, as the development is only required to include five spaces in total (two spaces per three bedrooms, with a total of six bedrooms and one visitor parking space per four dwellings), and two of the six proposed parking spaces are tandem parking for unit 1, it is considered that the proposal complies with the provisions of A1.1.

A1.2 does not apply. Whilst the proposed dwellings are designed and intended for use by persons with a disability, the nature of that disability is not specified, and the proposal is not required to provide disability parking. It is noted that the two parking spaces for proposed unit 2 and unit 3 are 3.8m wide

**C2.6.3 Number of accesses for vehicles**

Objective:

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

**Acceptable Solutions**

A1 The number of accesses provided for each frontage must:

- (a) be no more than 1; or
- (b) no more than the existing number of accesses, whichever is the greater.

**Performance Criteria**

P1 The number of accesses for each frontage must be minimised, having regard to:

- (a) any loss of on-street parking; and
- (b) pedestrian safety and amenity;
- (c) traffic safety;
- (d) residential amenity on adjoining land; and
- (e) the impact on the streetscape.

**Comment**

Complies with the provisions of A1 (a) and (b).

A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.

P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must:

- (a) not have an adverse impact on:
  - (i) pedestrian safety and amenity; or
  - (ii) traffic safety; and
- (b) be compatible with the streetscape.

**Comment**

Not applicable

**C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone**





Not applicable	
<b>C2.6.5 Pedestrian access</b>	
Not applicable	
<b>C2.6.6 Loading bays</b>	
Not applicable	
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	
Not applicable	
<b>C2.6.8 Siting of parking and turning areas</b>	
Not applicable	
<b>C2.7 Parking Precinct Plan</b>	
Not applicable	
<b>C3.0 Road and Railway Assets Code</b>	
<b>C3.1 Code Purpose</b>	
The purpose of the Road and Railway Assets Code is:	
C3.1.1 To protect the safety and efficiency of the road and railway networks; and	
C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.	
<b>Comment</b>	
The proposal complies with the Code Purpose.	
<b>C3.5 Use Standards</b>	
<b>C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction</b>	
Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solutions	Performance Criteria
<p><b>A1.1</b> For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) a new junction;</li> <li>(b) a new vehicle crossing; or</li> <li>(c) a new level crossing.</li> </ul> <p><b>A1.2</b> For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b> For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b> Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) the amounts in Table C3.1; or</li> <li>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</li> </ul> <p><b>A1.5</b> Vehicular traffic must be able to enter and leave a major road in a</p>	<p><b>P1</b> Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> <li>(f) the need for the use;</li> <li>(g) any traffic impact assessment; and</li> <li>(h) any advice received from the rail or road authority.</li> </ul>



forward direction.	
<b>Comment</b> Complies with provision A1.4 as (in accordance with the RTA Guide to Traffic Generating Developments 2002) the existing development is for a single dwelling with 9 daily vehicle trips, and the proposed increased density to three units on the site, each with between 4 and 5 daily trips will increase total traffic movements to and from the site to between 12 and 15 per day. Table C3.1 provides for an increase up to 40 vehicle movements per day. Complies with provision A1.5 as the site provides sufficient internal circulation space for vehicles to turn and exit the site in a forward direction. Clauses A1.1, A1.2, and A1.3 do not apply.	

<b>C3.6 Development Standards for Buildings or Works</b> <b>C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area</b>	
Objective: To minimise the effects of noise, vibration, light and air emissions on sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
<b>Acceptable Solutions</b> A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building; (b) an extension which extends no closer to the existing or future major road or rail network than: (i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive use; or (c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the Noise Measurement Procedures Manual, 2nd edition, July 2008.	<b>Performance Criteria</b> P1 Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: (a) the topography of the site; (b) the proposed setback; (c) any buffers created by natural or other features; (d) the location of existing or proposed buildings on the site; (e) the frequency of use of the rail network; (f) the speed limit and traffic volume of the road; (g) any noise, vibration, light and air emissions from the rail network or road; (h) the nature of the road; (i) the nature of the development; (j) the need for the development; (k) any traffic impact assessment; (l) any mitigating measures proposed; (m) any recommendations from a suitably qualified person for mitigation of noise; and (n) any advice received from the rail or road authority.
<b>Comment</b> Not applicable.	

<b>C3.7 Development Standards for Subdivision</b> <b>C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area</b>	
Objective: To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
<b>Acceptable Solutions</b> A1 A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive	<b>Performance Criteria</b> P1 A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:



use that is not within a road or railway attenuation area.	(a) the topography of the site; (b) any buffers created by natural or other features; (c) the location of existing or proposed buildings on the site; (d) the frequency of use of the rail network; (e) the speed limit and traffic volume of the road; (f) any noise, vibration, light and air emissions from the rail network or road; (g) the nature of the road; (h) the nature of the intended uses; (i) the layout of the subdivision; (j) the need for the subdivision; (k) any traffic impact assessment; (l) any mitigating measures proposed; (m) any recommendations from a suitably qualified person for mitigation of noise; and (n) any advice received from the rail or road authority.
<b>Comment</b> Not applicable.	

GENERAL PROVISIONS	
7.1 Changes to an Existing Non-conforming Use	N/a
7.2 Development for Existing Discretionary Uses	N/a
7.3 Adjustment of a Boundary	N/a
7.4 Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	N/a
7.5 Change of Use	N/a
7.6 Access and Provision of Infrastructure Across Land in Another Zone	N/a
7.7 Buildings Projecting onto Land in a Different Zone	N/a
7.8 Port and Shipping in Proclaimed Wharf Areas	N/a
7.9 Demolition	N/a
7.10 Development Not Required to be Categorised into a Use Class	N/a
7.11 Use or Development Seaward of the Municipal District	N/a
7.12 Sheds on Vacant Sites	N/a
7.13 Temporary Housing	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 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable

## 6 OPTIONS

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



## **7 DISCUSSION**

As the application relies on compliance with Performance Criteria for approval, Council has discretion to refuse the application.

Discretion to refuse the application is limited to:

- NOR-S7.7.1 Residential density for multiple dwellings P1 (site area per dwelling is less than 400m<sup>2</sup>)
- 8.4.2 Setbacks and building envelope for all dwellings P3 (vertical protrusion of northern roof peak of unit 2 through the building envelope)

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

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

## **8 ATTACHMENTS**

1. Planning Report - 17 Main Rd Perth [**11.4.1** - 3 pages]
2. 1292401 3 D Detail Survey [**11.4.2** - 1 page]
3. 17 Main St Perth DA 28.10.2022 [**11.4.3** - 14 pages]
4. 17 Main St Perth - updated services [**11.4.4** - 1 page]
5. SPAN [**11.4.5** - 2 pages]
6. 17 MAIN RD PERTH Report Collated [**11.4.6** - 15 pages]



### 11.5 PLN-22-0217: 3 MULTIPLE DWELLINGS, 21 UNION STREET, LONGFORD

File: 113500.16; PLN-22-0217  
Responsible Officer: Des Jennings, General Manager  
Report prepared by: Rebecca Green, Planning Consultant

#### MINUTE NO. 23/017

##### DECISION

Cr McCullagh/Cr Brooks

That application PLN-22-0217 to develop and use Multiple Dwellings x 3 (1 existing, 2 new) (Heritage Precinct, Attenuation) at 21 Union Street, Longford be refused on the following grounds:

- 1) The proposal is inconsistent with P1 of E13.6.3 as the proposed site cover results in there being no meaningful space for landscaping on the driveway side of the multiple dwellings and no space for landscaping between the new driveway and the existing dwelling (Unit 1). The proposed site cover with two additional multiple dwellings does not maintain the character and appearance of the existing dwelling on the subject site or place and the appearance of the adjacent buildings and the area.
- 2) The proposal is inconsistent with P1.1 and P1.3 of E13.6.4 as the large skillion roof form of Units 2 and 3 unnecessarily increases the height and bulk of the building. The bulk of the new multiple dwellings is greater than the existing dwelling on the subject site.
- 3) The proposal is inconsistent with P1 of E13.6.6 as the skillion roof form is not sympathetic with the existing dwelling on the subject site and historic precinct values and therefore does not meet the management objectives of the precinct.
- 4) The proposed development of Units 2 and 3 having a skillion roof form does not satisfy the requirements of F2.5.4 of the *Northern Midlands Interim Planning Scheme 2013*, Version 40 as the roof form is inconsistent with the existing design of the dominant building on the subject site at 21 Union Street, Longford and the dominant roofing style in the setting and the streetscape.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **RECOMMENDATION**

That application PLN-22-0217 to develop and use Multiple Dwellings x 3 (1 existing, 2 new) (Heritage Precinct, Attenuation) at 21 Union Street, Longford be refused on the following grounds:

- 1) The proposal is inconsistent with P1 of E13.6.3 as the proposed site cover results in there being no meaningful space for landscaping on the driveway side of the multiple dwellings and no space for landscaping between the new driveway and the existing dwelling (Unit 1). The proposed site cover with two additional multiple dwellings does not maintain the character and appearance of the existing dwelling on the subject site or place and the appearance of the adjacent buildings and the area.
- 2) The proposal is inconsistent with P1.1 and P1.3 of E13.6.4 as the large skillion roof form of Units 2 and 3 unnecessarily increases the height and bulk of the building. The bulk of the new multiple dwellings is greater than the existing dwelling on the subject site.
- 3) The proposal is inconsistent with P1 of E13.6.6 as the skillion roof form is not sympathetic with the existing dwelling on the subject site and historic precinct values and therefore does not meet the management objectives of the precinct.
- 4) The proposed development of Units 2 and 3 having a skillion roof form does not satisfy the requirements of F2.5.4 of the *Northern Midlands Interim Planning Scheme 2013*, Version 40 as the roof form is inconsistent with the existing design of the dominant building on the subject site at 21 Union Street, Longford and the dominant roofing style in the setting and the streetscape.



## 1 INTRODUCTION

This report assesses an application for 21 Union Street, Longford to construct Multiple Dwellings x 3 (1 existing, 2 new) (Heritage Precinct, Attenuation).

## 2 BACKGROUND

**Applicant:**

Prime Design

**Zone:**

General Residential Zone

**Owner:**

James Gregory & Gregory Bruce & Nerida Anne Kabak

**Codes:**

Road and Railway Assets Code

Car Parking and Sustainable Transport Code

Environmental Impacts and Attenuation Code

Heritage Code

Heritage Precincts Specific Area Plan

**Existing Use:**

Residential (Single Dwelling)

**Classification under the Scheme:**

Residential (Multiple Dwellings)

**Deemed Approval Date:**

4 February 2023

**Recommendation:**

Refuse

**Discretionary Aspects of the Application:**

- Reliance on the performance criteria of the General Residential Zone (Solar Orientation of private open space – Unit 1, Shared Driveway and Fencing).
- Reliance on the performance criteria of the Road and Railway Assets Code (2nd access proposed).
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code (visitor parking to reverse from site).
- Reliance upon performance criteria of the Environmental Impacts and Attenuation Code.
- Reliance on the Performance Criteria of the Heritage Code (Heritage Precinct).
- Reliance on the Performance Criteria of the Heritage Precincts Specific Area Plan.

**Planning Instrument:**

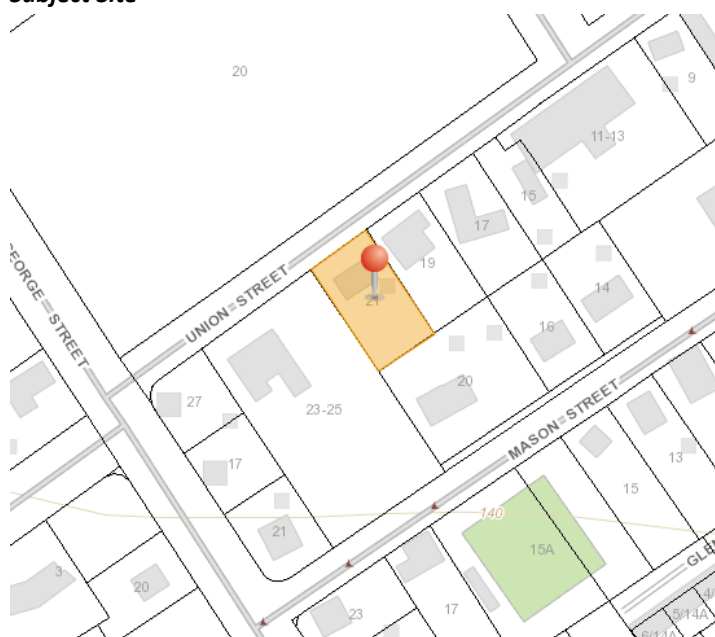
- *Northern Midlands Interim Planning Scheme 2013, Version 40, Effective from 12<sup>th</sup> September 2022.*

**Preliminary Discussion:**

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



### Subject Site



### 3 STATUTORY REQUIREMENTS

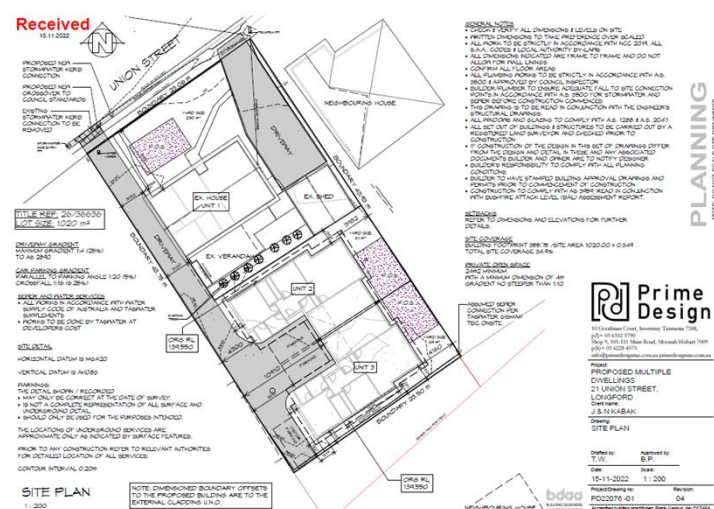
The proposal is an application pursuant to section 57 of the *Land Use Planning & Approvals Act 1993* (i.e., a discretionary application). Section 48 of the *Land Use Planning & Approvals Act 1993* requires the Planning Authority to observe and enforce the observance of the Planning Scheme. Section 51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

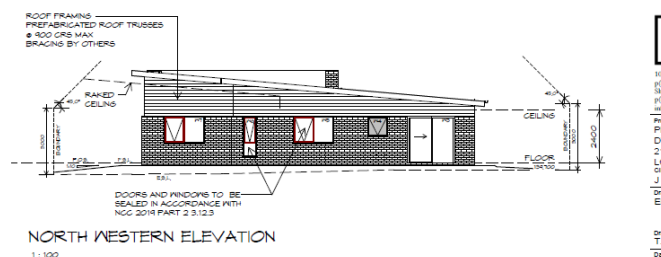
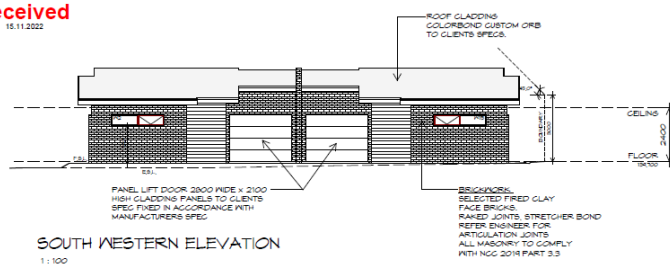
Multiple Dwellings x 3 (1 existing, 2 new) (Heritage Precinct, Attenuation).

## Site Plan

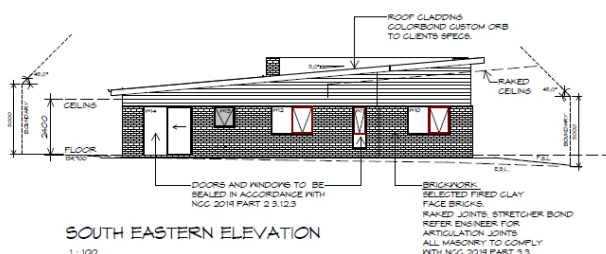
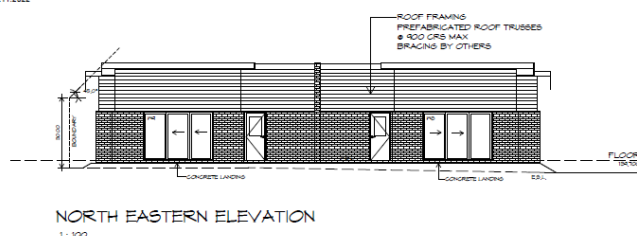


### *Elevations*

Received



Received



## 4.2 Zone and Land Use

The land is zoned General Residential and is subject to the Car Parking and Sustainable Transport Code, the Environmental Impacts and Attenuation Code and the Heritage 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 (with permit) use in the zone, under Use Table 10.2. The application has a discretionary status as the proposal relies upon performance criteria.

#### **4.3 Subject Site and Locality**

A site inspection was undertaken on 9th December 2022. The site is located on south-eastern side of Union Street and comprises an area of 1020m<sup>2</sup>. The site accommodates an existing single dwelling and shed. Single dwellings surround the site to the north-east, south-east and south-west. Vacant Crown land is located on the northern side of Union Street and opposite the subject site and zoned Light Industrial.

##### ***Aerial photograph of area***



##### ***Photographs of subject site***









#### 4.4 Permit/Site History

Relevant permit history includes:

Nil

#### 4.5 Referrals

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

Summary: Council's Works & Infrastructure Department have reviewed the Stormwater Report and Design and Traffic Impact Assessment and are satisfied that the information is sufficient. Should the proposal be recommended for approval, appropriate conditions could be placed as permit conditions relating to the additional crossover and stormwater, however as the proposal is recommended for refusal, such conditions are not required at this point in time.

##### **TasWater**

Summary: A Taswater Submission to Planning Authority Notice was issued on 03/10/2022 (Taswater Ref: TWDA 2022/01576-NMC).

##### **Heritage Advisor**

Summary:

Council's Heritage Advisor, David Denman, reviewed the application on 19 January 2023, after also providing initial advice in relation to his concerns regarding the roof profile in December 2022. Mr. Denman noted that he had objections to the proposal and his comments form the Heritage Code assessment of this report.

"I have concern with the large single skillion roof form that covers both units and garages. This combined with the size and bulk of the proposed units on the site results in a development that does not meet the Standards for Development and the Management objectives of the Historic Precinct.

A single unit would be better suited to the site."

