

Meander Valley Council

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

# **ORDINARY AGENDA**

**COUNCIL MEETING**

**Tuesday 11 October 2016**

# **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 an ordinary meeting of the Meander Valley Council will be held at the Westbury Council Chambers, 26 Lyall Street, Westbury, on **Tuesday 11 October 2016 at 1.30pm.**

Martin Gill  
**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 right;
- 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 an ordinary meeting of the Meander Valley Council to be held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 11 October 2016 at 1.30pm.

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

Councillor xx moved and Councillor xx seconded, ***“that the minutes of the Ordinary meeting of Council held on Tuesday 13 September, 2016, be received and confirmed.”***

**COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:**

Date :	Items discussed:
27 September 2016	<ul style="list-style-type: none"> <li>• NTD – New Governance Model</li> <li>• Giant Steps Proposed Development of Next Steps Program</li> <li>• Deloraine ODP</li> <li>• Greater Launceston Area Urban Salinity</li> <li>• General Rate Remission Application – Southern Cross Care</li> <li>• Policy No 4 – Subsidised Waste Disposal</li> <li>• Infrastructure Projects Discussion</li> </ul>

## **ANNOUNCEMENTS BY THE MAYOR:**

### **Friday 16<sup>th</sup> September 2016**

Friendship Festival, Deloraine

### **Friday 23 September 2016**

Northern Region Flood Recovery Committee

Launch Meandering 2016

Carrick Speedway Season launch, Carrick

### **Monday 26 September 2016**

Her Excellency, Governor Prof. Kate Warner and Mr Warner – Visiting flood-impacted residents

### **Tuesday 27 September 2016**

Citizenship ceremony, Westbury

Council workshop

### **Friday 30 September 2016**

Meeting with Lynn Heyward, Deloraine and Districts Community Bank

Northern Tasmanian Development AGM

### **Monday 3 October 2016**

Meeting with Senator Jonathan Duniam

### **Wednesday 5 October 2016**

Launceston Art Society 125<sup>th</sup> Anniversary

### **Thursday 6 October 2016**

TasWater meeting, Riverside

### **Saturday 8 October 2016**

Deloraine Football Club presentation dinner

## **DECLARATIONS OF INTEREST:**

## **TABLING OF PETITIONS:**

## **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](http://www.meander.tas.gov.au)

## **PUBLIC QUESTION TIME:**

### **1. QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2016**

Nil

### **2. QUESTIONS WITHOUT NOTICE – OCTOBER 2016**

## **COUNCILLOR QUESTION TIME:**

### **1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – SEPTEMBER 2016**

Nil

### **2. COUNCILLOR QUESTIONS WITH NOTICE – OCTOBER 2016**

Nil

### **3. COUNCILLOR QUESTIONS WITHOUT NOTICE – OCTOBER 2016**

## **DEPUTATIONS BY MEMBERS OF THE PUBLIC:**

## **NOTICE OF MOTIONS BY COUNCILLORS:**

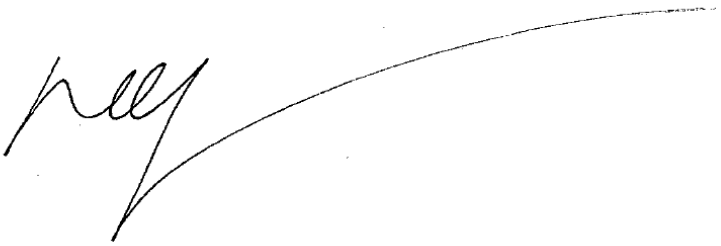
Nil



## 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."



**Martin Gill**  
**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      11 WEST BARRACK STREET, DELORAINE - EXTENSION AND CHANGE OF USE**

### **1) Introduction**

This report considers application PA\16\0191 for an extension and change of use to Service Industry and Manufacturing and Processing on land located at 11 West Barrack Street, Deloraine (CT's: 47332/1 & 92367/1).

### **2) Background**

#### **Applicant**

H & M Graham

#### **Planning Controls**

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

#### **Use & Development**

The application proposes to change the use and extend an existing building located at 11 West Barrack Street, Deloraine. The extension will be located behind the existing building and will add an additional floor area of 173m<sup>2</sup>. The primary use of the site will be for Service Industry as defined by the Planning Scheme, in particular the use will include a four bay mechanics workshop, reception and office space, storage, delivery dock, 14 bay car park and customer drop off bays. The application also proposes to undertake uses defined as Manufacturing and Processing under the Planning Scheme. These activities include fabrication of custom steel products including gates, balustrades, trailers.

#### **Site & Surrounds**

The subject property has two separate titles, with a total combined area of 1500m<sup>2</sup>. The site is occupied by a large building, which is constructed over the title boundary, with a large gravel parking area to the rear. The building has an existing floor area of 488m<sup>2</sup> and directly fronts West Barrack Street. The building has been vacant for more than 2 years and no longer retains any existing use rights.

The adjacent land comprises a mix of commercial and residential uses. The land to the immediate north, north-east and north-west of the site is used for residential purposes with a mix of single and multiple dwellings. The

land to the west contains a church and a dwelling, while the land to the south contains the STHIL chainsaw showroom and workshop.



**Photo 1: Aerial photo of subject titles and surrounding land**



**Photo 2: Subject property and existing buildings viewed from West Barrack Street**



**Photo 3: Existing buildings viewed from West Barrack Street looking north-east**



**Photo 4: Existing building viewed from West Barrack Street looking south-east**





**Photo 5: Location of proposed extension looking south-east. Approximate footprint of extension in red**



**Photo 6: Location of proposed extension looking south-west toward West Barrack Street and showing the existing gravelled parking area**





**Photo 7: Adjoining residence at 13 West Barrack Street**



**Photo 8: Adjoining residences at 4 Bonney Street**



**Photo 9: Adjoining residences at 4 Bonney Street**

### **Statutory Timeframes**

Date Received:	1 June 2016
Request for further information:	8 June 2016
Information received:	24 June 2016
Advertised:	2 July 2016
Closing date for representations:	18 July 2016
Extension of time granted (second):	12 September 2016
Extension of time expires (second):	11 October 2016
Decision due:	11 October 2016

### **3) Strategic/Annual Plan Conformance**

Council has a target under the Annual Plan to assess applications 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**

Management of risk is inherent in the conditioning of the permit.

## **7) Consultation with State Government and other Authorities**

The application was referred to TasWater. A Submission to Planning Authority Notice (TWDA-2016/01027-MVC) was received on 27 July 2016 (attached document).

## **8) Community Consultation**

The application was advertised for the statutory 14-day period.

Three (3) representations were received (attached document). The representations are discussed in the assessment below.

## **9) Financial Impact**

Not applicable

## **10) Alternative Options**

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

## **11) Officers Comments**

### **Zone**

The subject property is located in the General Business Zone. The land surrounding the site is located in the General Business and General Residential Zones.





**Figure 1: Zoning of subject title and surrounding land**

### **Use Class**

Table 8.2 of the Scheme, categorises the proposed use classes as:

- Service Industry
- Manufacturing and Processing

In the General Business Zone, these uses are both listed as discretionary uses under section 21.1.2 - Use Table. As such, the proposed uses are assessed against the Zone Purpose including the Local Area Objectives and Desired Future Character Statements. The use standards in the zone and applicable codes are also considered relative to each applicable issue.

### **21.1 Zone Purpose**

#### **21.1.1 Zone Purpose Statements**

*21.1.1.1 To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.*

*21.1.1.2 To create through good urban design:*

- a) an attractive and safe environment; and*
- b) activity at pedestrian levels with active road frontages offering interest and engagement to shoppers; and*
- c) appropriate provision for car parking, pedestrian access and traffic circulation.*

### **21.1.2 Local Area Objectives**

*Deloraine*

*a) The existing commercial centre of Deloraine focused on Emu Bay Road will be maintained as the primary retail and commercial area through consolidating uses as much as possible, in consideration of parking needs and accessibility.*

*b) Provide for the re-use of heritage character buildings.*

### **21.1.3 Desired Future Character Statements**

*Deloraine*

*a) Maintain the strong streetscape lines of buildings along Emu Bay Road and ensure new development is complementary to remnant heritage buildings.*

### **Comment:**

#### Zone Purpose - 21.1.1.1

The purpose of the General Business Zone is to provide for business opportunities within existing commercial centres. In this respect, the proposed business is consistent with the purpose and provides an opportunity for a local business. There is, however, a clear distinction between uses which are considered appropriate for the zone and 'Discretionary' forms of business, which may be appropriate for the zone in particular circumstances. General Retail and Hire, Food Services (cafes and takeaways) and Professional Services (offices, doctors and accountants) are 'no permit required' businesses which contribute to a vibrant and interactive commercial precinct. Those uses with higher risk of amenity issues such as Service Industry and Manufacturing and Processing are 'discretionary Uses in the General Business Zone.

As there is a high risk of conflict, approval should only be issued where it is demonstrated that the proposal will not create a nuisance to adjoining property owners.

The impact of the proposed metal fabrication is considered under the Environmental Impacts Attenuation Code below. While the use for Service Industry does not require a specific setback, the use does involve noise generating activities, using rattle guns and other machinery. These activities clearly have the potential to impact the amenity of the adjoining properties. It is considered that some of the noise attenuation measures suggested in the noise assessment should be extended to the entire building, to minimise the risk of breaching the Planning Scheme.

### Zone Purpose - 21.1.1.2

No changes (besides additional signage) are proposed for the frontage of the building and direct access for pedestrians will continue to be available from West Barrack Street. As such, the development will not impact the existing visual attractiveness of the area. The proposed use will, however, result in amenity issues, generally arising from noise, which will have an impact on the general amenity of the location. Approving an industrial form of use may also result in the exclusion of other more appropriate use that could enhance the amenity and attractiveness of the commercial area.

The site provides adequate on-site parking to meet the needs of the business in accordance with the Car Parking and Sustainable Transport Code (see assessment below) and the main entrance to the building provides direct access to the pedestrian footpath on West Barrack Street. The use of an existing gravel car park to the rear of the building, however, is not considered to be appropriate considering the proximity to residential dwellings. This car park is elevated above the natural ground level and allows some overlooking of the adjoining units at 4 Bonney Street and allows for headlights to be directed at the dwellings at around head height. This situation is existing and, regardless of use and development, there is nothing prohibiting people from parking a vehicle or standing on the elevated area. It is questionable, however, whether there are existing use rights for this area to continue being used as a commercial car park, particularly as it has not been used for some time. The proposed intensification in the use of the site and the significant increase in vehicles using the car park area warrants some boundary treatment.

In this case, a vegetation screen is considered to be an acceptable means of managing the visual impacts associated with the parking area. A vegetation screen planted at the top of the ridge will reduce the impacts of the parking area, as well as visually screening the property from view. This will result in a significant improvement in the amenity of the private open spaces of the dwellings at 4 Bonney Street and will create a more attractive environment for the residents. As the screen would be to the south of the residential properties, it would not result in an unreasonable degree of overshadowing. The vegetation screen would need to be evergreen, with a minimum height of 2m, planted near the crest of the raised parking area.

It is also noted that the existing gravelled surface of the carpark is in a state of disrepair. The proximity of the carpark to residential properties and the existing fence height makes it inappropriate for further increases in height. While gravel is an acceptable medium in this case, it is considered warranted that the permit be conditioned such that any resurfacing of the

parking area will not result in any increase in the relative height of the existing finished ground surface.

#### Local Area Objectives and Desired Future Character Statements

The proposed use and development is a commercial venture and continues to support Emu Bay Road as the commercial centre of Deloraine.

The subject building is not a heritage character building.

The subject property is located in West Barrack Street and is not directly visible from Emu Bay Road. As such, the use and development does not conflict with the Desired Future Character Statement for Deloraine.

