

Meander Valley Council

W O R K I N G T O G E T H E R

AGENDA

COUNCIL MEETING

Tuesday 10 February 2015

COUNCIL MEETING VISITORS

Visitors are most welcome to attend Council meetings.

Visitors attending a Council Meeting agree to abide by the following rules:-

- Visitors are required to sign the Visitor Book and provide their name and full residential address before entering the meeting room.
- Visitors are only allowed to address Council with the permission of the Chairperson.
- When addressing Council the speaker is asked not to swear or use threatening language.
- Visitors who refuse to abide by these rules will be asked to leave the meeting by the Chairperson.

SECURITY PROCEDURES

- Council staff will ensure that all visitors have signed the Visitor Book.
- A visitor who continually interjects during the meeting or uses threatening language to Councillors or staff, will be asked by the Chairperson to cease immediately.
- If the visitor fails to abide by the request of the Chairperson, the Chairperson shall suspend the meeting and ask the visitor to leave the meeting immediately.
- If the visitor fails to leave the meeting immediately, the General Manager is to contact Tasmania Police to come and remove the visitor from the building.
- Once the visitor has left the building the Chairperson may resume the meeting.
- In the case of extreme emergency caused by a visitor, the Chairperson is to activate the Distress Button immediately and Tasmania Police will be called.



PO Box 102, Westbury,
Tasmania, 7303

Dear Councillors

I wish to advise that a general meeting of the Meander Valley Council will be held at the Westbury Council Chambers, 26 Lyall Street, Westbury, on *Tuesday 10 February 2015 at 1.30pm.*

A handwritten signature in black ink, appearing to read 'Greg Preece', with a large, stylized initial 'G'.

Greg Preece
GENERAL MANAGER

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Evacuation and Safety:

At the commencement of the meeting the Mayor will advise that,

- Evacuation details and information are located on the wall to his left;
- In the unlikelyhood of an emergency evacuation an alarm will sound and evacuation wardens will assist with the evacuation. When directed, everyone will be required to exit in an orderly fashion through the front doors and go directly to the evacuation point which is in the car-park at the side of the Town Hall.

Agenda for a general meeting of the Meander Valley Council to be held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 10 February 2015 at 1.30pm

PRESENT:**APOLOGIES:****IN ATTENDANCE:****CONFIRMATION OF MINUTES:**

Councillor xx moved and Councillor xx seconded, *“that the minutes of the Ordinary and Closed meeting of Council held on 20 January 2015, be received and confirmed.”*

COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Date : 27/01/2015	Items discussed:
	<ul style="list-style-type: none">• Infrastructure & Project Discussion• Planning Authority Role - Shaun McElwaine• Audit Panel Presentation – Steve Hernyk• Footpath Concepts for Blackstone Heights• Hadspen Master Plan• Signage Guidelines

DECLARATIONS OF INTEREST:

Nil

TABLING OF PETITIONS:

Nil

PUBLIC QUESTION TIME

General Rules for Question Time:

Public question time will continue for no more than thirty minutes for 'questions on notice' and 'questions without notice'.

At the beginning of public question time, the Chairperson will firstly refer to the questions on notice. The Chairperson will ask each person who has a question on notice to come forward and state their name and where they are from (suburb or town) before asking their question(s).

The Chairperson will then ask anyone else with a question without notice to come forward and give their name and where they are from (suburb or town) before asking their question.

If called upon by the Chairperson, a person asking a question without notice may need to submit a written copy of their question to the Chairperson in order to clarify the content of the question.

A member of the public may ask a Council officer to read their question for them.

If accepted by the Chairperson, the question will be responded to, or, it may be taken on notice as a 'question on notice' for the next Council meeting. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification. These questions will need to be submitted as a written copy to the Chairperson prior to the end of public question time.

The Chairperson may direct a Councillor or Council officer to provide a response.

All questions and answers must be kept as brief as possible.

There will be no debate on any questions or answers.

In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.

Questions on notice and their responses will be minuted.

Questions without notice raised during public question time and the responses to them will not be minuted or recorded in any way with exception to those questions taken on notice for the next Council meeting.

Once the allocated time period of thirty minutes has ended, the Chairperson will declare public question time ended. At this time, any person who has not had the opportunity to put forward a question will be invited to submit their question in writing for the next meeting.

Notes

- Council officers may be called upon to provide assistance to those wishing to register a question, particularly those with a disability or from non-English speaking cultures, by typing their questions.
- The Chairperson may allocate a maximum time for each question, depending on the complexity of the issue, and on how many questions are asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided.
- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to local government, and any statements or discussion in the Council Chamber or any document, produced are subject to the laws of defamation.

For further information please telephone 6393 5300 or visit www.meander.tas.gov.au

PUBLIC QUESTION TIME

1. QUESTIONS TAKEN ON NOTICE – January 2015

2. QUESTIONS WITHOUT NOTICE – February 2015

COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – January 2015

1.1 Cr R Synfield – Working Together

When did “Working Together” become our motto? (At least to year).

Question taken on notice.

Response by Greg Preece, General Manager

This statement resulted from the future search conference that was held in April 2004.

1.2 Cr A Connor – Guidelines Governing Posting of Development Applications

Are there any guidelines governing the posting of Development Application notices on subject properties?

Sometimes they are placed in locations that are not easily accessible by foot (up steep banks) and at times they are left posted for weeks or months after the closing period for submissions.

Can this situation be examined and improved to make these notices more accessible and relevant to the benefit of residents.

Question taken on notice.

Response by Martin Gill, Director Development Services

Section 9 of the Land Use Planning and Approvals Regulations 2014 set out the requirements for giving notice:

Notice of application for permit

1. For the purposes of section 57(3) of the Act, notice by a planning authority of an application for a permit is to be –

- a) advertised in a daily newspaper circulating generally in the area relevant to the application; and*
- b) displayed at the planning authority's office; and*

- c) *given to the owners and occupiers of all properties adjoining the land that is the subject of the application; and*
- d) *displayed on the land that is the subject of the application –*
 - i. *in a size not less than A4; and*
 - ii. *as near as possible to each public boundary.*

Section 57 (5) of the Land Use Planning and Approvals Act 1993 specifies the period for which an application must be notified.

Sometimes they are placed in locations that are not easily accessible by foot (up steep banks) and at times they are left posted for weeks or months after the closing period for submissions.

Can this situation be examined and improved to make these notices more accessible and relevant to the benefit of residents?

Council officers will review the placement of signs.

The letter sent to applicants at the beginning of the notice period will be modified to include a note asking applicants to remove signs at the end of the notice period.

1.3 Cr A Connor - Amalgamations

When will this council discuss its position on amalgamations ahead of the meeting between Council representatives and the minister of Local Government on this subject?

Question taken on notice.

Response by Greg Preece, General Manager

There are no plans for Council to discuss its position on amalgamation. The discussions between the Minister and Councils have been broadened to include local government reform in general with amalgamation being one option. Until such time as some models or options for reform are tabled there is little for Council to discuss.

1.4 Cr B Richardson – Hobart City Council and LGAT

Some years ago Hobart City Council withdrew its membership of the Local Government Association of Tasmania.

Recently Mayor (I don't accept the concept of a "Lord Mayor" – it is anachronistic and outmoded) Sue Hickey advised that Hobart City Council would be re-joining LGAT.

My recollection of the media report was that Mayor Hickey considered it important to re-join LGAT because she, as HCC representative would be automatically on the LGAT committee which gave direct access to the Premier's "Council".

My further recollection is that waves were made within LGAT during HCC's self-impaired excommunication to remove HCC from that "Council" (or committee).

Question – Could Council comment upon that matter?

Question taken on notice.

Response by Greg Preece, General Manager

At the 2013 Annual General Meeting a motion was passed which read “That the Rules of the Association be changed by amending Section 18 (a) (ii) thereby removing the Lord Mayor or proxy from the General Management Committee whilst Hobart City Council is not a member of the Association.”

With the Hobart City Council agreeing to rejoin the Association and paying all outstanding subscription fees, the Lord Mayor is again entitled to join the General Management Committee and the Premiers Local Government Council.

1.5 Cr B Richardson – Public Comment upon the Tasmanian Wilderness World Heritage Area Draft Management Plan

The weekend press of 17th January 2015 contained a public notice from the Minister for Environment, Parks and Heritage.

The Minister has invited public comment upon the Tasmanian Wilderness World Heritage Area Draft Management Plan.

Representations can be made until Sunday, 22nd March 2015.

Question – Will Council form a Council sub-committee to consider the draft, given the Municipality’s relationship, geographically to the Tasmanian Wilderness World Heritage Area?

Question taken on notice.

Response by Greg Preece, General Manager

It is a decision of Council as to whether a sub-committee is formed to consider the draft Plan. The matter will be listed for discussion at the February Council Workshop.

2. COUNCILLOR QUESTIONS ON NOTICE – February 2015

2.1 Cr T King – Working Group

It has come to my attention that sometime in 2013 that a Notice of Motion from Cr Richardson saw, Cr Bob Richardson move, and Cr Howard seconded "that a working group be formed consisting of Council, community and Tasmania Government representatives to progress the establishment of a school at Hadspen and in doing so, consider the impact this may have on schools in the area"

I believe Rick Dunn, Director Economic Development & Sustainability provided some general comments in the agenda item as a Council Officer regarding:

- (i) Establish a primary school at Hadspen; and
- (ii) Re - develop Hagley as a Centre of excellence in agricultural studies for secondary, senior secondary and post - secondary education.

Could an update please be provided as to any progress that has been made with this matter?

Response by Greg Preece, General Manager

The Mayor sent a letter to Minister Nick McKim on the 8th August 2013 inviting the Minister and his representatives to meet with him, Councillors and Council Officers to progress the matter. The Mayor asked the Minister to advise when this meeting could take place in the near future.

On 27th August 2013 Council received a response from the Ministers office advising the Minister had sought advice on the matters raised, and that he would write the Mayor as soon as possible.

A check of Council records shows there was no further correspondence from the Minister on the matter.

3. COUNCILLOR QUESTIONS WITHOUT NOTICE February 2015

Nil

DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

NOTICE OF MOTIONS BY COUNCILLORS

Nil

CERTIFICATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

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



Greg Preece
GENERAL MANAGER

"Notes: S65(1) of the Local Government Act requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice."

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advises that for items DEV1 to DEV2 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

DEV 1 - ANCILLARY DWELLING, TANK AND RESIDENTIAL OUTBUILDINGS – 126 FARRELLS ROAD, REEDY MARSH

1) Introduction

This report considers the planning application PA\15\0100 for an Ancillary Dwelling, Water Tank and Residential Outbuildings (x2) for land located at 126 Farrells Road, Reedy Marsh (CT 13177/3).

2) Background

Applicant

Planning Development Services Pty Ltd

Planning Controls

The subject land is controlled by the *Meander Valley Interim Planning Scheme 2013* (referred to this report as the 'Scheme').

Development

The application proposes to formalise the extension of an existing outbuilding and a part of that building to be used as an ancillary dwelling in the northern end. The open bays of the existing approved outbuilding are enclosed with a new deck extension to the north-east side. An extension to the south-east will accommodate additional storage. The application is for retrospective approval as much of the development has been commenced without the necessary permits. Council has issued Building Orders for illegal works and the applicant is in the process of legalising the development.

The ancillary dwelling comprises a studio apartment with kitchenette and a bathroom, with a total floor area of 50.5m². The non-habitable components of the building will include a small wood store, 3 storage rooms, a double car garage and a deck.



Photo 1: Ancillary dwelling, looking south from the internal driveway.

