

Meander Valley Council

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

# **ORDINARY AGENDA**

**COUNCIL MEETING**

**Tuesday 12 December 2017**

# **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 12 December 2017 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 12 December 2017 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 14 November, 2017, be received and confirmed.”***

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

Date :	Items discussed:
21 November 2017	<ul style="list-style-type: none"> <li>• Deloraine &amp; Districts Recreation Precinct Feasibility Study Report</li> <li>• Mobile Food Vehicles</li> <li>• Preliminary Consultation for the Local Provisions Schedule – Tasmanian Planning Scheme</li> </ul>
28 November 2017	<ul style="list-style-type: none"> <li>• Visit by Inspector Scott Flude</li> <li>• Bioenergy Project</li> <li>• LTFP and Infrastructure Management</li> <li>• Mobile Food Vehicles – New Policy</li> <li>• Tasmanian Youth Local Government Forum</li> </ul>

<p>5 December 2017</p>	<ul style="list-style-type: none"> <li>• Public Mapping</li> <li>• Tourism Roundtable</li> <li>• Westbury Recreation Ground – Public Petition</li> <li>• Hydro Tas – Battery for the Nation</li> <li>• Deloraine &amp; Districts Recreation Precinct Feasibility Study</li> <li>• Blackstone Heights Footpath Precinct – Panorama Road to Kelsey Road</li> </ul>
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## **ANNOUNCEMENTS BY THE MAYOR:**

### **Wednesday 15 November 2017**

Attended NAPLAN Awards (Brooks High School)

### **Friday 17 November 2017**

Attended Hadspen Cricket Club Champions of Sports Event

### **Tuesday 21 November 2017**

Council Workshop

### **Saturday 25 November 2017**

Deloraine Show

### **Tuesday 28 November 2017**

Council Workshop

Kimberley Community Forum

### **Friday 1 December 2017**

NTDC Cluster week Council leaders lunch

### **Tuesday 05 December 2017**

Council Workshop

### **Wednesday 6 December 2017**

Meander Valley Women in Agriculture book Launch

### **Thursday 7 December 2017**

Tamar Estuary Management Taskforce meeting

## **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. PUBLIC QUESTIONS TAKEN ON NOTICE – NOVEMBER 2017**

Nil

### **2. PUBLIC QUESTIONS WITH NOTICE – DECEMBER 2017**

Nil

### **3. PUBLIC QUESTIONS WITHOUT NOTICE – DECEMBER 2017**

## **COUNCILLOR QUESTION TIME**

### **1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – NOVEMBER 2017**

#### **1.1 Cr Ian Mackenzie**

#### **Regional Jobs and Investment Packages**

A resident of Meander Valley has gained information and talked to Leah dent, Regional Manager-Northern Tasmania AusIndustry – Business Services, on a number of occasions, in regards to the Regional Jobs and Investment Packages (RJIP) – Regional Tasmania region, Tas., he was very keen, motivated and enthusiastic in taking on and furthering the Meander Falls Road Project that had already instigated by Council. He approached a council staff member to gain support but felt fobbed off and was very disappointed by this response.

My questions are as follows;

- a) I believe these grants to be Feasibility – taking a project to the next step would this be correct?
- b) Over the past number of years while I have been on Council, Council has had consultants or has completed a number of studies/explorations within a range of project areas, the Meander Falls Road project being one, would this be correct?
- c) Did Council apply for a grant within Regional Jobs and Investment Packages (RJIP) – Regional Tasmania region TAS, which closed recently?
- d) If yes what/if not why not?
- e) What is the process for a member of our community to gain or not gain, council support in taking a council initiated project further?
- f) What is the process to inform Councillors of a community member's proposal, approach and/or application?
- g) Has this person been loomed to approach Council for support in the future rounds of the Regional Jobs and Investment Packages (RJIP0 – Regional Tasmania region Tas, as I believe community member this one, motivate, enthusiastic, keen and engaged should be supported?