The proposal is not considered to be consistent with the Purpose of the General Business Zone and does not create an attractive environment within the commercial centre of Deloraine and does not respect the residential amenity of the adjoining residential properties.

#### **Recommended Conditions**

For conditions relating to noise please refer to the Compliance Assessment Table E1.1.6.1. Due to the nature of the Service Industry Use and its proximity to residential properties, it is recommended that conditions relating to noise attenuation be applied to the entire site.

- 1. Prior to the commencement of use a dense screen of trees or shrubs must be planted along the boundary shared with 4 Bonney Street to ensure reasonable privacy and minimise light intrusion for the adjoining property. The plant screen must obtain a minimum growth height of at least 2 metres, be an evergreen species and planted at such intervals as recommended for the creation of a hedge. The screen is to be of semi-mature plants and planted near to the crest of the parking area. The vegetation must be maintained with any dead or diseased plants being replaced.*
- 2. Any resurfacing or repair works on the carpark in the east portion of the lot are not to result in an increase in the relative height of the finished surface above natural ground level or extend the usable area closer than 3m from the boundary shared with 4 Bonney Street.*

## **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 it may, however, be conditioned if considered necessary to better meet the objective of the applicable standard.

Where use or development relies on performance criteria, discretion is applied for that particular standard only. To determine whether discretion should be used 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 Business Zone and 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.

<b>General Business Zone</b>			
Scheme Standard		Comment	Assessment
<b>21.3.1 Amenity</b>			
A1	Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.	The application proposes to operate between 8:30am and 6:00pm.	Complies
<b>21.4.1 Siting, Design and Built Form</b>			
A1	The entrance of a building must be: a) clearly visible from the road or publically	The public access to the building will be located on West Barrack Street and will	Complies

	<p>accessible areas on the site; and</p> <p>b) provide a safe access for pedestrians.</p>	<p>provide visible and safe access for pedestrians.</p>	
A2	<p>Building height must not exceed:</p> <p>a) 8 m; or</p> <p>b) 1m greater than the average of the heights of buildings on immediately adjoining lots.</p>	<p>The proposed extension has a maximum height of 5m.</p>	<p>Complies</p>
A3	<p>Buildings must be:</p> <p>a) set back from all boundaries a minimum distance of 2.0 metres; or</p> <p>b) the same as or less than the setback of an immediately adjoining building; or</p> <p>c) where it adjoins a residential zone, sited such that the private open space and habitable room windows of the adjoining site are not overshadowed by more than 50% on the 21<sup>st</sup> of June, or where existing overshadowing is greater than 50%, not increase the degree of overshadowing.</p>	<p>The proposed workshop is set back less than 2m from the boundary shared with 13 West Barrack Street.</p>	<p>Relies on Performance Criteria</p>
A4	<p>No acceptable solution</p>	<p>Not applicable</p>	

<b>Road and Railway Assets Code</b>			
Scheme Standard		Comment	Assessment
<b>E4.6.1 Use and road or rail infrastructure</b>			
A1	Sensitive use within 50m of a category 1 or 2 road with a speed limit of more than 60km/h, a railway or future road or railway, does not increase the annual average daily traffic movements by more than 10%.	Not applicable	
A2	For roads with a speed limit of 60km/h or less the use must not generate more than 40 movements per day.	The proposed use is for Service Industry with a relatively high turnover. A traffic impact assessment has been submitted with the application and confirms that movements will exceed 40 vehicle movements per day.	Relies on Performance Criteria
A3	For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic movements by more than 10%.	Not applicable	
<b>E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways</b>			
A1	The following must be at least 50m from a railway, a future road or railway and a category 1 or 2 road with a speed limit of more than 60km/h: a) new road works,	The proposed development is more than 50m from a railway, future road or railway and Category 1 or 2	Complies

	<p>buildings, additions and extensions, earthworks and landscaping works; and</p> <p>b) building envelopes on new lots; and</p> <p>c) outdoor sitting, entertainment and children's play areas.</p>	Roads.	
<b>E4.7.2 Management of Road Accesses and Junctions</b>			
A1	For roads with a speed limit of 60km/h or less the development must include one access providing both entry and exit, or two accesses providing separate entry and exit.	Not applicable	
A2	For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	Not applicable	
<b>E4.7.3 Management of Rail Level Crossings</b>			
A1	<p>Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	Not applicable	
<b>E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings</b>			
A1	<p>Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in</p>	Not applicable	



	<p>Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>		
<b>Car Parking and Sustainable Transport Code</b>			
Scheme Standard		Comment	Assessment
<b>6.6.1 Car Parking Numbers</b>			
A1	<p>The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan.</p>	<p>The completed building will have a floor area of 661m<sup>2</sup> and as such requires 8.3 car parks. The existing car park at the rear of the lot has 14 parking spaces. As such there is sufficient existing car parking on site to provide for the proposed use.</p>	Complies
<b>E6.6.3 Taxi Drop-off and Pickup</b>			
A1	<p>One dedicated taxi space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone.</p>	<p>Client drop off and pick up bays have been provided in the staging area adjacent to the existing building.</p>	Complies
<b>E6.6.4 Motorbike Parking Provisions</b>			
A1	<p>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</p>	<p>The site provides a number of parking spaces surplus to the requirements of the Planning</p>	Complies

		Scheme which can be used for parking by motorbikes.	
<b>E6.7.1 Construction of Car Parking Spaces and Access Strips</b>			
A1	<p>All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> <li>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</li> </ul>	<p>No changes are proposed to the existing car park at the rear of the site.</p> <p>The development includes a new delivery dock. The dock will be contained within the proposed extension, will have an impervious concrete floor and the roof will be drained to the reticulated stormwater system.</p>	Complies
<b>E6.7.2 Design and Layout of Car Parking</b>			
A1	<p>A1.1</p> <p>Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2</p> <p>Within the General Residential Zone, provision for turning must not be located within the front setback for residential</p>	<p>All parking, including the delivery dock is located behind the building line.</p> <p>The development is not within the General Residential Zone.</p>	Complies

	buildings or multiple dwellings.		
A2	<p>A2.1</p> <p>Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) for more than 4 cars, enter and exit the site in a forward direction; and</li> <li>c) have access width not less than and not 10% greater than Table E6.2; and</li> <li>d) have a width of access and manoeuvring space to parking spaces not less than Table E6.3 where: <ul style="list-style-type: none"> <li>(i) there are three or more spaces; and</li> <li>(ii) where parking is more than 30m from the road; or</li> <li>(iii) the sole vehicle access is to a category 1, 2, 3 or 4 road; and</li> </ul> </li> </ul> <p>A2.2</p> <p>The layout of car spaces and access ways must be designed in accordance with <i>Australian Standard AS 2890.1</i>.</p>	<p>The proposed delivery dock is flat.</p> <p>All vehicles can enter and exit the site in a forward direction.</p> <p>The access width is existing and meets the minimum requirements of E6.2.</p> <p>The width of access and manoeuvring space adjacent to parking spaces complies with Table E6.3.</p> <p>No changes to general car parking have been proposed. AS 2890.1 does not apply to the new delivery dock, the standards of which are considered later in the assessment.</p>	Complies

<b>E6.7.3 Car Parking Access, Safety and Security</b>			
A1	<p>Car parking areas with greater than 20 parking spaces must be:</p> <ul style="list-style-type: none"> <li>a) secured and lit so that unauthorised persons cannot enter or;</li> <li>b) visible from buildings on or adjacent to the site at times when parking occurs.</li> </ul>	<p>Car parking areas are visible from adjacent buildings during times when parking occurs.</p>	Complies
<b>E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup</b>			
A1	<p>For retail, commercial, industrial, service industry, warehouse or storage uses:</p> <ul style="list-style-type: none"> <li>a) at least one loading bay must be provided in accordance with Table E6.4; and</li> <li>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i>.</li> </ul>	<p>A new loading bay has been proposed within the extension. The area of the delivery bay is greater than 27m<sup>2</sup> in area and complies with Table E6.4. The loading bay complies with 2890.2 in regard to Medium Rigid Vehicles.</p>	Complies
<b>E6.8.1 Pedestrian Walkways</b>			
A1	<p>Pedestrian access must be provided for in accordance with Table E6.5.</p>	As existing	Complies
<b>Environmental Impacts and Attenuation Code</b>			
Scheme Standard		Comment	Assessment
<b>E11.6.1 Attenuation Distances</b>			
A1	No acceptable solution.	Not applicable	
A2	Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive	The Manufacturing and Processing	Relies on Performance Criteria

	use, or a boundary to the General Residential, Low Density Residential, Rural Living, Major Tourism, Environmental Living, Urban Mixed Use and Village zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.	component of the application relates to the fabrication of steel products such as gates, balustrades and trailers. Metal fabrication is listed in Table E11.1 as a use which has the potential to create environmental harm or nuisance. The attenuation distance required by the Acceptable Solution between metal fabrication and dwellings is 500m.	
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**Signage Code**

Scheme Standard	Comment	Assessment
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**14.6.12 Wall Signs**

A1	<p>Wall Signs in all zones must:</p> <ul style="list-style-type: none"> <li>a) not extend further than the height of the building; and</li> <li>b) not be illuminated by other than baffled lights; and</li> <li>c) not project further than 0.4 metres from the wall to which it is affixed; and</li> <li>d) have a maximum display area 25% of the area of the wall.</li> </ul>	<p>The application includes 3 new wall signs. On the north-west and south-west walls, and a replacement sign on the south-east wall.</p> <p>The sign on the north-west wall has an area of 7.2m<sup>2</sup>, and covers less than 25% of the wall.</p>	Complies
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		<p>The two signs on the south-west wall have a combined area of 12.7m and cover significantly less than 25% of the wall.</p> <p>An existing wall sign on the south-east side of the building will also be replaced with a sign of similar dimensions, 7.8m<sup>2</sup>.</p> <p>All of the proposed signs do not extend above the roofline, are not illuminated and do not project more than 0.4m from the wall.</p>	
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**Performance Criteria**

<b>General Business Zone</b>
21.4.1 Siting, Design and Built Form
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>a) <i>To ensure that buildings are visually compatible with surrounding development.</i></li> <li>b) <i>To ensure that the pedestrian and vehicular environment is safe.</i></li> <li>c) <i>To ensure that development respects the interface with an adjoining General Residential Zone.</i></li> </ul>

**Performance Criteria P3**

*Building setbacks must:*

- a) provide for enhanced levels of public interaction or public activity; and*
- b) ensure the efficient use of the site; and*
- c) be consistent with the established setbacks within the immediate area and the same zone; and*
- d) be consistent with the local area objectives, if any; and*
- e) provide for emergency vehicle access; and*
- f) to avoid unreasonable levels of overshadowing to adjoining residential uses.*

**Comment:**

A reduced setback from the rear boundary shared with 13 West Barrack Street, is considered to be acceptable. The proximity to the boundary allows the applicant to maximise their use of space on the subject property and limit the amount of narrow, unusable land.

As the extension will be located to the south of 13 West Barrack Street, shadows will be predominately cast onto the subject property and will not impact the habitable rooms or private open space areas associated with the neighbouring dwelling.

The proposed setback is not consistent with the general setbacks of buildings in the area, most of which are setback more than 2 m from a boundary. The length of the wall that is less than 2m from the boundary, however, is not excessive and is not considered to have an unreasonable impact on 13 West Barrack Street. There is also sufficient separation (14 m) between the dwelling and the proposed extension to mitigate the visual bulk of the building.

The building directly fronts West Barrack Street and is accessible to emergency services vehicles.

The development is consistent with the objective in so far as the physical structure is concerned. Being predominately behind the building line, it is visually compatible with the area, will not impact pedestrian or road safety and will not have an unreasonable impact on the adjoining residential properties.