The application includes the construction of two residential outbuildings. A glass and steel framed greenhouse, with a floor area of 13.26m², is located to the north of the existing dwelling. A residential outbuilding, with a floor area of 65.88m², comprised of a shipping container and 'lean-to' is located to the east of the ancillary dwelling. This building will be used as a domestic storage shed and will house tools and machinery required to maintain the large title.



Photo 2: Green house, looking north.



Photo 3: storage shed.

A water tank with a 6m diameter and height of approximately 3.3m is located adjacent to the ancillary dwelling. The tank has a capacity of 90 Kilolitres. As the capacity of the tank exceeds 45 Kilolitres, it is not exempt from the Scheme and must be assessed against the applicable standards of the Zone and Codes.



Photo 4: Proposed water tank.

Site & Surrounds

The 21.7ha property is located within the Reedy Marsh area. This area is characterised by contiguous native vegetation cover, much of which has conservation significance. Large areas of Reedy Marsh have been mapped as Priority Habitat, while other areas are protected by private conservation covenants.

The title and surrounding properties are predominately used for residential purposes with the titles to the north, south and west all containing single dwellings. Dwellings are generally dispersed and the visibility of development is limited due to natural vegetation cover.

There are some cleared areas of pasture within the surrounding area, and the land to the north-east of the subject site is used for plantation forestry.

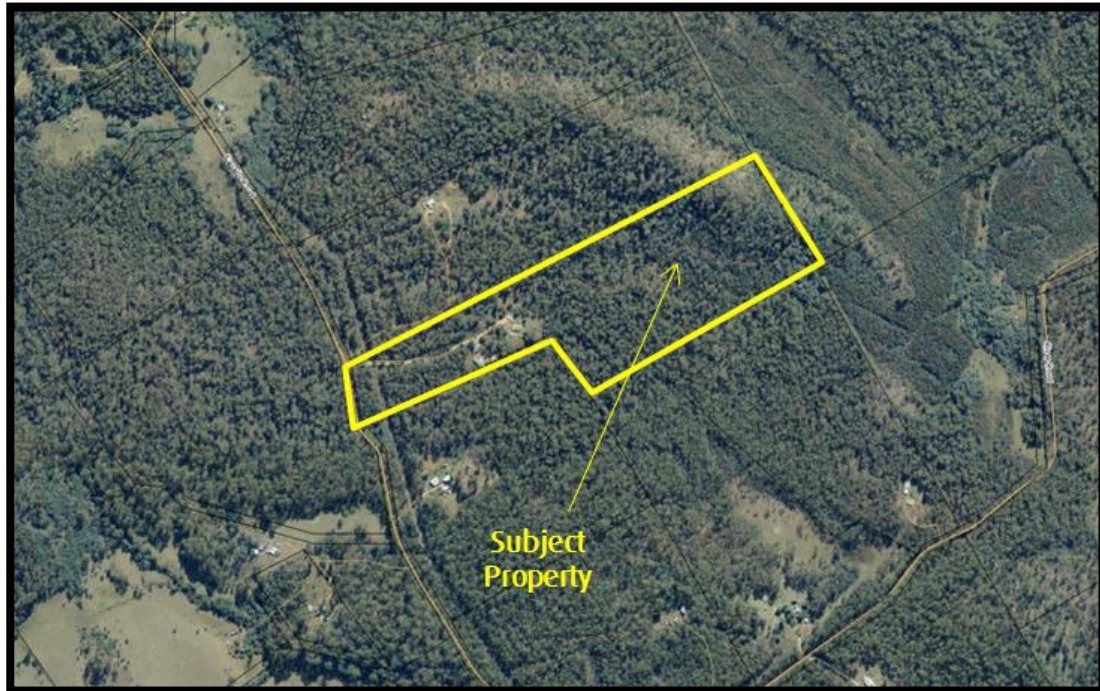


Photo 5: Aerial photo showing the location of the subject title (Source: The LIST, 2015).

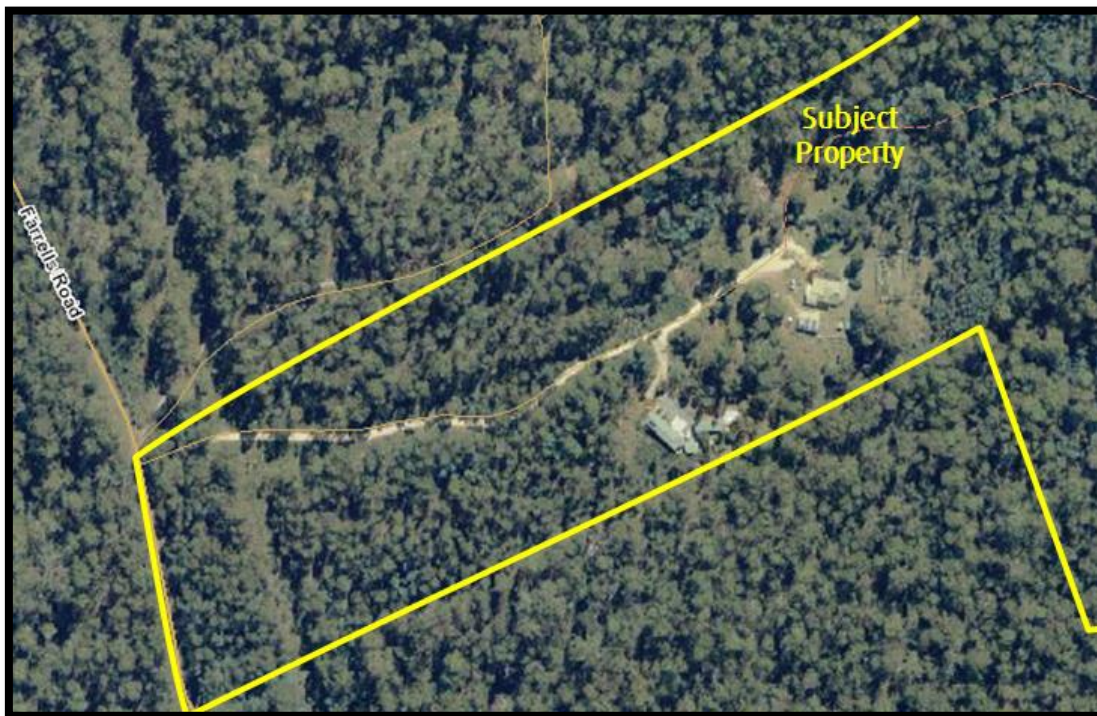


Photo 6: Aerial photo showing magnified view of the subject title, including existing areas of development (Source: The LIST, 2015).

The land has a gentle rise from the west to the east. The shape of the lot is slightly irregular, with an existing development cluster located in the narrower portion of the lot, toward the south-west. All development is within 450m of the frontage on Farrells Road, however existing vegetation completely screens developed areas from public views. The remainder of the property to the north-east of the building cluster is vacant with undisturbed native vegetation, including a large area of priority habitat.

Existing development within the building cluster includes a single dwelling, two residential outbuildings and a 90,000L tank.

Statutory Timeframes

Valid application:	15 December 2014
Advertised:	17 January 2015
Closing date for representations:	2 February 2015
Request for further information:	16 December 2014
Information received:	19 December 2014
Extension of time granted:	13 January 2015
Extension of time expires:	10 February 2015
Decision Due:	10 February 2015

3) Strategic/Annual Plan Conformance

Council has a target under the Annual Plan to assess applications for discretionary uses within statutory timeframes.

4) Policy Implications

Not applicable.

5) Statutory Requirements

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993 (LUPAA)* and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

6) Risk Management

Risk is managed by the inclusion of appropriate conditions on the planning permit.

7) Consultation with State Government and other Authorities

Not applicable.

8) Community Consultation

The application was advertised for the 14-day period required under legislation. One representation was received (attached). The representation is discussed in the assessment below.

9) Financial Impact

Not applicable.

10) Alternative Options

Council can either approve the development, with or without conditions, or refuse the application.

11) Officers Comments

Zone

The subject property is zoned Rural Living (see Figure 1 below). The land surrounding the site is located in the Rural Living and Rural Resource Zones.

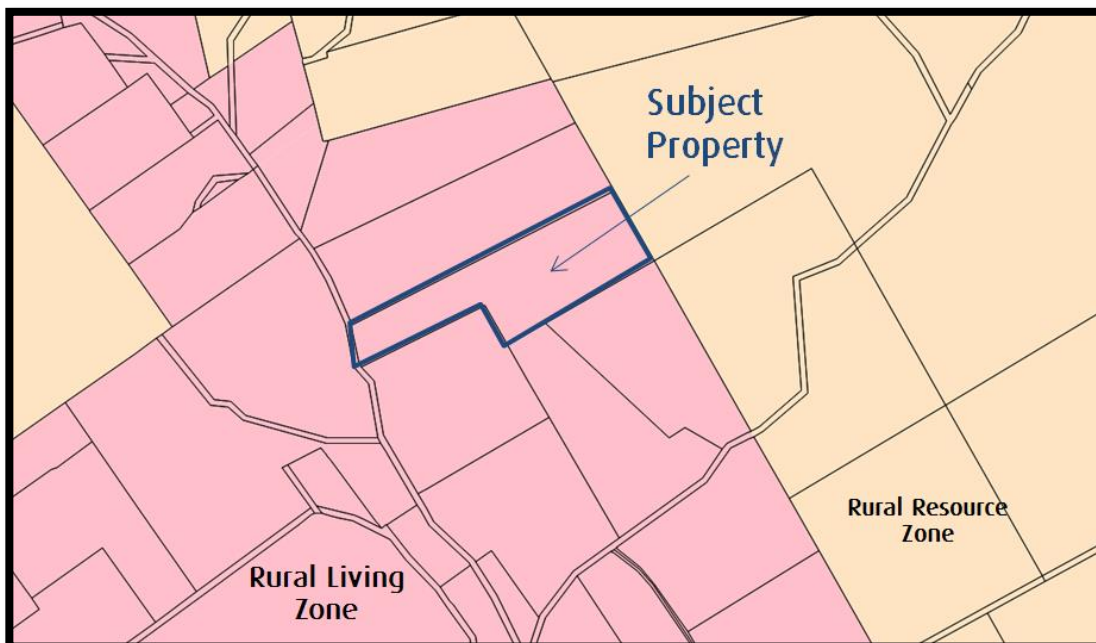


Figure 1: Zoning of subject titles and surrounding land.

- Overlays

The title is subject to the Priority Habitat Overlay. Priority Habitat is indicated by the green hatching on Figure 2 (below).

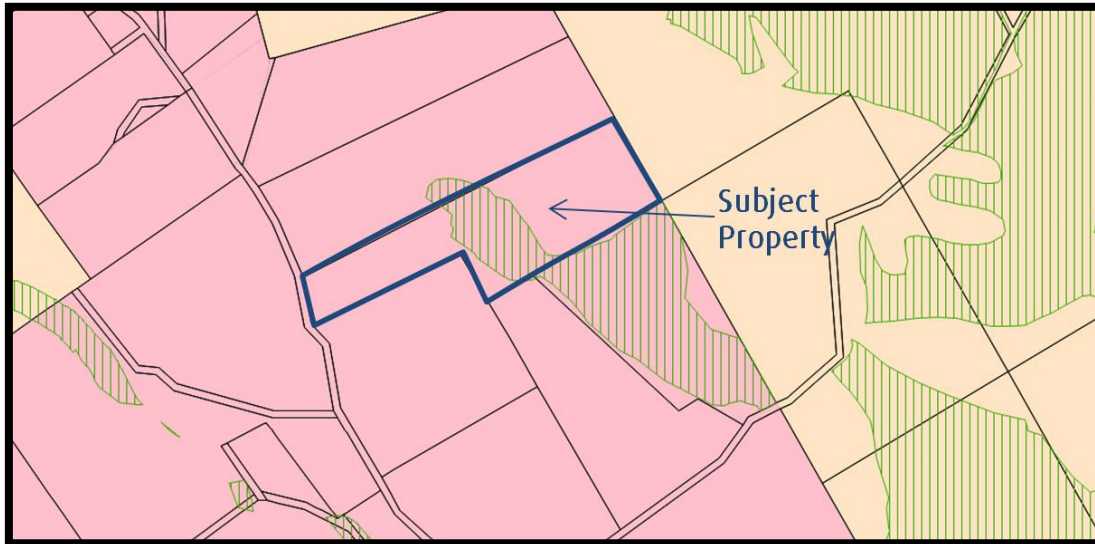


Figure 2: Overlays of subject titles and surrounding land.