**Responses by Martin Gill, General Manager**

**(a) One of the Eligible Activities from the grant program was – Feasibility Studies to support new business activity**

**(b) Yes**

**(c) No**

**(d) We had no project during the period which a grant application could be made, that was ready and would be considered to have created and sustained local jobs.**

**(e) The first step would be to write to Council seeking a meeting to discuss the initiative. The process from there will depend on the project and what role Council is being asked to play.**

**(f) If the community member writes to Council the letter will be included in the weekly correspondence provided to Councillors.**

**(g) If Cr Mackenzie can provide contact details, Council officers will contact the person referred to in the question above and set up a meeting to discuss the initiative.**

## **Planning and Building Reform**

As Council is aware, I have been helping a local business- Westbury Rural Supplies to add the addition of a café within their business, I have here 16 separate documents required to achieve this activity, which I believe to be completely and absolutely ridiculous. With help, I am in the process of adding the legislation that requires each document.

My questions are as follows.

- a) How are we councillors/council able to encourage investment and job creation with this much red tape or so called requirements?
- b) Does council believe this is meets the government's philosophy in regards to planning/ building reform "cheaper, smarter, faster"?
- c) Will council write to the red tape coordinator outlining this project and the requirements required with the view of this being over the top?
- d) How does council raise concerns in regards to the requirements mandated by Taswater? In particular their proposal fee, assessment fee, application fee and installation fee?
- e) Another major concern of the planning/ building reform is that by the time an applicant finds out the total cost of the documents required to plan, build, develop, adapt or modify they have already spent a considerable amount of time and money, due to this, they are at the point of no return, who does or how do we inform applicants of the total cost of the documentation required before they start?
- f) These documents are prepared by number of professionals, included in these, but the owner may also require; an accredited draftsman/designer, building surveyor, engineer, waste water designer, fire management professional, geologist, agronomist, would this be correct?
- g) In regards to having all these professionals as required by legislation, if something goes wrong with that project I understand that the owner is responsible, is this correct?
- h) Is this considered fair?
- i) How do we engage change?
- j) Can we instigate the change?

***Responses by Lynette While, Director Community & Development Services, Council officers are available to explain the process. Council's website also has relevant information about building, planning, plumbing and environment health requirements;***

***(a) The processes are consistent and required within the relevant legislation.***

***(b) No – the period for submissions to the new legislation has passed.***

- (c) Council could choose to write to TasWater to raise concerns on requirements and fees.**
- (d) Council officers are available to explain the process to applicants. The applicant is informed of any fees charged by Council. A list of Council's fees & charges is publically available on the Meander Valley Council website.**  
**Applicants are also strongly advised to seek their own professional guidance to inform themselves of the process and costs and to minimise delays and costs.**  
**Private consultants and other relevant professionals do charge fees. Applicants are able to request quotes from such professionals prior to engaging them for services.**
- (e) Yes**
- (f) The owner has responsibilities under the Building Act 2016, as do building practitioners and relevant professionals.**
- (g) Yes**
- (h) Council can elect to advocate to relevant levels of government**
- (i) Council can elect to advocate to relevant levels of government.**

## 1.2 Cr Tanya King

I have received the following question from Kevin Lattin, President of the Westbury Agricultural Society Inc and ask that Council provides a response:-

Why would the Meander Valley Council consider a motion to call for the deletion of the Launceston and Devonport Show Day Holiday, and change it to the Friday of Agfest, when both Show Associations are only considering their future options?

It reeks of kicking these groups while they are down and I am disgusted that this has been publicly announced at this stage in proceedings.

### **Response by Martin Gill, General Manager**

**There are provisions within the Local Government Act 1993 which provide Councillors the opportunity to bring a Notice of Motion to the table for consideration by the Council. The motion referred to in this question was formally considered by Council at the Ordinary Council Meeting November 2017. Council resolved not to support the motion.**

## 1.3 Cr Andrew Connor

- (a) Could Council please advise on the approximate total length of footpaths connecting to and within Blackstone Heights that have been constructed since 2011 and those with budget allocations for future works?