Road and Railway Assets Code
E4.6.1 Use and road or rail infrastructure
<p><b>Objective</b></p> <p><i>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</i></p>
<p><b>Performance Criteria P2</b></p> <p><i>For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</i></p>
<p><b>Comment:</b></p> <p>In accordance with the Clause E4.5 of the Planning Scheme, a traffic impact assessment was submitted with the application. The traffic impact assessment demonstrates that West Barrack Street and the surrounding road network is capable of absorbing the additional traffic generated by the development and that the existing access points provide safe sight distances in excess of Table E4.7.4 of the scheme. As the existing building is hard against the pedestrian footpath, the traffic impact assessment recommends that a fisheye mirror and additional window be installed in the façade to improve pedestrian safety.</p> <p>Council’s Director Infrastructure Services has considered the traffic impact assessment and advised (attached document) that the location of the access and the volume of traffic generated by the development is acceptable. The significant increase in vehicles exiting the site, combined with the narrow road verge, however, warrants upgrades to minimise the tracking of gravel onto West Barrack Street. As such, it is recommended that the car park to the south-east of the existing building be sealed for a minimum of 6m from the carriageway to the satisfaction of Council's Director Infrastructure Services.</p> <p>The development can be conditioned such that it will not impact the safety and efficiency of the road in accordance with the objective.</p> <p><b>Recommended Condition:</b></p> <p>1. <i>Prior to the commencement of use the car park to the south-east of the</i></p>



*existing building is to be sealed for a minimum of 6m from the carriage way on West Barrack Street to the satisfaction of Council's Director Infrastructure Services.*

## **Environmental Impacts and Attenuation Code**

### **E11.6.1 Attenuation Distances**

#### **Objective**

*To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.*

#### **Performance Criteria P2**

*Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to:*

- a) the degree of encroachment; and*
- b) the nature of the emitting operation being protected by the attenuation area; and*
- c) the degree of hazard or pollution that may emanate from the emitting operation; and*
- d) use of land irrigated by effluent must comply with National Health and Medical Research Council Guidelines.*

#### **Comment:**

In order to approve the proposed use and development, Council must be reasonably satisfied that it is separated from the surrounding residences by sufficient distance to address any adverse effects resulting from emissions caused by metal fabrication activities.

For metal fabrication activities the Acceptable Solutions require a separation distance of 500m from existing sensitive uses. The closest dwelling to the proposed metal fabrication is approximately 20m away, while there are 6 dwellings within a 50m radius of the site. The proposed metal fabrication activities include the use of a metal guillotine, angle grinder, band saw and compressor. While not mentioned in the application or noise assessment, it can also be assumed that the use will generate general industrial noises such as drilling, welding and hammering. It is also noted that other activities associated with the Service Industry use have not been considered under this code as their use is not a use listed as requiring a particular attenuation distance.

Council can approve a reduced separation distance after consideration of the nature of the emitting activity, the degree of encroachment and the degree of hazard or pollution that may emanate from the activity. Council may also consider any mitigation measures put in place to reduce the impacts. While manufacturing currently constitutes approximately 10% of the business, it is likely that the activities will fluctuate depending on demand and it is assumed that metal fabrication activities could be occurring for the entire duration that the premises operates.

In accordance with the Performance Criteria, a site specific study has been submitted with the application in order to demonstrate that the proposed use can be appropriately managed to mitigate the impacts on neighbouring dwellings (attached document). The report identifies:

- There is a high level of existing background noise at the site due to the proximity to the commercial area of Deloraine and the existing semi-industrial uses at the STHIL workshop (7 West Barrack Street, Deloraine).
- The highest noise level associated with machinery used for metal fabrication was an angle grinder, generating 70.8dB(A). This is a worst-case scenario in the immediate vicinity of the machine and does not take into account the effects of separation between the machine and the dwellings.
- This is lower than the existing background noise measured in West Barrack Street.
- The combined noise levels resulting from all machinery operating at once was 1.3dB(A) above the background levels; a level that would be barely perceptible. This assessment does not consider the characterisation of the noise or tonality.
- Risk associated with odour is minimal.

The report provides a number of recommendations to manage noise impacts, including:

- the installation of fibre cement lining within the workshop; and
- keeping external doors closed during operating hours; and
- insulation of the compressor if located externally to the building.

The report also suggests that noise monitoring be undertaken 3 months after the use is established to confirm noise levels and inform any necessary mitigation measures.

An amended report, including additional recommendations, has been submitted in consideration of the representations and Council Officer

concerns. Additional recommendations include:

- A movable insulated screen to be positioned across the roller door whilst noise generating activities are being undertaken.
- Erection of a permanent noise absorbing screen directly adjacent to the opening.
- Possible replacement of the chain-link fence along the top of the retaining wall with a solid 1.8m paling fence.
- Sourcing of lower noise-emitting equipment as replacement is required.

Council's Environmental Health Officers have also considered the application, including the amended noise assessment, and have raised concerns regarding the appropriateness of establishing a new industrial use on a site dominated by residential properties. The concerns are summed up in the following paragraph:

*"From an Environmental Health perspective, the proposed change of use to service industry, manufacturing and processing is considered to be inappropriate for the location. There are existing examples within the municipality where commercial/ industrial uses have been granted Planning approval adjoining residential land and there are ongoing problems regarding noise nuisance in these areas as a result of incompatible land use. The emission of noise from the proposed use is likely to be detrimental to the amenity of neighbouring residences and therefore has the potential to cause an environmental nuisance under the Environmental Management and Pollution Control Act 1994. On this basis, the application for change of use to service industry, manufacturing and processing is not supported. "*

Specific concerns raised by the Environmental Health Officer also include:

- the short duration of the noise monitoring on which the report is based and the degree to which measured background levels are representative of the current situation;
- the practicality and enforceability of requiring doors or gates to be closed while metal fabrication activities are occurring;
- lack of measureable evidence demonstrating the effectiveness of the proposed mitigation measures; and
- no weekend noise monitoring.

A full copy of the comments provided by Council's Environmental Health Officer is attached.

It is clear that there are deficiencies in the noise report submitted with the

application, introducing a significant level of uncertainty and risk regarding noise impacts.

The building in which manufacturing is undertaken must be brought up to a level of construction that will significantly reduce the noise leaving the building. The recommendations of the noise report will result in some reduction in noise, however, there is insufficient detail in the reporting to demonstrate the effectiveness of these measures in this particular instance.

As a number of recommendations in the noise assessment are questionable in regard to effectiveness and practicality, it has been determined to require the lining of the building and the installation of a sound screen adjacent to the access to diffuse noise exiting the open door. Additional reporting has been proposed in the noise assessment, to be undertaken after the commencement of use to demonstrate compliance with the noise regulations. It is noted that there are risks associated with this approach such as modification of behaviour during monitoring. Given the lack of detail in the noise assessment, however, there are no other means of verifying the effectiveness of the proposed measures or to require additional works in the event that the development is perceived to be causing a nuisance by neighbours.

Additional sound monitoring after commencement of use will be able to establish if the use is compliant with the noise regulations or not. If not, this will trigger a response under the *Environmental Management and Pollution Control Act 1994* supported by the planning compliance process. From this point it would be the responsibility of the applicants to determine appropriate noise controls, to implement those controls and to continue monitoring until such time as it is demonstrated that the proposal complies with the noise regulations. This may include some of the other recommendations in the noise assessment. Should the monitoring demonstrate the use complies with regulations no further action would be required unless a significant change in business practices was to occur.

It is considered that the proposed metal fabrication use is incompatible with the residential properties surrounding the site, however, through appropriate mitigation the impacts can be reduced to an acceptable level.

**Recommended Conditions:**

1. *Prior to the commencement of use the following works are to be completed to the satisfaction of Council's Town Planner:*
  - a) *The interior of the metal fabrication workshop is to be lined*

with a sound proofing material.

b) A permanent screen is to be placed parallel to the brick wall at the south east-boundary, directly adjacent to the door of the proposed extension, to reduce reflected noise. The screen is to be constructed 100mm from the wall with wooden slats angled at 45 degrees up or down. The screen is to extend from ground level to the top of the wall and is to extend 1m wider than the width of the roller door.

2. The equivalent continuous A-weighted sound pressure level measured over 15 minutes ( $L_{Aeq15min}$ ) emitted from the premises must not exceed 5dB above the background ( $L_{A90}$ ) noise level at any time when assessed at the boundary of an adjoining residential property. The background noise level must be measured in the absence of noise emitted from the proposed use in accordance with AS 1055.1-1997 Acoustics – Description and Measurement of Environmental Noise General Procedures and Noise Measurement Procedures Manual (Tasmania).
3. Within 3 months of the commencement of the metal fabrication use a follow up noise assessment is to be undertaken to the satisfaction of Council. The assessment must demonstrate that the noise generated by the use is in accordance with Condition 4 and is to be conducted for the duration of the operating hours over a day. Council is to be given 3 full days notice, prior to the commencement of noise monitoring.

### **Conditions Arising from the Acceptable Solutions**

<b>General Business Zone</b>	
21.3.1 Amenity	
<b>Objective</b>	
<i>To ensure that the use of land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.</i>	
<b>Comment:</b>	
Although operating hours are within the Acceptable Solutions for the Zone, the nature of the use, the status as discretionary uses with specified attenuation distances and the surrounding residential properties warrants stricter control on operating hours, particularly on weekends and public holidays. It is recommended that the use is restricted to the following hours:	
Monday to Friday	8.30am to 6.00pm
Saturday	9.00am to 12 midday
Sunday and Public Holidays	Not permitted

**Recommended Condition:**

1. *Excluding office and administrative tasks, the proposed use is restricted to the following hours of operation:*

Monday to Friday	8.30am to 6.00pm
Saturday	9.00am to 12 midday
Sunday and Public Holidays	Not permitted

**Representations**

Three (3) representations were received (see attached documents). A summary of the representations is as follows:

- Use not appropriate for site considering the residential nature of the surrounding area
- Potential noise impacts
- Requirement for a higher fence and separation between the boundary and parking spaces to mitigate impacts from vehicles
- Impacts on traffic flow in West Barrack Street
- Current drainage insufficient and impacting adjoining properties
- Inadequate advertising
- Devaluation of neighbouring properties
- Possibility of more suitable locations
- Concern regarding the appearance of current site occupied by the proponents and risk of proposed site being used for storage of car bodies and parts

**Comment:**

- Appropriateness of Use and Noise Impacts

The appropriateness of the use has been discussed above in consideration of the Zone Purpose and the Environmental Impacts Attenuation Code and is not considered to be appropriate for the site.

- **Boundary Fence and Location of Car Parking**

The location of car parking and the boundary fence has been discussed against the zone purpose above and can be appropriately conditioned for light emissions and privacy.

The crest of the car park is located approximately 3m from the fence (measured by Council's Planner). This is already greater than the 2m setback raised in the representations. The nature of the business also suggests that only on a rare occasion would more than 1 vehicle at a time be operating in this area. The 3m of separation between the parking spaces and the fence is considered sufficient. It is also noted that a 3m reduction in the isle width of the parking spaces will not restrict the ability of vehicles to manoeuvre in accordance with AS2890.1.

- **Impacts on traffic**

A traffic impact assessment was submitted with the application and Council's Director Infrastructure Services is satisfied that the proposal will not adversely impact the road network or road safety.

- **More Appropriate Locations**

Deloraine has a number of existing industrial zones in which both Service Industry and Manufacturing and Processing are permitted as of right. The subject business currently operates from the General Industrial land at the old Butter Factory on Mole Creek Road. Council, however, must consider the application currently presented and its compliance with the Planning Scheme.

- **Stormwater**

The site is known to have a history of issues relating to stormwater management. The existing building did not have gutters until relatively recently. It is Council's understanding that downpipes have recently been installed at the rear of the building and connected into Council's stormwater system.

The applicant has not indicated that the carpark at the rear of the site will be sealed. A gravelled carpark is considered to be acceptable for the proposed use. Should the applicant wish to seal the carpark, however, it would result in the concentration of stormwater and would

need to be appropriately managed to the satisfaction of Council's Plumbing Surveyor.