Use Class

In accordance with Table 8.2 the proposed Use Class is:

- Residential.

In the Rural Living Zone, Residential use (for a single dwelling) is specified in Section 13.2 – Rural Living Zone Use Table as being *Permitted*. The permitted status is dependant on the use and development meeting all the applicable Acceptable Solutions in the Scheme. In this Instance:

- The proposed greenhouse is *Permitted* development.
- The second outbuilding, the water tank, the extension to the existing outbuilding rely on Performance Criteria and as such, are subject to a *Discretionary* permit process.

Applicable Standards

This assessment considers all applicable planning scheme standards.

In accordance with the statutory function of the State Template for Planning Schemes (Planning Directive 1), where use or development meets the Acceptable Solutions it complies with the planning scheme, however it may be conditioned if considered necessary to better meet the objective of the applicable standard.

Where use and development relies on performance criteria, discretion is used for that particular standard. To determine whether discretion should be exercised to grant approval, the proposal must be considered against the objectives of the applicable standard and the requirements of Section 8.10.

A brief assessment against all applicable Acceptable Solutions of the Rural Living Zone and applicable Codes is provided below. This is followed by a more detailed discussion

of any applicable Performance Criteria and the objectives relevant to the particular discretion.

Compliance Assessment

The following table is an assessment against the applicable standards of the Meander Valley Interim Planning Scheme 2013.

13 Rural Living Zone		
Scheme Standard	Comment	Assessment
13.3.1 Amenity		
A1	The proposed use is Residential (single dwelling), which is a permitted use in the Rural Living Zone.	Complies
A2	Not applicable.	
13.3.2 Rural Living Character		
A1	The use is a permitted use.	Complies
A2	Not applicable.	
A3	Not applicable.	
13.4.1 Building Design and Siting		
A1	The total building coverage on the site is approximately 681.16m ² , comprising: <ul style="list-style-type: none"> Existing Dwelling -300m² approx. Existing Outbuilding -60m² Proposed Ancillary dwelling – 225.75m² Outbuilding (greenhouse)- 13.26m² Outbuilding-63.25 Proposed water tank – 18.9m² The total building area amounts to less than 1 % of the 21.7ha site.	Complies
A2	The proposed development has a maximum height of: <ul style="list-style-type: none"> Ancillary dwelling - 4m Greenhouse - 2.4m Storage shed - 2.5m Tank - 3.3m The maximum height permitted in the Rural Living Zone is 8m.	Complies
A3	All development on the site is setback more than 250m from the frontage. The minimum frontage setback in the Rural Living Zone is	Complies

	25m.	
A4	<p>The extension to the ancillary dwelling is located 16m from the south-east side boundary.</p> <p>The storage shed is 18m from the south-east side boundary.</p> <p>The water tank is 12m from the south-east side boundary.</p> <p>As the Acceptable Solution for setbacks in the Rural Living Zone is 25m, the ancillary dwelling, storage shed and greenhouse are reliant on the Performance Criteria.</p> <p>The proposed green house is setback more than 25m from all title boundaries and complies with the Acceptable Solutions.</p> <p>New sensitive uses must be setback 200m from the Rural Resource Zone.</p> <p>The proposed sensitive use is more than 600m from the rear boundary and the Rural Resource Zone.</p>	Relies on Performance Criteria
A5	The development is for a permitted use.	Complies
A6	Development requires the removal of standing vegetation.	Relies on Performance Criteria

CODES

E1 Bushfire-Prone Areas Code		
Scheme Standard	Comment	Assessment
E1.6.3.1 Pre-existing Lots - Provision of hazard management areas		
A1(c)	The application includes a Bushfire Hazard Management Plan prepared by an accredited practitioner, showing hazard management areas required to achieve BAL 29 and managed consistent with the objective.	Complies
A2	Not Applicable	
E1.6.3.2 Pre-existing Lots – Private Access		
A1(b)	BHMP states that the private access is consistent with the objectives.	Complies
A2(a)	BHMP states that the access to static water supply for firefighting is consistent with the objective.	Complies

A3	<p>The private access meets the requirements of Table E3 as follows:</p> <ul style="list-style-type: none"> • The access to the ancillary dwelling splits from the main driveway and forms a Y junction with a 4m carriageway width and more than 8m in length. • There is no requirement for culverts or bridges. • The Bushfire Hazard Management Plan requires that the access way be maintained with 2m clearance to either side and 4m above the carriageway. <p>The access, however, is more than 250m in length and the existing overtaking bays are more than 100m apart. As such the development is reliant on the Performance Criteria to achieve Compliance.</p>	Relies on Performance Criteria
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E1.6.3.3 Pre-existing Lots – Water Supply

A1(d)	<p>The Bushfire Hazard Management Plan states that water supply is consistent with the objective. A minimum 10,000L water supply for firefighting is to be supplied within 120m of all parts of the dwelling. If the existing tank is to be used, the plan mandates that it be re-plumbed to isolate 10,000L from the domestic supply.</p>	Complies
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E6 Car Parking and Sustainable Transport Code

Scheme Standard	Comment	Assessment
E6.6.1 Car Parking Numbers		
A1	<p>The ancillary dwelling is a component of the Single Dwelling. A Single Dwelling requires 2 parking spaces. A double garage is attached to the ancillary dwelling in addition to the existing double garage located near the main dwelling.</p>	Complies

	All parking on the site will be as existing and the proposed use does not require any additional parking.	
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E8 Biodiversity Code		
Scheme Standard	Comment	Assessment
E8.6.1 Habitat and Vegetation Management		
A1	Vegetation is not priority habitat	Complies
A2	Requires some vegetation clearance in accordance with Bushfire Hazard Management Plan.	Relies on Performance Criteria

Performance Criteria

13 Rural Living Zone
13.4.1 Building Design and Siting
<p>Objective: <i>To ensure that siting and design:</i></p> <ul style="list-style-type: none"> <i>a) protects the amenity of adjoining lots; and</i> <i>b) is consistent with the local area objectives and desired future character statements for the area, if any.</i>
<p>Performance Criteria P4 <i>Buildings must be sited so that side and rear setbacks:</i></p> <ul style="list-style-type: none"> <i>a) protect the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to the:</i> <ul style="list-style-type: none"> <i>i. impact on the amenity and privacy of habitable room windows and private open space; and</i> <i>ii. impact on the solar access of habitable room windows and private open space; and</i> <i>iii. locations of existing buildings and private open space areas; and</i> <i>iv. size and proportions of the lot; and</i> <i>v. extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and</i> <i>vi. local area objectives, if any; and</i> <i>b) protect agricultural uses on adjoining lots from constraints.</i>
<p>COMMENT: The setbacks of the buildings and structures are considered to comply with the Performance Criteria and are consistent with the character of the area.</p>

The extension to the ancillary dwelling, tank and storage shed are all located less than 25m from the south-east side boundary, shared with 90 Farrells Road. The development meets the Acceptable Solutions for setbacks in regard to all other boundaries.

The reduced setback is not considered to adversely impact the amenity and privacy of habitable rooms or private open space of the habitable buildings at 90 Farrells Road. The dwelling on this title is located more than 240m to the south of the development and is separated by a buffer of natural vegetation with a width of approximately 170m. The separation distance and existing vegetation are considered to be sufficient to ensure the amenity and privacy of the habitable rooms and private open space of the neighbouring dwelling are not impacted.

It is noted that the habitable rooms of the ancillary dwelling are all located more than 25m from the boundary and the impact on privacy, caused by habitable room windows will be no greater than a permitted development.

With a separation of 240m the development will not impact solar access to habitable rooms or the private open space of the adjoining dwelling.

While the development is elevated above the neighbouring dwelling as a result of the natural topography, the distance and vegetation buffer is sufficient to mitigate the impact.

The development is consistent with the Local Area Objectives for Reedy Marsh which are:

- a) To retain lower densities and a low level of visibility of development through unobtrusive siting and design, including materials and finishes.*
- b) Where development is visible, ensure that materials are non-reflective and the design integrates with the landscape.*
- c) The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

The Desired Future Character Statement states:

- a) Reedy Marsh is characterized by predominantly forested hills with some cleared areas of pasture and a dispersed pattern of residential uses.*
- b) There is limited visibility of development with most being obscured by vegetation.*

The proposed development is not visible from public spaces due to the retention of existing native vegetation cover and the natural topography. The gentle slope of the land results in the existing and proposed vegetation clearance being adequately screened behind the remaining standing vegetation. All development has been finished in non-reflective colours in dark tones which allows the development to recede into the surrounding vegetation. As a result of the existing screening, the development is not obtrusive.

The development is consistent with the Objective. The siting protects the

amenity of neighbouring dwellings and is consistent with the Local Area Objective and Desired Future Character Statement.

Performance Criteria P6

The removal of standing vegetation does not result in obtrusive development having regard to:

- a) The degree of vegetation clearance;*
- b) landscaping;*
- c) building form and materials;*
- d) setbacks to roads and adjoining lots.*

COMMENT:

While some vegetation removal and management is required for the ancillary dwelling to comply with the requirements of the Bushfire Prone Areas Code, the proposed clearance is relatively minor and is largely understory management, with some semi-mature standing vegetation to be removed. The land surrounding the dwelling is largely free of mature trees.

The development is not visible from Farrells Road, having a natural vegetation buffer of more than 250m between the development and the road.

While vegetation removal will extend to the south-east side boundary, there is no development on the adjoining lot in the immediate vicinity. Standing vegetation for 170m provides a substantial buffer between the proposed vegetation clearance and the neighbouring dwelling.

The development is finished in non-reflective, green tones which are in blend with the natural vegetation and significantly reduce visibility of the development through the open forest.

The clearance will not result in landscape scarring or impact significant views. As the land slopes upward from the public road, all development will be screened by the remaining standing vegetation.

The development is consistent with the Objective.

E1 Bushfire Prone Areas Code

E1.6.3.2 Pre-existing Lots – Private Access

Objective:

Private access on pre-existing lots:

- allows safe access to and from the road network for occupants, fire fighters, and emergency service personnel;*
- provides access to ensure that fire fighting equipment can reach all parts of habitable buildings;*
- is designed and constructed to allow for fire fighting vehicles to be manoeuvred; and*
- provides access to water supply points, including hardstand areas for fire*

fighting vehicles.

Performance Criteria P1

Construction of private access required to access habitable buildings and any water supply point must be an all weather road sufficient to carry fully loaded fire fighting vehicles, including consideration of:

- i. slope, gradient and cross-fall;*
- ii. geometry and alignment;*
- iii. culverts and bridges;*
- iv. height and width of any vegetation clearance;*
- v. travel speed, sight lines and passing bays;*
- vi. turning areas.*

COMMENT:

The proposed development deviates from the Acceptable Solution in that the access does not provide 6m wide, 20m long overtaking bays not more than 100m apart. An existing overtaking bay is located approximately 120m from Farrells Road. While there is sufficient room to accommodate the required dimensions, the bay is not currently constructed to a 4C standard.