**Response by Dino De Paoli, Director Infrastructure Services**

**The approximate total length of footpath constructed to and within Blackstone Heights since the 2011-2012 financial year is 1,975Lm. The next stage of work is proposed along Blackstone Road between Panorama Road and Kelsey Road and has a length of approximately 1,600Lm. The available budget is approximately \$390,000.**

- (b) Regarding Federal assistance to repair infrastructure such as roads and bridges damaged in the June 2016 floods, can Council advise approximately:

- what amount of funds have been received to date?

**Response by Jonathan Harmey, Director Corporate Services**

**Council received its first Natural Disaster Relief reimbursement of \$1,766,353 in early October 2017 for the remediation works required as a result of the June 2016 floods**

- what amount of funds remains outstanding that council expects to receive?

**Response by Jonathan Harmey, Director Corporate Services**

**The remaining reimbursement under the Natural Disaster Relief and Recovery Arrangements will be dependent on the final cost of a number of projects currently in progress however is expected to be approximately \$1,700,000.**

1.4 Cr John Temple

- a) Can the communication between Council and the then owners, i.e date and general thrust, be provided with an answer to the question?

**Response by Jonathan Harmey, Question taken on notice**

**The following lists correspondence with the former property owner of 36 South Mole Creek Rd following Council's decision on 14 March 2017:**

- **20 March 2017 - Correspondence to property owner requesting payment and providing notice of intention to sell land**
- **22 March 2017 - Notice of intention to sell land placed on property**
- **22 March 2017 - Public advertisement in the Examiner newspaper for the notice of intention to sell land**



- **29 March 2017 - Public advertisement in the Examiner newspaper for the notice of intention to sell land**
- **26 May 2017 - Correspondence to property owner advising member of the public paid rates on two other properties owned by the family and requesting payment of rates**
- **21 July 2017 - Correspondence to property owner advising engagement of real estate agent to conduct public auction**
- **3 August 2017- Correspondence to property owner advising the public auction date**
- **17 August 2017 - Correspondence from the property owner advising that auctioning the home is not an act against the family but an act against the Elohim of Abraham, Isaac and Jacob**
- **1 September 2017 - Correspondence from property owner family member requesting confirmation of the sale, advice for the next process and timeframes 1 September 2017**
- **1 September 2017 - Correspondence to property owner family member that the sale had been completed in accordance with the Council decision and process details**
- **4 September 2017 - Correspondence from property owner family member extending thanks for the correspondence and requesting to be kept updated**
- **18 September 2017 - Correspondence to the property owner advising sale details, details of the Local Government Act 1993, settlement details and encouraging payment of rates for other properties owned by the family**

#### 1.5 Cr Bob Richardson

- a) Given that it is likely that there will be issues of confidence in relation to significant development(s)/development applications, could council receive a detailed briefing (in a closed session of either a workshop or meeting of DA's or likely DA's in the municipality, particularly at Valley Central?

**Response by Martin Gill, General Manager**

**A workshop will be organised in the first quarter of 2018.**

## **2. COUNCILLOR QUESTIONS WITH NOTICE – DECEMBER 2017**

### **2.1 Cr Bob Richardson**

- (a) Could Council please provide the capital and maintenance costs associated with rural roads and bridges for each of the past 4 financial years (for the Municipality)?

#### ***Response by Dino De Paoli, Director Infrastructure Services***

#### **(a) Capital and Operating Costs - Rural Roads and Bridges**

##### **Rural Roads**

	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>
Operating costs	1,253,398	1,320,104	1,739,973	1,657,604
Capital costs	1,603,253	1,175,680	1,997,767	2,927,098
<b>Total</b>	<b>2,856,651</b>	<b>2,495,784</b>	<b>3,737,740</b>	<b>4,584,702</b>

##### **Bridges**

*Note: Bridges are not distinguished between rural and urban; the amounts below are for ALL bridges*

	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>
Operating costs	153,143	135,249	71,789	113,853
Capital costs	427,657	1,359,311	757,630	4,211,617
<b>Total</b>	<b>580,800</b>	<b>1,494,560</b>	<b>829,419</b>	<b>4,325,470</b>

- (b) In August a petition was presented to Federal Parliament regarding the loss of Federally-funded health workers in the Meander Valley at the end of last year. Advice was received that the Federal Assistant Minister was to reply to the chief petition (Cr Richardson) within 90 days. 90 days expired after 13 November.