- Inadequate Advertising

The application was advertised in accordance with the Land Use Planning and Approvals Act 1993.

- Property Values

The impact of the development on property values is not a planning consideration.

- Storage of Car Bodies

The application proposes use and development to be generally contained within the buildings. Given the discretionary nature of the use, its proximity to residential properties and its location within the central business area of Deloraine, it is considered appropriate to condition the permit so that all mechanical work on vehicles is confined to the interior of the proposed/existing buildings and no storage of parts or breaking down of wrecks is to occur outside of the buildings.

**Recommended Condition:**

1. *No servicing or repair of vehicles, no storage of parts or wrecks and no breaking down of wrecks is to occur outside of the existing and approved buildings.*

**Conclusion**

The proposed change of use for 11 West Parade Deloraine is not a straight-forward decision. Both uses, Service Industry and Manufacturing and Processing, have potential to cause ongoing amenity issues for a number of dwellings in close proximity. There is some risk that the development will result in a conflict and Council has had significant difficulty in the past managing such conflicts.

While the Zoning is generally used to manage land-use conflicts, the Zone Purpose for the General Business Zone does not provide any meaningful standards against which to assess the appropriateness of discretionary uses. The General Business Zone is intended to provide some degree of certainty for businesses.



There is a risk that conflicts will be ongoing and that the business will be constrained due to the sensitivity of the location and future requirements under the *Environmental Management and Pollution Control Act 1994*. Changes which would normally go unnoticed in industrial areas would require serious consideration and any intensification of use may require further planning assessments. The use will also re-establish use rights for a potentially high impact activity of an industrial nature within a residential area.

With specific and measurable conditions, aligned with the noise regulations of the *Environmental Management and Pollution Control Act 1994*, however, it is considered that noise impacts can generally be managed in the future. The introduction of infringement notices under the *Land Use Planning and Approvals Act 1993* means that there are much greater incentives for applicants to comply with the conditions of their planning permits, and in this case the noise regulations.

In conclusion, it is considered that the application for Use and Development for Service Industry and Manufacturing and Processing is an acceptable use for the site and can be managed with appropriate conditions.

**AUTHOR:** Justin Simons  
TOWN PLANNER

## **12) Recommendation**

***That the application for Use and Development for an extension and change of use to Service Industry and Manufacturing and Processing on land located at 11 West Barrack Street, Deloraine (CT's: 47332/1 & 92367/1) by H & M Graham , requiring the following discretions:***

- 21.4.1 - Siting, Design and Built Form
- E4.6.1 - Use and road or rail infrastructure
- E11.6.1 - Attenuation Distances

***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) Honed Architecture and Design, Drawing No. 1613 – Sheets A-DA-07, 08, 10, 11, 12, 13, 14 & 15**

- b) R K Consulting Engineers, Traffic Impact Assessment, dated May 2016
- c) Graham Automotive and Fabrication, letter dated 27 May 2016.

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

2. Prior to the commencement of use the following works are to be completed to the satisfaction of Council's Town Planner:
  - a) The interior of the metal fabrication workshop is to be lined with a sound proofing material.
  - b) A permanent screen is to be placed parallel to the brick wall at the south east-boundary, directly adjacent to the door of the proposed extension, to reduce reflected noise. The screen is to be constructed 100mm from the wall with wooden slats angled at 45 degrees up or down. The screen is to extend from ground level to the top of the wall and is to extend 1m wider than the width of the roller door.
  - c) A dense screen of trees or shrubs must be planted along the boundary shared with 4 Bonney Street to ensure reasonable privacy and minimise light intrusion for the adjoining property. The plant screen must obtain a minimum growth height of at least 2m, be an evergreen species and planted at such intervals as recommended by a qualified horticulturalist for the creation of a hedge.
  - d) The car park to the south-east of the existing building is to be sealed for a minimum of 6m from the carriage way on West Barrack Street to the satisfaction of Council's Director Infrastructure Services.
3. The vegetation screen required in Condition 2. (b) is to be maintained in a healthy condition with any diseased plants or fatalities being replaced with a healthy specimen.
4. *The equivalent continuous A-weighted sound pressure level measured over 15 minutes ( $L_{Aeq15min}$ ) emitted from the premises must not exceed 5dB above the background ( $L_{A90}$ ) noise level at any time when assessed at the boundary of an adjoining residential property. The background noise level must be measured in the absence of noise emitted from the proposed use in accordance with AS 1055.1-1997 Acoustics – Description and*

***Measurement of Environmental Noise General Procedures and Noise Measurement Procedures Manual (Tasmania).***

- 5. Within 3 months of the commencement of the metal fabrication use a follow up noise assessment is to be undertaken to the satisfaction of Council. The assessment must demonstrate that the noise generated by the use is in accordance with Condition 4 and is to be conducted for the duration of the operating hours over a day. Council is to be given 3 full days notice, prior to the commencement of noise monitoring.**
- 6. Excluding office and administration tasks, the proposed use is restricted to the following hours of operation:**
  - Monday to Friday - 8:30am to 6pm**
  - Saturday - 9am – 12 midday**
  - Sunday and Public Holidays - not permitted**
- 7. No servicing or repair of vehicles, no storage of parts or wrecks and no breaking down of wrecks is to occur outside of the existing and approved buildings.**
- 8. Any resurfacing or repair works on the carpark in the east portion of the lot are not to result in an increase in the relative height of the finished surface above natural ground level or extend the usable area closer than 3m from the boundary shared with 4 Bonney Street. Further sealing of the carpark is not permitted without adequate provision of drainage to the satisfaction of Council's Plumbing Surveyor.**
- 9. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA-2016/01027-MVC, attached).**

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**

**All enquiries should be directed to Council's Permit Authority on 6393 5322 or Council's Plumbing Surveyor on 0419 510 770.**

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](http://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 six (6) weeks prior to the expiration date.
  
6. 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](mailto:aboriginal@heritage.tas.gov.au)); and
  - c) The relevant approval processes will apply with State and Federal Government agencies.

## **DECISION:**

## **DEV 2      8 MEANDER VALLEY ROAD, HAGLEY - BULKY GOODS SALES (LANDSCAPE SUPPLIES) & GENERAL RETAIL AND HIRE**

### **1) Introduction**

This report considers application PA\17\0026 for Bulky Goods Sales (landscape supplies) & General Retail and Hire on land located at 8 Meander Valley Road, Hagley (CT 101910/1).

### **2) Background**

#### **Applicant**

S Lunson

#### **Planning Controls**

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

#### **Use & Development**

The application seeks retrospective planning approval for a landscape supply business and retail shop. The operations utilise part of an existing building and outside area at 8 Meander Valley Road in Hagley. The landscape supply business focuses on the sale of bulky goods such as gravel, sand and mulches, and general gardening supplies. The shop focuses on new and used goods; gardening supplies and machinery hire.

The application includes using the existing sign mounted on the roof. The design will promote the subject business. As the sign will not be enlarged and will not be illuminated, this part of the application is exempt from requiring a planning permit.



**Photo 1: View from Meander Valley Road**



**Photo 2: Inside of shop**



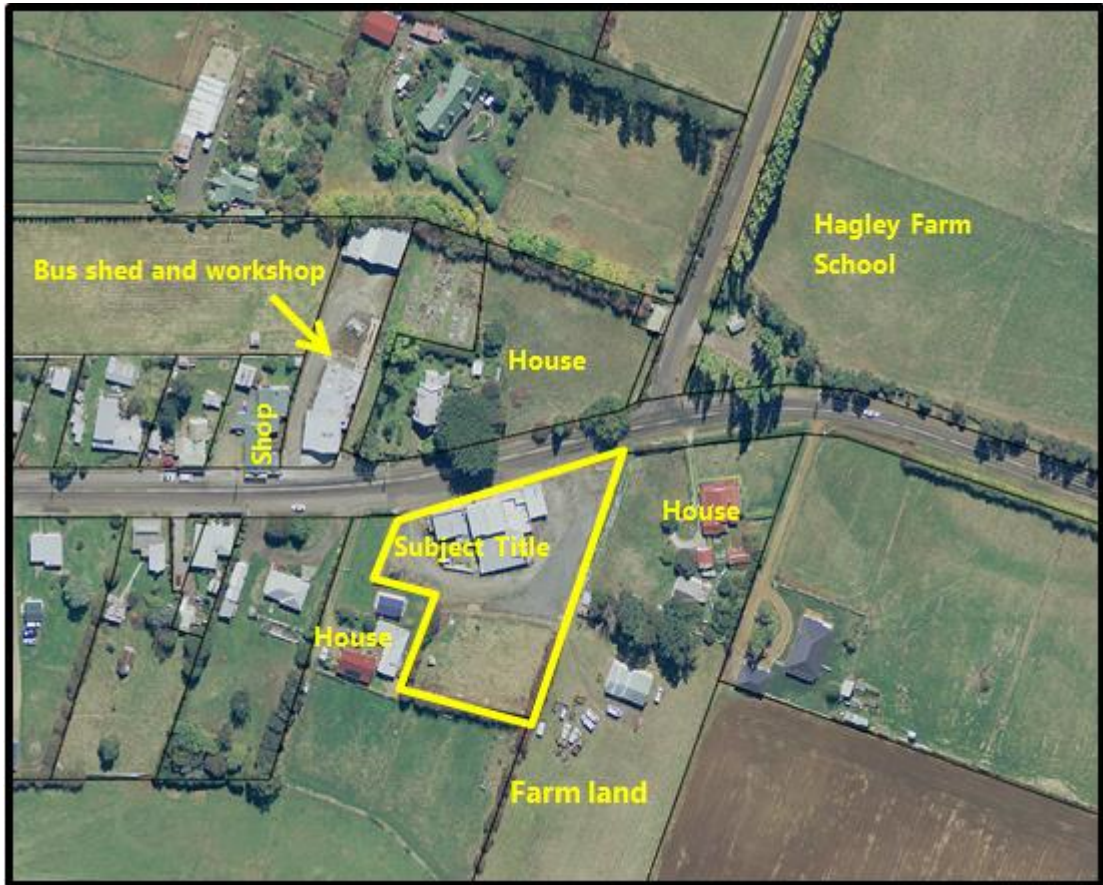
**Figure 1: Site plan**

### **Site & Surrounds**

The subject property is located at 8 Meander Valley Road, within the township of Hagley. The land area is 4975m<sup>2</sup> and contains a large two-storey building. The second storey contains two residential flats; while downstairs is partly used by the subject business, and is partly vacant.

The adjacent land is principally zoned Village. The surrounding land uses include residential, cemetery, bus shed/workshop, school shop and farmland.





**Photo 3: Showing subject property and surrounding land use**

**Statutory Timeframes**

Date Received:	19 August 2016
Request for further information:	Not applicable.
Information received:	Not applicable.
Advertised:	27 September 2016
Closing date for representations:	12 September 2016
Extension of time granted:	15 September 2016
Extension of time expires:	12 October 2016
Decision due:	11 October 2016

**3) Strategic/Annual Plan Conformance**

Council has a target under the Annual Plan to assess applications 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**

Management of risk is inherent in the conditioning of the permit.

## **7) Consultation with State Government and other Authorities**

Not applicable

## **8) Community Consultation**

The application was advertised for the statutory 14-day period.

One representation was received (attached document). The representation is discussed in the assessment below.