A Bushfire Hazard Management Plan prepared by an accredited bushfire practitioner has been submitted with the application. The accredited bushfire practitioner has considered the location of the overtaking bays within the assessment and concludes that, although the overtaking bays are located more than 100m apart, the access has good sight distances and is considered to meet the objectives of safe access in the Bushfire Prone Areas Code.

However, it is considered appropriate that the overtaking bay be constructed to a modified 4C standard all weather road, consistent with the minimum requirements for access roads.

The development can be conditioned to be consistent with the Objective and will allow for safe access and onsite manoeuvring for emergency service vehicles.

Recommended Condition:

- The overtaking bay is to be constructed to a modified 4C Standard in accordance with the ARRB *Unsealed Roads Manual-Guidelines to Good Practice 3rd Edition*, for a length of 20m and with a minimum carriage way width of 6m.

E8 Biodiversity Code

E8.6.1 Habitat and Vegetation Management

Objective:

To ensure that:

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

Performance Criteria P2.1

Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:

- a) *quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and*
- b) *means of removal; and*
- c) *value of riparian vegetation in protecting habitat values; and*
- d) *impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and*
- e) *need for and adequacy of proposed vegetation or habitat management; and*
- f) *conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPs, Department of Primary Industries, Parks, Water and Environment.*

COMMENT:

While some vegetation removal is required to provide bushfire hazard management areas surrounding the proposed habitable building, the extent of vegetation clearance is minimal and considered to comply with the Performance Criteria and objective.

The vegetation cover is *Eucalyptus amygdalina* woodland with an understory primarily of bracken fern (*Pteridium esculentum*), with some native grasses and shrubs. There are very few mature trees within the hazard management area, having been historically removed to accommodate the construction of the approved outbuilding. Standing vegetation to be removed is regrowth and semi-mature trees.

Due to the proximity of the vegetation to an approved residential outbuilding, the surrounding vegetation has been generally degraded by domestic activities.



Photo 7: Approximate extent of vegetation removal shown shaded.

Council's Natural Resource Management Officer did not identify any issues with the development from a biodiversity perspective.

While a large area of priority habitat is mapped in the north-east portion of the lot, no development or vegetation removal is proposed within this area.

The proposed vegetation removal is consistent with the objective. Vegetation to be removed is not priority habitat and is already disturbed, being within the domestic curtilage. Vegetation cover across the lot is significant and contiguous with that on adjoining titles, maintaining habitat connectivity. The proposed vegetation removal is minimal and will have a negligible impact on biodiversity values.

Representation

One representation was received during the advertising period (see attached documents).

A summary of the representation is as follows:

S. Lowe

1/ Vegetation Removal

The representor has previously been approached regarding the clearance of vegetation posing a potential threat to the development. The representation objects to the imposition of the requirement to remove and maintain vegetation.

2/ Liability

The proximity of the development to the shared boundary and the liability imposed regarding trees falling on the development from the risk of falling trees.

3/ Privacy

Concerns that the reduced setback and habitable rooms will result in reduced privacy and amenity for the neighbouring dwelling at 90 Farrells Road.

4/ Alternative Locations

Frustration in regard to the lack of consideration for alternative locations and the lack of disregard for the process.

COMMENT:

Vegetation Removal

The Bushfire Hazard Management Plan submitted with the application indicates that all hazard management areas will be fully contained within the subject lot. As such there is no requirement from a planning perspective for any vegetation clearance to occur on the adjoining title.

Liability

There is no scope under the Planning Scheme to make an assessment on this basis. The performance criteria and objectives for setbacks relate to the amenity impacts between developments on lots. Apart from the provision of a Hazard Management Area for bushfire, vegetation management obligations are a civil matter and not a matter for the planning authority.

Generally, land owners are responsible for maintaining their land, including vegetation, in such a way as it does not cause damage to an adjoining property. If a neighbour's tree does cause damage to your property, that neighbour may be liable if it can be determined that they have been negligent in the maintenance of that tree. Irrespective of the adjacent land being developed or not, the responsibility to maintain the vegetation such that it does not damage the adjoining property in any manner remains.

It is noted that the Planning Scheme provides exemptions for a number of structures including water tanks with a capacity of 45,000L, provided they are setback more than 1m from the boundary. Had the applicant opted for two 45,000 litre tanks rather than a single 90,000L tank, planning and building permits would not be required for this

component. The potential liability of the adjoining landowner, however, would not be reduced.

Privacy and amenity

The proposed development is separated from the neighbouring dwelling at 90 Farrells Road by more than 240 metres, 170 metres of which is standing native vegetation. While the development will have minimal visibility from 90 Farrells Road and vice versa, there are no direct views and the impact on privacy and amenity is reasonable. From the site of development, only the roof of the neighbouring dwelling is visible, with the habitable rooms of the dwelling being obscured by natural topography. Over this distance it is not possible to observe any details of the dwelling and habitable rooms are not visible. A prominent ridge between the development and the adjoining dwelling obscures all direct views of the cleared open space areas surrounding 90 Farrells Road.

In addition, the development is clad in muted green tones, which blend with the surrounding vegetation and results in the development being barely visible through the forest.



Photo 8: Dwelling and outbuildings at 90 Farrells Road, viewed from the site of development, showing vegetation buffer and distance separation.



Photo 9: Ancillary dwelling at 126 Farrells Road, viewed from the dwelling at 90 Farrells Road, showing vegetation buffer and distance separation.

The proposed ancillary dwelling is oriented south-east to north-west, with the habitable rooms located at the northern end of the building. The development does not provide any direct views of the adjoining property and there are no habitable room windows orientated toward the adjoining property to the south. The usable and accessible outdoor areas associated with the ancillary dwelling are all located to the north-west of the building, with the non-habitable components of the building, the water tank and the storage shed, providing an additional visual barrier between the usable areas and the neighbour.



Photo 10: Development viewed from south-east boundary.

The vegetation and distance are also considered to be sufficient to mitigate any noise and omissions likely to be generated by a normal domestic use.

The setback, existing vegetation and design of the ancillary dwelling are considered sufficient to provide reasonable privacy and separation for the occupants of both dwellings.

It is noted that all habitable rooms are located more than 25m from the boundary and essentially comply with the Acceptable Solutions for setbacks. As such the impact of the residential use on privacy and amenity will be no greater than that of a *Permitted* development.

Alternative Locations

Council is bound to consider the application before it and may approve the application (with or without conditions) or refuse it.

Concerns regarding the placement of the original outbuilding cannot be considered in regard to this application and only the merits of the current application are a relevant matter. The development and required clearance is largely within the disturbed area surrounding the approved outbuilding and does not require a significant increase in the building curtilage.

A planning assessment considers the potential impacts of development applied for, irrespective of whether the application is retrospective for development that does not have the required permits. If this assessment finds that the development is inappropriate, the land owner will be required to either remove or modify the development in order to meet the requirements of the Scheme. In this instance, the assessment has found that the development complies with the Acceptable Solutions and reasonably meets the objectives and Performance Criteria where these are applicable.

Conclusion

In conclusion, it is considered that the application for an ancillary dwelling, water tank and two residential outbuildings can be effectively managed by conditions and should be approved.

AUTHOR: Justin Simons
TOWN PLANNER

12) Recommendation

That the application for use and development for an Ancillary Dwelling, Water Tank and two Residential Outbuildings for land located at 126 Farrells Road, Reedy Marsh (CT 13177/3) by Planning Development Services Pty Ltd obo M Wilson, requiring the following discretions:

- 13.4.1 Reduced Setbacks & Vegetation Removal*
- E1.6.3.2 Bushfire Prone Area: Private Access*
- E8.6.1 Vegetation Removal*

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

1. The use and/or development must be carried out as shown and described in the endorsed Plans:
 - a) Kel Clark, Sept 2014, M& T Wilson 126 Farrells Road Reedy Marsh - Drawing No. 02, 03, 05, 07, 08, & 11.
 - b) AK Consultants, 24th Nov 2014, Bushfire Hazard Management Report.

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.

2. Overtaking bays are to be constructed to a modified 4C Standard in accordance with the ARRB *Unsealed Roads Manual-Guidelines to Good Practice 3rd Edition*, for a length of 20m and with a minimum total carriage way width of 6m.
3. Prior to the commencement of the use, a certificate of compliance by an accredited practitioner, must be submitted confirming all measures required

under the endorsed Bushfire Hazard Management Plan (prepared by AK Consultants) are completed.

4. The use of the outbuildings and rooms that are not noted as 'Ancillary Dwelling' on Drawing No. 03 is limited to residential storage and related residential activities only and is not permitted for human habitation.
5. The development approved by this permit must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.

Note:

1. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:
 - a) Building permit
 - b) Plumbing permit
 - c) Special Plumbing permit (on-site effluent disposal system)

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.
5. If any Aboriginal relics are uncovered during works;
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and

- c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

DEV 2 - EXTENSION TO RESIDENTIAL OUTBUILDING – 35 CHELTENHAM WAY, PROSPECT VALE

1) Introduction

This report considers the planning application PA\15\0115 for an extension to a Residential Outbuilding, for land located at 35 Cheltenham Way, Prospect Vale (CT 116575/3).

2) Background

Applicant

NA Colgrave

Planning Controls

The subject land is controlled by the *Meander Valley Interim Planning Scheme 2013* (referred to this report as the 'Scheme').

Use & Development

It is proposed to extend the existing residential outbuilding towards the front by incorporating an open sided roofed structure. The extension will be 450mm from the side boundary and measures 5 metres in depth and 12 metres in width. It will have a height of 3.54 metres at the front and reduces to a height of 2.8 metres where it overhangs the existing outbuilding and is constructed on a concrete slab. There will be two dividing partitions; one to the south-western side and one between the roller door and room component of the outbuilding. The section adjacent to the northern boundary is to the front of the garage and will be used as a carport, whereas the southern portion will be utilised as part of the private open space. The materials are Colorbond Custom Orb roofing in a dark grey in colour and a steel frame.

Site & Surrounds

The 880m² property is located within Prospect Vale. The rectangular shaped property is accessed off Cheltenham Way. The property is surrounded by residential development to the north-east, north-west, and south-west, while the land to the south-east is bushland, owned by the Education Department. The surrounding area is dominated by single dwellings, interspersed with multiple dwellings. The land undulates gently throughout the area.

The topography of the subject property gently rises from Cheltenham Way to the rear property boundary. The land comprises an existing single dwelling and a 12 metre by 7 metre by 3.67 metre high outbuilding. This outbuilding is proposed to be extended.



Photo 1: Aerial photo showing location of the subject title.
Source: www.thelist.tas.gov.au 2015.



Photo 2: Outbuilding to be extended and commenced framework for the extension.



Photo 3: View of property from Cheltenham Way.

Statutory Timeframes

Valid application:	18 December 2014
Advertised:	17 January 2015
Closing date for representations:	2 February 2015
Request for further information:	23 December 2014
Information received:	9 January 2015
Extension of time granted:	Not Applicable
Extension of time expires:	Not Applicable
Decision Due:	13 February 2015

3) Strategic/Annual Plan Conformance

Council has a target under the Annual Plan to assess applications for discretionary uses within statutory timeframes.

4) Policy Implications

Not applicable.

5) Statutory Requirements

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993 (LUPAA)* and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

6) Risk Management

Risk is managed by the inclusion of appropriate conditions on the planning permit.