Has Council received a response? (Cr Richardson had not received a response as at 22 November).

***Response by Patrick Gambles, Community Development Manager***

***On 24 November 2017, Council was informed by a representative of Parliament's Standing Committee on Petitions that a Ministerial response was dispatched to the Chair of the Petitions Committee on 24 October 2017. It is expected that this response will be received by the Petitions Committee Office during the next parliamentary sitting week. Cr Richardson (principal petitioner) will be advised when the petition is presented to the House.***

### **3. COUNCILLOR QUESTIONS WITHOUT NOTICE – DECEMBER 2017**

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

## **NOTICE OF MOTIONS BY COUNCILLORS**

- GOV 1 LOW IMPACT CAMPING IN REGIONAL TOWNS – CR TANYA KING
- GOV 2 EXPRESSION OF INTEREST FOR A NORTHERN CORRECTIONAL CENTRE TO BE CONSTRUCTED ADJACENT TO ASHLEY DETENTION CENTRE – CR IAN MACKENZIE

## 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 C&DS 1 to C&DS 2 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

**C&DS 1 1060 OSMASTON ROAD, DELORAINE & 280  
EXTON ROAD, EXTON - SUBDIVISION (2 LOTS  
TO 2 LOTS)**

**1) Introduction**

This report considers application PA\18\0076 for Subdivision (2 lots to 2 lots) on land located at 1060 Osmaston Road, Deloraine (CT 154598/1) and 280 Exton Road, Exton (CT 164077/2).

**2) Background**

**Applicant**

Cohen & Associates P/L

**Planning Controls**

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

**Use & Development**

The proposal is to re-align the boundary between two adjoining properties.

<b>Address</b>	<b>Currently</b>	<b>Proposed</b>
280 Exton Road	83.16ha	132.7ha
1060 Osmaston Road	105.5ha	56ha

Table 1: existing and proposed lot area

The application included a Bushfire Exemption Report and an Agricultural Report – both reports have been prepared by AK Consultants.

The Agricultural Report states:

*...that the proposal will increase the productive capacity of the land and will satisfactorily meet the requirements of the Planning Scheme for a development application for a proposed boundary adjustment from an agricultural perspective...*

The property at 280 Exton Road has an existing dwelling and the land is used for intense horticultural operations (with polytunnels) on the eastern side of the property. In addition, the property has a centre pivot irrigator on the western side of the property that is used for cropping and grazing. The property contains two dams and has access to water from the Greater

Meander Irrigation Scheme. The Plan shows vehicle access via two existing crossovers to Exton Road.

The property at 1060 Osmaston Road also has an existing dwelling and the land is used for semi-dryland grazing. The property contains approximately 30ha of native vegetation. A portion of this native vegetation is mapped as being Priority Habitat. There is one dam on the property and has access to water from the Greater Meander Irrigation Scheme. The plan shows vehicle access via four existing crossovers to Osmaston Road. A small portion of the property is located to the south of Osmaston Road.

It is noted that the dwelling on Lot 2 is approximately 214m from the proposed shared boundary. The Acceptable Solution for a dwelling to a boundary is 200m.