#### 4.6 Planning Scheme Assessment

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



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

#### LOCAL AREA OBJECTIVES

*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
□	(a)	325m <sup>2</sup>

#### 10.4.2 Setback and building envelopes for dwellings

	A1	Unless within a building area, then
□	(a)	4.5m from primary frontage; or not less than existing dwelling on site; OR
N/a	(b)	3m to secondary frontage; or not less than existing dwelling on site; OR
N/a	(c)	if vacant lot, setback which is not more or less than dwellings on immediately adjoining lots; OR
N/a	(d)	if above a non-residential use, not less than setback from frontage on ground level; OR
N/a	(e)	as per road setback specified in Planning Scheme
	A2	Garage or carport to be set back:
□	(a)	5.5m from primary frontage or 1m behind the façade, OR
N/a	(b)	The same as the dwelling façade if under dwelling
N/a	(c)	1m if gradient > 1:5 for 10m from frontage
	A3	Dwellings (excluding minor protrusions extending to 1.5m)
□	(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 at the side and rear boundaries, and max height 8.5m AND
□	(b)	1.5m side or rear setback or built to the boundary (existing boundary wall within .2m of boundary or; 9m or $\frac{1}{3}$ of the side or rear boundary, whichever is lesser)

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

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

#### 10.4.4 Sunlight to private open space of multiple dwellings

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 subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
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		<ul style="list-style-type: none"> <li>(i) at a distance of 3 m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(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.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4 m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.9 m horizontally from the multiple dwelling</li> </ul>
<b>10.4.5 Width of openings for garages and carports for all dwellings</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	<p>Balconies, decks, carports etc 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> <ul style="list-style-type: none"> <li>(a) side boundary – 3m</li> <li>(b) rear boundary – 4m</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>
N/a	A2	<p>Window or glazed door to habitable room with floor level over 1m must</p> <ul style="list-style-type: none"> <li>(a) (i) 3m setback from side boundary; and</li> <li>(ii) 4m setback from rear boundary;</li> </ul>
N/a		<p>and</p> <ul style="list-style-type: none"> <li>(iii) if a multiple dwelling, at least 6m from glazing of adjacent dwelling on same site</li> <li>(iv) if a multiple dwelling, at least 6m from private open space of adjacent dwelling on same site</li> </ul>
N/a		<ul style="list-style-type: none"> <li>(b) (i) offset horizontally 1.5m from glazing of habitable room of another dwelling; or</li> <li>(ii) sill height or fixed obscure glazing 1.7m above floor level, or</li> <li>(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%.</li> </ul>
X	A3	<p>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> <ul style="list-style-type: none"> <li>(a) 2.5m; or</li> <li>(b) 1m if: <ul style="list-style-type: none"> <li>(i) it is separated by a screen of at least 1.7m in height; or</li> <li>(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.</li> </ul> </li> </ul>
<b>10.4.7 Frontage fences for all dwellings</b>		
X	A1	No acceptable solutions (see Clause 5.0 – exemptions)
<b>See Planning Scheme for the following provisions for multiple dwellings</b>		
<b>10.4.8 Waste storage for multiple dwellings-</b> Complies, as shown on Landscaping Plan.		
<b>10.4.9 Storage for multiple dwellings –</b> Complies, as shown on Landscaping Plan.		
<b>10.4.10 Common Property for multiple dwellings –</b> Complies.		
<b>10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling –</b>		



Complies.

**10.4.12 Site Services for multiple dwellings** – Complies, as shown on Landscaping Plan.

**Easements**



No construction over an easement

The development relies on the following performance criteria:

**10.4.3 Site coverage and private open space for all dwellings**

**P2**

A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:

- (a) conveniently located in relation to a living area of the dwelling; and
- (b) orientated to take advantage of sunlight.

Comment – The private open space of the existing dwelling (Unit 1) is to be re-located and dedicated between the dwelling and the frontage, due to the proposed additional dwellings located in the rear of the building, where the original private open space would have been located.

A proposed 1.8m high fence is proposed which will enable the space to be capable of being used as an extension of the dwelling whilst providing for improved orientation to take advantage of sunlight with access via the front door from the living area of the dwelling.

Performance criteria met.

**10.4.6 Privacy**

**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 unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

Comment – The windows of Bedrooms 2 and 3 of the existing dwelling are located approximately 600mm and at right angles from the shared driveway providing access to the proposed additional dwellings. No habitable room windows are located on the wall immediately adjacent to the shared driveway (only the toilet window). Bedroom 2 window is to be screened by a 1.8m high picket fence and Bedroom 3 window is to be screened by a 1.8m high shiplap paling fence. The traffic generation for the additional two dwellings accessing the southern driveway will be 10-12 vehicle movements per day and passing by these windows. The screening minimises any unreasonable impact of vehicle noise and light into the bedrooms. W2 and W15 of the new dwellings are located at least 1.0 metre from the shared driveway and visitor parking space and have a 1.7m high window sill. Performance criteria met.

**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:

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
  - (i) the topography of the site; and
  - (ii) traffic volumes on the adjoining road.

Comment – The proposed 1.8m high fence within 4.5 metres of the frontage is a picket style in keeping with the style of the front fence for the neighbouring Heritage Listed property. The fence is 1.8m high to provide privacy to the private open space of the existing dwelling (Unit 1) and will not detract from the existing building. The fencing proposed provides for security whilst the picket style provides a level of transparency which allows for passive surveillance of the road from the dwelling and its private open space. The fence is compatible with the height and transparency of fences in the street and the subject site. Performance criteria met.



CODES		
E1.0	BUSHFIRE PRONE AREAS CODE	N/a
E2.0	POTENTIALLY CONTAMINATED LAND	N/a
E3.0	LANDSLIP CODE	N/a
E4.0	ROAD AND RAILWAY ASSETS CODE	Complies – See code assessment below
E5.0	FLOOD PRONE AREAS CODE	N/a
E6.0	CAR PARKING AND SUSTAINABLE TRANSPORT CODE	Complies – See code assessment below
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	Complies – See code assessment below
E12.0	AIRPORTS IMPACT MANAGEMENT CODE	N/a
E13.0	LOCAL HISTORIC HERITAGE CODE	Does not comply – See code assessment below
E14.0	COASTAL CODE	N/a
E15.0	SIGNS CODE	N/a

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

**E4.6 Use Standards**

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

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

<p>Objective</p> <p>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:</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 with A1.	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>
Relies on performance criteria – two accesses are proposed (one additional).	A Traffic Impact Assessment was completed and formed part of the application documents provided. The TIA noted



	that the level of use, number, location, layout and design of accesses maintained an acceptable level of safety for all road users, including pedestrians and cyclists. The proposal meets the performance criteria.
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	<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

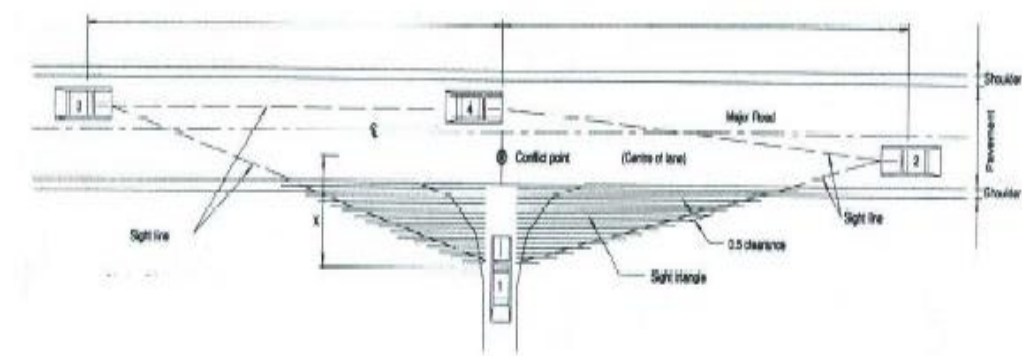
#### E4.7.3 Management of Rail Level Crossings

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

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

<p><b>Objective</b></p> <p>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>

AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	
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	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.	
Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
Proposal complies with A1. Two car parking spaces are provided on site for each multiple dwelling as well as one visitor parking space.	N/a

**E6.6.2 Bicycle Parking Numbers**

Objective To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.	
Acceptable Solutions	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p>



	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.
Complies – in garage/ storage sheds.	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

<b>Objective</b> 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.
Complies with A1	N/a

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

<b>Objective</b> 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.
Complies with A1.1 and 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	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



<p>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>from the site would not adversely affect the safety and convenience of users and passing traffic.</p>
<p>Relies on performance criteria due to the lack of turning for the visitor parking space associated with the southern driveway.</p>	<p>The gradients are less than 10% for all car parking and manoeuvring areas. On site manoeuvring is only possible for the garage and tandem spaces associated with the proposed units. On site manoeuvring is not available for the visitor parking space. On site manoeuvring is not available for the existing dwelling, however this driveway only caters for two on-site parking spaces and is not required. Table E6.2 of the Planning Scheme requires an access width of 3.0 metres with a passing bay every 30 metres. The width of the access widens at the garage parking spaces, this area effectively acts as a passing bay and is located within 30 metres of the frontage.</p> <p>A Traffic Impact Assessment accompanied the application prepared by Midson Traffic Pty Ltd detailing the following in support of the proposal meeting the performance criteria:</p> <p>The southern driveway has a straight alignment with excellent visibility along its full length. The use of the visitor parking space will be infrequent. It is commonplace for visitor parking associated with residential use to occur on the street rather than on the site. The occurrence of vehicles reversing along the driveway will be relatively uncommon, thus reducing any associated risks.</p> <p>Reversing onto the street will not adversely affect safety and convenience of users and passing traffic on the following grounds:</p> <ul style="list-style-type: none"> <li>- The majority of residential driveways in Union Street does not have on-site turning facilities, requiring reserving manoeuvres to occur at the street.</li> <li>- Traffic volumes and pedestrian movements in Union Street near the subject site are low and residential reversing manoeuvres occur safely along the street.</li> </ul> <p>The proposal meets the performance criteria.</p>

**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> <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>
Complies with A1.2 and A2	

### E6.8.5 Pedestrian Walkways

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

## ASSESSMENT AGAINST E11.0

### ENVIRONMENTAL IMPACTS AND ATTENUATION CODE

### E11.6 Use Standards

#### E11.6.1 Attenuation Distances

Objective To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.	
Acceptable Solutions	Performance Criteria
<p>A1 No acceptable solution.</p>	<p>P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site-specific study that there will not be an environmental nuisance or environmental harm, having regard to the:</p> <ul style="list-style-type: none"> <li>a) degree of encroachment; and</li> <li>b) nature of the emitting operation being</li> </ul>



	<p>protected by the attenuation area; and</p> <p>c) degree of hazard or pollution that may emanate from the emitting operation; and</p> <p>d) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.</p>
Relies on P1.	<p>Complies with P1 (a-d) – having regard to the following:</p> <ul style="list-style-type: none"> <li>a) The proposed additional dwellings are to be located behind the existing single dwelling and therefore further from the Longford abattoir site and Koppers' Wood Products in a southerly direction. The additional dwellings are approximately 420m from the boundary with the abattoir and 300m from the boundary with the Koppers'.</li> <li>b) Emissions for the use include noise and odour. Emissions will not be any further detriment to the additional dwellings.</li> <li>c) The emissions are not toxic or hazardous in nature, and numerous other residential uses are located within the attenuation distance or similar distances.</li> </ul> <p>No mitigation measures are required within the development, as the site already contains an existing residential use.</p>
A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Village, Local Business, General Business, Commercial zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	<p>P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site-specific study that there will not be an environmental nuisance or environmental harm having regard to:</p> <ul style="list-style-type: none"> <li>a) the degree of encroachment; and</li> <li>b) the nature of the emitting operation being protected by the attenuation area; and</li> <li>c) the degree of hazard or pollution that may emanate from the emitting operation; and</li> <li>d) use of land irrigated by effluent must comply with <i>National Health and Medical Research Council Guidelines</i>.</li> </ul>
N/a	N/a

**Assessment against E13.0 (Local Historic Heritage Code)**

**E13.1 Purpose**

*E13.1.1 The purpose of this provision is to:*

- a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and*
- b) encourage and facilitate the continued use of these items for beneficial purposes; and*
- c) discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and*
- d) ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and*



- e) *conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place*

**E13.2 Application of the Code**

**E13.2.1** *This code applies to use or development of land that is:*

- a) *within a Heritage Precinct;*  
b) *a local heritage place;*  
c) *a place of identified archaeological significance.*

**E13.3 Use or Development Exempt from this Code**

**E13.3.1** *The following use or development is exempt from this code:*

- a) *works required to comply with an Emergency Order issued under Section 162 of the Building Act 2000;*  
b) *electricity, optic fibre and telecommunication cables and gas lines to individual buildings;*  
c) *internal alterations to buildings if the interior is not included in the historic heritage significance of the place or precinct;*  
d) *maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;*  
e) *repainting of an exterior surface that has been previously painted, in a colour similar to that existing;*  
f) *the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and*  
g) *the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.*

Comment:

The subject site is within a Heritage Precinct.

**E13.5 USE STANDARDS**

**E13.5.1 Alternative Use of heritage buildings**

*Objective: To ensure that the use of heritage buildings provides for their conservation.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	P1 Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where: a) <i>it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</i> b) <i>the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and</i> c) <i>a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</i>

Comment: N/a

**E13.6 DEVELOPMENT STANDARDS**

**E13.6.1 Demolition**

*Objective: To ensure that the demolition or removal of buildings and structures does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Removal of non-original cladding to expose original cladding.	P1.1 Existing buildings, parts of buildings and structures must be retained except: a) <i>where the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or</i>





	<p>b) the demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or</p> <p>c) there are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or</p> <p>d) the building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and</p> <p>P1.2 Demolition must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>
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Comment: N/a

#### **E13.6.2 Subdivision and development density**

*Objective: To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution.	<p>P1 Subdivision must:</p> <p>a) be consistent with and reflect the historic development pattern of the precinct or area; and</p> <p>b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and</p> <p>c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and</p> <p>d) not require the removal of vegetation, significant trees or garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and</p> <p>e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: N/a

#### **E13.6.3 Site Cover**

*Objective: To ensure that site coverage is consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts, if any.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Site coverage must be in accordance with the acceptable development criterion for site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1 The site coverage must:</p> <p>a) be appropriate to maintaining the character and appearance of the building or place, and the appearance of adjacent buildings and the area; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: The site cover results in there being no meaningful space for landscaping on the driveway side of the units and no space for landscaping between the new drive and existing house. The proposed site cover with two units does not maintain the character and appearance of the existing house or place and the appearance of the adjacent buildings and the area. One unit would be more appropriate. The proposal is deemed to be inconsistent with the performance criteria.

#### **E13.6.4 Height and Bulk of Buildings**

*Objective: To ensure that the height and bulk of buildings are consistent with historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*



Acceptable Solutions	Performance Criteria
A1 New building must be in accordance with the acceptable development criteria for heights of buildings or structures within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1.1 The height and bulk of any proposed buildings must not adversely affect the importance, character and appearance of the building or place, and the appearance of adjacent buildings; and</p> <p>P1.2 Extensions proposed to the front or sides of an existing building must not detract from the historic heritage significance of the building; and</p> <p>P1.3 The height and bulk of any proposed buildings must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: The large skillion roof form unnecessarily increases the height and bulk of the two units. The bulk of the new units is greater than the existing house on the site. The proposal is deemed to be inconsistent with the performance criteria P1.1 and P1.3.

#### E13.6.5 Fences

*Objective: To ensure that fences are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 New fences must be in accordance with the acceptable development criteria for fence type and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1 New fences must:</p> <p>a) be designed to be complementary to the architectural style of the dominant buildings on the site or</p> <p>b) be consistent with the dominant fencing style in the heritage precinct; and</p> <p>c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: Satisfies the performance criteria.

#### E13.6.6 Roof Form and Materials

*Objective: To ensure that roof form and materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
A1 Roof form and materials must be in accordance with the acceptable development criteria for roof form and materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	<p>P1 Roof form and materials for new buildings and structures must:</p> <p>a) be sympathetic to the historic heritage significance, design and period of construction of the dominant existing buildings on the site; and</p> <p>b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: The skillion roof form is not sympathetic with the existing house and historic precinct values and therefore does not meet the management objectives of the precinct. The proposal is deemed to be inconsistent with the performance criteria.

#### E13.6.7 Wall materials

*Objective: To ensure that wall materials are designed to be sympathetic to, and not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

Acceptable Solutions	Performance Criteria
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A1 Wall materials must be in accordance with the acceptable development criteria for wall materials within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 Wall material for new buildings and structures must: a) be complementary to wall materials of the dominant buildings on the site or in the precinct; and b) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
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Comment: The face brick walls are acceptable. However, the horizontal lightweight cladding above window head height is not appropriate as it makes the skillion roof form more predominant. This could be conditioned on any approval for amended plans to be submitted to provide for alternative cladding above window head height, as this is not a significant change to the overall proposal if that was the only matter to be changed.

#### **E13.6.8 Siting of Buildings and Structures**

*Objective: To ensure that the siting of buildings, does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 New buildings and structures must be in accordance with the acceptable development criteria for setbacks of buildings and structures to the road within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 The front setback for new buildings or structure must: a) be consistent with the setback of surrounding buildings; and b) be set at a distance that does not detract from the historic heritage significance of the place; and c) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: The setback from the rear of the existing house, and the rear setback are not consistent with the pattern of building separation within the surrounding buildings.

#### Planners Comment:

The performance criteria only considered the front setback for new buildings or structures, and the proposed new multiple dwellings will be located behind the existing dwelling on site, therefore not varying the existing front setback.

#### **E13.6.9 Outbuildings and Structures**

*Objective: To ensure that the siting of outbuildings and structures does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Outbuildings and structures must be: a) set back an equal or greater distance from the principal frontage than the principal buildings on the site; and b) in accordance with the acceptable development criteria for roof form, wall material and site coverage within a precinct identified in Table E13.1: Heritage Precincts, if any.	P1 New outbuildings and structures must be designed and located; a) to be subservient to the primary buildings on the site; and b) to not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Comment: N/a

#### **E13.6.10 Access Strips and Parking**

*Objective: To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Car parking areas for non-residential purposes must be: a) located behind the primary buildings on the site;	P1 Car parking areas for non-residential purposes must not: a) result in the loss of building fabric or the removal



<i>or</i> <i>b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any.</i>	<i>b) of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>
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Comment: N/a

#### **E13.6.11 Places of Archaeological Significance**

*Objective: To ensure that places identified in Table E13.3 as having archaeological significance are appropriately managed.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1 No acceptable solution.</i>	<i>P1 For works impacting on places listed in Table E13.3: a) it must be demonstrated that all identified archaeological remains will be identified, recorded and conserved; and b) details of survey, sampling and recording techniques technique be provided; and c) that places of identified historic heritage significance will not be destroyed unless there is no prudent and feasible alternative.</i>

Comment: N/a

#### **E13.6.12 Tree and Vegetation Removal**

*Objective: To ensure that the removal, destruction or lopping of trees or the removal of vegetation does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1 No acceptable solution.</i>	<i>P1 The removal of vegetation must not: a) unreasonably impact on the historic cultural significance of the place; and b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a

#### **E13.6.13 Signage**

*Objective: To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<i>A1 Must be a sign identifying the number, use, heritage significance, name or occupation of the owners of the property not greater than 0.2m<sup>2</sup>.</i>	<i>P1 New signs must be of a size and location to ensure that: a) period details, windows, doors and other architectural details are not covered or removed; and b) heritage fabric is not removed or destroyed through attaching signage; and c) the signage does not detract from the setting of a heritage place or does not unreasonably impact on the view of the place from public viewpoints; and d) signage does not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a



### E13.6.14 Maintenance and Repair

#### Objective

To ensure that maintenance and repair of buildings is undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of local heritage places and precincts.