7) Consultation with State Government and other Authorities

The application was referred to TasWater due to a sewer line located within close proximity to the boundary on the adjoining properties to the north. A Submission to Planning Authority Notice (TWDA 2015/00011-MVC) was received on 7 January 2015 (attached).

8) Community Consultation

The application was advertised for the 14-day period required under legislation. Two representations were received (attached). The representations are discussed in the assessment below.

9) Financial Impact

Not applicable.

10) Alternative Options

Council can either approve the development, with or without conditions, or refuse the application.

11) Officers Comments

Zone

The subject property is zoned General Residential (see Figure 1 below). The surrounding land is zoned General Residential and Environmental Management Zones as shown in Figure 1.

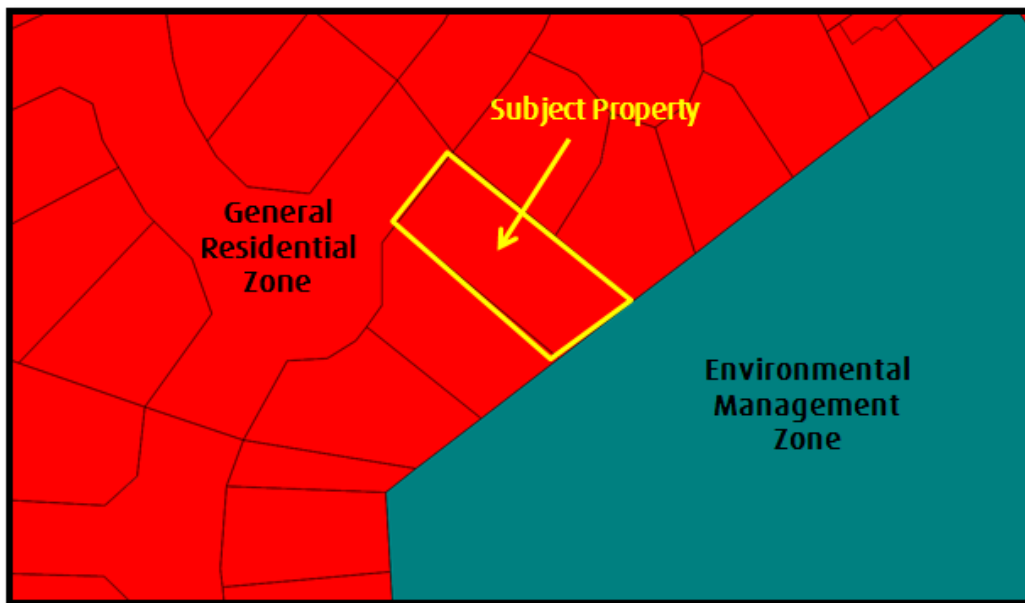


Figure 1: Zoning of subject title and surrounding land.

- Overlay

The subject property is located within the Urban Salinity Area as shown in Figure 2.

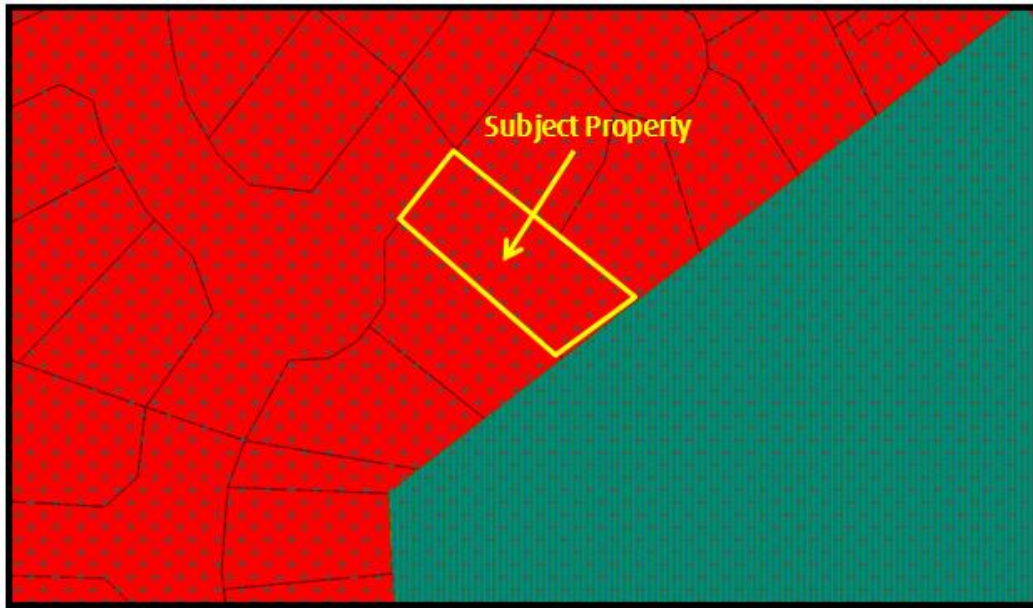


Figure 2: Overlay map of subject titles and surrounding land.

Use Class

In accordance with Table 8.2 the proposed Use Class is:

- Residential

In the General Residential Zone, Residential Use (for a single dwelling) is specified in Section 10.2 – General Residential Zone Use Table as being *No Permit Required*. The No Permit Required status is dependent on the use and development meeting all of the applicable Acceptable Solutions in the scheme. In this instance the extension to the outbuilding relies on Performance Criteria and as such, is subject to a discretionary permit process.

Applicable Standards

This assessment considers all applicable planning scheme standards.

In accordance with the statutory function of the State Template for Planning Schemes (Planning Directive 1), where use or development meets the Acceptable Solutions it complies with the planning scheme, however it may be conditioned if considered necessary to better meet the objective of the applicable standard.

Where use and development relies on performance criteria, discretion is used for that particular standard. To determine whether discretion should be exercised to grant approval, the proposal must be considered against the objectives of the applicable standard and the requirements of Section 8.10.

A brief assessment against all applicable Acceptable Solutions of the General Residential Zone and applicable Codes is provided below. This is followed by a more detailed discussion of any applicable Performance Criteria and the objectives relevant to the particular discretion.

Assessment

The following table is an assessment against the applicable standards of the Meander Valley Interim Planning Scheme 2013.

Zone

10 - General Residential Zone			
Scheme Standard		Comment	Assessment
10.3.1 Amenity			
A1	If for permitted or no permit required uses.	Residential is a 'No Permit Required' Use.	Complies
A2	Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	Not applicable	Not Applicable
10.4.2 Setbacks and building envelope for all dwellings			
A1	Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) 4.5m from the primary frontage; or (b) 3m from a non-primary frontage; or (c) not less than dwellings on adjoining titles; or (d) in accordance with Table 10.4.2.	The outbuilding extension is located behind the building line of the house and is approximately 27 metres from the frontage.	Complies
A2	A garage or carport must have a setback from a primary frontage of at least: (a) 5.5m, or alternatively 1m behind the façade of the dwelling; or (b) the same as façade if dwelling has floor area above the garage; or (c) 1.0m if the slope is	The outbuilding extension is located behind the building line of the house and is approximately 27 metres from the frontage.	Complies

	greater than 1:5.		
A3	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope 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 lot 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 natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side 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 lot; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>The outbuilding extension is not contained within the building envelope.</p> <p>(a)(i) The front setback is approx. 27 metres.</p> <p>(ii) The outbuilding extension is 12 metres from the rear boundary. At the closest point it is 450 millimetres from the north-eastern side boundary and has a height of 3.69 metres. The height and setback of the north-eastern end of the structure extends outside the building envelope.</p> <p>(b)(ii) The existing garage is set back 1 metre from the side boundary and has a northern wall length of 7 metres. The proposed extension is an additional 5 metres in length along the north-eastern side. The total length of outbuilding within 1.5 metres of the side boundary is 12 metres, which exceeds the standard by 3 metres.</p>	Relies on Performance Criteria

10.4.3 Site coverage and private open space for all dwellings			
A1	<p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) 60m² for multiple dwellings.</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>Site Area: 880m²</p> <p>Existing house: 139m²</p> <p>Rear Verandah: 20.54m²</p> <p>Existing outbuilding: 84m²</p> <p>Extension to outbuilding: 61.34m².</p> <p>Total Site Coverage: 304.88m² or 35% .</p> <p>Approximately 260m² remains free of impervious surfaces.</p>	Complies
A2	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m²;</p> <p>(ii) 12m² for multiple dwellings above ground floor level; and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m for multiple dwellings above ground floor level; and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage only if the frontage is orientated</p>	<p>Half of the proposed development extends into the private open space area of the property, while the other half is over the driveway to the garage. The distance between the rear verandah of the house and extension is 5 metres. The extension will not reduce the private open space of the dwelling below the standard.</p> <p>a)i) There is an area in one location greater than 24m.</p> <p>b)i) has a minimum dimension of 4 metres.</p> <p>c) Direct accessibility from the house will not be impacted upon by the extension (it is noted that the dining room has direct access to the outdoor area).</p> <p>d) The location of the private open space is not changing as a result of the extension. The existing area is located to south-east</p>	Complies

	<p>between 30 degrees west of north and 30 degrees east of north; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>of the house, however the extension to the outbuilding will not overshadow the private open space area.</p> <p>e) Not located to the front of the dwelling.</p> <p>f) Gradient is less than 1:10.</p> <p>g) There is a dedicated area for private open space that is not used for vehicle access or parking.</p>	
10.4.4 Sunlight and overshadowing for all dwellings			
A1	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Not applicable.	Not applicable
A2	Window location for multiple dwellings.	Not Applicable	Not Applicable
A3	Private open space for multiple dwellings	Not Applicable	Not Applicable
10.4.5 Width of openings for garages and carports for all dwellings			
A1	A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	The proposed extension is greater than 12 metres from the frontage.	Complies
10.4.6 Privacy for all dwellings			
A1	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a	Finished surface level is 150mm above ground level.	Complies

	<p>permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p> <p>(c) dwelling on the same site.</p>		
A2	<p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3 m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(iii) 6m from multiple dwelling windows;</p> <p>(iv) 6m from multiple dwelling private open space.</p>	Not Applicable	Not Applicable
A3	Setbacks to shared driveways for multiple dwellings,	Not Applicable	Not Applicable
10.4.7 Frontage fences for all dwellings			
A1	A fence within 4.5 metres of the frontage must have a height of 1.2m or 30%	<p>Not Applicable.</p> <p>The application does not include a front fence.</p>	Not Applicable

	transparency above 1.2m to a maximum height of 1.8 metres.		
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Codes

E6 Car Parking and Sustainable Transport Code			
Scheme Standard		Comment	Assessment
E6.6.1 Car Parking Numbers			
A1	The number of car parking spaces must not be less than the requirements of: a) Table E6.1; or b) a precinct parking plan	In accordance with Table E6.1, the dwelling requires two car parking spaces which are provided for in the existing garage and driveway.	Complies
E6.7.1 Construction of Car Parking Spaces and Access Strips			
A1	All car parking, access strips, manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	The undercover area in front of the garage is a concrete surface. The area in front of the roller doors of the garage will be used for car parking and access and is considered to be adequately formed and drained. Drainage is directed to reticulated services.	Complies
E6.7.2 Design and layout of Car Parking			
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;	The proposal provides for 2 parking spaces.	Not Applicable
A1.2	Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	The existing driveway configuration does not provide for turning within the front setback.	Complies

A2.1	<p>Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and <p>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</p>	<p>The internal access to the garage at the rear consists of an existing paved surface to the side of the house, while a new concrete surface has been installed from the rear of the house and extends to the area under the structure. This internal driveway has a gentle slope.</p> <p>It is likely that the area in front of the roller door of the garage will be used for vehicle parking associated with the normal use of the garage. This space is considered to be of a size able to accommodate side by side car parking.</p> <p>Because the application is for an extension to the existing outbuilding for an existing use and the internal access exists, acceptable solution A2.1 b), c) and d) are not applicable.</p> <p>The layout of the car parking in front of the garage is considered to be consistent with AS 28.90.1-2004. The width of the area is approx. 5.5 metres and a length of 5.4 metres is achieved.</p>	Complies
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Performance Criteria

General Residential Zone
10.4.2 Setbacks and building envelope for all dwelling
<p>Objective</p> <p><i>To control the siting and scale of dwellings to:</i></p>

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

Performance Criteria P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:*
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling or an adjoining lot; or*
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (iii) overshadowing of an adjoining vacant lot; or*
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

Comment:

The proposed outbuilding extension requires discretion as it exceeds the building envelope in terms of its height within close proximity to the northern boundary and for the total wall length exceeding 9 metres within 1.5 metres of the boundary. The proposed development has been assessed against the performance criteria and is considered appropriate as it does not cause an unreasonable loss of amenity or reduction in separation between dwellings as discussed below.