## **9) Financial Impact**

Not applicable

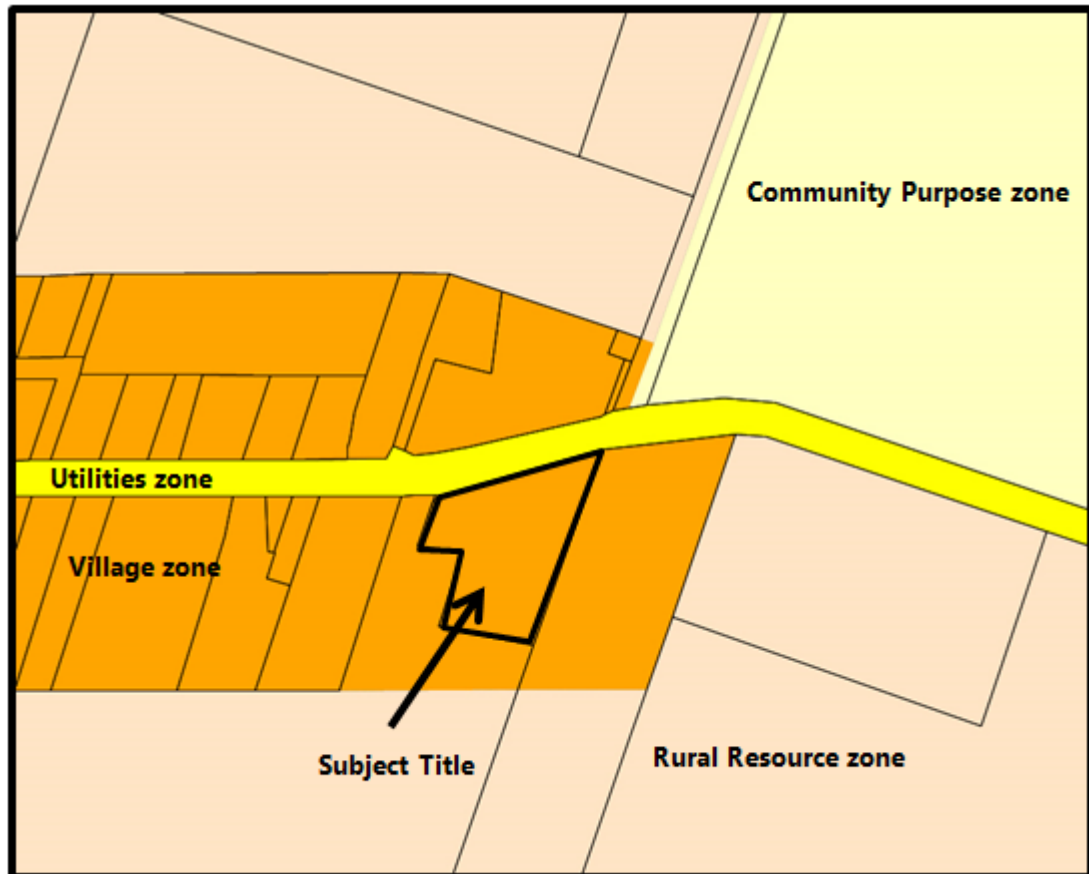
## **10) Alternative Options**

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

## **11) Officers Comments**

### **Zone**

The subject property is located in the Village Zone. The land area surrounding the site is located in the Village, Community Purpose and Utilities Zones (see Figure 2).



**Figure 2: Zoning of the subject title and surrounding land**

**Use Class**

Table 8.2 of the Scheme, categorises the proposed use classes as:

- a) Bulky Goods Sales
- b) General Retail and Hire

**a) Bulky Goods Sales**

In the Village Zone, Bulky Goods Sales is listed as discretionary use under section 16.2 - Use Table. As such, the proposed use is assessed against the Zone Purpose including the Local Area Objectives and Desired Future Character Statements. The use standards in the zone and applicable codes are also considered relative to each applicable issue.

**16.1 Zone Purpose**

**16.1.1 Zone Purpose Statements**

*16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.*

*16.1.1.2 To provide for low impact, non residential uses that support the function of the settlement.*

*16.1.1.3 To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.*

**16.1.2 Local Area Objectives (Hagley)**

*a) To provide for infill development only, respectful to the existing streetscape pattern.*

*a) New development is to be designed such that it does not dominate or detract from heritage character or adjoining residential character.*

**16.1.3 Desired Future Character Statements (Hagley)**

*a) Hagley is characterized by a historical strip of mixed use, ribbon development with some remaining heritage features in buildings and vegetation such as prominent trees and hedgerows that contribute to streetscape character.*

**Comment:**

Zone Purpose

Hagley Township is a small rural centre located between Westbury and Carrick. The proposed application for landscape supplies and shop is considered commercial activities. The business operates 4 days a week, between 10am and 4pm. Potential nuisance factors (such as dust, traffic and noise) have been assessed (below) and it has been determined that these issues can be managed to reduce the likelihood of any environmental nuisance.

Local Area Objectives

The business utilises the existing building and the associated outdoor area. The development component of the application includes the placement of large rocks along the front boundary (east of the building) and the car parking/manoeuvring area. The large rocks create a small, unobtrusive barrier to the goods displayed/activities on site and the road; and aid in directing traffic to the entrance. The car parking is located to the rear of the building. With the bulk of the existing building being located to the front boundary, the proposed development is considered minor.

Desired Future Character Statements

The subject property is located within the historical ribbon strip of development of Hagley. The land use along this strip is of a mixture of uses – including residential, service station, shop, recreation ground, bus shed/workshop, school and farmland. The property is neither heritage-listed nor a heritage character building. The property does not contain any significant trees or hedgerows.

The proposal is considered to be in keeping with the zone purpose, local area objectives and desired future characteristics.



**Photo 4: View along Meander Valley Road westward**



**Photo 5: View along Meander Valley Road eastward**

## **b) General Retail and Hire**

General Retail and Hire is specified in section 16.2 - Use Table as being Permitted. The Permitted status is dependent on the use and development meeting all of the applicable Acceptable Solutions in the scheme. In this instance the General Retail and Hire component complies with all the Acceptable Solutions of the scheme.

### **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 or development relies on performance criteria, discretion is applied for that particular standard only. To determine whether discretion should be used 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 Village zone and 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.

<b>Village Zone</b>			
Scheme Standard		Comment	Assessment
<b>16.3.1 Amenity</b>			
A1	If for permitted or no permit required uses.	Bulky Goods Sales is a Discretionary use class in the Village zone.	Relies on Performance Criteria
A2	Commercial vehicles must	The stated hours	Complies

	only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	of operation are Thursday to Sunday 10am to 4pm. The delivery of goods will occur between 9am to 6pm, 7 days of the week. These hours comply with the Acceptable Solution.	
A3	Commercial vehicles are parked within the boundary of the property.	The site plan shows vehicle parking occurring within the property boundary.	Complies
<b>16.3.2 Village Character</b>			
A1	Non-residential use must not exceed a combined gross floor area of 250m <sup>2</sup> over the site.	The floor area of the shop is approximately 210m <sup>2</sup> (less than 250m <sup>2</sup> ).	Complies
A2	Goods or materials must not be stored outside in locations visible from adjacent properties, the road or public land.	The application includes goods being stored outside and visible from adjoining land and the road.	Relies on Performance Criteria
<b>16.4.1 Building Design and Siting</b>			
A1	Site coverage must not exceed 50%.	Not applicable	
A2	Building height must: a) not exceed 6 metres; or b) be between the maximum heights of the two adjoining buildings, shown as the shaded area in Figure 16.4.1A below.	Not applicable	

A3	<p>Primary frontage setbacks must be:</p> <ul style="list-style-type: none"> <li>a) a minimum distance of 6m; or</li> <li>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 16.4.1B below; and</li> <li>c) for corner lots, side walls must be set back a minimum of 3m from the secondary frontage.</li> </ul>	Not applicable	
A4	<p>A4.1 Buildings must be set back from the side and rear boundaries a minimum distance of 3m; or</p> <p>A4.2 Where a sensitive use is proposed on a lot that adjoins the Rural Resource Zone, the setback is a minimum distance of 50 metres.</p>	Not applicable	

### Road and Railway Assets Code

Scheme Standard	Comment	Assessment
<b>E4.6.1 Use and road or rail infrastructure</b>		
A1	Sensitive use within 50m of a category 1 or 2 road with a speed limit of more than 60km/h, a railway or future road or railway, does not increase the annual average	Not applicable

	daily traffic movements by more than 10%.		
A2	For roads with a speed limit of 60km/h or less the use must not generate more than 40 movements per day.	The subject property is within the 60km/hr speed limit. Presently, the two second storey flats are occupied. The ground floor area has been recently vacant. It is expected that the subject traffic movements would be greater than 40 movements per day.	Relies on Performance Criteria
A3	For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic movements by more than 10%.	Not applicable	
<b>E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways</b>			
A1	The following must be at least 50m from a railway, a future road or railway and a category 1 or 2 road with a speed limit of more than 60km/h:  d) new road works, buildings, additions and extensions, earthworks and landscaping works; and  e) building envelopes on new lots; and	Not applicable	



	f) outdoor sitting, entertainment and children's play areas.		
<b>E4.7.2 Management of Road Accesses and Junctions</b>			
A1	For roads with a speed limit of 60km/h or less the development must include one access providing both entry and exit, or two accesses providing separate entry and exit.	The site plan shows two accesses, providing separate entry and exit.	Complies
A2	For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	Not applicable	
<b>E4.7.3 Management of Rail Level Crossings</b>			
A1	Where land has access across a railway: a) development does not include a level crossing; or b) development does not result in a material change onto an existing level crossing.	Not applicable	
<b>E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings</b>			
A1	Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with AS1742.7; or c) If the access is a temporary access, the	The application included comment from State Growth stating that " <i>State Growth have no objection to the proposal and agree that the access provisions are acceptable for the intended use</i> ".	Complies

	written consent of the relevant authority has been obtained.		
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**Car Parking and Sustainable Transport Code**

Scheme Standard	Comment	Assessment
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**6.6.1 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 parking precinct plan.	Considering the total use of the land: Existing flats = 4 spaces Bulky Goods Sales = 2 spaces (2 employees) General Retail and Hire = 7 spaces (for floor area 210m <sup>2</sup> ) Total car parking spaces required: 13 spaces  The site plan shows 13 spaces.	Complies
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**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 car parking, access strips and circulation spaces are formed and drained. These areas are not line marked and not impervious sealed.	Relies on Performance Criteria
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**E6.7.2 Design and Layout of Car Parking**

A1	<p>A1.1</p> <p>Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2</p> <p>Within the General Residential Zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	Not applicable	
A2	<p>A2.1</p> <p>Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) for more than 4 cars, enter and exit the site in a forward direction; and</li> <li>c) have access width not less than and not 10% greater than Table E6.2; and</li> <li>d) have a width of access and manoeuvring space to parking spaces not less than Table E6.3 where: <ul style="list-style-type: none"> <li>(iv) there are three or more spaces; and</li> <li>(v) where parking is more than 30m</li> </ul> </li> </ul>	<p>The gradient of the land is relatively flat. Vehicles can enter and exit in a forward direction. The accesses are existing. The eastern access width is 8m. The western access width is 4.5m. Internal driveway width is 6m.</p>	Complies

	<p>from the road; or</p> <p>(vi) the sole vehicle access is to a category 1, 2, 3 or 4 road; and</p> <p>A2.2</p> <p>The layout of car spaces and access ways must be designed in accordance with <i>Australian Standard AS 2890.1</i>.</p>		
<b>E6.7.3 Car Parking Access, Safety and Security</b>			
A1	<p>Car parking areas with greater than 20 parking spaces must be:</p> <p>a) secured and lit so that unauthorised persons cannot enter or;</p> <p>b) visible from buildings on or adjacent to the site at times when parking occurs.</p>	Not applicable	
<b>E6.7.4 Parking for Persons with a Disability</b>			
A1	All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	The site plan shows disability parking.	Complies
A2	One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standard AS/NZ 2890.6 2009</i> .	The disability parking will be constructed to the standard.	Complies
<b>E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup</b>			
A1	For retail, commercial, industrial, service industry,	There is no specific loading	Relies on Performance

	warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002.</i>	bay for the business.	Criteria
<b>E6.8.1 Pedestrian Walkways</b>			
A1	Pedestrian access must be provided for in accordance with Table E6.5.	The disabled car parking space is located in close proximity to the door of the shop. The applicant states that a pathway will be delineated from the car parking area to the shop door.	Complies

**Performance Criteria**

<b>Village Zone</b>
16.3.1 Amenity
<p><b>Objective</b></p> <p><i>To ensure that all non-residential uses do not adversely impact upon the occupiers of adjoining and nearby residential uses.</i></p>
<p><b>Performance Criteria P1</b></p> <p><i>Discretionary uses must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.</i></p>
<p><b>Comment:</b></p> <p>Noise:</p>

The proposed hours of operation are considered appropriate for the nature of the business and noise from the operation of machinery on the site is unlikely to cause an environmental nuisance during these hours. In accordance with the *Environmental Management and Pollution Control (Noise) Regulations 2016*, 10am is the acceptable starting time for the operation of mobile machinery (such as a front end loader) on a Sunday or a Public Holiday.