#### Acceptable Solution

New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.

Comment: N/a

### Table E13.1: Local Heritage Precincts

For the purpose of this table, Heritage Precincts refers to those areas listed, and shown on the Planning Scheme maps as Heritage Precincts.

#### Existing Character Statement - Description and Significance

##### LONGFORD HERITAGE PRECINCT CHARACTER STATEMENT

The Longford Heritage Precinct is unique because it is the core of an intact nineteenth century townscape, rich with significant structures and the atmosphere of a centre of trade and commerce for the district. Traditional commercial buildings line the main street, flanked by two large public areas containing the Christ Church grounds and the War Memorial. The street then curves gently at Heritage Corner towards Cressy, and links Longford to the surrounding rural farmland, creating views to the surrounding countryside and a gateway to the World Heritage listed Woolmers and Brickendon estates. Heritage residential buildings are tucked behind the main street comprising traditional styles from the mid nineteenth century to the early twentieth century, including significant street trees, picket fences and cottage gardens. The rural township feel is complemented by a mix of businesses serving local needs, tourism and historic interpretation. Longford's heritage ambience has been acknowledged, embraced and built on by many of those who live in or visit the town.

#### Management Objectives

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

Comment: The proposal is not consistent with the Heritage Precinct Character Statement and does not satisfy the Management Objectives.

#### SPECIFIC AREA PLANS

F1.0	TRANSLINK SPECIFIC AREA PLAN	N/a
F2.0	HERITAGE PRECINCTS SPECIFIC AREA PLAN	Does not comply – See code assessment below

#### Assessment against F2.0 (Heritage Precincts Specific Area Plan)

##### F2.1 Purpose of Specific Area Plan

F2.1.1 In addition to, and consistent with, the purpose of E13.0 Local Historic Heritage Code, the purpose of this Specific Area Plan is to ensure that development makes a positive contribution to the streetscape within the Heritage Precincts.

##### F2.2 Application of Specific Area Plan

F2.2.1 This Specific Area Plan applies to those areas of land designated as Heritage Precincts on the Planning Scheme maps.

F2.2.2 The following development is exempt from this Specific Area Plan:

- works required to comply with an Emergency Order issued under section 162 of the Building Act 2000;
- electricity, optic fibre and telecommunications cables, and water, sewerage, drainage connections and gas lines to individual buildings;



- c) maintenance and repairs that do not involve removal, replacement or concealment of any external building fabric;
- d) repainting of an exterior surface that has been previously painted, in a colour similar to that existing;
- e) the planting, clearing or modification of vegetation for safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove unacceptable risk to the public or private safety, or where vegetation is causing or threatening to cause damage to a building or structure; and
- f) the maintenance of gardens, unless there is a specific listing for the garden in Table E13.1 or Table E13.2.

### **F2.3 Definitions**

#### **F2.3.1 Streetscape**

For the purpose of this specific area plan 'streetscape' refers to the street reservation and all design elements within it, and that area of a private property from the street reservation; including the whole of the frontage, front setback, building façade, porch or verandah, roof form, and side fences; and includes the front elevation of a garage, carport or outbuilding visible from the street (refer Figure F2.1 and F2.2).

#### **F2.3.2 Heritage-Listed Building**

For the purpose of this Plan 'heritage-listed building' refers to a building listed in Table F2.1 or listed on the Tasmanian Heritage Register.

### **F2.4 Requirements for Design Statement**

**F2.4.1** In addition to the requirements of clause 8.1.3, a design statement is required in support of the application for any new building, extension, alteration or addition, to ensure that development achieves consistency with the existing streetscape and common built forms that create the character of the streetscape.

**F2.4.2** The design statement must identify and describe, as relevant to the application, setbacks, orientation, scale, roof forms, plan form, verandah styles, conservatories, architectural details, entrances and doors, windows, roof covering, roof plumbing, external wall materials, paint colours, outbuildings, fences and gates within the streetscape. The elements described must be shown to be the basis for the design of any new development.

**F2.4.3** The design statement must address the subject site and the two properties on both sides, the property opposite the subject site and the two properties both sides of that.

### **F2.5 STANDARDS FOR DEVELOPMENT**

#### **F2.5.1 Setbacks**

**Objective:** To ensure that the predominant front setback of the existing buildings in the streetscape is maintained, and to ensure that the impact of garages and carports on the streetscape is minimised.

#### **Acceptable Solutions & performance criteria**

<p><b>A1</b> The predominant front setback as identified in the design statement must be maintained for all new buildings, extensions, alterations or additions (refer Figure F2.4 &amp; F2.8).</p>	<p><b>P1</b> The front setback must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the topography of the site;</li> <li>c) the size, shape, and orientation of the lot;</li> <li>d) the setbacks of other buildings in the surrounding area;</li> <li>e) the historic cultural heritage significance of adjacent places; and</li> <li>f) the streetscape.</li> </ul>
<p><b>A2</b> New carports and garages, whether attached or detached, must be set back a minimum of 3 metres behind the line of the front wall of the house which it adjoins (refer Figure F2.3, &amp; F2.7).</p>	<p><b>P2</b> The setback of new carports and garages from the line of the front wall of the house which it adjoins must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the topography of the site;</li> </ul>





	<ul style="list-style-type: none"> <li>c) the size, shape, and orientation of the lot;</li> <li>d) the setbacks of other buildings in the surrounding area;</li> <li>e) the historic cultural heritage significance of adjacent places; and</li> <li>f) the streetscape.</li> </ul>
A3 Side setback reductions must be to one boundary only, in order to maintain the appearance of the original streetscape spacing.	<p>P3 Side setbacks must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the topography of the site;</li> <li>c) the size, shape, and orientation of the lot;</li> <li>d) the setbacks of other buildings in the surrounding area;</li> <li>e) the historic cultural heritage significance of adjacent places; and</li> <li>f) the streetscape.</li> </ul>

Comment: P1: The two units are located at the rear of the existing house, therefore there is no change to the front setback.

P2: The new garages are located at the rear of the existing house, therefore there is no change to the front setback.

P3: The rear setback is not compatible the precinct having regard to a), c) d) and e),

Planners Comment:

P3 is considerate only of the side setback and whilst Council's Heritage Advisor is concerned with the rear setback, the performance criteria do not relate to the rear setback.

**F2.5.2 Orientation**

*Objective: To ensure that new buildings, extensions, alterations and additions respect the established predominant orientation within the streetscape.*

**Acceptable Solutions & performance criteria**

<p>A1 All new buildings, extensions, alterations or additions must be orientated:</p> <ul style="list-style-type: none"> <li>a) perpendicular to the street frontage (refer Figure F2.5, F2.6, &amp; F2.8); or</li> <li>b) Where the design statement identifies that the predominant orientation of buildings within the street is other than perpendicular to the street, to conform to the established pattern in the street; and</li> <li>c) A new building must not be on an angle to an adjoining heritage-listed building (refer Figure F2.5).</li> </ul>	<p>P1 Orientation of all new buildings, extensions, alteration or additions must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the topography of the site;</li> <li>c) the size, shape, and orientation of the lot;</li> <li>d) the setbacks of other buildings in the surrounding area;</li> <li>e) the historic cultural heritage significance of adjacent places; and</li> <li>f) the streetscape.</li> </ul>
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Comment: Meets the Acceptable Solutions.

**F2.5.3 Scale**

*Objective: To ensure that all new buildings respect the established scale of buildings in the streetscape, adhere to a similar scale, are proportional to their lot size and allow an existing original main building form to dominate when viewed from public spaces.*



<b>Acceptable Solutions (no performance criteria)</b>
A1 Single storey developments must have a maximum height from floor level to eaves of 3 metres (refer Figure F2.14).
A2 Where a second storey is proposed it must be incorporated into the roof space using dormer windows, or roof windows, or gable end windows, so as not to detract from original two storey heritage-listed buildings (refer Figure F2.13 & F2.15).
A3 Ground floor additions located in the area between the rear and front walls of the existing house must not exceed 50% of the floor area of the original main house.

Comment: It is considered that the existing house with the proposed two units at the rear, do not adhere to a similar scale, or are proportional to the lot size within the precinct.

#### **F2.5.4 Roof Forms**

<b>Objective:</b> To ensure that the roof form and elements respect those of the existing main building and the streetscape.	
<b>Acceptable Solutions &amp; performance criteria</b>	
<p>A1.1 The roof form for new buildings, extensions, alterations, and additions must, if visible from the street, be in the form of hip or gable, with a pitch between 25 – 40 degrees (refer Figure F2.14 &amp; F2.18), or match the existing building, and</p> <p>A1.2 Eaves overhang must be a maximum of 300mm excluding guttering, or match the existing building.</p>	<p>P1 The roof form of all new buildings, extensions, alteration or additions must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the design, period of construction and materials of the dominant building on site;</li> <li>c) the dominant roofing style and materials in the setting; and</li> <li>d) the streetscape.</li> </ul>
A2 Where there is a need to use the roof space, dormer windows are acceptable and must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant (refer Figure F2.15).	
A3 Where used, chimneys must be in a style that reflects the period setting of the existing main building on the site, or the setting if the site is vacant.	
A4 Metal cowls must not be used where they will be seen from the street.	

Comment: The proposed large skillion roof form does not meet the objective.

Although located at the rear of the existing house, its bulk and size will allow it to be visible from the street.

A smaller gable roof form similar to the existing house is a more prudent and feasible alternative.

The proposal is deemed to be inconsistent with the performance criteria.

#### **F2.5.5 Plan Form**

<b>Objective:</b> To ensure that new buildings, alterations, additions and extensions respect the setting, original plan form, shape and scale of the existing main building on the site or of adjoining heritage-listed buildings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1.1 Alterations and additions to pre-1940 buildings must retain the original plan form of the existing main building; or</p> <p>A1.2 The plan form of additions must be rectilinear or consistent with the existing house design and dimensions.</p>	Original main buildings must remain visually dominant over any additions when viewed from public spaces.
A2 The plan form of new buildings must be rectilinear (refer	P2 No performance criteria



Figure F2.9).

Comment: Meets the Performance Criteria.

#### F2.5.6 External Walls

**Objective:** To ensure that wall materials used are compatible with the streetscape.

Acceptable Solutions	Performance Criteria
<p>A1.1 Materials used in additions must match those of the existing construction, except in additions to stone or brick buildings; and</p> <p>A1.2 External walls must be clad in:</p> <p>a) traditional bull-nosed timber weatherboards; if treated pine boards are used to replace damaged weatherboards they must be painted; thin profile compressed board weatherboards must not be used; or</p> <p>b) brickwork, with mortar of a natural colour and struck flush with the brickwork (must not be deeply raked), including:</p> <ul style="list-style-type: none"> <li>• painted standard size bricks; or</li> <li>• standard size natural clay bricks that blend with the colour and size of the traditional local bricks; or</li> <li>• standard brickwork rendered in traditional style; or</li> <li>• if a heritage-listed building, second-hand traditional local bricks.</li> </ul> <p>Heavily-tumbled clinker bricks must not be used; or</p> <p>c) concrete blocks specifically chosen to blend with local dressed stone, or rendered and painted;</p> <p>d) concrete blocks in natural concrete finish must not be used.</p> <p>A1.3 Cladding materials designed to imitate traditional materials such as brick, stone and weatherboards must not be used.</p>	<p>Wall materials must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <p>the cultural heritage values of the local heritage place, its setting and the precinct;</p> <p>the design, period of construction and materials of the dominant building on site;</p> <p>the dominant wall materials in the setting; and</p> <p>the streetscape.</p>

Comment: The face brick walls are acceptable. However, the horizontal lightweight cladding above window head height is not appropriate as it make the skillion roof form more predominant.

This could be conditioned on any approval for amended plans to be submitted to provide for alternative cladding above window head height, as this is not a significant change to the overall proposal if that was the only matter to be changed.

#### F2.5.7 Entrances and Doors

**Objective:** To ensure that the form and detail of the front entry is consistent with the streetscape.

Acceptable Solutions & performance criteria	
<p>A1.1 The position, shape and size of original door and window openings must be retained where they are prominent from public spaces; and</p> <p>A1.2 The front entrance location must be in the front wall facing the street, and be located within the central third of the front wall of the house; and</p> <p>A1.3 Modern front doors with horizontal glazing or similar styles must not be used (refer Figure F2.21).</p>	<p>P1 Entrances and doors must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <p>a) the cultural heritage values of the local heritage place, its setting and the precinct;</p> <p>b) the design, period of construction and materials of the dominant building on site; and</p> <p>c) the streetscape.</p>

Comment: The entrance doors to the units are not visible from the street.

#### F2.5.8 Windows

**Objective:** To ensure that window form and details are consistent with the streetscape.

Acceptable Solutions & performance criteria
<p>A1 Window heads must be a minimum of 300mm below the eaves line, or match the existing.</p>



<b>Solid-void ratio</b>	
A2 Front façade windows must conform to the solid/void ratio (refer Figure F2.24 & F2.25).	P2 For commercial buildings, the solid/void ratio of front façade windows must be compatible with that of heritage-listed commercial buildings in the precinct.
<b>Window sashes</b>	
A3 Window sashes must be double hung, casement, awning or fixed appropriate to the period and style of the building (refer Figure F2.22 & F2.23).	
A4 Traditional style multi-pane sashes, when used, must conform to the traditional pattern of six or eight vertical panes per sash with traditional size and profile glazing bars.	
A5 Horizontally sliding sashes must not be used.	
A6 Corner windows to front facades must not be used.	
<b>Window Construction Materials</b>	
A7 Clear glass must be used.	
A8 Reflective and tinted glass and coatings must not be used where visible from public places.	
A9 Additions to heritage-listed buildings must have timber window frames, where visible from public spaces.	
A10 Painted aluminium must only be used where it cannot be seen from the street and in new buildings, or where used in existing buildings	P10 Window frames must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to the cultural heritage values of the local heritage place, its setting and the precinct.
A11 Glazing bars must be of a size and profile appropriate for the period of the building	
A12 Stick-on aluminium glazing-bars must not be used	
A13 All windows in brick or masonry buildings must have projecting brick or stone sills, or match the existing.	
<b>French Doors, Bay Windows and Glass Panelling</b>	
A14 French doors and bay windows must be appropriate for the original building style and must be of a design reflected in buildings of a similar period.	
A15 Where two bay windows are required, they must be symmetrically placed.	
A16 Large areas of glass panelling must:	
a) Be divided by large vertical mullions to suggest a vertical orientation; and	
b) Be necessary to enhance the utility of the property or protect the historic fabric; and	
c) Not detract from the historic values of the original building.	

Comment: Meets the Performance Criteria

#### **F2.5.9 Roof Covering**

<b>Objective:</b> To ensure that roof materials are compatible with the streetscape.	
<b>Acceptable Solutions (no performance criteria)</b>	
A1.1 Roofing of additions, alterations and extensions must match that of the existing building; and	
A1.2 Roof coverings must be:	
a) corrugated iron sheeting in grey tones, brown tones, dark red, or galvanized iron	
or	
b) slate or modern equivalents, shingle and low-profile tiles, where compatible with the style and period of the main building on the site and the setting. Tile colours must be:	
• dark gray; or	
• light grey; or	
• brown tones; or	
• dark red;	
or	
c) traditional metal tray tiles where compatible with the style and period of the main building on the site.	
d) for additions, alterations and extensions, match that of the existing building.	
A2 Must not be klip-lock steel deck and similar high rib tray sheeting.	



Comment: Meets the Acceptable Solution.

#### **F2.5.10 Roof Plumbing**

<i>Objective: To ensure that roof plumbing and fittings are compatible with the streetscape.</i>	
<b>Acceptable Solutions (no performance criteria)</b>	
A1.1 Gutters must be OG, D mould, or Half Round profiles (refer Figure F2.26), or match the existing guttering; and	
A1.2 Downpipes must be zincalume natural, colorbond round, or PVC round painted.	
A2 Downpipes must not be square-line gutter profile or rectangular downpipes (refer Figure F2.27), or match the existing downpipes.	

Comment: Meets the Acceptable Solution.

#### **F2.5.11 Verandahs**

<i>Objective: To ensure that traditional forms of sun and weather protection are used, consistent with the streetscape.</i>	
<b>Acceptable Solutions &amp; performance criteria</b>	
<b>Original Verandahs</b>	
A1 Original verandahs must be retained.	
<b>Replacement of Missing Verandahs</b>	
A2.1 The replacement of a missing verandah must be consistent with the form and detail of the original verandah; or	P2 Verandahs must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:
A2.2 If details of the original verandah are not available:	a) the cultural heritage values of the local heritage place, its setting and the precinct;
a) The verandah roof must join the wall line below the eaves line of the building (refer Figure F2.19); and	b) the design, period of construction and materials of the dominant building on site; and
b) Verandah posts and roof profile must be consistent with that in use by the surrounding buildings of a similar period.	c) the streetscape.
<b>New Verandahs</b>	
A3 A new verandah, where one has not previously existed, must be consistent with the design and period of construction of the dominant existing building on the site or, for vacant sites, those of the dominant design and period within the precinct.	

Comment: N/a

#### **F2.5.12 Architectural Details**

<i>Objective: To ensure that the architectural details are consistent with the historic period and style of the main building on the site, and the streetscape.</i>	
<b>Acceptable Solutions (no performance criteria)</b>	
<b>Original Detailing</b>	
A1 Original details and ornaments, such as architraves, fascia's and mouldings, are an essential part of the building's character and must not be removed beyond the extent of any alteration, addition or extension.	
<b>Non-original Detailing</b>	
A2.1 Non-original elements must be consistent with the original architectural style of the dominant existing building on the site or, for vacant sites, be consistent with the existing streetscape; and	
A2.1 Non-original elements must not detract from or dominate the original qualities of the building, nor should they suggest a past use which is not historically accurate.	

Comment: The general architectural detailing is considered acceptable given the style of the existing house on the site.