Overshadowing:

The application documentation provided shadow diagrams at 9am, 12 noon and 3pm on the 21st June for the proposed extension and the existing building (Refer to Figure 3 below). The shadow diagrams show that the proposed extension will not significantly overshadow habitable rooms or private open space areas of adjoining dwellings. The 9am shadow will overshadow the adjoining property at 37 Cheltenham Way. The private open space area of this property already receives overshadowing at this time from the existing outbuilding, however the proposed extension will overshadow approximately 3.5 metres of the rear portion of the house. As the proposed structure is contained within the building envelope standards in regards to the boundary between 35 and 37 Cheltenham Way, the relationship of the proposed development with that property complies outright with the Scheme.

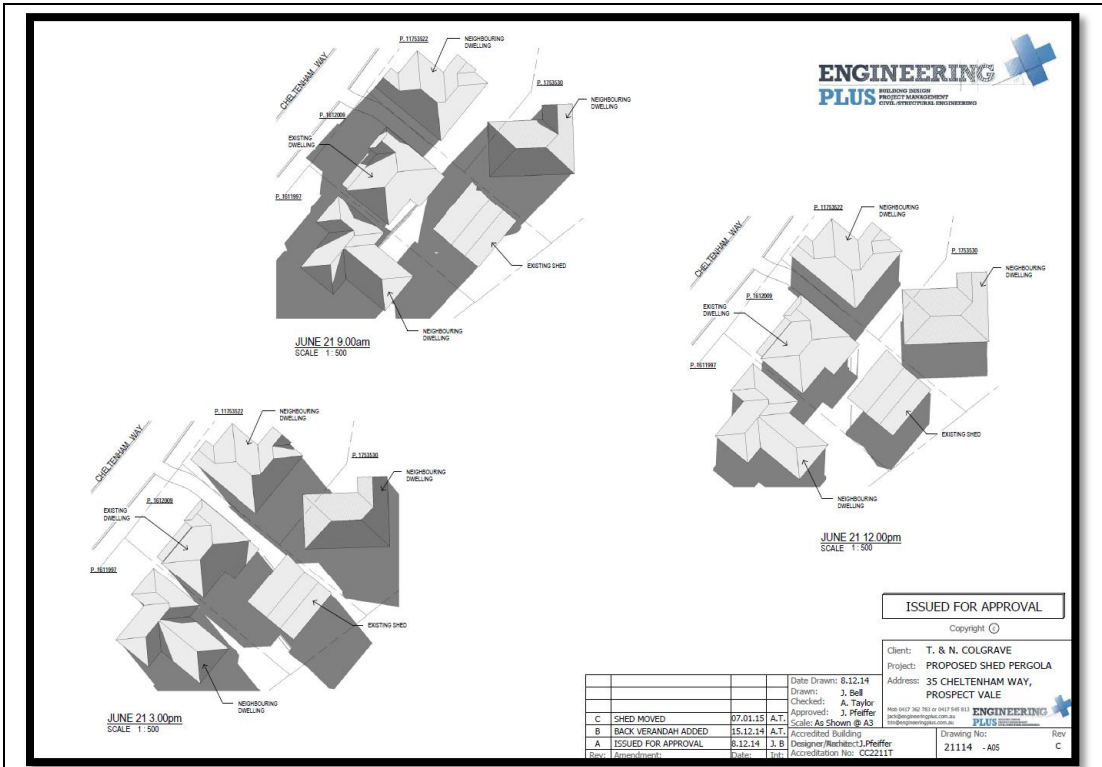


Figure 3: Shadow diagrams submitted with the application for the development.

The shadow diagrams show the shadows at 3pm being cast on to the property at the rear which is bushland; however, the majority of the shadow cast over the boundary is from the existing outbuilding.

Being located to the south and southwest of 33A Cheltenham Way and 4 Chelmsford Close, there is negligible impact by the extension on the solar access of those properties. By 4pm there is only a small portion of the south-western corner of the adjoining property that is overshadowed at this time and would not exceed the impact of the boundary fence.

It is considered that the proposed development does not cause an unreasonable loss of amenity by reduction in sunlight to a habitable room, or overshadow the private open space area of an adjoining dwelling.

Visual Impact

Due to the orientation and layouts of lots within the area, the subject property shares the north-eastern boundary with two properties, one of which is accessed off a cul-de-sac. This has resulted in the adjoining property, 4 Chelmsford Close, adjoining the rear portion of 35 Cheltenham Way. The dining room and kitchen of this house, has windows facing west. The dining room also has a sliding door to a paved, partly undercover area. When standing in this outdoor area, the proposed extension is visually obtrusive as photo 4 and 5 below illustrates. 4 Chelmsford Close has also been cut in to the ground when built, resulting in the height of the proposed extension appearing higher. The apparent scale and bulk of the proposed development is considered to be

partly minimised by the development having open sides and front. This will allow light and views to pass through and be visually softer than compared to a solid wall.



Photo 4: Photos from patio area of 4 Chelmsford Close.

The increase in wall length from 9 metres to 12 metres within 1.5 metres of the boundary is not considered to unreasonably increase the impact on visual amenity from 4 Chelmsford Close above that of complying development. It is acknowledged that if the overall wall length (including the existing outbuilding and the proposed development), were reduced to a total length of 9 metres, the view of the development would be minimised from 4 Chelmsford Close. However, this would result in only a 2 metre wide extension which would not serve its purpose. Alternative wall locations are not practical due to the location of the approved garage door. By comparison, if the development could be located to comply with the building envelope, it would still be highly visible from the adjoining property. The difference between compliant development and the proposed development is shown below in photo 5.



Photo 5: Photo showing the difference between the proposed and compliant development.

From the adjoining property, the full length of the structure (existing outbuilding and extension) is only visible when standing in the garden facing the development. From the pergola area, approximately 8 metres of the wall length of the entire structure is in view as shown in Figure 4 below. A small proportion of the extension will be visible from the kitchen and dining room windows. Therefore, the increase in wall length from 9 to 12 metres is considered acceptable considering the visual amenity of the adjoining property.

It is noted that there is a second outdoor area at 4 Chelmsford Close to the south of the house that is used for private open space. The proposed extension will have minimal visibility from this area as this undercover area is screened with hessian like material.



Figure 4: Aerial photo showing proposed extension and the vista from 4 Chelmsford Close.

The height of the proposed extension is 3.69 metres. The overall height that a building can be constructed on a residential property is up to 8.5 metres in conjunction with the building envelope provisions relating to boundary setbacks. In terms of height, only a small proportion of the development projects outside of the building envelope. The design of the north-eastern side of the proposed extension angles from 1 metre from the boundary where it adjoins the outbuilding and reduces to 450mm at the closest point to the boundary. The height of the roof increases from approximately 3 metres to 3.69 metres over the 5 metre depth of the structure. Therefore, there is only a small portion of the extension that projects outside of the building envelope. Figure 5 demonstrates the section of the extension outside the building envelope for setback and height (Note: this does not include wall length consideration)

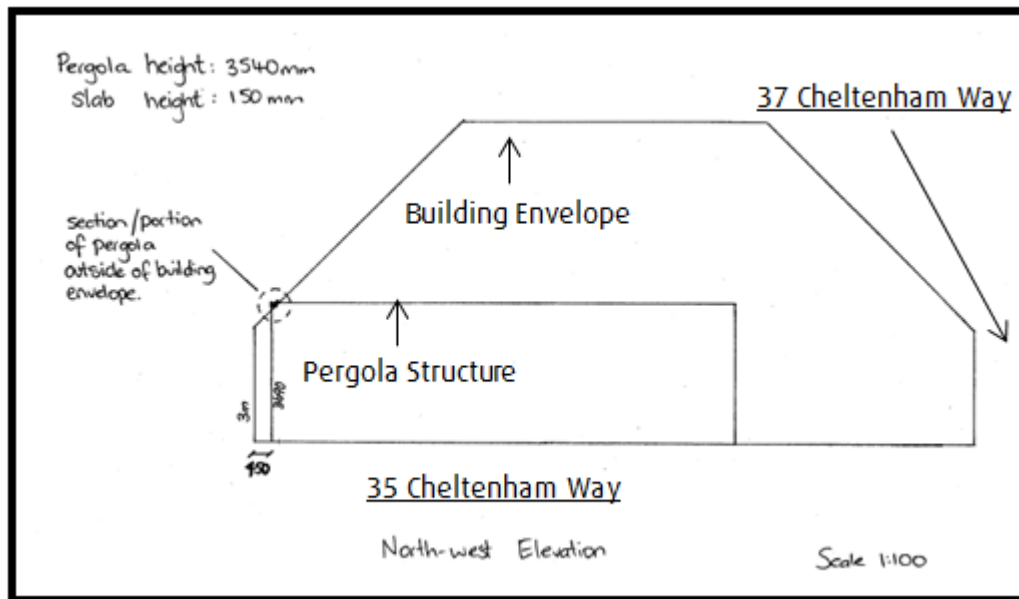


Figure 5: Building envelope showing the section of extension extending beyond the building envelope.

If the development were to fit inside the building envelope when setback 450mm from the boundary, the height would need to reduce to approximately 3.5 metres (reduce by 190mm in height) or it would need to be positioned approximately 700mm from the boundary (an additional 250mm from the boundary). If the development were made to comply with the building envelope provision in regards to the height/setback requirements, the visual impact of bulk and scale would be marginally less when viewed from the adjoining property compared to what is proposed. The development will still penetrate above the boundary fence and be as visible as it currently is.

Once a roof is installed and the development completed, it will look like an undercover area consistent with carport or verandah. The open sides of the building will break up the building form which is considered to reduce the impact of the bulk of the building.

The style of the development is somewhat different to normal extensions to outbuildings. Generally, most outbuildings have a lean-to lowering in height from the outbuilding. This proposed outbuilding extension does the opposite, increasing in height away from the outbuilding. This results in a different look and gives the appearance as though the extension is higher than the outbuilding. The existing outbuilding has an overall height of 3.67 metres and the proposed extension is roughly the same height as Photo 6 demonstrates.



Photo 6: Taken from 37 Cheltenham Way showing the height of the existing outbuilding and proposed extension.

In consideration of the visual impact from the adjoining property, whilst the development will be visible from 4 Chelmsford Close, the entire length of the finished structure will not be directly visible from the kitchen, dining room or outdoor area. The bulk and scale of the development is not considered to detrimentally impact the amenity of the adjoining properties.