Traffic Movement:

The proposal utilises the existing accesses and the internal driveway. The proposed traffic flow is for vehicles to enter through the eastern access and exit the property through the western access. The residential flats on site utilise the western access for entry and exit. Internally, the driveway is 6m wide. The accesses are 4.5m and 8m wide. The Meander Valley Road is a State-owned road. The application included comment from State Growth stating that the "...access provisions are acceptable for the intended use".

Smoke and odour:

It is not anticipated that the proposal will generate any smoke or odour.

Dust:

The nature of the materials being stored on the site would have the potential to leave the property boundary during dry and windy conditions. The applicant has demonstrated a willingness to address potential dust issues for neighbouring properties by: rearranging the piles to have the finer materials behind the building for a wind break, proposing to use a fire cart for wetting down the driveway and proposing to use hoses and sprinkler for damping the piles of materials. The applicant has also indicated that they are willing to explore other solutions should the above mitigation strategies concern neighbouring residents.

It is considered that any potential dust issues can be managed appropriately by the applicant.

Illumination:

The application does not include any illumination of the site.

As such, the proposal is considered in keeping with the objective. No further action required.

16.3.2 Village Character

**Objective**

*To ensure that non-residential uses are of an appropriate scale and type to support the objectives for the settlement.*

**Performance Criteria P2**

*Storage of goods or materials is consistent with the local area objectives for visual character, if any.*

**Comment:**

The Local Area Objectives for Hagley are:

*a) To provide for infill development only, respectful to the existing streetscape pattern.*

*a) New development is to be designed such that it does not dominate or detract from heritage character or adjoining residential character.*

The subject property contains a large dominant building. The development component of the proposal includes the rock barrier at the front of the property; and the car parking/manoeuvring area.

The rock barrier is an extension to the existing rock wall. The rock barrier is of a similar height to the existing rock wall, and as such is considered minor and in keeping with the existing character of the property (see photo 6 below).

The car parking is located to the rear of the property, and as such obscured when viewed from Meander Valley Road. The manoeuvring area is unchanged and additional blue metal will be spread over the surface.

The property is neither heritage-listed nor having heritage character.



**Photo 6: showing existing rock wall and newly placed large rock barrier**

As such, the proposal is considered in-keeping with the objective. No further action required.

**Road and Railway Assets Code**

E4.6.1 Use and road or rail infrastructure

**Objective**

*To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.*

**Performance Criteria P2**

*For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.*

**Comment:**

As stated above, Meander Valley Road is a State-owned road. The application included comment from State Growth stating that "...State Growth have no objection to the proposal and agree that the access provisions are acceptable for the intended use".



As such, the proposal is considered in keeping with the objective. No further action required.

## **Car Parking and Sustainable Transport Code**

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

#### **Objective**

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

#### **Performance Criteria P1**

*All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.*

#### **Comment:**

The associated outside area has previously been used for car parking and vehicle manoeuvrability. The area appears to have been previously formed and gravelled (parts may have been sealed). The applicant has stated that their intent is to spread blue metal on the car parking and vehicle manoeuvrability areas.

Due to the nature of the proposed business, vehicles will be travelling on site at slow speeds. The applicant has erected internal signage to direct customers to the entrance of the property and the car parking areas.

As such, the proposal is considered in keeping with the objective. No further action required.

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

#### **Objective**

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

#### **Performance Criteria P1**

*For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.*

**Comment:**

The delivery of bulky goods is scheduled to occur on the days the business is closed.

Therefore, the proposal is considered in keeping with the objective. No further action required.

**Representations**

One representation was received (see attached documents). A summary of the representation is as follows:

- a) Dust generated from traffic passing over the unsealed surface depicted as "driveway" from the entrance to the exit.
- b) The dust from the piles of soils and gravel.

The representation provides greater detail on the dust issues and provides some suggestions to address this issue.

**Comment:**

The applicant has provided correspondence outlining their dust mitigation measures. The measures proposed to deal with dust from the driveway are to spread blue metal to the driveway and to dampen down the driveway (as required). In addition, the applicant has moved the piles of finer gravel and soil to the rear of the area, to avoid wind exposure. During the drier months, these piles will be dampened to further reduce dust impacts.

The applicant has also indicated that they are willing to explore other solutions should the above mitigation strategies not appease the concerns of the neighbouring residents. It is considered that any potential dust issues can be managed appropriately by the applicant to reduce the likelihood of environmental nuisance.

**Conclusion**

In conclusion, it is considered that the application for Use and Development for Bulky Goods Sales & General Retail and Hire is appropriate and acceptable use and development for the Village Zone.

**AUTHOR:** Leanne Rabjohns  
TOWN PLANNER

## 12) Recommendation

***That the application for Use and Development for Bulky Goods Sales (landscape supplies) & General Retail and Hire on land located at 8 Meander Valley Road, Hagley CT 101910/1 by S Lunson, requiring the following discretions:***

- 16.3.1     Amenity**
- 16.3.2     Village Character**
- E4.6.1     Use and road or rail infrastructure**
- E6.7.1     Construction of car parking spaces and access strip**
- E6.7.6     Loading and unloading of vehicles, drop-off and pickup**

***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) Site Plan***
  - b) Garry Hills – emailed dated 11 August 2016***
  - c) Tasmanian Trash Transformers – letter dated 19 August 2016***
  - d) Tasmanian Trash Transformers – letter dated 16 September 2016 to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.***

Note:

- 1. Measures must be taken to control dust emissions on the site to prevent environmental nuisance beyond the property boundary in accordance with the *Environmental Management and Pollution Control Act 1994*. All enquiries should be directed to Council's Environmental Health team on telephone 6393 5300.**
- 2. 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 any new use of the building commences:**
  - a) Building permit**

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

3. 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.
  
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](http://www.rmpat.tas.gov.au) .
  
5. 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.
  
6. 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. An extension may be granted if a request is received at least 6 weeks prior to the expiration date.
  
7. 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](mailto:aboriginal@heritage.tas.gov.au)); and
  - c) The relevant approval processes will apply with State and Federal government agencies.

## **DECISION:**

# **GOV 1 ANNUAL PLAN – QUARTERLY REVIEW – SEPTEMBER 2016**

## **1) Introduction**

The purpose of this report is for Council to receive the September quarterly review of the Annual Plan.

## **2) Background**

Section 71 of the Local Government Act 1993 requires Council to prepare an Annual Plan. This plan provides details of the works and programs to be undertaken by Council and is the organisation's commitment to both Councillors and the community that these works and programs will be delivered.

## **3) Strategic/Annual Plan Conformance**

This performance report relates directly to the achievement of the Annual Plan.

## **4) Policy Implications**

Not applicable

## **5) Statutory Requirements**

It is a requirement of the Local Government Act 1993 that Council prepares and approves an Annual Plan.

## **6) Risk Management**

Not applicable

## **7) Consultation with State Government and other Authorities**

Not applicable

## **8) Community Consultation**

Not applicable

## 9) Financial Impact

Not applicable

## 10) Alternative Options

Not applicable

## 11) Officers Comments

In the September quarter 111 targets were met.

Four activities have been deferred:-

**Program 2.5**                      **Human Resources**  
**Activity 2.5.2**                **Implementation of LGAT Workplace Behaviours Policy Suite**  
**Target:**                        **Consult on Stage 2 Policies**  
**Comment:**                    **Activity deferred until December quarter given the change in General Manager.**

**Program 4.1**                      **Land Use & Planning**  
**Activity 4.1.3**                **Prepare Local Provisions Schedule for the Tasmanian Planning Scheme**  
**Target:**                        **Prepare Project Plan**  
**Comment:**                    **The anticipated completion of the State Planning Provisions was deferred by the Minister for Planning. This has in turn delayed the release of information regarding the requirements for Local Provisions Schedules.**

**Program 4.1**                      **Land Use & Planning**  
**Activity 4.1.4**                **Carrick Rural Living Area – Rezoning**  
**Target:**                        **Rezoning approved by Minister**  
**Comment:**                    **Awaiting formal confirmation of approval from the Minister.**

**Program 4.1**                      **Land Use & Planning**  
**Activity 4.1.6**                **Westbury Road Prospect Vale – Activity Centre Plan**  
**Target:**                        **Prepare Project Plan and engage Consultant**  
**Comment:**                    **Project delayed in response to an anticipated development proposal at 367-369 Westbury Road, Prospect Vale.**

**AUTHOR:** Martin Gill  
GENERAL MANAGER

**12) Recommendation**

*It is recommended that Council receive and note the Annual Plan review for the September 2016 quarter.*

**DECISION:**

## **GOV 2 COUNCIL AUDIT PANEL CHAIRPERSON RE-APPOINTMENT; REVIEW OF THE AUDIT PANEL CHARTER AND RECEIPT OF MINUTES**

### **1) Introduction**

The purpose of this report is to seek reappointment of the Council Audit Panel Chairperson, to present amendments to Council's Audit Panel Charter to Council for approval and for Council to receive the minutes of the Council Audit Panel meeting held on 27 September 2016.

### **2) Background**

The appointment of an independent member as a Council Audit Panel Chairperson is a statutory requirement and is also included in section 5 of Council's Audit Panel Charter. Council approved the appointment of Steven Heryk to the position of Meander Valley Council Audit Panel Chairperson on 11 November 2014. Council's Audit Panel Charter provides for independent members to be appointed for a period of two years. Audit Panel members may be reappointed at the approval of Council and consideration will be given to the benefits of the Audit Panel maintaining some continuation of knowledge and experience.

The current Audit Panel Charter requires that a review of the Charter be conducted between July and September 2016. A meeting of the Audit Panel Working Group including officers from Break O'Day, Georgetown, West Tamar and Meander Valley Councils was conducted on 15 July 2016 where a common set of amendments was developed.

The review of the Council Audit Panel Chairperson's performance and recommended reappointment along with the review of the Audit Panel Charter were presented and discussed at Council's July 2016 workshop.

The minutes of the Council Audit Panel meeting held on 27 September 2016 are attached for Council's information.



### **3) Strategic/Annual Plan Conformance**

Furthers the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future Direction (5): Innovative leadership and community governance

Conforms to the 2016-17 Annual Plan Program No 1.2 - Risk Management.

### **4) Policy Implications**

Not applicable

### **5) Statutory Requirements**

Sections 85, 85A and 85B of the Local Government Act 1993 and the Local Government (Audit Panels) Order 2014.

### **6) Risk Management**

Not applicable

### **7) Consultation with State Government and other Authorities**

Recommendations 1 and 2 have been developed in consultation with Break O'Day, George Town and West Tamar Councils.

### **8) Community Consultation**

Not applicable

### **9) Financial Impact**

Council has an amount of \$12,000 in the 2017 annual budget for the Audit Panel's functions. The remuneration of the Chairperson is funded from this budget.