#### **F2.5.13 Outbuildings**

<i>Objective: To ensure that outbuildings do not reduce the dominance of the original building or distract from its period character.</i>
<b>Acceptable Solutions &amp; performance criteria</b>



<p>A1 The roof form of outbuildings must, if visible from the street, be in the form of hip or gable, with a maximum span of 6.5m and a pitch between 22.5 – 40 degrees.</p>	<p>P1 The roof form of outbuildings, if visible from the street, must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the design, period of construction and materials of the dominant building on site;</li> <li>c) the dominant roofing style and materials in the setting; and</li> <li>d) the streetscape.</li> </ul>
<p>A2 Outbuildings must be designed, in both scale and appearance, to be subservient to the primary buildings on the site.</p>	
<p>A3 Outbuildings must not be located in front of existing heritage-listed buildings, and must be setback a minimum of 3 metres behind the line of the front wall of the house that is set furthest back from the street (refer Figure F2.1 &amp; F2.3).</p>	
<p>A4 Any garage, including those conjoined to the main building, must be designed in the form of an outbuilding, with an independent roof form.</p>	
<p>A5 Those parts of Outbuildings visible from the street must be consistent, in both materials and style, with those of any existing heritage-listed building on-site.</p>	
<p>A6 Where visible from the street, the eaves height of outbuildings must not exceed 3m and the roof form and pitch must be the same as that of the main house.</p>	

Comment: N/a

#### **F2.5.14 Conservatories**

<p><b>Objective:</b> To ensure new conservatories respect traditional location, form and construction.</p>
<p><b>Acceptable Solutions (no performance criteria)</b></p>
<p>A1 Conservatories must not be located at the front of a building.</p>
<p>A2 The scale, form, materials, and colours of a conservatory addition must respect the established style and period of the existing building.</p>

Comment: N/a

#### **F2.5.15 Fences and Gates**

<p><b>Objective:</b> To ensure that original fences are retained and restored where possible and that the design and materials of any replacement complement the setting and the architectural style of the main building on the site.</p>	
<p><b>Acceptable Solutions &amp; performance criteria</b></p>	
<p>A1.1 Replacement of front fence must be in the same design, materials and scale; or</p> <p>A1.2</p> <ul style="list-style-type: none"> <li>a) Front fence must be a timber vertical picket, masonry to match the house, heritage style woven wire, galvanized tubular fencing, other than looped, or iron palisade fence with a maximum height of 1500mm.</li> <li>b) Side and rear fences must be vertical timber palings to a maximum height of 1800mm.</li> </ul>	<p>P1 Fences must be compatible with the historic cultural heritage significance of a local heritage place or precinct, having regard to:</p> <ul style="list-style-type: none"> <li>a) the cultural heritage values of the local heritage place, its setting and the precinct;</li> <li>b) the architectural style of the dominant building on the site;</li> <li>c) the dominant fencing style in the setting; and</li> <li>d) the original or previous fences on the site.</li> </ul>
<p>A2 Gates must match the fence, both in materials and design.</p>	





A3 *Screen fences used to separate the front garden from the rear of the house must be of timber or lattice.*

A4 *Fences must not be:*

- a) *horizontal or diagonal timber slat fences; or*
- b) *plastic covered wire mesh; or*
- c) *flat metal sheet or corrugated sheets; or*
- d) *plywood and cement sheet.*

Comment: The proposed front picket fence is considered acceptable as the existing house has low heritage value.

#### **F2.5.16 Paint Colours**

*Objective: To ensure that new colour schemes maintain a sense of harmony with the street or area in which they are located.*

##### **Acceptable Solutions & performance criteria**

<p>A1.1 <i>Colour schemes must be drawn from heritage-listed buildings within the precinct; or</i></p> <p>A1.2 <i>Colour schemes must be drawn from the following:</i></p> <ul style="list-style-type: none"> <li>a) <i>Walls – Off white, creams, beige, tans, fawn and ochre.</i></li> <li>b) <i>Window &amp; Door frames – white, off white, Indian red, light browns, tans, olive green and deep Brunswick green.</i></li> <li>c) <i>Fascia &amp; Barge Boards - white, off white Indian red, light browns, tans, olive green and deep Brunswick green</i></li> <li>d) <i>Roof &amp; Gutters – deep Indian red, light and dark grey.</i></li> </ul>	<p>P1 <i>Colour schemes must be compatible with the local historic heritage significance of the local heritage place or precinct having regard to the character and appearance of the existing place or precinct.</i></p>
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A2 *There must be a contrast between the wall colour and trim colours.*

A3 *Previously unpainted brickwork must not be painted, except in the case of post-1960 buildings.*

Comment: Meets the Acceptable Solutions.

#### **F2.5.17 Lighting**

*Objective: To ensure that modern domestic equipment and wiring do not intrude on the character of the streetscape*

##### **Acceptable Solutions (no performance criteria)**

A1 *Wiring or conduit to new lighting is not located on the front face of a building.*

Comment: Meets the Acceptable Solutions.

#### **F2.5.18 Maintenance and Repair**

*Objective: To ensure that maintenance and repair of buildings is undertaken to be sympathetic to, and not detract from the historic cultural heritage significance of heritage precincts.*

##### **Acceptable Solution (no performance criteria)**

*New materials and finishes used in the maintenance and repair of buildings match the materials and finishes that are being replaced.*

Comment: N/a

#### **F2.6 USE STANDARDS**

##### **F2.6.1 Alternative Use of heritage buildings**

*Objective: To ensure that the use of heritage buildings provides for their conservation.*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 <i>No acceptable solution.</i>	P1 <i>Notwithstanding Clause 8.9, a permit may be</i>



	<p><i>granted for any use of a building listed in table F2.1 where:</i></p> <p><i>a) it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</i></p> <p><i>b) the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and</i></p> <p><i>c) a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</i></p>
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Comment: N/a

**E15.0 Signs Code**

**E15.5.2 Heritage Precincts**

<i>Objective: To ensure that the design and siting of signs complement or enhance the streetscape of Heritage Precincts.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 No acceptable solution	P1 If within the Heritage Precincts Specific Area Plan, shall be consistent with the Character Statements.

Comment: N/a

<b>SPECIAL PROVISIONS</b>	
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

<b>STATE POLICIES</b>
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>

**4.7 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 two representations (attached) were received from:

- M. Ryan, 20 Mason Street, Longford
- S. & N. Millwood, 23-25 Union Street, Longford



Map showing location of representors properties in relation to subject site.



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

#### **Issue 1**

- Encroachment on sewage easement and infrastructure capacity.

##### Planner's comment:

There is no drainage easement encumbering the subject title. The TasWater sewer main is not located on the subject site. The standard practice for multiple dwellings is to connect the new dwellings into the existing property connections, sharing the singular connection with the existing dwelling. TasWater have issued a Submission to Planning Authority Notice with conditions.

#### **Issue 2**

- Density of development, resulting in total of three dwellings on the 1020m<sup>2</sup> lot.

##### Planner's comment:

The proposal complies with the acceptable solution of the Northern Midlands Interim Planning Scheme 2013, Version 40, the planning scheme in effect at the time of the application being valid in regard to density within the General Residential Zone. The site area of not less than 325m<sup>2</sup> per dwelling is met by the proposal which provides for a density of 1 dwelling per 340m<sup>2</sup>. Council's Heritage Advisor has provided assessment against the Heritage Precincts Specific Area Plan.

#### **Issue 3**

- Impact upon privacy to adjoining properties.

##### Planner's comment:

The proposed development of the additional two dwellings meets the acceptable solutions in regard to setbacks and the provisions for privacy in the General Residential Zone. The only discretions sought in the zone relate to the location of the private open space within the frontage of the existing dwelling, the proximity of windows of the existing dwelling to the shared driveway and frontage fencing, none of these discretions will result in any impact on adjoining properties.

A response to the representations received by the applicant indicated though that the developer is willing to construct a new 1.8m high timber paling fence on the southeastern and southwestern property boundaries at their expense. The Council is not able to condition this, as it does not form part of the plans submitted nor relate to a discretion, so should the proposal be granted approval, this would have to be an agreement privately between the parties.



#### Issue 4

- Driveway access and safety and carparking concerns.

##### Planner's comment:

A Traffic Impact Assessment prepared by a suitably qualified person accompanied the application which determined the likely traffic generation from the use proposed and determined that the access driveway provided and identified no significant road safety impacts, noting that a vehicle parked in the visitor parking space will have to reverse from the site whilst noting the sight distances available which exceed the SISD in Table E4.7.4 of the Planning Scheme.

A response to the representations received by the applicant indicated though that the developer is willing to taper the corner of the front fence so that sight distances are further improved from within the site. It is noted that the front fence is not to be of solid construction either, and will be of a picket style, providing for a level of transparency. As this issue does relate to a discretion (performance criteria), amended plans could be conditioned upon any approval showing this taper to the front fence.

The plans submitted ensure that the parking spaces and aisle width comply with Table E6.3 of the Planning Scheme with at least a 3-metre-wide driveway (boundary to wall of existing dwelling as shown on plans).

#### Issue 5

- Clarification of drawing PD22076-01 Line 4

##### Planner's comment:

This is a general note that throughout the drawing set dimension references are frame to frame. However, on site plans with dimensions the note is as follows: Note: Dimensioned boundary offsets to the proposed building are to the external cladding U.N.O., and overrides the general note and therefore any dimensions to the property on the site plan are to the cladding.

#### Issue 6

- Plans show clothesline attached to a wall and concerns if this were a fence, it would not hold up to the weight of a full load.

##### Planner's comment:

The applicant has advised that folding clothes lines can be ground mounted rather than wall mounted and can therefore be appropriately located on site.

#### Issue 7

- Page 2 F2.5.1 setbacks and siting – what has the Baptist Church got to do with it, it is nowhere near the site.

##### Planner's comment:

As part of the written response to the Planning Scheme, the applicant listed all of the objectives of the Heritage Precinct Specific Area Plan. The reference to the Baptist Church was a direct copy of the planning scheme objectives.

## 5 FINANCIAL IMPLICATIONS TO COUNCIL

Not applicable to this application.

## 6 OPTIONS

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

## 7 DISCUSSION

Discretion to refuse the application is limited to:



- Reliance on the performance criteria of the General Residential Zone (Solar Orientation of private open space – Unit 1, Shared Driveway and Fencing).
- Reliance on the performance criteria of the Road and Railway Assets Code (2nd access proposed).
- Reliance on the performance criteria of the Car Parking and Sustainable Transport Code (visitor parking to reverse from site).
- Reliance upon performance criteria of the Environmental Impacts and Attenuation Code.
- Reliance on the Performance Criteria of the Heritage Code (Heritage Precinct).
- Reliance on the Performance Criteria of the Heritage Precincts Specific Area Plan.

As detailed above within the assessment against the Heritage Code and the Heritage Precincts Specific Area Plan the design and scale of the two proposed additional units at the subject site does not meet a number of performance criteria.

The applicant has provided a response to a potential refusal of the application based on roof type. The owners (developers) advise that they are willing to revise the roof form of the proposed units to be in line with the Heritage Precinct Specific Area Plan and the recommendations of Council's Heritage Advisor. The applicant has gone on to request that the Councillors consider voting to approve the proposal with a condition of approval that a Hip and Gable roof form is to be included and if so, required be submitted to Council planning department for approval prior to building approval.

Council has received advice from Simmons Wolfhagen Lawyers on another matter that:

The Supreme Court of Tasmania has recently confirmed that the process of giving notice pursuant to section 57(3) of the Act can only be validly undertaken once.<sup>14</sup> While a Council can elect to invite further representations in whatever manner it chooses, including re-advertising, it is now clear that any representations received do not need to be formally considered by the Planning Authority and no appeal rights attach to such a representation.<sup>15</sup>

<sup>14</sup> Tomaszewski v Hobart City Council [2020] TASSC 48 at [35].

<sup>15</sup> Ibid at [36].

Council cannot re-advertise the existing application as any representations received do not need to be formally considered by the Planning Authority and no appeal rights attach to such a representation.

Therefore, to change the roof form to a pitched roof will require a new application. This is a substantial change to the proposed application and one that must be notified again through a new application and cannot be conditioned to that effect, as the public including adjoining property owners have not had a chance to consider such a substantial change.

The applicant was provided with an option to withdraw the current application and lodge a new application, however, they have chosen to have this application decided upon and can only be considered on that material which was exhibited through public notification process.

## **8 ATTACHMENTS**

1. Proposal [**11.5.1** - 1 page]
2. Folio Plan [**11.5.2** - 1 page]
3. 2022 11 15 P D 22076 ( Rev 04) 21 Union Street, Longford [**11.5.3** - 12 pages]
4. 21 Union St Attenuation Assessment [**11.5.4** - 3 pages]
5. 21 Union Street TIA [**11.5.5** - 16 pages]
6. Heritage referral PL N-22-0217 - 21 Union Street Longford Report [**11.5.6** - 22 pages]
7. Heritage Response - 21 Union Street, Longford [**11.5.7** - 5 pages]
8. 2. Representation - S Millwood [**11.5.8** - 2 pages]
9. 1. Representation - M Ryan [**11.5.9** - 2 pages]
10. Representation Response - 21 Union Street, Longford [**11.5.10** - 5 pages]
11. Tas Water Submission to Planning Authority Notice TWDA 2022 01576- NMC [**11.5.11** - 2 pages]



12. Additional Information Request - PL N-22-0217 - 21 Union Street, Longford [**11.5.12** - 2 pages]
13. Additional Information Request no. 2 - PL N-22-0217 - 21 Union Street, Longford [**11.5.13** - 2 pages]
14. RFI Response - 21 Union Street, Longford [**11.5.14** - 2 pages]
15. Memo Style [**11.5.15** - 1 page]





## 12 COUNCIL ACTING AS A PLANNING AUTHORITY: CESSATION

### MINUTE NO. 23/018

#### DECISION

Cr Goss/Cr Adams

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

Carried Unanimously

*Mayor Knowles adjourned the meeting for the meal break at 6.15pm, at which time Mr Godier and Mr Robinson left the meeting.*

*Mayor Knowles reconvened the meeting after the meal break at 6.50pm.*

#### **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.



## 13 GOVERNANCE REPORTS

### 13.1 LIVE STREAMING OF OPEN COUNCIL MEETINGS

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

#### MINUTE NO. 23/022

##### DECISION

Deputy Mayor Lambert/Cr McCullagh

That Council

- a) provide an allocation within the 2023/2024 Draft budget to implement improvements to the Council meeting room Information Technology (IT) to allow for the live streaming of open council meetings.
- b) Officers prepare a Guide to the Live Streaming of Open Council Meetings for Council's consideration.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **RECOMMENDATION**

That Council

- a) provide an allocation within the 2023/2024 Draft budget to implement improvements to the Council meeting room Information Technology (IT) to allow for the live streaming of open council meetings.
- b) Officers prepare a Guide to the Live Streaming of Open Council Meetings for Council's consideration.

## 1 PURPOSE OF REPORT

The purpose of this report is for officers to provide a report relating to the following endorsed notice of motion:

#### **MINUTE NO. 22/374**

##### DECISION

Deputy Mayor Lambert/Cr McCullagh

That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Council's motion relates to the following motion presented by Deputy Mayor Janet Lambert:

*The Northern Midlands Council investigate options for live streaming of open council meetings, including the technology and software requirements, timeframes for implementation and budget considerations.*

## 2 INTRODUCTION/BACKGROUND

The notice of motion submitted by Cr Lambert's cited the following background to the request:



“During the 2022 Local government elections I was canvassed by many residents regarding the lack of physical access opportunities to the ordinary meetings of council.

“For a long period of time community members have been unable to physically attend ordinary council meetings in the chamber due to council having to comply with public health requirements during the covid pandemic. The only other avenues for community members to access these meetings was via the printed or audio recorded minutes. People continued submitting questions for public question time and questions relating to planning matters via email and letters but for a period of time were unable to attend in person.

“Local Government is said to be the closest form of government to the people. The adoption of live streaming will aid in demystify the workings of local government and encourage more people to participate in the local decision-making process. It is another mechanism of enabling council to be open and transparent about discussions and decisions.

“Another benefit of live-streaming Council meetings will be to give the public greater access to Council decisions, debates, and discussions by eliminating geographic and personal barriers and the potential for mis-information being portrayed in the wider community.

“If we ever encounter another pandemic or restrictions in being able to physically attend council meetings, live streaming will enable the community to stay connected with council debates and decision making.

“Many other Tasmanian councils have adopted live streaming their open meetings, including Burnie, Devonport, Launceston, Kingborough, Brighton, Huon Valley, and Hobart Council just to name a few.”

### **3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN**

#### **3.1 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
- 1.3 Management is efficient, proactive and responsible

#### **3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of ‘nice to have’ projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

### **4 POLICY IMPLICATIONS**

#### **Meeting Procedures Policy**

Council’s Meeting Procedures Policy provides direction for the holding of Council’s meetings. The *Local Government Act 1993* and the *Local Government (Meeting Procedures) Regulations 2015* allow for Public Question Time, Public Representations on planning items, Petitions, Recording of Council meetings and the establishment



of committees of Council. Whilst the legislation identifies how these processes can occur, there are some lower level procedures required to be set out by Council. Council's policy stipulates those guidelines.

## 5 STATUTORY REQUIREMENTS

### Guidelines For Council Meetings

#### ***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.

#### ***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 at approximately 5.30pm 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.

#### ***Recording of Council Meetings***

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 minutes of a meeting, once confirmed, prevail over the audio recording of the meeting;
- the official copy of the recording of a Council meeting is to be retained by Council for at least a period of 6 months from the date of a meeting and deleted after that period has expired;
- if requested, a recording of a Council meeting to be available to Councillors at no cost within 24 hours of the meeting;
- notices advising that
  - the proceedings of the meeting are to be audio recorded; and
  - the detail relating to the recording of meetings by members of the public;are to be on display at each meeting.

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

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

The Recordings may not be uploaded, displayed, transcribed and/or reproduced without the written permission of the General Manager for the express purpose proposed.

The Northern Midlands Council reserves the right to revoke such permission at any time. Apart from uses permitted under the *Copyright Act 1968*, all other rights are reserved.

Requests for authorisations, including authorisations for the use of recordings, should be directed to the General Manager, 13 Smith Street, Longford TAS 7301.

## **6 FINANCIAL IMPLICATIONS**

The estimate of costs relate to the full upgrade of the meeting room Information Technology (IT) with live streaming capacity.

An estimate of costs is provided within the Closed Council Agenda.

## **7 RISK ISSUES**

### ***<sup>1</sup>What are risks associated with webcasting?***

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<sup>1</sup> **Note:** Information has been taken from the *Model Code of Meeting Practice for local councils in NSW, Guide to webcasting council and committee meetings*.