Within the residential area it is not uncommon for dwellings, carports and outbuildings to be built on or within close proximity to the boundary. On the subject property, the existing outbuilding is located 1 metre from the boundary and has a wall length of 7 metres and the proposed structure extends to 450mm from the boundary and has a wall length of 5 metres. This is reasonably consistent with the character of the area. The separation between the proposed extension and the dwellings on adjoining lots is considered to be compatible with the surrounding area and will not impede the opportunity for sunlight to enter habitable rooms and private open space areas of adjoining lots. Whilst the design of the development is not common, the development from the street doesn't penetrate above the established building line and is not higher than other buildings on the lot. It is, therefore, considered to be consistent with scale and bulk of dwellings and is in keeping with the objective.

The development is considered to respect the character of the residential area, being consistent with the siting and height of outbuildings within the residential zone, with the dwelling being the predominant building form. Residential amenity is also maintained. The development is consistent with the Zone Purpose.

Representations

Two representations were received during the advertising period (see attached documents).

A summary of the representations are:

1. Mrs C Alomes
 - a) Outlook from kitchen and dining window is straight onto the structure, which is not a nice view.
 - b) Too high if only a pergola especially being only 450mm from the boundary fence.
 - c) Will block late afternoon sun from property in winter. The plan shows shadows till 3pm, however, receives sunshine into kitchen and dining room after this time which provides some warmth.

2. Mr & Mrs K & S Hayes
 - a) Concerned about the height of the front of the proposed building. The living area receives approximately 2 hours of sunlight in the morning in autumn and winter and the height of the structure will completely block the sun out. No objection if the height of the front of the structure was reduced to a maximum height of 2.4 metres as it would be out of the line of sunshine during winter.
 - b) Are these premises going to be used for a commercial venture as the nature of the structure seems to be out of proportion for a domestic situation?
 - c) Visitors parking on nature strips because they have no private parking.

Comment:

1 a) & b) Outlook & Height

The visual impact and the height of the proposed development have been considered above. The outlook when viewing the proposed extension from the kitchen, dining room and outdoor area at 4 Chelmsford Close is a visually prominent structure that appears high. The mass of the extension appears increased due to 4 Chelmsford Close being cut into the ground.

The structure is different to that of the common lean-to which reduces in height the further it extends from the outbuilding. This structure increases in height and has a slope over the width of the extension which adds to the overall height. The visual impact of the extension, whilst different is not considered to cause an unreasonable loss of amenity when all elements are considered. The scale and bulk of the proposed extension is broken up through the sides being open, allowing for light to pass through and will reduce the massing of material within proximity to the boundary. There is also only a small proportion of the extension, being the first metre which exceeds the building envelope for height and the wall length being exceeded by 3 metres.

The extension will be finished with a Colorbond roof coloured dark grey, being consistent with the existing outbuilding. The additional 190mm of height of the

proposed outbuilding is also in keeping with the height of the existing garage. It is standard that most residential outbuildings have a wall height of approximately 3.5 metres and are commonly located within close proximity to the boundary. The proposed extension is considered in keeping with this character.

As discussed above, the increase in height and wall length is not considered to detrimentally impact 4 Chelmsford Close. The structure is 190mm above the building envelope and this extra 190mm is considered insignificant in terms of reduction in amenity. The property will not be overshadowed from 9 am to 4pm. The increased wall length will be open sided and approximately 8 metres of the entire structure will be viewed within the patio area. Whilst being visible, the extension in its proposed form is considered acceptable. The proposal marginally exceeds the building envelope in terms of height and setback.

1c) Reduction of sunlight

Solar access is discussed in detail above. The shadow diagrams submitted with the application demonstrates that between 9am and 3pm, 4 Chelmsford Close will not receive any overshadowing from the proposed extension. Further, the shadow diagram also shows that at 4pm there will be no overshadowing on the house at 4 Chelmsford Close. Therefore, there will be no unreasonable reduction of sunlight to habitable rooms or overshadowing on the private open space of 4 Chelmsford Close.

2a) Height causing a reduction of sunlight

37 Cheltenham Way is located to the south-west of the subject property. The outbuilding extension is located 6.2 metres from the south-western boundary. In consideration of this distance to the boundary and the height of the extension, the outbuilding is contained within the building envelope (Refer Figure 5 above). Therefore, any concerns specifically in regards to height of building and loss of sunlight cannot be considered as the structure is located within the building envelope on the south-western side.

2c) Use of property

The owner of the property confirmed in writing on the 23 January that the property is purely for residential use and that 'no commercial business of any kind is being run from the property' (N Colgrave 23.1.2015).

2d) Parking

Whilst vehicular parking on the nature strip is not a Planning Scheme related matter it is considered that the property has significant area available for vehicle parking. The Planning Scheme requires that two car parking spaces are provided for on-site, and these spaces can be achieved in the garage. Additional car parking can be provided on site, with the potential for two vehicles in front of the garage and the ability for tandem parking along the internal access.

Conclusion

In conclusion, it is considered that the application for an extension to a Residential Outbuilding can be effectively managed by conditions and should be approved.

AUTHOR: Natasha Whiteley
TOWN PLANNER

12) Recommendation

That the application for Use and Development for an Extension to a Residential Outbuilding, for land located at 35 Cheltenham Way, Prospect Vale (CT 116575/3), by NA Colgrave, requiring the following discretions:

- *10.4.2 – Building Envelope*

be APPROVED, generally in accordance with the endorsed plans and subject to the following conditions:

1. The use and development must be carried out as shown and described in the endorsed Plans:
 - a) Engineering Plus, Drawn 8.12.14, Drawing Number 2114 – A01 Rev C, A02 Rev A, A03 Rev A, A04 Rev A and A05 Rev C.to the satisfaction of the Council. Any other proposed development and/or use will require a separate application and assessment by Council.
2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2015/00011-MVC attached).
3. The north eastern end of the structure is not to be enclosed with solid panelling or the like.

Notes

1. This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:
 - a) Building permit
 - b) Plumbing permit

All enquiries should be directed to Council's Permit Authority on 6393 5322.

2. This permit takes effect after:
 - a) The 14 day appeal period expires; or

- b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
3. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
 4. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
 5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

DECISION:

DEV 3 CAT MANAGEMENT

1) Introduction

The purpose of this report is to seek Council support for the formation of a working group to investigate and provide a recommendation about the level of Council's involvement in cat management.

2) Background

The Department of Primary Industry, Parks, Water and the Environment is currently undertaking a review of the Cat Management Act 2009. Council officers understand that the review will look at number issues including:

- The role of Local Government in cat management
- The management of domestic cats
- The management and control of feral cats

The existing Cat Management Act 2009 has limited provisions for the control of domestic or owned cats at a local government level. Local councils may voluntarily choose to create and implement cat related by-laws which are specific either to wildlife sensitive areas within a local government, to whole towns or they may even be applied to the entire local government area.

Council has not adopted a formal position about its involvement in the management of cats. Hence it has not used the current provisions in the Cat Management Act 2009 to initiate any specific programs or create any by-laws.

The working group would undertake research to determine the level of involvement Council should have in the management of cats.

The working group would be able to examine the findings of the Cat Management Act 2009 review and provide Council with advice about an appropriate response.

In undertaking this research, the working group would also investigate the impact of feral cats on the agricultural sector and farmers in our community. This research would determine if Council has a role to play alongside the Department of Primary Industry, Parks, Water and the Environment, NRM North and the local Landcare groups in the management of feral cats.

It is proposed that the working group would include the following members:

- Councillors: 2
- Council Officers: 3 (including NRM Officer)
- Community Representatives: 2
- Local veterinarian
- Cat Society

3) Strategic/Annual Plan Conformance

Review of Cat Management Legislation was a task in 2013/14 Annual Plan.

4) Policy Implications

Not Applicable

5) Statutory Requirements

The Cat Management Act 2009 (Act) provides the regulatory framework for cat management. Council has no legislative or statutory responsibility for cat management under the Act. Section 43 of the Act does, however, provide for Council to make by-laws under the Local Government Act 1993 in relation to the management of cats within the local government area.

6) Risk Management

Not Applicable

7) Consultation with State Government and other Authorities

If Council supports formation of the proposed working group, consultation with the Department of Primary Industries, Parks, Water and Environment and NRM North will be the foundation of the investigation.

8) Community Consultation

The proposed working group will include community representatives.

9) Financial Impact

It is anticipated that the working group will require about 0.1 FTE Council officer resources per week for 3 months which equals \$4420. There is no allocation for this project in the current budget.

10) Alternative Options

Council can elect not to form a working group, or modify the terms of reference for the working group.

11) Officers Comments

Cat management is a broad concept comprising the composite issues of domestic cat regulation and control of feral cats.

Currently there are numerous parties, involved with different parts of the problem, including local Landcare groups undertaking feral cat eradication with federal funding, and State government agencies reviewing legislation.

The role Council should play in the management of cats is not clear.

The working group will be able to work through these different issues and provide Council with a clearer a picture of who is doing what, and what Council might do.

The proposed structure of the working group will ensure that the investigation takes into account a broad range of views about, and experiences with, cat management.

It is recommended that Council support the formation of a working group with the following terms of reference:

- Investigate the issues associated with the control and management of cats in the Meander Valley Council area
- Liaise with other government agencies to determine the extent of existing cat management programs and proposed distribution of federal funding
- Prepare a report which includes recommendations about the level of Council involvement in cat management

AUTHOR: Martin Gill
Director Development Services

12) Recommendation

It is recommended that:

- a) Council forms a working group to research the issue of cat management under the following terms of reference:
 - Investigate the issues associated with the control and management of cats in Meander Valley Council area
 - Liaise with other government agencies to determine the extent of existing cat management programs and proposed distribution of federal funding
 - Prepare a report which includes recommendations about the level of Council involvement in cat management
- b) The working group includes the following representation:
 - Councillors: 2
 - Council officers: 3 (including NRM Officer)
 - Community members: 2
 - Local veterinarian
 - Cat Society representative

DECISION:

DEV 4 NOTICE OF MOTION - DEPUTY MAYOR MICHAEL KELLY - LETTER TO MINISTER FOR PLANNING REGARDING SIGNAGE

1) Introduction

This purpose of this report is to consider a Notice of Motion from Deputy Mayor Michael Kelly.

2) Background - *Deputy Mayor Michael Kelly*

A number of Councillors have been approached by local business owners with concerns about the restrictions on locating business signs in the Meander Valley Interim Planning Scheme – E14 Signage Code.

A number of local businesses have stated that the signage restrictions are having a financial impact and limiting growth in the local economy.

A number of the local businesses would like the opportunity to advertise their business off-site in locations with more visibility and exposure to the greatest volume of traffic.

Council has started a project to develop an off-premises sign strategy that could eventually result in an amendment to the Meander Valley Interim Planning Scheme to allow more opportunities for businesses to advertise off site.

The preparation of the strategy and the process to change the planning scheme will take time. There is also a lot of uncertainty about when the new State-wide Planning Scheme will be introduced.

This could mean the local businesses will be under the same restrictions for an indefinite period. In the interim these businesses should be given a moratorium from the planning scheme requirements for signage.

This Notice of Motion seeks to address this situation and importantly provide support for these local businesses.

It is proposed that Council writes to the Minister for Planning requesting that he exempts Meander Valley Council from implementing the provisions of the Meander Valley Interim Planning Scheme – E14 Signage Code until the new State-wide Planning Scheme is declared.

The attached draft letter sets out the details of the request and the reasons for the request. It is proposed that Council endorses this letter and sends it to the Minister for Planning.