### **10) Alternative Options**

Council can appoint an alternative independent member as Chairperson.

Council can elect to make further amendments to the Charter or continue with the existing one.

## 11) Officers Comments

The Audit Panel Working Group which includes representatives from Break O'Day, George Town, West Tamar and Meander Valley Councils undertook a review of Chairperson Steven Heryk's performance on 15 July 2016. It was agreed that Steven is a professional and, experienced independent panel member who has applied a realistic outlook to the task of Chairperson and capably undertaken the functions of the role. Under his guidance the four Panels have been able to complete the required tasks and meet their statutory obligations. It was agreed that there are benefits for panel members, Council officers and Councils from having a common Chairperson across each panel as it provides for consistency and sharing of knowledge. The working group recommends that each Council reappoint Steven Heryk as Chairperson for a further two year period.

The Audit Panel Charter is a clear and concise document that outlines the manner in which the Audit Panel is to perform its functions. The Charter is written in a manner to comply with the legislation while allowing for some flexibility in the composition, functions and administrative requirements. The Audit Panel Working Group undertook a review of the Audit Panel Charter on 15 July 2016, a requirement of the existing Charter adopted by Council in July 2014. The group has proposed changes marked in red which incorporate updated legislation over the past two years.

The attached minutes of the Council Audit Panel meeting held on 27 September 2016 have been reviewed and endorsed by the Council Audit Panel Chairperson and are provided for Council's information as required under its Audit Panel Charter.

<b>AUTHOR:</b> Martin Gill	Jonathon Harmey
GENERAL MANAGER	SENIOR ACCOUNTANT

## 12) Recommendation

***It is recommended that Council:***

- 1) approve the reappointment of Steven Heryk to the position of Meander Valley Council Audit Panel Chairperson;***
- 2) adopt the attached amended Audit Panel Charter; and***
- 3) receive the minutes of the Council Audit Panel meeting held on 27 September 2016***

## **DECISION:**

## **GOV 3      CODE OF CONDUCT PANEL DETERMINATION**

### **1) Introduction**

The purpose of this report is to table a copy of a Code of Conduct Panel Determination in response to a complaint against Cr Tanya King made and submitted by Mr Bronte Booth.

### **2) Background**

On 7 July 2016 Mr Booth submitted a code of conduct complaint to the General Manager alleging that Cr King had breached the following standards of the Meander Valley Council Code of Conduct:

- Standard 1 – Objective Decision making
- Standard 2 – Conflict of Interest

The breaches were alleged to have occurred at the Ordinary Council Meeting 7 June 2016 during the debate on a motion about a potential Council lease of the former Meander Primary School to Teen Challenge (Agenda Item 126/2016).

The Code of Conduct Panel investigated the allegation and dismissed the complaint on 25 August 2016.

A copy of the determination report is attached.

### **3) Strategic/Annual Plan Conformance**

Not applicable

### **4) Policy Implications**

Not applicable

### **5) Statutory Requirements**

Section 28Z Local Government Act 1993

### **6) Risk Management**

Not applicable

## **7) Consultation with State Government and other Authorities**

Not applicable

## **8) Community Consultation**

Not applicable

## **9) Financial Impact**

The anticipated cost of the Code of Conduct investigation will be \$2,452.19 (inclusive of GST).

## **10) Alternative Options**

Not applicable

## **11) Officers Comments**

It is recommended that Council receive the Code of Conduct Panel Determination report in accordance with the requirements of Section 28ZK (4) of the Local Government Act 1993.

**AUTHOR:** Martin Gill  
GENERAL MANAGER

## **12) Recommendation**

***It is recommended that Council receive the Code of Conduct Panel Determination report in accordance with the requirements of Section 28ZK (4) of the Local Government Act 1993.***

## **DECISION:**

# **ED&S 1      NATURAL      RESOURCE      MANAGEMENT**

## **COMMITTEE MEMBERSHIP**

### **1) Introduction**

The purpose of this report is for Council to appoint two new representatives to Council's Natural Resource Management Committee (NRM Committee).

### **2) Background**

The Charter for Meander Valley Council Natural Resource Management Committee was approved by Council at the February 2016 Council Meeting.

The Charter defines representation requirements for its membership. Two positions on the NRM Committee have remained unfilled since the latest annual update of appointments to Special Committees made at the December 2015 Council Meeting. There is one vacancy in each of the categories:

- Three representatives from local groups with an interest in NRM, and
- A representative from the Tasmanian Parks and Wildlife Service Northern Region

At its meeting of 29 June 2016, the NRM Committee passed the following resolution:

*The Committee recommends that Ann Whitely be appointed to a vacant position in the representation category "Three representatives from local groups with an interest in NRM"; and that Rob Buck be appointed to the vacant position in the representation category "One representative from the Parks and Wildlife Northern Region".*

**Resolved** that the above appointments be put to Council for consideration.

### **3) Strategic/Annual Plan Conformance**

Supports the objectives of Council's Community Strategic Plan 2014 to 2024:

- Future direction (5) Innovative leadership and community governance

Program 6.1 of the 2016-17 Annual Plan has the objective "Facilitate Natural Resource Management for Council and Community".

#### **4) Policy Implications**

Not applicable

#### **5) Statutory Requirements**

Section 24 (2) of the Local Government Act 1993

#### **6) Risk Management**

Not applicable

#### **7) Consultation with State Government and other Authorities**

Not applicable

#### **8) Community Consultation**

Not applicable

#### **9) Financial Impact**

Not applicable

#### **10) Alternative Options**

Council can elect not to appoint either or both of the nominated persons to the NRM Committee

#### **11) Officers Comments**

Significant effort went into canvassing active NRM-related groups as well as service clubs in Meander Valley during the first half of 2016, in the hope of filling the "local groups with an interest in NRM" category vacancy.

We have been fortunate to have secured Ann Whitely of Meander Landcare Group Inc. to fill this vacancy. Ann has been a stalwart of Landcare in the Meander area for some twenty years, and has received government awards for her drive and motivation. Major projects such as in-stream bank

stabilisation and willow removal became a reality thanks in part to Ann's involvement.

The "Tasmanian Parks and Wildlife Service Northern Region" position stood vacant for most of 2016 due to staff changes and restructuring within the service.

Rob Buck has now taken up the position of Parks and Reserve Manager, Central North for the Tasmanian Parks and Wildlife Service. Over a career spanning twenty seven years Rob has undertaken numerous roles for the service, in recent years with a focus on the Great Western Tiers and Central Plateau.

These nominees are eminently qualified to join the NRM Committee in their relevant representation categories.

**AUTHOR:** Stuart Brownlea  
NRM Officer

## **12) Recommendation**

***It is recommended that Mr Robert Buck and Mrs Ann Whiteley be appointed by Council under Section 24 (2) of the Local Government Act 1993 to the Meander Valley Council Natural Resource Management Committee.***

## **DECISION:**

## **ED&S 2    GREATER    LAUNCESTON    AREA    URBAN**

### **SALINITY STRATEGY 2016**

#### **1) Introduction**

The purpose of this report is for Council to receive the Greater Launceston Area Urban Salinity Strategy 2016 (the 'Urban Salinity Strategy').

#### **2) Background**

Urban salinity has been an identified issue for the eastern end of the municipality since 2000. A number of studies and reports have been undertaken in an attempt to quantify the risk associated with salinity.

The Urban Salinity Strategy Project was commissioned in 2011 in collaboration with West Tamar Council, City of Launceston and TasWater. Spanning the main risk areas across the Greater Launceston Area, it combines accumulated knowledge with a proven science and evidence-based approach to develop a salinity hazard map and associated landscape management options.

The Urban Salinity Strategy was presented at the September 2016 Council Workshop.

#### **3) Strategic/Annual Plan Conformance**

Furthers the objectives of the Council's Community Strategic Plan 2014 to 2014:

- Future direction (1): A sustainable natural and built environment

2016/17 Annual Plan – 6.1 Natural Resource Management: Continue implementation of NRM strategies as part of annual work plan.

#### **4) Policy Implications**

Not applicable

#### **5) Statutory Requirements**

Not applicable



## **6) Risk Management**

The Urban Salinity Strategy provides a better understanding of salinity risk, thereby improving Council's risk management

## **7) Consultation with State Government and other Authorities**

Four Tasmanian Government and one NSW Government specialists in the fields of land management and geoscience have provided positive peer reviews of the Urban Salinity Strategy

## **8) Community Consultation**

Not applicable

## **9) Financial Impact**

Not applicable

## **10) Alternative Options**

Council can decide not to receive the Greater Launceston Area Urban Salinity Strategy 2016.

## **11) Officers Comments**

This Urban Salinity Strategy is a progressive approach to identifying and managing salinity hazard so that impacts can be avoided or mitigated.

It provides opportunities to improve protection of assets and consider options commensurate with risk level.

Receiving the Urban Salinity Strategy will recognise the investment in this major project partnership and give the Launceston Salinity Action Group the opportunity to launch the Strategy late in 2016.

**AUTHOR:** Stuart Brownlea  
NRM OFFICER

**12) Recommendation**

*It is recommended that Council receive the Greater Launceston Area Urban Salinity Strategy 2016.*

**DECISION:**

# **CORP 1 FINANCIAL REPORTS TO 30 SEPTEMBER 2016**

## **1) Introduction**

The purpose of this report is to present Council's financial reports to 30 September 2016.

## **2) Background**

The financial reports to 30 September 2016 are presented for Council's attention and include:

1. Consolidated operating statement with accompanying operating statements for the key operational areas of Council. These compare actual results with budget
2. A detailed list of capital works project expenditure to date
3. A detailed list of capital resealing project expenditure to date
4. A detailed list of capital gravelling project expenditure to date
5. A summary of rates outstanding, including a comparison with the level of outstanding rates for the same period last year
6. Cash reconciliation & investments summary

## **3) Strategic/Annual Plan Conformance**

The Annual Plan requires the financial reports to September 2016 be presented at the October 2016 Council meeting.

## **4) Policy Implications**

Not applicable

## **5) Statutory Requirements**

Not applicable

## **6) Risk Management**

Not applicable

## **7) Consultation with State Government and other Authorities**

Not applicable

## **8) Community Consultation**

Not applicable

## **9) Financial Impact**

Not applicable

## **10) Alternative Options**

Not applicable

## **11) Officers Comments**

An analysis of exceptions and developing trends in the financial performance has not been provided for the first quarter of the financial year. The first three months are not considered a long enough period to recognise trends that will provide meaningful information.

**AUTHOR:** Jonathan Harmey  
SENIOR ACCOUNTANT

## **12) Recommendation**

***It is recommended that Council receive the following financial reports for the period ended 30 September 2016:***

- 1. Consolidated operating statement with accompanying operating statements for the key operational areas of Council***
- 2. A detailed list of capital works project expenditure to date***
- 3. A detailed list of capital resealing project expenditure to date***
- 4. A detailed list of capital gravelling project expenditure to date***
- 5. A summary of rates outstanding***
- 6. Cash reconciliation & investments summary***

## **DECISION:**

## **CORP 2     AUDIT REPORT - 2016 FINANCIAL YEAR**

### **1) Introduction**

The purpose of this report is for Council to receive the Delegate of the Auditor-General's independent audit report on the 2016 financial report.

### **2) Background**

Council's financial report was prepared and submitted to the Tasmanian Audit Office on 12 August 2016.

A copy of the Audit report is attached along with the following statements:

- Statement of Profit or Loss and Other Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows

These are the major statements from the financial report that will appear in Council's annual report for presentation at the Annual General Meeting.

### **3) Strategic/Annual Plan Conformance**

The Annual Plan requires that the annual statutory accounts are produced in the September 2016 quarter.

Supports the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future Direction (5): Innovative leadership and community governance

### **4) Policy Implications**

Not applicable

### **5) Statutory Requirements**

Section 84 (Financial statements) of the Local Government Act 1993 applies.