*There always has been, and always will be legal, privacy and copyright risks associated with council meetings. These risks are largely based on the potential that:*

- a person's privacy may be breached through the disclosure or use of their personal information*
- a person may make defamatory or inappropriate comments about another person, and/or*
- a person may breach copyright.*

*Webcasting does not increase the risk of these events occurring, but it could be seen to increase their impact (both on the people involved and the council) given the larger audience the webcast is broadcast to.*

*However, webcasting meetings is also likely to motivate both councillors and members of the public who are speaking at council meetings to be on their best behaviour.*

*Any poor conduct they display will be seen and judged by a wider audience and may impact upon their reputation and standing in the community. It could also be used as evidence in any legal proceedings, code of conduct or OLG investigation that may result.*

#### **How can councils reduce risks?**

*There are a number of actions that councils can take to minimise these risks during council meetings. They include:*

- before and during the meeting – limiting the potential that the risk occurs by making attendees aware that such conduct is unacceptable and their actions will be recorded and broadcast to a wider audience, and*
- after the meeting – minimising the number of people who may witness the conduct and any resulting legal exposure to the council by limiting its distribution.*

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a

## **9 COMMUNITY CONSULTATION**

N/a

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

Council can opt to webcast Council meetings or not.

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

### **<sup>2</sup>Why are councils required to webcast meetings?**

*Transparency and accountability are essential prerequisites for good governance, particularly in local government.*

*As councillors are elected by their communities to make decisions on their behalf, it is important that the community can see this decision-making in action and understand how and why decisions are made. The webcasting of council meetings is an accessible and cost-effective way for people who are unable to physically attend a council meeting to be able to watch or listen to the decision-making process. It also promotes greater community confidence in the integrity of meeting practices, and the conduct of their elected representatives. Other benefits of webcasting include:*

- it demonstrates a council's commitment to open and transparent decision-making*
- it encourages people at council meetings to be accountable for their actions, behaviour and comments*
- the ability to view the meeting at a later time can assist with the accuracy of minutes and other records*
- it provides the opportunity for more people to watch a council meeting*
- it provides higher levels of transparency and accountability*

---

<sup>2</sup> **Note:** Information has been taken from the Model Code of Meeting Practice for local councils in NSW, Guide to webcasting council and committee meetings.





- *it eliminates geographical and time barriers which may prevent people from attending meetings in person*
- *it reduces or stops the spread of incorrect information*
- *it allows people to access source material when needed, and*
- *communities expect their councils to be accessible online and webcasting goes some way towards meeting this expectation.*

The cost to upgrade Council's meeting room IT is estimated to be within the vicinity of \$100,000 to \$150,000.

No budget allocation exists in this year's budget to fund the upgrade.

It is recommended that an allocation be incorporated in the draft 2023/2024 Municipal Budget for Council's consideration.

It is further recommended that prior to implementing any improvements a Guide to Live Streaming Council Meetings be prepared for Council consideration and adoption.

The guide will explain why Council wish to webcast their meeting, and provide information about Council's obligations, particularly with respect to risk management and records management.

Should Council make the determination to webcast or livestream Council meetings, Council's Meeting Procedures Policy will require review.

## **12 ATTACHMENTS**

1. Webcasting Livestreaming - Council Chambers [**13.1.1** - 2 pages]
2. Meeting Procedures Policy [**13.1.2** - 4 pages]



### 13.2 COUNCIL MEETINGS

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

#### MINUTE NO. 23/023

##### DECISION

Cr Goss/Cr Adams

That Council make no change to the Council meeting venue and continue to hold the Monthly Council meeting at the Longford Council Chambers.

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Goss and Cr McCullagh

Voting Against the Motion:

Cr Brooks

##### **RECOMMENDATION**

That Council:

a) make no change to the Council meeting venue and continue to hold the Monthly Council meeting at the Longford Council Chambers.

OR

b) i) hold the Council meetings at the Longford Council Chambers; and  
ii) on a six-monthly basis hold a meeting at the Campbell Town War Memorial Oval facility (as the facility provides all the necessary resources to run a formal Council meeting).

OR

c) i) hold the Monthly Council meeting at the Longford Council Chambers; and  
ii) retain the option to periodically schedule a meeting in each town (i.e. Avoca, Campbell Town, Cressy, Evandale, Perth, Ross).

OR

d) i) hold the Monthly Council meeting at the Longford Council Chambers; and  
ii) arrange an open Council workshop to be held at various locations, the arrangement of these meetings have less formality and allow for a greater opportunity to engage with local communities and provide an update on local issues.

### 1 PURPOSE OF REPORT

The purpose of this report is for officers to provide a report relating to an endorsed notice of motion.

#### MINUTE NO. 22/372

##### DECISION

Cr Terrett/Cr Brooks

That Council Officer's prepare a report on the notice of motion to be presented to a future Council Meeting.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

Voting Against the Motion:

Nil

Council's endorsed motion relates to the following motion presented by Cr Paul Terrett:



*That Council holds the Ordinary Meetings of the Northern Midlands Council every three months in a different town in the council area.*

*Prior to the meetings Council letterbox householders in those town and notices in the Northern Midland Courier, that Council will be meeting in the town, showing the time and location of the meeting. Notification should also be placed on the council web page.*

## **2 INTRODUCTION/BACKGROUND**

The Northern Midlands Council is a large municipal area and it is important that all residents have the opportunity to attend and be involved with the activities of Council. Having the meetings in different towns will give greater access to Council meetings and allow people to raise local concerns.

Council meeting throughout the municipal area will be a positive step to show the Council's willingness to listen and consult with the community.

The Northern Midlands Council was created as a municipality following amalgamation of Evandale, Longford, Campbell Town, Ross and part of Fingal municipalities in 1993. It took in the major towns of Longford, Perth and Evandale, together with Western Junction Airport, TRANSlinc Precinct and Ben Lomond National Park in the north, and the towns of Campbell Town, Ross and Avoca together with Lake Leake and Tooms Lake in the south, with boundaries extending from the coastal range in the east to the Western Tiers. Amongst the many challenges this posed were the integration of the many small communities into a functioning local government area. Since the 1993 amalgamation seven local district committees have been established to:

- Be a communication channel for information between Council and the community;
- Identify needs, concerns and expectations of the local community and advise Council of these needs;
- Consider and provide feedback to Council in respect to matters referred to the committee by Council.

Membership of the committees comprises residents of the local community and representatives of organisations based within those communities.

With regard to roles and responsibilities, the memorandum of understanding governs the roles and responsibilities of Committees as follows:

### **a) Local District Committees**

- To notify Council of matters of concern (which Council is directly responsible for, or, may have influence over) within the local area.
- To provide comment/advise on matters referred to it by Council.
- To liaise with the community and special interest groups to ascertain their views/opinions on local issues and projects, and notify Council of these.
- To receive communications from the local community and special interest groups and forward their letters/requests with appropriate comment/feedback to Council.
- To provide to Council in March each year a prioritised list of works and services to be considered for funding, including projects that could be considered for funding under appropriate Federal and State Government schemes.

### **b) Council:**

- To notify and communicate with the Committee on matters of interest or concern to the local community.
- To provide comment and advice on matters referred to it by the Committee.
- To receive and consider the prioritised list of works and services to be considered for funding, including projects that could be considered for funding under appropriate Federal and State Government schemes.



### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

#### 3.1 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
- 1.3 Management is efficient, proactive and responsible

#### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

### 4 POLICY IMPLICATIONS

The following policies are relevant to this report:

- Meeting Procedures
- Reporting

### 5 STATUTORY REQUIREMENTS

#### ***Local Government (Meeting Procedures) Regulations 2015***

##### ***5. Convening meetings of council committee***

- (1) The chairperson of a council committee may convene a meeting of that committee.*
- (2) The chairperson of a council committee must convene a meeting of that committee –*
  - (a) if the council committee or the council so determines; or*
  - (b) at the request of a majority of the members of the committee.*

#### ***Local Government Act 1993***

##### ***24. Special committees***

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

#### ***Local Government Act 1993 and the Local Government (Meeting Procedures) Regulations 2015***

Allow for Public Question Time, Public Representations on planning items, Petitions, Recording of Council meetings and the establishment of committees of Council. Whilst the legislation identifies how these processes can occur, there are some lower level procedures required to be set out by Council.

### 6 FINANCIAL IMPLICATIONS

Additional costs are likely to be incurred if meetings are held off-site, which may include:

- Venue cost and/or cleaning



- Additional staff costs for regular staff attendees and additional staff members to facilitate audio-visual presentation to attendees
- Audio-visual equipment for off-site meetings / upgrade of venues to cater for appropriate internet connectivity
- Travel time and fuel
- Catering
- Householder / letter box drops
- Publication of notices in the media – Courier and Examiner

Assessment of Council facilities has been undertaken as follows (inclusive of high-level cost estimate for each site):

- No IT / Sound and Visual hardware installed
  - Avoca Memorial Hall – No internet and no hardware installed
  - Evandale Memorial Hall – No hardware installed -
- Minimal
  - Cressy – Speakers
  - Perth Community Centre – Internet installed and TV
  - Ross – Projector and speakers, no internet
- Adequate
  - Campbell Town War Memorial Oval – Internet, Webcam, Pc, Larger Screen, Microphone, Speakers, Zoom Room (installed)

All above locations have kitchen facilities and the space for meetings, but with most locations lacking any sort of IT, or very minimal, there would be issues even displaying the Agenda and documentation from a laptop, let alone any kind of virtual meetings.

Campbell Town War Memorial Oval facility is considered to be the most suitable of Council's facilities to host off-site meetings; however, investment in additional microphones would be required to successfully enable audio received and transmitted to be of an adequate standard.

An estimate of costs is provided within the Closed Council Agenda.

## **7 RISK ISSUES**

The risks may include:

- Additional travel required to be undertaken by Councillors and Staff, including in adverse weather conditions
- Staff travel to venues away from the workplace at the end of a full day at the workplace
- Ability to facilitate and provide professional audio-visual presentation for Councillors and attendees
- Transport of audio-visual equipment to locations where facilities are not available and set-up
- Encumbrances to livestreaming (if introduced)
- Not having resources readily available to address queries or other matters which may arise during meetings
- Local district committees may become unviable

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/a

## **9 COMMUNITY CONSULTATION**

N/a

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

Council may decide to rotate the monthly Council meetings throughout the municipality's towns, or not.



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

The rotation of the council meetings through local townships provides the opportunity for Council to meet and engage with local communities and provide an update on local issues and priorities within the area.

Council does support a number of local district committees throughout the municipality:

- Avoca, Royal George & Rossarden Local District Committee
- Campbell Town District Forum
- Cressy Local District Committee
- Evandale Advisory Committee
- Longford Local District Committee
- Perth Local District Committee
- Ross Local District Committee

Their role being to:

- Be a communication channel for information between Council and the community;
- Identify needs, concerns and expectations of the local communities and advise Council of these needs;
- Consider and provide feedback to Council in respect to matters referred to the committee by Council.

Council may wish to consider:

- Monthly Council meeting held at the Longford Council Chambers.
- A six-monthly meeting held at Campbell Town where the Campbell Town War Memorial Oval facility provides all the necessary resources to run a formal Council meeting.
- The option to schedule a meeting in each town.
- The option to arrange an open Council workshop to be held at various locations, the arrangement of these meetings have less formality and allow for a greater opportunity to engage with local communities and provide an update on local issues.

## **12 ATTACHMENTS**

1. Pro forma LDC MOU 2022 [13.2.1 - 4 pages]





### 13.3 CALL FOR PUBLIC SUBMISSION ON THE 2022 LOCAL GOVERNMENT ELECTIONS

Responsible Officer: Des Jennings, General Manager

Report prepared by: Lorraine Wyatt, Executive & Communications Officer

#### MINUTE NO. 23/024

#### DECISION

Cr Andrews/Cr Adams

That Council endorse the Northern Midlands Council submission to the Review of the 2022 Local Government Elections as attached.

*Cr Goss left the meeting at 7.24pm and returned at 7.25pm.*

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

#### RECOMMENDATION

That Council endorse the Northern Midlands Council submission to the Review of the 2022 Local Government Elections as attached.

## 1 PURPOSE OF REPORT

The purpose of the report is to provide Councillors with the report titled, "Northern Midlands Council Submission to the Call for Public Submission on the 2022 Local Government Election" for endorsement and submission on 31 January 2023.

## 2 INTRODUCTION/BACKGROUND

On 7 December 2022, Minister for Local Government Nic Street, called for submissions into the 2022 Local Government Elections:

*We now have a unique opportunity to look for ways to improve election processes going forward.*

*We are keen to hear from the community and stakeholders regarding their experiences and perspectives with the 2022 local government elections.*

*Responses will be collated, and overall findings presented in an aggregated report that will be published on the Office of Local Government website.*

*The Office will also provide the feedback received to the independent Tasmanian Electoral Commission (TEC).*

Councillors were asked to provide feedback to the Executive & Communications Officer on their experience and perspectives for compilation into a final submission.

The final report is now presented to Council for endorsement and submission.

## 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

### 3.1 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

### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

## 4 POLICY IMPLICATIONS

N/a

## 5 STATUTORY REQUIREMENTS

The legislative framework (rules) for Local Government Elections in Tasmania is established as follows:

*Local Government Act 1993, Part 4 sections 40 to 47; and*

*Local Government (General) Regulations 2015, Part 2, Divisions 1 to 4*

## 6 FINANCIAL IMPLICATIONS

N/a

## 7 RISK ISSUES

No.	Area / Category	Hazard Type	Risk Description	Risk Rating			Treatments
				Conseq	L/hood	Risk Level	
4	<b>Strategic / Governance</b> Failure to plan and prepare for change	Failure to address issues associated with potential for Council restructure / amalgamations.	<ul style="list-style-type: none"> <li>Increased employee uncertainty.</li> <li>Loss of morale and reduction in productivity</li> <li>Community concern / reaction.</li> </ul>	Major	Possible	High	<ul style="list-style-type: none"> <li>Communication strategy.</li> <li>Member of LGAT</li> <li>Regional interactions.</li> <li>Financial Sustainability.</li> <li>Emerging issues communicated to staff.</li> <li>Communication of support and assistance at staff meetings. Look for opportunities to resource share with Councils within our region in relation to service delivery. Review KPMG resource sharing report 2017.</li> </ul>
• 7	<b>Community</b> Failure to develop and maintain a positive relationship with the community	<ul style="list-style-type: none"> <li>Lack of community understanding of the Council's role and responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>Lack of community trust.</li> <li>Conflict between Council and community.</li> <li>Unrealistic community expectations.</li> </ul>	Moderate	Possible	High	<ul style="list-style-type: none"> <li>Communication strategy.</li> <li>Annual plan and reporting.</li> <li>Use of Council's monthly newspaper articles.</li> <li>Council's internet site and Facebook.</li> <li>Local District Committees.</li> <li>Review communication strategy on regular basis. Publish Annual Plans and Reports. Keep council's website and Facebook actively updated and relevant. Educate community on council's role.</li> </ul>

## 8 CONSULTATION WITH STATE GOVERNMENT

On 7 December 2022, Minister for Local Government Nic Street, called for submissions into the 2022 Local Government Elections:



## 9 COMMUNITY CONSULTATION

N/a

## 10 OPTIONS FOR COUNCIL TO CONSIDER

Council can choose to

- Make the submission as attached;
- Amend the submission and make the submission; or
- Not make any submission.

## 11 OFFICER'S COMMENTS/CONCLUSION

Several issues were raised by Councillors which were important and within the realm of the local government election framework that have been included in the submission however other matters raised fall into the category of "operational" issues such as:

### **The inconsistency between councils on the size of corflute posters**

Candidates reported that inconsistencies in the size of corflute posters across councils hinder new candidates and those who are from diverse backgrounds as they require the candidate to install signage at multiple sites in large council areas like the Northern Midlands.

The size of signage is determined by the Northern Midlands Local Planning scheme and to amend this involves further discussion by Council as it would require an amendment to the scheme.

### **Council should be open later on the last 2 days of polling to collect ballots as voters slipped voting envelopes under the council door after 5pm.**

The opening hours of Northern Midlands Council office are 8.45am to 4.30pm. To keep the office open for longer hours would incur additional staffing costs and other overheads which are unbudgeted and so requires further discussion by Council.

## 12 ATTACHMENTS

1. Northern Midlands Council Submission to the Call for Public Submission on the 2022 Local Government [13.3.1 - 6 pages]



### 13.4 STAKEHOLDER ENGAGEMENT STRATEGY FOR: COMMUNICATION & ENGAGEMENT; ECONOMIC DEVELOPMENT; HEALTH & WELLBEING; ARTS & CULTURE; YOUTH

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

#### MINUTE NO. 23/025

#### DECISION

Cr Adams/Cr Andrews

That Council

- a) endorse the draft strategies for community consultation purposes, seek a further report and produce a schedule for the proposed consultation;
- b) engage with the Local District Committees and seek written submissions on the draft strategy; and
- c) engage with stakeholders through the following methods
  - written submission by way of promoting the strategies through the media, newspapers, facebook and website
  - drop-in sessions at the following locations: Avoca, Campbell Town, Cressy, Evandale, Longford, Perth and Ross.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

#### RECOMMENDATION

That Council

- a) endorse the draft strategies for community consultation purposes and seek a further report;
- b) engage with the Local District Committees and seek written submissions on the draft strategy; and
- c) engage with stakeholders through the following methods
  - written submission by way of promoting the strategies through the media, newspapers, facebook and website
  - drop-in sessions at the following locations: Avoca, Campbell Town, Cressy, Evandale, Longford, Perth and Ross.

## 1 PURPOSE OF REPORT

The purpose of this report is to review the draft strategies that have been prepared by Council's officers and determine a stakeholder consultation plan.

## 2 INTRODUCTION/BACKGROUND

At the completion of the General Manager's last review, Council requested a number of strategic plans be prepared.

The strategies have been prepared and align with the Northern Midlands Strategic Plan 2021-2027.

No funding was allocated for the engagement of external assistance to prepare the draft strategies, subsequently Council officers prepared the draft strategies for Council's consideration.

Council may engage external consultants, with the cost estimate to prepare the strategies ranging into the \$100,000's.

The draft strategies are short and concise in content, identifying numerous strategic priorities.



The plans align with Council's Vision, Values and Mission.

**Vision:**

*Northern Midlands is an enviable place to live, work and play. Connected communities enjoy safe, secure lives in beautiful historical towns and villages. Our clean, green agricultural products are globally valued. Local business and industry is strongly innovative and sustainable.*

**Values:**

**Honesty:** Treat all with honesty, respect and trust.

**Integrity:** Listen, learn and proactively deliver Council's vision.

**Innovation:** Explore, expand and adapt to achieve a shared vision.

**Pride:** Serve community with pride and energy.

**Mission**

**Lead and Progress**

*Leadership: Serve with honesty, integrity, innovation and pride.*

*Progression: Nurture and support economic health and wealth. Economic health and wealth — grow and prosper.*

**People and Place**

*People: Build a vibrant society that respects the past.*

*Place: Nurture our heritage environment.*

**3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN**

**3.1 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
- 1.3 Management is efficient, proactive and responsible
- 1.4 Improve community assets responsibly and sustainably

**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
- 2.2 Proactive engagement drives new enterprise
- 2.3 Collaborative partnerships attract key industries
- 2.4 Support and attract wealth-producing business and industry

**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
- 3.3 Public assets meet future lifestyle challenges
- 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
- 4.3 Eco-tourism strongly showcases our natural beauties
- 4.4 Our heritage villages and towns are high value assets

**3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

**4 POLICY IMPLICATIONS**

Council has numerous policies which guide and constrain subsequent decision -making and actions (choices) as well as delegated authority and tasks to deploy resources – where, how, when to implement the Strategic Plan.