3) Strategic/Annual Plan Conformance

Not Applicable

4) Policy Implications

Not Applicable

5) Statutory Requirements

Under Section 48 of the Land Use Planning and Approvals 1993 (LUPAA) Council has the following obligation:

Where a planning scheme or special planning order is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme or special planning order in respect of all use or development undertaken within the area to which the planning scheme or special planning order relates, whether by the authority or by any other person.

In addition Section 63A states:

A planning authority that does not take all reasonable steps to ensure that a planning scheme or special planning order that has effect in respect of an area within its municipal district is complied with is guilty of an offence punishable on summary conviction.

6) Risk Management

Not Applicable

7) Consultation with State Government and other Authorities

It is anticipated that the Tasmanian Planning Commission will become involved if Council sends the proposed request to the Minister for Planning

8) Community Consultation

Community Consultation will take place as part of the development of the off-premises signage strategy and any subsequent formal planning scheme amendment process to revise the planning scheme.

9) Financial Impact

Not applicable.

10) Alternative Options

Council can elect not to support the Notice of Motion or amend it.

11) Officers Comments

This issue has been discussed at previous Council workshops. There are no further comments.

12) Recommendation- *Deputy Mayor Michael Kelly*

It is recommended that Council writes to the Minister for Planning requesting that he exempts Meander Valley Council from implementing the provisions of the Meander Valley Interim Planning Scheme – E14 Signage Code until the new State-wide Planning Scheme is declared.

DECISION:

DEV 5 MEANDER VALLEY INTERIM PLANNING SCHEME 2013 – OFFICER DELEGATIONS

1) Introduction

The purpose of this report is to confirm the existing Planning Authority delegations for decisions about the Meander Valley Interim Planning Scheme 2013.

2) Background

On 23 January 2015 Council received correspondence from Mr John Hawkins about the formal process for resolving outstanding issues relating to the Interim Planning Scheme process.

Mr Hawkins has previously made a substantial and considered representation to the Meander Valley Interim Planning Scheme 2013, and organised a joint representation signed and submitted by 65 Chudleigh residents.

Mr Hawkins most recent letter raises a number of issues about the Interim Planning Scheme process including:

- Recent legislative changes to the Land Use Planning and Approvals Act 1993 and the insufficient consultation period with Local Government
- The impact of recent legislative changes and the removal of the requirement for the Tasmanian Planning Commission to hold a panel hearing to consider community representations
- The process for making decisions to change the Meander Valley Interim Planning Scheme 2013

Mr Hawkins is concerned among other things that time constraints for formal consideration of changes to planning legislation, imposed by the State Government, and the inability of senior planning staff to negotiate on behalf of Council is undermining the ability of Council to properly manage, participate and respond to the interim planning scheme process.

Mr Hawkins would like greater delegation for senior planning staff:

I am of the strong opinion that it is crucial that at the February 2015 Council meeting and if possible beforehand, Council must resolve to increase that delegation to improve flexibility for Council's General Manager, its development Services Director and Senior Planner's ability to perform their functions and represent Council at hearings, to negotiate with representors and to further develop Council's Interim Scheme in accord with the Northern Regional Land Use Strategy, which you have already and repeatedly ratified.

A copy of Mr Hawkins letter is included here as Attachment 1

3) Strategic/Annual Plan Conformance

Determining the appropriate level of officer delegation falls the under the strategic outcomes of the future direction 5:

Contemporary leadership and community governance

The following strategic outcomes have particular relevance in the discussion about appropriate levels of delegation and Council decision making:

- Evidence based decision-making engages the community and is honest, open and transparent.
- Meander Valley Councillors and employees have the knowledge, skills and attitude to responsibly undertake community governance and operational responsibilities.

4) Policy Implications

Not Applicable

5) Statutory Requirements

Section 6 of the Land Use Planning and Approvals Act sets out the provisions for delegating the powers of the Planning Authority:

- 1) A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.
- 2) A delegation may be made either generally or as otherwise provided by the instrument of delegation.
- 3) Notwithstanding any delegation, a planning authority may continue to perform or exercise all or any of the functions or powers delegated.
- 4) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by a planning authority.

6) Risk Management

Not Applicable

7) Consultation with State Government and other Authorities

Not Applicable

8) Community Consultation

The Meander Valley Interim Planning Scheme 2013 was subject to formal notification period between October and December 2013.

Prior to this the draft Meander Valley Interim Planning Scheme was subject to consultation in 2011 and 2012.

Community members who made formal representations during 2013 have the right to participate in any panel hearing process that might be undertaken by the Tasmanian Planning Commission.

9) Financial Impact

Not Applicable

10) Alternative Options

Council can elect to modify the existing delegations

11) Officers Comments

Mr Hawkins is right in stating that the most recent legislative changes to the Land Use Planning and Approvals Act 1993, referred to as the 'Streamlining Bill', were not subject to formal consideration or comment by the Council.

The period provided for Council feedback about the proposed 'Streamlining Bill' was four working days during the Council election period. There was no opportunity for Council officers to provide a recommendation to Council and no opportunity for Council to give formal consideration to any submission on the proposed changes.

Council officers did however provide comment to the Local Government Association of Tasmania submission.

This is not an ideal situation, and does raise the question whether it would be appropriate for the senior planning staff to provide a formal response on behalf of Council.

In the first instance it would have been better if the State Government had undertaken a consultative process and provided Council with an appropriate period to consider and respond in accordance with existing agreements between State Government and Local Government.

It does not necessarily follow, however, that it is appropriate in these situations that planning authority decisions are delegated to Council officers.

It is important that the Council acting both as the Planning Authority and elected representatives of the community can consider and debate the merits of proposed regulatory changes that impact on the community.

Mr Hawkins also makes a case for increased delegation to senior planning staff in those circumstances where:

- Legislation requires conformance, as in the case of the Northern Region Land Use Strategy, where Section 30E the Land Use Planning and Approvals Act 1993, requires that an Interim Planning Scheme is as far as practicable, consistent with a regional land use strategy
- Technical expertise is required to consider a matter

The argument supporting this case is that Council could increase efficiency in the process, provide timely and formal responses to planning matters, and make technical decisions that would improve the effectiveness of the interim planning scheme.

The case against might be that planning is at best a contentious issue in the community, and that a greater level of delegation would start to cloud the role of the Planning Authority in the consideration and development of the interim planning scheme.

Strategic land use planning decisions are much more involved, and require the consideration of community input, and importantly transparency and debate.

For these reasons it is recommended that the existing delegations remain unchanged.

12) Recommendation

It is recommended that:

- Current delegations remain in place
- Council write to Mr Hawkins advising him of its decision.

DECISION:

GOV 1 2014-2015 COMMUNITY GRANTS APPLICATION ASSESSMENTS – Round 3 January 2015

1) Introduction

The purpose of this report is to present the recommendations of the Community Grants Committee to Council for approval.

2) Background

This is the third assessment of the 2014-15 financial year. The total Grants allocation is \$70,000 of which 15% (\$10,500) is reserved for Sponsorships and Establishment Grants.

Committee members: Councillor King, Councillor Mackenzie, Jodie Walters (Community Support Officer), Malcom Salter (Director, Corporate Services) and support officers: Patrick Gambles (Community Development Manager) and Lisa Doolan (Acting Grants Administrator) met on 20 January 2015 to consider the applications received.

3) Strategic/Annual Plan Conformance

The Community Grants Program complies with the 2014-15 Annual Plan target 1.5 and also supports the vision of Working Together.

4) Policy Implications

The process was undertaken in accordance with the guidelines attached to the Community Grants Policy No 82.

5) Statutory Requirements

Section 77 of the Local Government Act 1993 – *'Details of any grant made are to be included in the Annual Report of the Council'*

6) Risk Management

Liability and public risk issues are considered in evaluating grant applications.

7) Consultation with State Government and Other Authorities

Not Applicable

8) Community Consultation

Advice and assistance is provided to applicants on request. The Community Grants Program is communicated through community networks and the media and Information and Guidelines Kit is available from the Council website with hard copies on hand at Council reception. A Grants Information Forum is held annually in May.

9) Financial Impact

The awarding of grants is made within the limits of the annual budget allocation which is spread over four rounds throughout the year.

10) Alternative Options

Council can amend or elect not to approve the Committee's recommendations.

11) Officers Comments

Individual Sponsorship Requests

The following requests have been approved by the General Manager during the period October 2014 - December 2014:

<u>Applicant</u>		<u>Resident in</u>	<u>Purpose</u>	<u>\$</u>
Will	Fleming	Blackstone	2015 Australian Futsal Championships -Sydney	150
Ryan	Lanham	Prospect Vale	2015 Australian Futsal Championships -Sydney	150
TOTAL				<u>300</u>

Grant Applications and Sponsorship Requests from Organisations

11 applications were received this round totalling requests of \$16,939.11. The recommended outcomes are indicated in the final column of the table below:

<u>Organisation</u>	<u>Project</u>	<u>Estimated Project Value</u> \$	<u>Grant Requested</u> \$	<u>Grant Recommended</u> \$
Carrick Community Committee	Tree planting	2,058.00	1,858.00	1,858.00
Chudleigh A & H Society	Buildings relocation	5,950.00	2,800.00	2,800.00
Dairy Plains Hall Committee	Covered access	4,672.00	3,000.00	3,000.00
Deloraine Bowls Club Inc	Defibrillator	1,850.00	1,850.00	1,500.00
Deloraine Tennis Club Inc	2x Court repairs	5,310.00	3,000.00	3,000.00
Giant Steps Tasmania	Interschool Art Project	4,537.00	1,037.11	1,037.11
GWT Volunteer Association	Convict bonnet exhibition	7,450	1,000.00	1,000.00
Leven Football Association	Defibrillator contribution	2,500	500.00	500.00*
MV Managers of Volunteers	Volunteer Expo signage	919.00	319.00	319.00
Prospect Junior Football Club	Irrigation hose	400.00	200.00	200.00
Prospect Park Sports Club Inc.	Clubroom redecoration	2,750	1,375.00	1,375.00
TOTAL		38,396.00	16,939.11	16,589.11

11 grant allocations are recommended for approval by Council equalling \$16,589.11. These projects have an estimated total value of \$38,396.00 including voluntary labour where appropriate (calculated @ \$20 per hour).

* Awarded in January 2015 with the General Manager's consent.

AUTHOR: Patrick Gambles
Community Development Officer

12) Recommendation

It is recommended that Council:

- a) notes the Individual Sponsorships approved by the General Manager in the December quarter
- b) endorses the recommendations of the Community Grants Committee and approves the allocation of funds to the applicants as listed in the following table:

Organisation	Project	Grant Recommended \$
Carrick Community Committee	Tree planting	1,858.00
Chudleigh A & H Society	Buildings relocation	2,800.00
Dairy Plains Hall Committee	Covered access	3,000.00
Deloraine Bowls Club Inc	Defibrillator	1,500.00
Deloraine Tennis Club Inc	2x Court repairs	3,000.00
Giant Steps Tasmania	Interschool Art Project	1,037.11
GWT Volunteer Association	Convict bonnet exhibition	1000.00
Leven Football Association	Defibrillator contribution	500.00
MV Managers of Volunteers	Volunteer Expo signage	319.00
Prospect Junior Football Club	Irrigation hose	200.00
Prospect Park Sports Club Inc.	Clubroom redecoration	1,375.00
TOTAL		16,589.11

DECISION:

Councillor x moved and Councillor x seconded *“that, pursuant to Section 15(1) of the Local Government (Meeting Procedures) Regulations, Council close the meeting to the public.”*

ITEMS FOR CLOSED SECTION OF THE MEETING:

GOV 2 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Meeting closed.....

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CRAIG PERKINS (MAYOR)