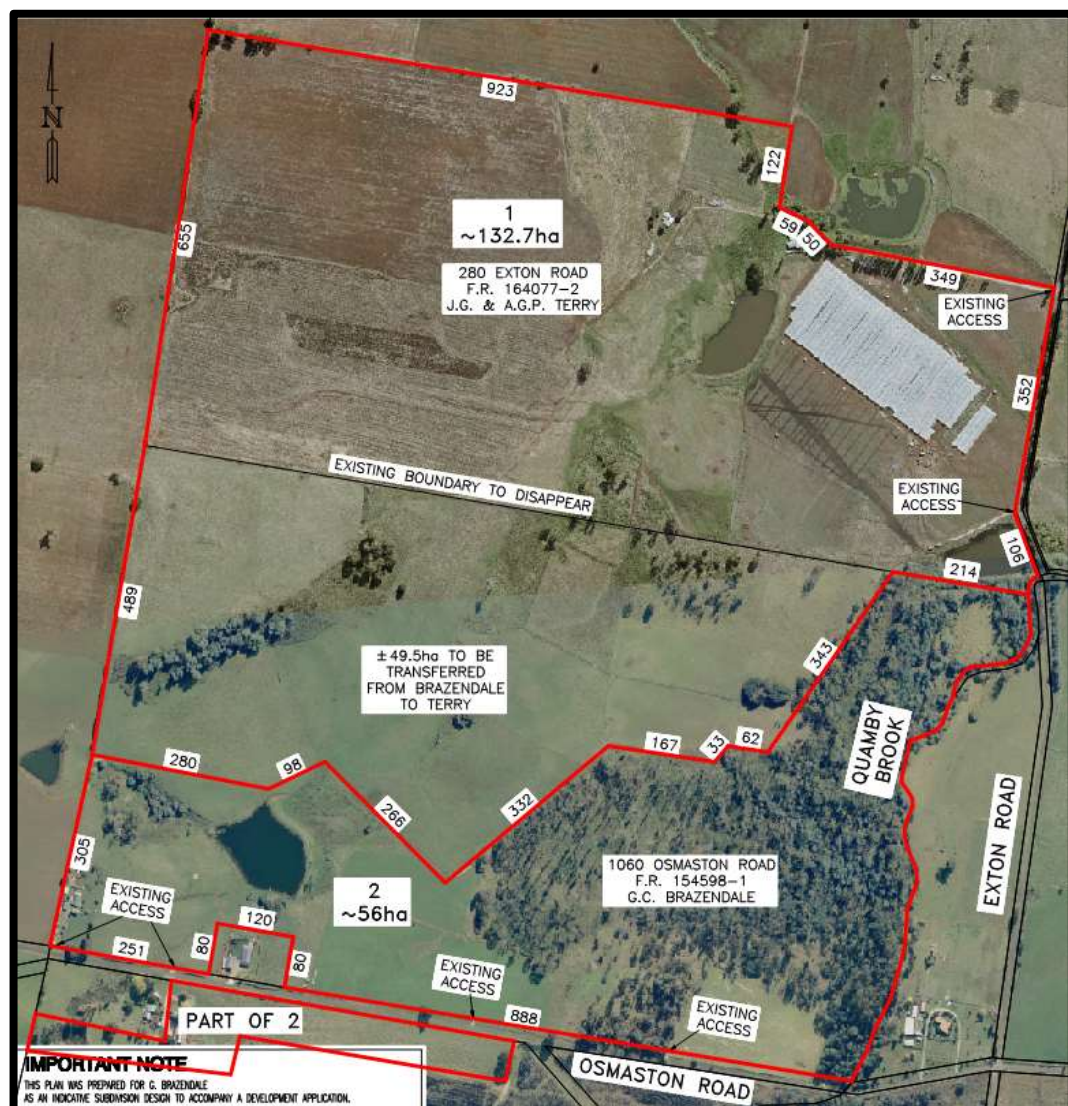


Figure 1: proposed plan of subdivision (Cohen & Associates 2017)



Photo 1: aerial view of subject properties

### **Site & Surrounds**

The two properties are located to the south-east of the township of Deloraine. The surrounding land use is predominately for agriculture and forestry. There are a number of lifestyles properties in close proximity to the subject titles. Both Exton Road and Osmaston Road are Council maintained roads.

### **Statutory Timeframes**

Date Received:	7 November 2017
Request for further information:	Not applicable
Information received:	Not applicable
Advertised:	11 November 2017
Closing date for representations:	27 November 2017
Extension of time granted:	Not applicable
Extension of time expires:	Not applicable
Decision due:	18 December 2017

### **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 (1) 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 the application with amended conditions or refuse the application.