**5 STATUTORY REQUIREMENTS**

***Local Government Act 1993, S66, S68 and S69:***

**66. Strategic plan**

- (1) A council is to prepare a strategic plan for the municipal area.*
- (2) A strategic plan is to be in respect of at least a 10 year period.*
- (3) In preparing a proposed strategic plan, a council is to consult with the community in its municipal area and any authorities and bodies it considers appropriate.*
- (4) The general manager is to make a copy of a proposed strategic plan available for public inspection at the public office during ordinary office hours.*

**68. Proposed strategic plan**

*After preparing a proposed strategic plan, a council is to –*

- (a) invite submissions in respect of the plan; and*
- (b) consider the submissions before adopting the plan.*

**69. Public inspection of strategic plan**

*As soon as a council adopts a strategic plan, the general manager is to–*

- (a) make a copy of the strategic plan available for public inspection at the public office during ordinary office hours; and*
- (b) provide the Director with a copy of the strategic plan.*

Council may engage with the stakeholders and invite submissions on the strategies. This may be done by advertising these strategies, seeking submissions and then considering the submissions before adopting the strategies with or without amendment.





## **6 FINANCIAL IMPLICATIONS**

The cost to date for the preparation of the draft strategies relates to officer time.

No funds were allocated in the budget to engage external assistance.

## **7 RISK ISSUES**

The identified risks associated with preparing and implementing strategies may include the following, but not be limited thereto:

### **7.1 Strategic plan preparation**

Do the various strategies reflect the stakeholders aspirations, has Council consulted widely enough.

### **7.2 Economic uncertainty**

Faced with reduced income, a decision may be made to scale back the program to reduce expenses.

### **7.3 Delays in project implementation or completion**

Reduced resources, funds and personnel, along with other external partners, may lead to delay in implementing strategic actions.

### **7.4 Loss of Key Personnel**

Delays in implementation are also caused by the unexpected departure of key personnel.

### **7.5 Higher implementation costs than forecast**

During the planning process, a budget would be prepared that shows the cost of implementing the chosen strategies.

Where Council has endorsed strategies that it hasn't employed in the past, precisely calculating that cost can be difficult. As the strategy is rolled out, Council may find these costs are higher than forecast, requiring difficult decisions to be made on where costs could be reduced in order to keep the organisation on track.

### **7.6 Government regulations**

Government regulations can make it more difficult for business to implement its strategies.

### **7.7 State and Federal Government funding support**

Council fails to attract external funding to support the various actions identified in the strategies, restricting implementation to actions that Council can financially support.

## **8 CONSULTATION WITH STATE GOVERNMENT**

Not applicable.



## **9 COMMUNITY CONSULTATION**

It is proposed that Council engage with the community by advertising the draft strategies, seeking submissions and then considering the submissions before adopting the strategies with or without amendment.

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

Council may:

- Adopt the Strategies with or without amendment
- Engage external consultants to prepare strategies with an extensive consultancy process with stakeholders
- Consult the community on the draft strategies, seeking submissions, considering those submissions and then adopting the strategies with or without amendment.

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

The strategic plans create a sense of purpose and define the direction in which the Council may travel and establishes realistic strategic outcomes that are in line with the vision and mission that are set.

The plans listed for consideration include:

- i) Arts and Culture Strategy
- ii) Communication and Engagement Strategy
- iii) Economic Development Strategy
- iv) Health and Wellbeing Strategy
- v) Youth Strategy

The strategies all have a similar format, inclusive of an explanatory note explaining each strategy in its own strategic context along with a contextual statement relating to the four key priorities in the Northern Midlands Strategic Plan 2021-2027.

Strategic outcomes are detailed under the following headings, identifying Council's role in achieving these outcomes:

- i) As a Provider
- ii) As a Facilitator
- iii) As an Advocate

A schedule of Strategic Projects is detailed on Page 3 of each Strategy. Projects that are identified in Council's Strategic Plan, other projects in train and numerous others in a third tier are provided for additional consideration.

It is important to consider the relevance of each draft strategy and the schedule of strategic projects.

It is necessary for Council to consider if the current projects are still relevant, should Council continue with same or stop and determine a new direction and associated actions.

Ultimately, is Council prepared to endorse or amend the strategies along with the actions, or establish a new direction.

The draft strategies provide a commencement point to facilitate community discussion and input.

If Council accepts the recommendation, funds will be made available for an external facilitator to independently facilitate the drop-in sessions.



## **12 ATTACHMENTS**

1. NMC Arts and Culture Strategy Draft #1 [**13.4.1** - 4 pages]
2. NMC Communications and Engagement Strategy Draft #1 [**13.4.2** - 4 pages]
3. NMC Economic Development Strategy Draft #2 [**13.4.3** - 4 pages]
4. NMC Health and Wellbeing Strategy Draft #1 [**13.4.4** - 4 pages]
5. NMC Youth Strategy Draft #1 [**13.4.5** - 4 pages]



### 13.5 POLICY REVIEW: CODE OF CONDUCT FOR ELECTED MEMBERS

Responsible Officer: Des Jennings, General Manager

Report prepared by: Des Jennings, General Manager

#### MINUTE NO. 23/026

#### DECISION

Deputy Mayor Lambert/Cr Andrews

That Council, pursuant to section 28T of the Local Government Act 1993, adopts the Model Code of Conduct for Elected Members as set out in the Local Government (Model Code of Conduct) without variation.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

#### RECOMMENDATION

That Council, pursuant to section 28T of the Local Government Act 1993, adopts the Model Code of Conduct for Elected Members as set out in the Local Government (Model Code of Conduct) without variation.

### 1 PURPOSE OF REPORT

The purpose of this report is for Council to review as per attached its Code of Conduct for Elected Members Policy.

### 2 INTRODUCTION/BACKGROUND

The *Local Government Model Code of Conduct Amendment Order 2018* came into effect on 26 December 2018.

Under section 28T(1) of the *Local Government Act 1993*, Councils must review the Model Code of conduct within three months after each ordinary election.

As part of the Government's current Code of Conduct Review and subsequent Bill currently before Parliament, the Government has committed to a review of the "model" code and then the development of a standard code of conduct. While 28T(7) is a legislative review the Act does not specify how this should be done.

Given the work that will occur on the code by the Government throughout 2023, the Minister is unlikely to entertain any substantive changes to the model code emerging from a council review.

It is recommended that Council maintain the status quo regarding the Code of Conduct and participate in the Government's review of the "model" code as opportunities arise.

### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

#### 3.1 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
- 1.3 Management is efficient, proactive and responsible

### **3.2 Integrated Priority Projects Plan 2021**

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

Not applicable.

## **4 POLICY IMPLICATIONS**

It is a statutory requirement that Council adopt the Model Code of Conduct, and the Code be reviewed within three months after each ordinary election.

## **5 STATUTORY REQUIREMENTS**

*Local Government Act 1993*

## **6 FINANCIAL IMPLICATIONS**

Not applicable.

## **7 RISK ISSUES**

No risks have been identified as Council is required, pursuant to the Local Government Act, to review its Code of Conduct.

## **8 CONSULTATION WITH STATE GOVERNMENT**

The State Government developed the Model Code of Conduct, and have committed to a review of the "model" code and then the development of a standard code of conduct.

## **9 COMMUNITY CONSULTATION**

Not applicable.

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

There are two options for Council to consider, to adopt the Code of conduct as is, or amend the code.

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

The Code of Conduct sets out the standards of behaviour expected of the Councillors of the Northern Midlands Council, with respect to all aspects of their role. As leaders in the community, Councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Councillors primary goal of acting in the best interest of the community. Councillors, therefore, agree to conduct themselves in accordance with the standards of behaviour set out in the Model Code of Conduct.

Section 28T of the Local Government Act 1993 requires Council to review its Code of conduct within three months after an ordinary election.



The recommendation is to adopt the Model Code of Conduct without variation.

## **12 ATTACHMENTS**

1. Code of Conduct for Elected Members [**13.5.1** - 8 pages]





## 14 COMMUNITY & DEVELOPMENT REPORTS

### 14.1 DEVELOPMENT SERVICES: MONTHLY REPORT

Responsible Officer: Des Jennings, General Manager

#### MINUTE NO. 23/027

*Cr McCullagh declared an interest in PLN21-0073 contained within the report, signed the register and left the meeting at 7.34pm.*

#### DECISION

Cr Andrews/Cr Adams

That the item PLN21-0073 contained within the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks and Cr Goss

Voting Against the Motion:

Nil

*Cr McCullagh returned to the meeting at 7.36pm.*

#### MINUTE NO. 23/028

*Cr Goss declared an interest in PLN22-0251 contained within the report, signed the register and left the meeting at 7.35pm.*

#### DECISION

Deputy Mayor Lambert/Cr Andrews

That the item PLN22-0251 contained within the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks and Cr McCullagh

Voting Against the Motion:

Nil

*Cr Goss returned to the meeting at 7.38pm.*

#### MINUTE NO. 23/029

*Cr Archer declared an interest in PLN22-0185 contained within the report, signed the register and left the meeting at 7.37pm.*

#### DECISION

Deputy Mayor Lambert/Cr Andrews

That the item PLN22-0185 contained within the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

*Cr Archer returned to the meeting at 7.39pm.*



## MINUTE NO. 23/030

*Cr McCullagh declared an interest in PLN21-0243 contained within the report, signed the register and left the meeting at 7.40pm.*

### DECISION

Cr Brooks/Cr Archer

That the item PLN21-0243 contained within the report be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks and Cr Goss

Voting Against the Motion:

Nil

*Cr McCullagh returned to the meeting at 7.41pm.*

## MINUTE NO. 23/031

### DECISION

Cr Brooks/Cr Archer

That the report with the exception of items PLN21-0073, PLN22-0251, PLN22-0185 and PLN21-0243 be noted.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

### RECOMMENDATION

That the report be noted.

## 1 PURPOSE OF REPORT

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

## 2 DEVELOPMENT SERVICES REPORTING

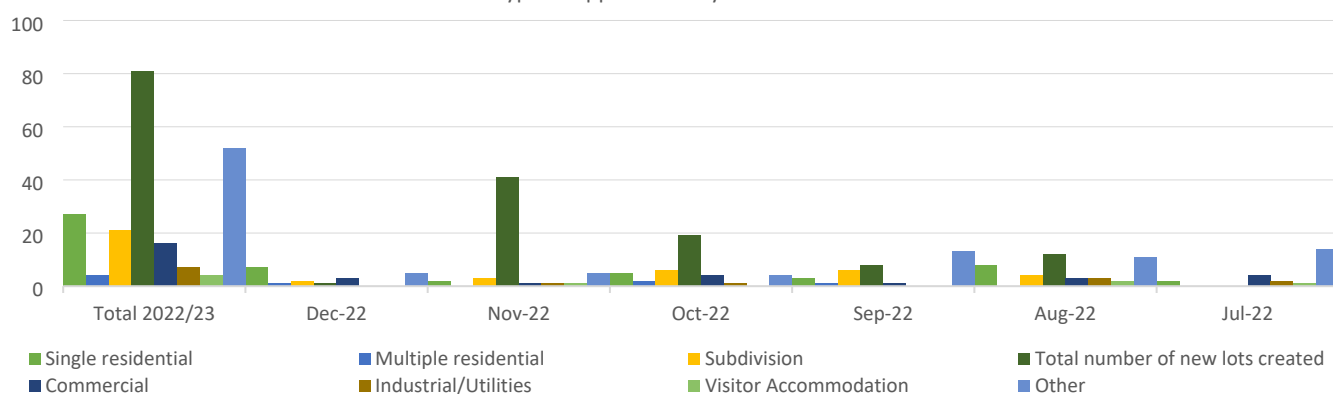
### 2.1 Planning Decisions

	Total YTD	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Number of valid applications	107	15	16	17	21	18	20						
Applications on STOP for further information		47	51	50	38	48	43						
Single residential	27	2	8	3	5	2	7						
Multiple residential	4	0	0	1	2	0	1						
Subdivision	21	0	4	6	6	3	2						
Total number of new lots created	81	0	12	8	19	41	1						
Commercial	16	4	3	1	4	1	3						
Industrial/Utilities	7	2	3	0	1	1	0						
Visitor Accommodation	4	1	2	0	0	1	0						
Total permitted	0	0	0	0	0	0	0						
Total discretionary	4	1	2	0	0	1	0						
Other (includes all residential development on existing dwellings [alterations/ additions,	52	14	11	13	4	5	5						

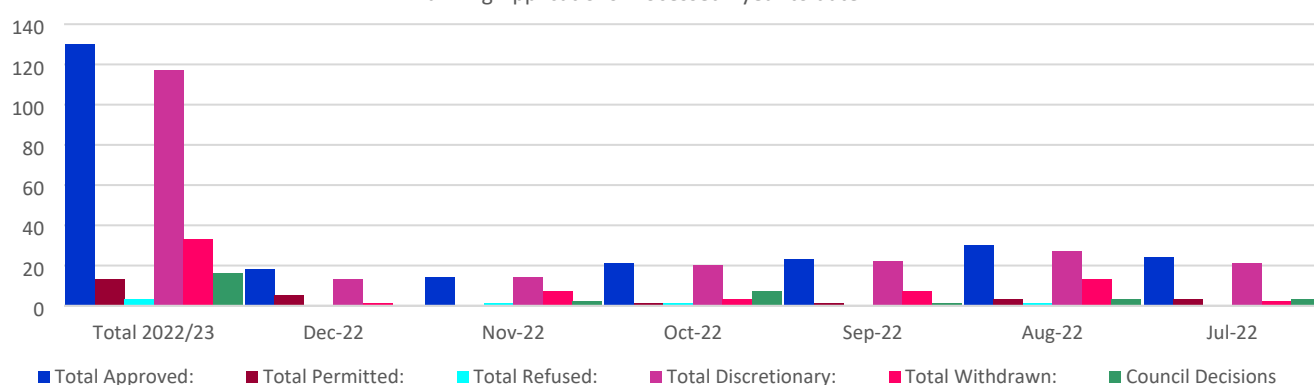


	Total YTD	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
sheds, solar, fences, pools etc))													
Total No. Applications Approved:	130	24	30	23	21	14	18						
Total Permitted:	13	3	3	1	1	0	5						
Average Days for Permitted	15	11	15	11	23		14						
Days allowed for approval by LUPAA	28	28	28	28	28	28	28						
Total Exempt under IPS:	45	12	5	5	6	10	7						
Total Refused:	3	0	1	0	1	1	0						
Total Discretionary:	117	21	27	22	20	14	13						
Average Days for Discretionary:	32.35	32	30	29	35.5	34	33						
Days allowed for approval under LUPAA:	42	42	42	42	42	42	42						
Total Withdrawn:	33	2	13	7	3	7	1						
Council Decisions	16	3	3	1	7	2	0						
Appeals lodged by the Applicant	5	0	1	1	1	0	2						
Appeals lodged by third party	1	0	0	0	1	0	0						