### **6) Risk Management**

Not applicable

## **7) Consultation with State Government and other Authorities**

Not applicable

## **8) Community Consultation**

Council's Annual General Meeting provides the opportunity for community comment on the Financial Report.

## **9) Financial Impact**

Not applicable

## **10) Alternative Options**

Not applicable

## **11) Officers Comments**

The Tasmanian Audit Office has found that Council's financial report presents fairly in accordance with the Local Government Act 1993 and Australian Accounting Standards.

The operating activities for the 2016 financial year resulted in a net profit of \$26,480,660 however after removing capital and non-operating items the underlying surplus was \$411,300. Council's net assets at 30 June 2016 were \$273,993,286. Items that had a major impact on the operating result are as follows:

- A change in accounting standards which requires Council to recognise the value of Land Under Roads. Assets valued at \$26,099,977 were brought on as a capital income item.
- Part 5 agreements between Council and two land owners for the provision of infrastructure requires the recognition of \$106,102 in Construction Contract income and \$106,102 of Construction Contract expenditure.
- Four bridges washed away during the June 2016 floods were derecognised as a non-operating expense, they were valued at \$384,825.
- The Commonwealth Government's prepaid fifty percent of the 2016 Financial Assistance Grants on 30 June 2015 with the amount of \$2,110,793 received as income in 2015 in accordance with the accounting standards.

- Roads and Streets were revalued during 2016 with an increase of \$7,087,969 in value recognised in the asset revaluation reserve.

A full overview of Council's financial performance will be provided with the Financial Report published in the 2016 Annual Report.

**AUTHOR:** Jonathan Harmey  
SENIOR ACCOUNTANT

## **12) Recommendation**

***It is recommended that Council receive the Delegate of the Auditor-General's independent audit report on the 2016 Financial Report.***

## **DECISION:**

## **CORP 3 APPLICATION FOR GENERAL RATE REMISSION, SOUTHERN CROSS CARE (TAS) INC., 87 MEANDER VALLEY ROAD WESTBURY**

### **1) Introduction**

The purpose of this report is for Council to consider an application from Southern Cross Care (Tas.) Inc. for a remission of the General Rate under section 129 of the Local Government Act 1993 (Act) for its property at 87 Meander Valley Road, Westbury.

### **2) Background**

This application is for a remission of the General Rate for the 6 units at 87 Meander Valley Road, Westbury (formerly Ainslie House Assoc.). The units are situated off Meander Valley Road between and to the rear of the Community Health Centre and No 85. They are not separately rated and the total General Rate amounts to \$1686.99 (or \$281 per unit).

Separate to the remission request, Southern Cross Care objected to its 2016-17 rate notice under section 123 of the Act on the basis that the property is exempt from the General Rate under section 87(d) i.e. "land or part of land owned and occupied exclusively for charitable purposes".

Council's consistent legal advice over many years on this issue, supported by the outcomes of previous appeals to a Magistrate, is that private residential occupation is not a charitable purpose.

Following the General Manager's advice that the rates notice would not be amended as per section 123(3)(b) of the Act on the basis that the units are occupied for private residential purposes therefore not owned and occupied exclusively for charitable purposes, Southern Cross Care lodged documents in the Magistrates Court, Administrative Appeals Division, on the 6 September 2016, seeking a review (appeal) of the General Manager's decision.

Copies of the application for a remission and the Director Corporate Services acknowledgment are attached for Councillor's information. The application and its relationship to the General Rate exemption Magistrate appeals were discussed at the Council workshop on 27 September 2016.



### **3) Strategic/Annual Plan Conformance**

Not applicable

### **4) Policy Implications**

If Council granted this remission it could be seen as setting a precedent for applications from other property owners with similar circumstances.

### **5) Statutory Requirements**

This application is made under section 129 of the Local Government Act 1993 and can only be granted with a resolution passed by an absolute majority.

### **6) Risk Management**

If Council granted this remission there is a real risk of other property owners with similar circumstances applying for and expecting a General Rate remission.

### **7) Consultation with State Government and other Authorities**

Tasmanian Councils, through their representative body, the Local Government Association of Tasmania, resolved last year on a consistent view that residential housing or "independent living units" operated by charitable organisations are not exempt from General Rates. Meander Valley Council has been consistent in this approach since the mid 2000's when various rates notice objections were received, determined by the General Manager not to amend, appealed to a Magistrate and subsequently ruled in Council's favour.

### **8) Community Consultation**

Not applicable

### **9) Financial Impact**

The initial impact if this remission is granted is \$1687 however the potential impact if such remissions were extended to this class of ratepayer is reasonably significant at just under \$37,000. This represents a 0.4% increase in the General Rate for other ratepayers to compensate.

## **10) Alternative Options**

Council can grant the remission of the General Rate but the resolution must be passed by an absolute majority.

## **11) Officers Comments**

This application is related to the continuing Local Government dispute with some charitable organisations that are owners and operators of independent living units in "retirement villages" objecting to the payment of General Rates.

Most recently, in 2012 and in very similar circumstances to this latest action by Southern Cross Care, the Archdiocese of the Catholic Church of Hobart took action against Council in the Administrative Appeals Division of the Magistrates Court for its six units (formerly Red Cross) in William Street, Westbury. The Magistrate dismissed the appeal, generally on the basis that the private residential nature of the units was not occupancy exclusively for charitable purposes. The Church decided not to appeal that decision to the Supreme Court.

An alternative example of achieving a mutually satisfactory result by working together is St Mark's Homes Inc. which owns and operates similar units in Deloraine. St Marks was willing and able to work with Council officers to arrange pensioner remissions for each unit (which also applies to TasWater charges) such that the total pensioner remission almost equalled the value of the General Rate.

Based on legal advice consistent with past occasions, and supported by previous appeals under similar circumstances to the Magistrate finding in Council's favour, the General Manager determined once again not to amend the 2016-17 rate notice. This has led to the appeal to the Magistrate for a review of that determination and the concurrent application for a remission of the General Rate.

Southern Cross Care is withholding payment of the General Rate at this point in time.

**AUTHOR:** Malcolm Salter  
DIRECTOR CORPORATE SERVICES

## 12) Recommendation

*It is recommended that Council does not grant a remission of the General Rate as requested by Southern Cross Care (Tas.) Inc. under section 123 of the Local Government Act 1993 for the property situated at 87 Meander Valley Road, Westbury.*

## **DECISION:**

# **INFRA 1 POLICY REVIEW NO. 4 – SUBSIDISED WASTE DISPOSAL FOR COMMUNITY GROUPS**

## **1) Introduction**

The purpose of this report is for Council to review Policy No. 4 – Subsidised Waste Disposal for Community Groups.

## **2) Background**

The purpose of this Policy is to allow for the reimbursement of costs to community groups for waste disposal fees where the work performed in the disposal of waste is to the benefit of the community.

A decision by Council to confirm continuation of the Policy at the September Ordinary Meeting was deferred until recommended amendments to the Policy could be discussed at Council's September Workshop.

## **3) Strategic/Annual Plan Conformance**

The Annual Plan requires Policy No. 4 to be reviewed in the September 2016 quarter.

## **4) Policy Implications**

The process of policy review will ensure that policies are kept up to date and appropriate.

## **5) Statutory Requirements**

Local Government Act section 77

## **6) Risk Management**

Not applicable

## **7) Consultation with State Government and other Authorities**

Not applicable

## 8) Community Consultation

Not applicable

## 9) Financial Impact

There would be minimal cost to Council if the policy was applied.

## 10) Alternative Options

Council can elect to make further amendments or discontinue the existing Policy.

## 11) Officers Comments

This Policy encourages not-for-profit community groups and service clubs in our community to provide assistance to individuals and groups in need by reducing the costs associated with waste disposal at Council's refuse disposal sites.

Minor wording amendments only are proposed to the Policy.

At the Council meeting in September it was requested that Policy No.4 be amended further to remove reference to specific Council waste disposal sites, eg. Deloraine Tip or Mole Creek Transfer Station. This amendment would ensure the policy remains relevant and correct in the future should the name or use of any specific waste management site change. This change was discussed at Council's September Workshop.

**AUTHOR:** Dino De Paoli  
DIRECTOR INFRASTRUCTURE SERVICES

## 12) Recommendation

***It is recommended that Council confirm the continuation of Policy No. 4 – Subsidised Waste Disposal for Community Groups with amendments, as follows:***

# POLICY MANUAL

**Policy Number: 4**

**Subsidised Waste Disposal for Community Groups**

**Purpose:** The purpose of this Policy is to allow for the reimbursement of to community groups for tip waste disposal fees where the work performed is to benefit the community

**Department:** Infrastructure Services

**Author:** Ted Ross, Dino De Paoli, Director

**Council Meeting Date:** 10 September 2013 11 October 2016

**Minute Number:** 161/2013

**Next Review Date:** ~~September 2016~~ September 2020

**POLICY**

**1. Definitions**

Nil

**2. Objective**

The purpose of this Policy is to allow for the reimbursement of to community groups for tip waste disposal fees where the work performed is to benefit the community.

**3. Scope**

This policy is to apply to the Council and its employees, and all external parties service clubs and community groups who may wish to dispose of material at tip Council's waste disposal sites and obtain remission for fees reimbursement of fees paid.

**4. Policy**

In recognition of the valuable work carried out by service clubs and other community groups in the Council area a mechanism will be made available to enable reimbursement of tipping fees at the Deloraine and Westbury land fill Council's waste disposal sites. This mechanism is available on the following basis:

The group must be a recognised service club or similar not for profit community group who are carrying out necessary community clean-up work which has the prior approval of Council or other appropriate authorities.

1. Reimbursement of fees will normally only apply to volumes of refuse not exceeding the capacity of a single utility and/or single axle trailer and the number of entries to the tip

Council's waste disposal sites for each service club or not-for-profit group shall be restricted annually to no more than 26.

2. Where a service club or community group may wish to conduct a large scale clean up where the volumes would exceed those listed above, contact must be made with the Director Infrastructure Services for approval of the type of material, volume of material and appropriate disposal location.
3. Material deposited at the tip Council's waste disposal sites is restricted to normal domestic waste, vegetation waste, construction and demolition waste only. ~~and shall not include any hazardous or noxious material or tyres.~~
4. Normal tip fees shall be paid at time of disposal by Club or other body the service club or community group who shall then be reimbursed on production of the tip provide the receipt to the relevant Council officer for approval prior to reimbursement.
5. Where possible material to be disposed of at the tip Council's waste disposal sites shall be sorted for recycling purposes and deposited accordingly.

## **5. Legislation**

~~Councils refuse disposal sites operate under the *Environmental Management And Pollution Control Act 1994* and appropriate licences. Disposal of material is governed by these pieces of legislation and material to be disposed at tip sites falls within the legislative requirements.~~

Local Government Act 1993

## **6. Responsibility**

The responsibility for the operation of this policy rests with the Director, Infrastructure Services.

## **DECISION:**

## **ITEMS FOR CLOSED SECTION OF THE MEETING:**

Councillor xx moved and Councillor xx seconded ***“that Council move into Closed Session to discuss the following items.”***

The meeting moved into Closed Session at x.xxpm

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 13 September 2016.

### **GOV 4 LEAVE OF ABSENCE**

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

### **INFRA 2 DELORAINÉ COMMUNITY COMPLEX – STADIUM FLOOR REPLACEMENT**

(Reference Part 2 Regulation 15(2)(d) Local Government (Meeting Procedures) Regulations 2015)

Cr xxx moved and Cr xxx seconded ***“that Council move out of Closed Session and endorse those decisions taken while in Closed Session.”***

The meeting re-opened to the public at x.xxpm

Cr xxx moved and Cr xxx seconded ***“that the following decisions were taken by Council in Closed Session and are to be released for the public’s information.”***

The meeting closed at .....

.....  
CRAIG PERKINS (MAYOR)