## **11) Officers Comments**

### **Zone**

The subject property is located in the Rural Resource zone. The land surrounding the site is located in the Rural Resource zone.



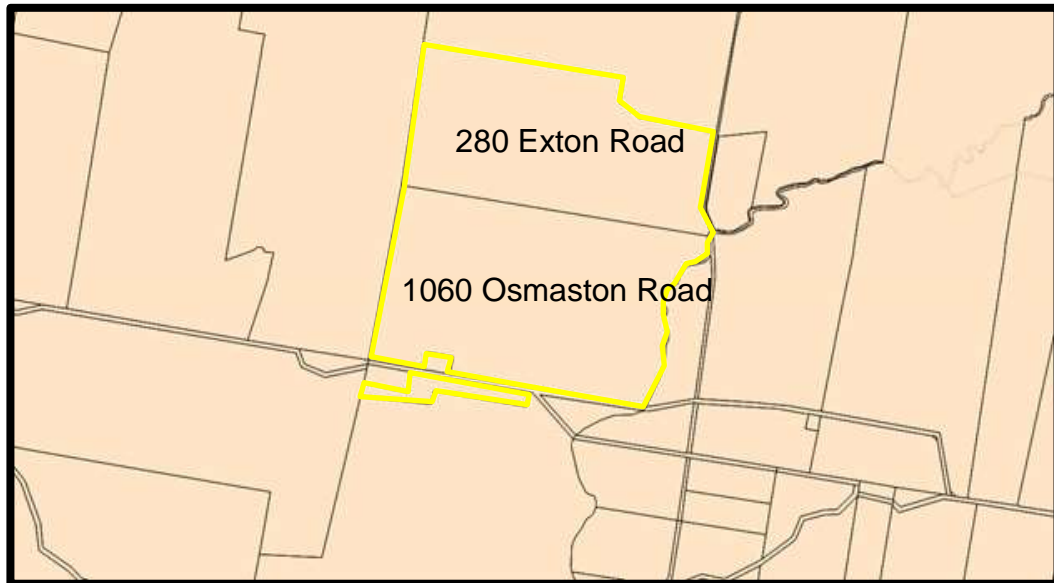


Figure 2: zone map

### **Use Class**

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

- Resource Development

### **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 Rural Resource 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>Rural Resource Zone</b>			
Scheme Standard		Comment	Assessment
<b>23.6.1 Uses if not a single dwelling</b>			
A3	If for permitted or no permit required uses.		Complies
A1	If for permitted or no permit required uses.	Lot 1 - Resource development purposes Lot 2 – to remain as a hobby farm	Complies
A2	If for permitted or no permit required uses.		Complies
A4	If for permitted or no permit required uses.		Complies
A5	The use must: a) be permitted or no permit required; or b) be located in an existing building.		Complies
<b>26.4.2 Subdivision</b>			
A1	No acceptable solution	No Acceptable Solution	Relies on Performance Criteria

<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 50 metres 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	Not applicable	

	average 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.	Not applicable	
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	

### **Performance Criteria**

<b>Rural Resource Zone</b>
26.4.2 Subdivision
<p><b>Objective</b></p> <p><i>To ensure that subdivision is only to:</i></p> <ul style="list-style-type: none"> <li><i>a) improve the productive capacity of land for resource development and extractive industries; or</i></li> <li><i>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</i></li> <li><i>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</i></li> </ul>
<p><b>Performance Criteria P1</b></p> <p><i>The subdivision:</i></p> <ul style="list-style-type: none"> <li><i>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</i></li> <li><i>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished; or</i></li> <li><i>c) is for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</i></li> <li><i>d) is for the consolidation of a lot with another lot and no additional titles created; or</i></li> <li><i>e) is to align existing titles with zone boundaries and no additional lots are created; or</i></li> <li><i>f) is to facilitate protection of a place of Aboriginal, natural or cultural</i></li> </ul>