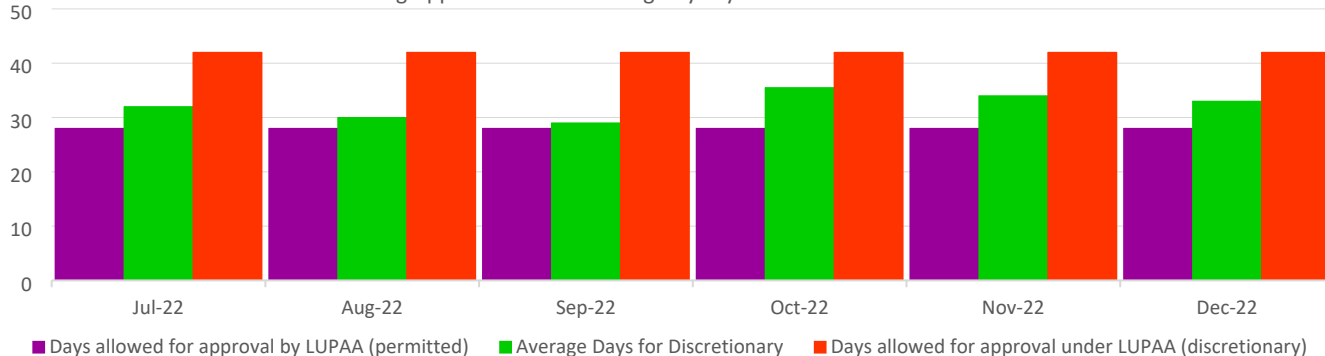
Type of Applications - year to date



Planning Applications Processed - year to date



Planning Applications - Processing Days - year to date





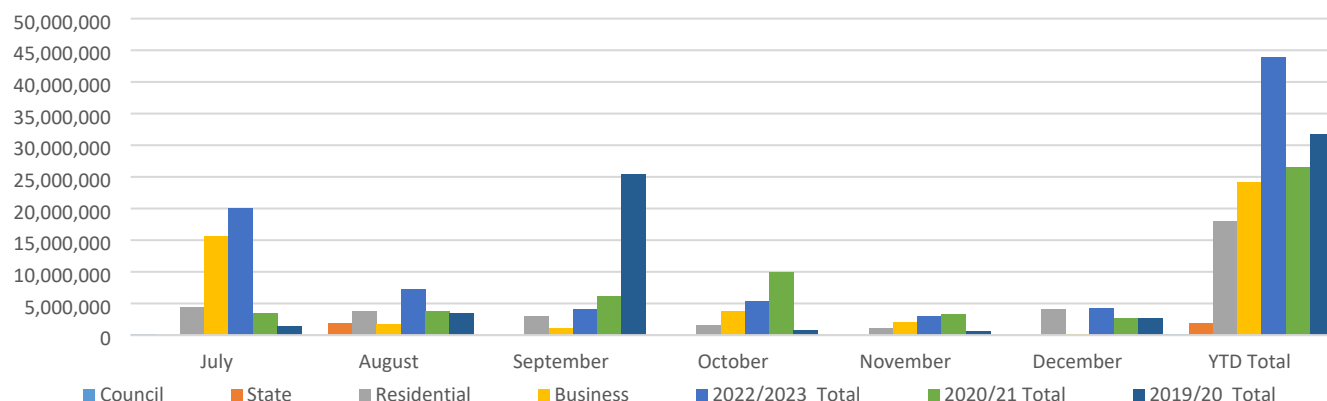
Project	Details	Address	Applicant	No of LUPAA days	Perm / Disc / Exempt
<b>DELEGATED DECISIONS</b>					
PLN-21-0187 - 1	Demolish Existing Garage & Replace with New Prefab Shed & Simplify Deck Design	5 Macquarie Street, Cressy TAS 7302	Engineering Plus		A
PLN-22-0090	Dwelling, Carport & Shed (Vary frontage setback; Vary construction of parking areas; Vary design and layout of parking areas)	25A Arthur St, EVANDALE TAS 7212	Joshua Harris	35	D
PLN-22-0198	Shed - 12mx15m (Vary frontage and side setbacks)	963 Mount Joy Road, Cressy TAS 7302	Wilkin Design	40	D
PLN-22-0202	Multiple Dwellings x 7 (1 x existing 6 x new)	2 Saundridge Road, Cressy & works in Saundridge Road road reserve TAS 7302	Prime Design	25	D
PLN-22-0208	New dwelling; Demolition of existing dwelling (Bush Fire Prone Area)	121 Boons Road, Blackwood Creek TAS 7301	Freyr McCormick	34	D
PLN-22-0215	Solar Panels (Heritage Listed Property)	173 Uplands Road, Deddington TAS 7212	Mode Electrical (Tas) Pty Ltd	28	D
PLN-22-0230	Single Dwelling and second access (Natural Assets Code)	Illawarra Road, Perth TAS 7300	Rhonda Kelly	33	D
PLN-22-0232	Proposed shed - vary side setback	385 Evandale Road, Western Junction TAS 7212	Engineering plus	39	D
PLN-22-0233	Secondary Residence (vary setbacks in Agriculture Zone)	141 Trafalgar Lane, Evandale TAS 7212	Adorn Drafting	33	D
PLN-22-0242	Dwelling, Shed and 2 x Shipping Containers (Heritage Listed site, Parking and Sustainable Transport Code)	63 Fairtlough Street, Perth TAS 7300	Prime Design	35	D
PLN-22-0244	2 lot subdivision and boundary adjustment/consolidation (vary dwelling setback to new boundary)	Westbrook, 12962 Midland Highway, Cleveland TAS 7211	Cohen & Associates	42	D
PLN-22-0248	Extension to building and new carport (vary side & rear setbacks & building envelope) (Heritage listed place)	12 King Street, Campbell Town TAS 7210	Mr Dino Dioguardi	30	D
PLN-22-0254	Change of use to Business and Professional Services (Office), demolition of verandah and additional carparking (Parking and Sustainable Transport Code, Local Historic Heritage Code)	19 Marlborough Street, Longford TAS 7301	Blackman Creative	26	D
PLN-22-0256	Dwelling and Shed (vary rear setback and building envelope for shed)	10A Cromwell Street, Perth TAS 7300	BVZ Designs	23	D
PLN-22-0251	Re-Subdivision between 2 lots	2 Charles Street and 3 Murfett Street, Cressy TAS 7302	D J McCulloch Surveying	28	P
PLN-22-0264	Change of Use to Communal Residence	26-28 Charles Street, Cressy TAS 7302	6ty° Pty Ltd	13	P
PLN-22-0266	Carport	U 3/62 Frederick Street, Perth TAS 7300	Jacqueline Johnson	18	P
PLN-22-0274	Demolition of Existing Dwelling	Melton Rises, 790 Cressy Road, Cressy TAS 7302	Glenn & Maxine Tulich	5	P
PLN-22-0279	Extension of Awning	648 Cressy Road, Longford TAS 7301	Optimo Awnings Northern Pty Ltd	4	P
<b>COUNCIL DECISIONS</b>					
-					
<b>COUNCIL DECISIONS - REFUSAL</b>					
-					
<b>DELEGATED DECISIONS - REFUSAL</b>					
-					



## 2.2 Value of Planning Approvals

	Current Year				2022/2023	2021/2022	2020/2021	2019/2020
	Council	State	Residential	Business	Total	Total	Total	Total
July	50,000	0	4,399,020	15,650,000	20,099,020	4,380,747	3,377,500	1,429,000
August	0	1,820,000	3,710,844	1,625,000	7,155,844	3,781,274	3,709,500	3,503,000
September	0	0	3,027,900	1,070,000	4,097,900	14,817,000	6,189,000	25,457,550
October	0	0	1,603,800	3,749,700	5,353,500	2,638,795	9,987,000	717,900
November	0	0	1,087,616	1,936,000	3,023,616	6,052,219	3,281,226	648,500
December	0	0	4,073,613	81,000	4,154,613	2,319,458	2,617,240	2,636,000
<b>YTD Total</b>	<b>50,000</b>	<b>1,820,000</b>	<b>17,902,793</b>	<b>24,111,700</b>	<b>43,884,493</b>	<b>33,989,493</b>	<b>26,544,226</b>	<b>31,755,950</b>
<b>Annual Total</b>						<b>91,715,427</b>	<b>59,101,247</b>	<b>55,891,900</b>

Value of Planning Approvals (\$)



## 2.3 Matters Awaiting Decision by TASCAT & TPC

TASCAT	TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLN-22-0160	Appeal P/2022/171. 662 Cressy Road. Appeal against Council's approval of an ancillary dwelling. The Tribunal held a preliminary conference held on 23 November 2022. Mediation being undertaken.
PLN-22-0185	Appeal P/2022/169. 81 Brickendon Street, Longford. Appeal against Council's refusal of a 6 lot subdivision. The Tribunal held a preliminary conference on 21 November 2022. Hearing set for 2 March 2023.
PLN-21-0223	Appeal 152/21S. 102 & 104 Marlborough Street, Longford. Appeal against Council's refusal of 7 multiple dwellings. The Tribunal held a preliminary conference on 17 January 2022. Mediation being undertaken.
PLN-21-0073	Appeal P/2022/136. 5 Eskleigh Road, Perth. Appeal against Council's refusal of a 2 lot subdivision. The appellant requested the matter be stood down for a time. The hearing date of 22 November 2022 was adjourned.
PLN/22/218	Appeal P/2022/187. Powranna Road, Appeal against Council's refusal of a grain silo development. Preliminary conference 12 January 2023.
PLN-22-0243	Appeal P/2022/6. 5 Eskleigh Road, Perth. Appeal against refusal of a 2 lot subdivision. Preliminary conference 25 January 2023.
<b>Decisions received</b>	
-	-

TPC	TASMANIAN PLANNING COMMISSION
LPS-NOR-TPS	<p>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 were included on 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 made map changes required by the Minister. Provided to TPC 19/7/2021. 6/10/2021, received direction to publicly exhibit draft Local Provisions Schedule. Draft Local Provisions Schedule on public exhibition from 22 October to 21 December 2021. Section 35F report on representations to be presented to Council meeting of 21 February 2022. Deferred until 21 March meeting to get information on the process if Council supports any of the representations. Section 35F report on representations considered at Council meeting of 21 March 2022. Report sent to Tasmanian Planning Commission 28 March 2022. Hearings held 8-10 June 2022.</p> <p>On 4 October 2022 Council received notice under section 35K(1)(a) and section 35KB(4)(a) of the Land Use Planning and Approvals Act 1993 from the Tasmanian Planning Commission which advised that:</p> <ul style="list-style-type: none"> <li>The delegates have finalised their consideration of the Northern Midlands draft Local Provisions Schedule (draft LPS) under section 35J of the Act.</li> <li>They consider modifications are required and have issued a decision under section 35K(1) and 35KB.</li> </ul>



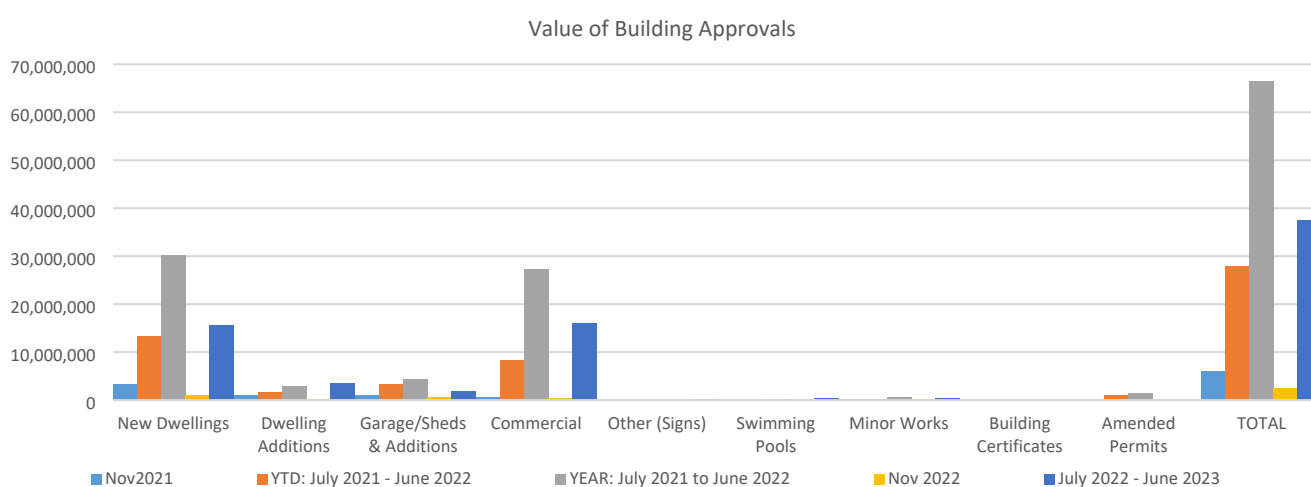
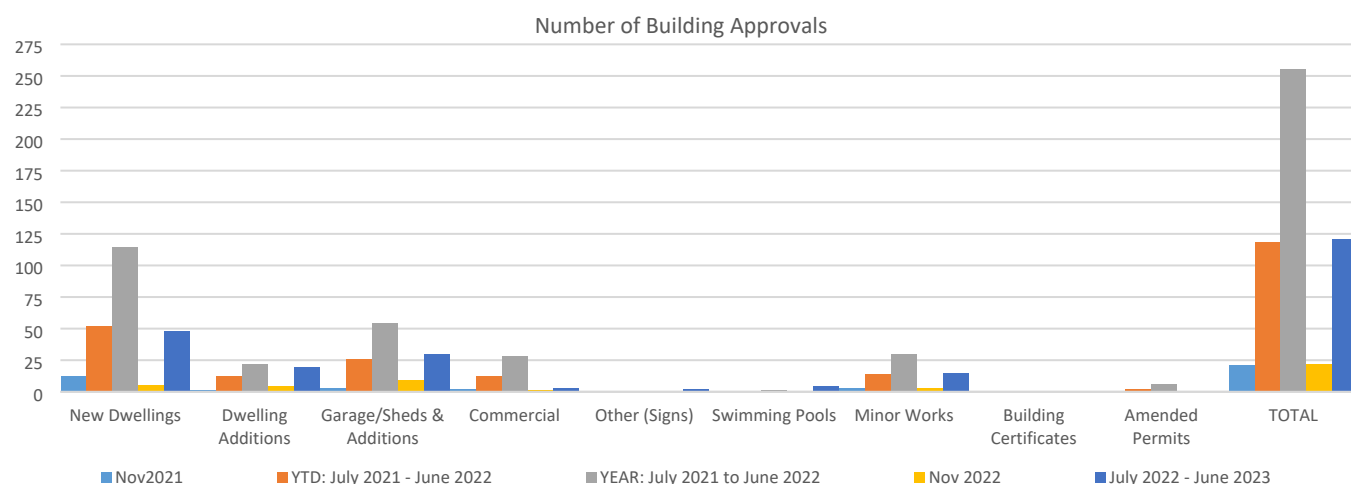
TPC TASMANIAN PLANNING COMMISSION	
	<ul style="list-style-type: none"> <li>They have directed the Planning Authority to:               <ol style="list-style-type: none"> <li>modify the draft LPS, under section 35K(1)(a) of the Act, in accordance with the notice at Attachment 2 to the decision (completed);</li> <li>submit the modified draft LPS to the Commission under section 35K(2)(a) within 28 days (1 November 2022) (completed);</li> <li>to prepare draft amendments under section 35KB(4)(a)(i) of the Act in the terms specified in the notice at Attachment 3 to the decision; and</li> <li>to submit the draft amendments to the Commission under section 35KB(4)(a)(ii) of the Act within 42 days after the Northern Midlands LPS comes into effect (to be submitted by 21 December 2022).</li> </ol> </li> </ul> <p>Notice of approval of the Northern Midlands Local Provisions Schedule was published in the Gazette specifying that the State Planning Provisions and the Local Provisions Schedule, which are as part of the Tasmanian Planning Scheme, came into effect on 9 November 2022. In accordance with section 51 of the Act, applications lodged from 12 October 2022 are assessed against the Tasmanian Planning Scheme – Northern Midlands and applications that were valid before 12 October 2022 continue to be assessed against the Northern Midlands Interim Planning Scheme 2013.</p> <p>Draft amendments to the Northern Midlands Local Provisions Schedule (LPS) that the Tasmanian Planning Commission directed the Council to prepare under section 35KB (1) of the <i>Land Use Planning and Approvals Act 1993</i> are on public exhibition until 20 February 2023.</p>
PLN-22-0056	Draft Amendment 03/2022 to rezone part of folio of the Register 173776/1 to General Residential in conjunction with an s43A application for a 3 Lot subdivision. Placed on public exhibition. TPC has been advised that no representations were received. Report under section 40K provided to TPC on 12 January 2023 as required. Awaiting Commission's decision.
PLN-22-0065	Draft Amendment 04-2022 to rezone part of 7 Wellington St, Longford, extend urban growth boundary and insert site specific qualification. Public notification until 29 July 2022. No representations. Information provided as required by TPC on 4 November 2022. GIS mapping required by TPC being prepared. Hearing set for 6 February 2023.
PLN-22-0183	Draft Amendment 01 to the Northern Midlands Local Provisions Schedule. Translink Specific Area Plan. On public exhibition for 28 days until 15 January 2023. No representations received. TPC advised.
PLN21-0214	Draft Amendment 02 to the Northern Midlands Local Provisions Schedule. 21 Macquarie Street, Cressy. On public exhibition for 28 days until 15 January 2023. No representations received. TPC advised.
DECISIONS RECEIVED	
-	-

## 2.4 Building Approvals

The following table shows a comparison of the number and total value of building works for 2021-2022 and 2022-2023.

	YEAR: 2021-2022				YEAR: 2022-2023			
	Dec 2021		YTD 2021-2022		July 2021 - June 2022		Dec-2022	
	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$	No.	Total Value \$
New Dwellings	12	3,279,683	52	13,349,913	114	30,244,148	5	1,059,985
Dwelling Additions	1	900,000	12	1,615,000	22	2,848,500	4	240,000
Garage/Sheds & Additions	3	1,026,000	26	3,294,150	54	4,236,238	9	579,817
Commercial	2	647,000	12	8,335,930	28	27,270,305	1	300,000
Other (Signs)	0	0	0	0	0	0	0	0
Swimming Pools	0	0	0	0	1	70,000	0	0
Minor Works	3	39,070	14	191,896	30	525,174	3	168,483
Building Certificates	0	0	0	0	0	0	0	0
Amended Permits	0	0	2	1,035,000	6	1,295,000	0	0
<b>TOTAL</b>	<b>21</b>	<b>5,891,753</b>	<b>118</b>	<b>27,821,889</b>	<b>255</b>	<b>66,489,365</b>	<b>22</b>	<b>2,348,285</b>
<b>Inspections</b>								
Building	0		2		38		0	
Plumbing	33		196		316		21	





## 2.5 Planning and Building Compliance – Permit Review

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

	This Month	2022/2023	Total 2021/2022
Number of Inspections	10	34	18
Property owner not home or only recently started			
Complying with all conditions / signed off			2
Not complying with all conditions			
Re-inspection required	10	30	12
Notice of Intention to Issue Enforcement Notice		5	
Enforcement Notices issued		1	2
Enforcement Orders issued			
Infringement Notice			
No Further Action Required		4	4
	This Month	2022/2023	Total 2021/2022
Number of Inspections	1	10	
Property owner not home or only recently started			
Complying with all conditions / signed off			
Not complying with all conditions			
Re-inspection required	1	4	
Building Notices issued			
Building Orders issued			
No Further Action Required		6	
	This Month	2022/2023	Total 2021/2022
Number of Inspections	8	27	11
Commitment provided to submit required documentation		3	
Re-inspection required	7	15	8
Building Notices issued	2	5	1



	This Month	2022/2023	Total 2021/2022
Building Orders issued		4	
Emergency Order	1	1	1
No Further Action Required		9	3
	This Month	2022/2023	Total 2021/2022
Number of Inspections		9	29
Commitment provided to submit required documentation			3
Re-inspection required		8	21
Enforcement Notices issued			2
Enforcement Orders Issued			
Notice of Intention to Issue Enforcement Notice issued			3
No Further Action Required		1	5

### 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

#### 3.1 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

#### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region. This matter has relevance to:

**Enabling Project/s:**

*Projects which are considered to be incrementally important – usually by improving existing facilities or other complementary upgrades to infrastructure (does not include Council's business as usual projects including renewal and maintenance of existing assets)*

5.4 Subdivisions:

*Several at Cressy, Evandale, Longford & Perth - the Northern Midlands Council is a planning authority with responsibilities specified in the Land Use Planning and Approvals Act 1993 (LUPAA). These responsibilities include developing planning schemes, proposing amendments to planning schemes, supporting, or rejecting changes proposed by others and making decisions on individual developments in accordance with the planning scheme. Several significant subdivisions in the Northern Midlands region have recently been identified and are in various stages of conceptual design or planning.*



#### **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 3 commercial building approvals valued a total of \$16,000,000 for 2022/23 (year to date) compared to 12 commercial building approvals valued a total of \$8,335,930 (year to date) for 2021/2022.

In total, there have been 121 building approvals valued at \$37,539,336 (year to date) for 2022/2023 compared to 118 building approvals valued at \$27,821,889 (year to date) for 2021/22.



## 15 CORPORATE SERVICES REPORTS

### 15.1 MONTHLY REPORT: FINANCIAL STATEMENT

Responsible Officer: Maree Bricknell, Corporate Services Manager

Report prepared by: Maree Bricknell, Corporate Services Manager

#### MINUTE NO. 23/032

##### DECISION

Cr Goss/Cr Brooks

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 December 2022, and
- ii) authorise Budget 2022/23 alterations as listed in Item 4.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

##### **RECOMMENDATION**

That Council:

- i) receive and note the Monthly Financial Report for the period ending 31 December 2022, and
- ii) authorise Budget 2022/23 alterations as listed in Item 4.

## 1 PURPOSE OF REPORT

The purpose of this report is to present the monthly financial reports as at 31 December 2022.

## 2 INTRODUCTION/BACKGROUND

The Monthly Financial Summary for the period ended 31 December 2022 is circulated for information.

## 3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN

### 3.1 Strategic Plan 2021-2027

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

**Progress: Economic health and wealth - grow and prosper**

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**Strategic outcomes:**

2.1 Strategic, sustainable, infrastructure is progressive

### 3.2 Integrated Priority Projects Plan 2021

This plan has been developed with a coordinated perspective to align with local, regional, state and federal plans. Rather than grouping projects by town or assembling a long list of 'nice to have' projects, this plan takes a Council-wide view of needs and opportunities in relation to the strategic investment drivers in the region.



#### 4 ALTERATIONS TO 2022-23 BUDGET

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

##### SUMMARY FINANCIAL REPORT

For Month Ending:

31-Dec-22

6

A. Operating Income and Expenditure						
	Budget	Year to Date Budget 42%	Actual	(\$,000)	Target 100%	Comments
Rate Revenue	-\$12,989,463	-\$12,989,463	-\$13,063,741	\$74	100.6%	99% raised in July 2022
Recurrent Grant Revenue	-\$4,593,268	-\$2,679,406	-\$1,286,680	-\$1,393	48.0%	* 75% Advanced grants paid 21/22
Fees and Charges Revenue	-\$2,571,392	-\$1,285,696	-\$1,428,583	\$143	111.1%	* Fee income above budget
Interest Revenue	-\$1,047,621	-\$523,812	-\$328,428	-\$195	62.7%	Timing variance
Reimbursements Revenue	-\$44,625	-\$22,313	-\$56,070	\$34	251.3%	
Other Revenue	-\$1,542,444	-\$771,222	-\$443,560	-\$328	57.5%	Timing variance
	-\$22,788,813	-\$18,271,911	-\$16,607,062	-\$1,665	90.9%	
Employee costs	\$6,415,996	\$3,207,998	\$3,107,292	\$101	96.9%	
Material & Services Expenditure	\$5,806,838	\$2,903,419	\$3,177,852	-\$274	109.5%	Insurances paid for full year
Depreciation Expenditure	\$6,651,715	\$3,325,858	\$3,325,975	\$0	100.0%	
Government Levies & Charges	\$1,161,962	\$580,981	\$467,941	\$113	80.5%	Fire Levy not yet paid
Councillors Expenditure	\$217,390	\$108,695	\$44,529	\$64	41.0%	
Interest on Borrowings	\$100,368	\$50,184	\$137,174	-\$87	273.3%	Timing variance only
Other Expenditure	\$1,588,999	\$794,500	\$845,783	-\$51	106.5%	Pension rebate provided for full year
Plant Expenditure Paid	\$569,494	\$284,747	\$346,742	-\$62	121.8%	
	\$22,512,762	\$11,256,381	\$11,453,288	-\$197	101.7%	
	-\$276,051	-\$7,015,530	-\$5,153,774			
Gain on sale of Fixed Assets	-\$160,000	-\$80,000	\$0	-\$80	0.0%	
Loss on Sale of Fixed Assets	\$426,581	\$213,291	\$0	\$213	0.0%	* Asset recognition EOY
Underlying (Surplus) / Deficit	-\$9,470	-\$6,882,240	-\$5,153,774		1*	
	\$0		-			
Capital Grant Revenue	-\$8,353,950	-\$4,176,975	-\$1,339,333	-\$2,838	32.1%	* Not paid until milestones met
Subdivider Contributions	-\$345,649	-\$172,825	0	-\$173	0.0%	* Not recognised until EOY
Capital Revenue	-\$8,699,599	-\$4,349,800	-\$1,339,333			
	-	-	-			
<b>Budget Alteration Requests</b>						
- For Council authorisation by absolute majority						
		Budget Operating	Budget Capital	Actuals		
Capital works budget variances above 10% or \$10,000 are highlighted						
December						
October						
Remit Charge - Cressy Swimming Pool		-\$4,846				Pool supervisor reimb overcharge
September						
1. Lfd - Anstey Street stormwater and associated kerb works			\$25,000			
1. Unallocated stormwater budget account			-\$25,000			
2. Glen Esk Road reconstruction extension			\$200,000			
2. Supplementary capital projects reserve			-\$200,000			
3. Fogo Service Bins			\$310,060			Minute 22/329 - 26/9/2022
3. Supplementary capital projects reserve			-\$310,060			
No adjustments for July & August.						



## B. Balance Sheet Items

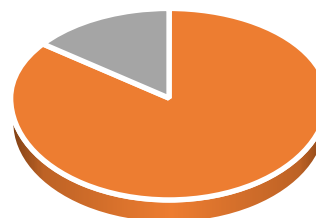
	Year to Date Actual		Monthly Change		Same time last year	Comments
<b>Cash &amp; Cash Equivalents Balance</b>						
- Opening Cash balance	\$25,974,971		\$23,684,511			
- Cash Inflow	\$14,906,187		\$3,861,878			
- Cash Payments	-\$18,540,510		-\$5,205,741			
- Closing Cash balance	\$22,340,648		\$22,340,648			
Account Breakdown						
- Trading Accounts	\$523,072					
- Investments	\$21,817,576					
	\$22,340,648					
	-					
<b>Summary of Investments</b>						
	Investment Date	Maturity Date	Interest Rate%	Purchase Price	Maturity Value	
Tasmanian Public Finance Corporation Call Account	6/12/2022	31/12/2022	3.10	\$5,454	\$5,465	
CBA Business Online Saver	22/12/2022	31/12/2022	3.15	\$2,028,264	\$2,029,838	
Westpac Corporate Regulated Interest Account	31/12/2022	31/12/2022	3.35	\$847,854	\$847,854	
CBA	14/12/2022	14/03/2023	3.91	\$1,014,579	\$1,024,361	
CBA	14/06/2022	13/03/2023	3.70	\$1,000,000	\$1,027,573	
Westpac	13/10/2022	13/04/2023	1.91	\$4,500,000	\$4,542,857	
CBA	14/06/2022	10/05/2023	3.94	\$5,000,000	\$5,178,110	
My State Financial	25/05/2022	25/05/2023	2.70	\$3,371,425	\$3,462,454	
Westpac - Stimulus	29/12/2022	29/06/2023	3.30	\$1,050,000	\$1,067,278	
Westpac - Stimulus	16/12/2022	16/12/2024	1.60	\$3,000,000	\$3,096,132	
Total Investments				\$21,817,576	\$22,281,920	

Investments by Institution



■ Bank of Us (B&E) ■ Tascorp ■ Westpac ■ CBA ■ MyState

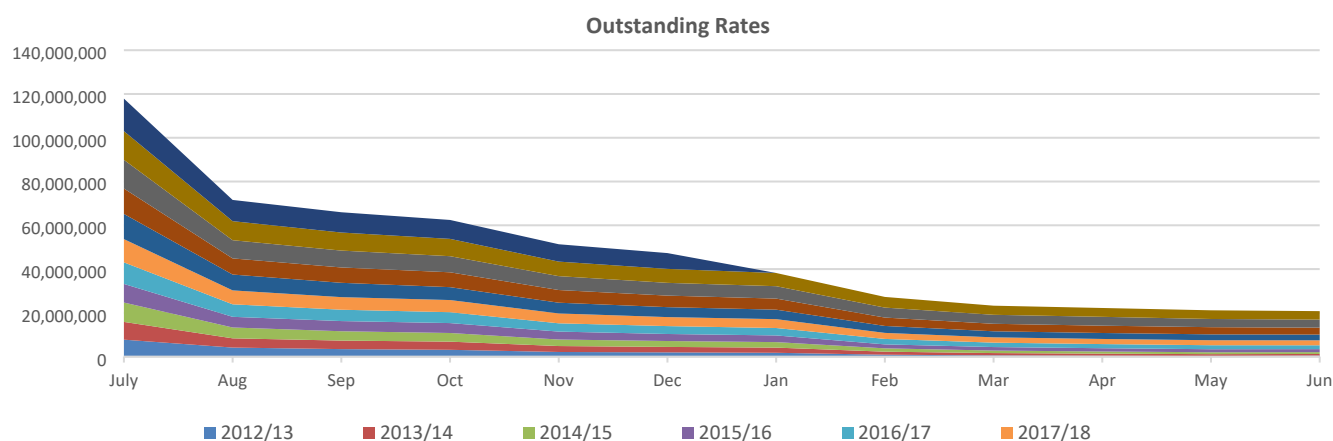
Total Investments by Rating (Standard & Poor's)



■ AA+ ■ AA- ■ BBB ■ Unrated

Rate Debtors	2022/23	% to Raised	Same Time Last Year	% to Raised	
Balance b/fwd	\$3,863,134		\$3,205,341		
Rates Raised	\$13,236,297		\$12,405,235		
	\$17,099,431		\$15,610,577		
Rates collected	\$9,333,910	70.5%	\$8,702,252	70.1%	
Pension Rebates	\$525,925	4.0%	\$496,157	4.0%	
Discount & Remissions	\$26,506	0.2%	\$25,017	0.2%	
	\$9,886,341		\$9,223,426		
Rates Outstanding	\$7,213,090	54.5%	\$6,387,150	51.5%	
Advance Payments received	-\$370,063	2.8%	-\$258,342	2.1%	





#### Trade Debtors

Current balance \$681,193

- 30 Days	\$53,292
- 60 Days	\$68,146
- 90 Days	\$10,241
- More than 90 days	\$549,515

#### Summary of Accounts more than 90 days:

- Norfolk Plains Book sales	171	Paid by outlet as sold
- Hire/lease of facilities	21,660	
- Removal of fire hazards	6,192	
- Dog Registrations & Fines	18,739	Send to Fines Enforcement
- Private Works	20,897	
- Regulatory Fees	4,656	
- Govt Reimbursements	477,200	

#### C. Capital Program

	Budget	Actual (\$,000)	Target 50%	Comments
Renewal	\$12,747,327	\$3,395,675	27%	
New assets	\$10,291,163	\$4,444,221	43%	
Total	\$23,038,490	\$7,839,896	34%	
Major projects:				
- Perth Early Learning Centre	\$3,770,064	\$2,554,185	68%	In progress
- Lfd Memorial Hall upgrade	\$1,820,460	\$133,163	7%	Design stage
- Lfd Urban Streetscape Improvements	\$1,293,628	\$147,995	11%	Design stage
- Ctown Urban Streetscape Improvements	\$1,450,000	\$154,323	11%	Design stage
- Pth Urban Streetscape Improvements	\$1,141,000	\$101,360	9%	Design stage
- Cry Pool Improvements	\$600,000	\$683,835	114%	Complete
- Glen Esk Road Reconstruction	\$514,800	\$0	0%	
- Bishopsbourne Road Reconstruction	\$504,900	\$0	0%	
- Lfd Caravan Park Amenities replacement	\$450,000	\$11,215	2%	Preliminaries
- Evandale Hall Roof replacement	219,700	\$117,664	54%	In progress
- William Street Footbridge	270,000	\$127,809	47%	In progress
- Footpath Program	942,500	\$55,809	6%	Commenced

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

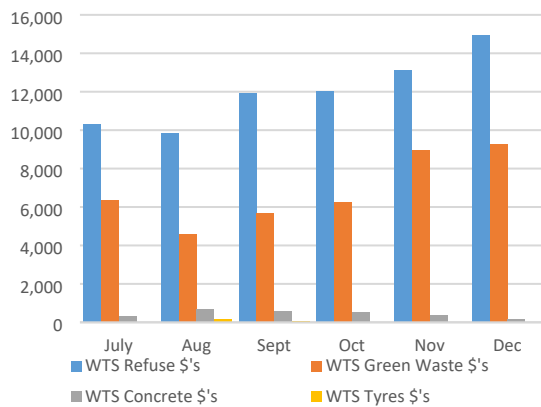


D. Financial Health Indicators					
	Target	Actual	Variance	Trend	
Financial Ratios					
- Rate Revenue / Total Revenue	57.0%	78.7%	-21.7%	↘	
- Own Source Revenue / Total Revenue	80%	92%	-12.4%	↘	
Sustainability Ratio					
- Operating Surplus / Operating Revenue	0.0%	31.0%	-31.0%	↘	
- Debt / Own Source Revenue	40.8%	48.4%	-7.7%	↔	
Efficiency Ratios					
- Receivables / Own Source Revenue	43.4%	41.7%	1.7%	↘	
- Employee costs / Revenue	28.2%	18.7%	9.4%	↗	
- Renewal / Depreciation	163.3%	87.0%	76.3%	↗	
Unit Costs					
- Waste Collection per bin	\$10.12	\$26.51		↔	
- Employee costs per hour	\$53.47	\$39.81		↗	
- Rate Revenue per property	\$1,828.47	\$1,838.93		↔	
- IT per employee hour	\$3.30	\$6.88		↘	
E. Employee & WHS scorecard					
	YTD	This Month			
Number of Employees	105	105			
New Employees	25	3			
Resignations	9	2			
Total hours worked	78,055	12,062			
Lost Time Injuries	0	0			
Lost Time Days	0	0			
Safety Incidents Reported	0	0			
Hazards Reported	6	1			
Risk Incidents Reported	7	3			
Insurance claims - Public Liability	0	0			
Insurance claims - Industrial	0	0			
Insurance claims - Motor Vehicle	0	0			
IT - Unplanned lost time	3	0			
Open W/Comp claims	6	1			
F. Waste Management					
Waste Transfer Station	2020/21	2021/22	2022/23 Budget Year to Date	2021/22	
Takings					
- Refuse	\$119,842	\$135,285	\$66,442	\$72,256	
- Green Waste	\$80,904	\$82,450	\$41,587	\$41,089	
- Concrete	\$2,293	\$2,980	\$1,285	\$2,656	
- Tyres	727	694	\$324	\$257	
Total Takings	\$203,767	\$221,409	\$109,637	\$116,258	
Tonnes Disposed					
WTS Refuse Disposed Tonnes	1432	1349	797	650	
WTS Green Waste Disposed Tonnes	4670	2760	2545	2870	
WTS Concrete Disposed Tonnes	3056	3056	0	0	
Kerbside Refuse Disposed Tonnes	2435	2430	1215	1219	
Kerbside Recycling Disposed Tonnes	1051	1048	647	505	
Total Waste Tonnes Disposed	12644	10643	5204	5244	

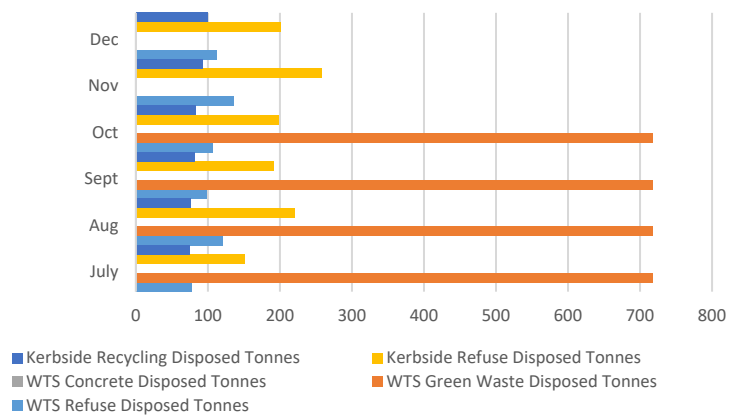
Mulch quarterly  
Crush periodically



Waste Transfer Station Fees



Waste Tonnes Disposed



## 5 OFFICER COMMENTS

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

## 6 ATTACHMENTS

1. Monthly Financial Report to Council - December 2022 [**15.1.1** - 1 page]
2. Capital Works Report - December 2022 [**15.1.2** - 4 pages]



## 16 WORKS REPORTS

No Works reports included in this Council meeting agenda for Council's consideration.



## 17 ITEMS FOR THE CLOSED MEETING

### MINUTE NO. 23/033

#### DECISION

Cr Goss/Cr Adams

That Council move into the "Closed Meeting" with the General Manager, Corporate Services Manager, Works Manager and Executive Assistant.

Carried Unanimously

#### **RECOMMENDATION**

That Council move into the "Closed Meeting" with the General Manager, Corporate Services Manager, Works Manager and Executive Assistant to discuss Closed Council Items.

Item	Local Government (Meeting Procedures) Regulations 2015 Reference
Confirmation of Closed Council Minutes	15(2)(g)
Councillors' Leave	15(2)(h)
Personnel Matters	15(2)(a)
Action Items: Status Report	15(2)(g)
Personnel Matters	15(2)(a)
Live Streaming of Open Council Meetings: Additional Information	15(2)(c)
Council Meetings: Additional Information	15(2)(c)
Consultancy Proposal	15(2)(c)
Committee Membership	15(2)(g)
Committee Membership	15(2)(g)
Legal Matter	15(2)(i)

#### *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.*



## 17.1 CLOSED COUNCIL DECISIONS RELEASED

### 4.2 CAMPBELL TOWN LOCAL DISTRICT FORUM - APPLICATION FOR MEMBERSHIP

#### MINUTE NO. 23/038

##### DECISION

Cr Adams/Deputy Mayor Lambert

That Council

- A) Appoint Leisa Gordon as a member of the Campbell Town District Forum for the remainder of the 2021-2023 membership term.
- B) Council, in relation to this matter:
  - i) consider whether any discussion, decision, report, or document is kept confidential or released to the public; and
  - ii) determined to **release the** decision to the public.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

### 4.3 LOCAL RECYCLING COMMITTEE - APPLICATION FOR MEMBERSHIP

#### MINUTE NO. 23/039

##### DECISION

Cr Adams/Deputy Mayor Lambert

That Council

- A) Appoint Maureen Shadbolt as a member of the Local Recycling Committee for the remainder of the 2020-2023 membership term.
- B) Council, in relation to this matter:
  - i) consider whether any discussion, decision, report, or document is kept confidential or released to the public; and
  - ii) determined to **release** the decision to the public.

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr McCullagh

Voting Against the Motion:

Nil

### 4.4 LAUNCESTON AIRPORT: RATES DISPUTE - NORTHERN MIDLANDS COUNCIL V THE COMMONWEALTH OF AUSTRALIA AND AUSTRALIAN PACIFIC AIRPORTS (LAUNCESTON) PTY LTD (ACN 081 578 903)

#### MINUTE NO. 23/040

##### DECISION

Cr Adams/Cr Archer

That Council

- a) appeal the decision of O'Callaghan J as published on 13 December 2022 on the proceedings by Northern Midlands Council (and Clarence City Council) – v – Commonwealth and Launceston Pacific Airports, contingent to Clarence City Council appealing jointly.
- b) in relation to this matter
  - i) consider whether any discussion, decision, report or document is kept confidential or released to the public; and
  - ii) determined to **release the decision only** to the public.





Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer and Cr Goss

Voting Against the Motion:

Cr Brooks and Cr McCullagh

## 18 CLOSURE

Council **RESOLVED** to move out of the "Closed Meeting"; and Mayor Knowles closed the meeting at 8.45pm.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_