*heritage.*

**Comment:**

The application included an Agricultural Report prepared by AK Consultants. This report stated:

*The land to be adhered to CT 164077/2 [280 Exton Road] has similar Land Capability characteristics of that of CT 164077/2. This indicates that the conversion to the proposed more intensive use is feasible based on physical characteristics and the change to more intensive use will improve the productive capacity of the land. By increasing the land resources associated with the operations with commercial scale characteristics, greater economies of scale can be achieved, which provides economic benefits to the commercial operation. The increase in capacity of adhering the 49.5ha to the existing 83.2ha of CT 16477/2 making a 132.7ha title will more than offset the loss in productive capacity by reducing the size of CT 154598/1 [1060 Osmaston Road] from 105.5ha to 56ha. CT 154598/1 has "hobby scale" characteristics now and reducing the size will not alter that status.*

Based on this report, the proposed subdivision is considered to be consistent with the Objective.

**Representations**

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

1. Proposed future intensification of 280 Exton Road will negatively impact on Exton Road, access to 309 Exton Road & amenity (noise & privacy)
2. Concerned about buildings stored on-site and potential use of these buildings for accommodation on-site. Subsequent impact on amenity (noise & privacy)

**Comment:**

1. Proposed future intensification of 280 Exton Road will negatively impact on Exton Road, access to 309 Exton Road & amenity (noise & privacy)

### Future intensification of the land

The subject application is for a subdivision only. The Agricultural Report states the proposed future use of the land to be transferred is:

- Expansion of the existing horticultural operations to a flatter terrain (eastern side).
- Mixture of cropping and irrigated pasture on the sloping land (western side).

The Rural Resource's Zone Purpose states:

## **26.1 Zone Purpose**

### *26.1.1 Zone Purpose Statements*

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

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

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

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

As such, the Zone Purpose supports future agricultural use of the subject land.

The developer is to note that:

- If any of the proposed future polytunnels are located within 50m of a boundary, an additional planning permit for the construction of the polytunnels will be required.
- If the polytunnels are located greater than 50m from a boundary, a planning permit may not be required.

Based on the above, future intensification of the land could occur without the requirement for an additional planning permit.

### Roading and access

Council's Director of Infrastructure Services provided the following:

*The southern access to Lot 1 as shown on the Plan of Subdivision has not been sealed in accordance with the LGAT standard drawing for a property access to rural properties (ref. TSD-R03-V1 & TSD-R04-V1). On review of Council's electronic records for this property there is no documentation in place that suggests that construction of this existing access was formally approved by Council as part of a recent planning approval process or direct application to the Infrastructure Department. It will be a recommendation of the permit for subdivision that this access is sealed and drainage provided to suit site requirements and in accordance with the standard drawing. Sight distance from this access is deemed to be acceptable and it is considered that traffic to and from this access will not impact on the safety or efficiency of Exton Road or the existing access to the representor's property.*

*Council's most recent road condition assessment survey noted the road seal width in the vicinity of this existing access to be 5.80m. The LGAT standard drawing for sealed rural roads specifies an Average Annual Daily Traffic (AADT) volume of 100 to 300 for a road with a seal width of 5.50m. The most recent traffic count data for Exton Road in vicinity of the subdivision indicated an AADT of 117 in April 2010. Although there would have been traffic growth since that time from both the berry farm operations and other development in the area, it is not expected that the traffic volumes would have doubled.*

#### Amenity (noise & privacy)

Noise associated with a primary industry activity does not constitute a nuisance under the *Primary Industry Activities Protection Act 1995*.

Other than for building setbacks, there is no requirement in the planning scheme to consider noise and privacy issues, in the Rural Resource zone.

2. Concerned about buildings stored on-site and potential use of these buildings for accommodation on-site. Subsequent impact on amenity (noise & privacy)

At 280 Exton Road there is a number of buildings currently being stored on-site. Council has been aware of these buildings. These buildings are part of a recent planning application (PA\18\0064) for a different property, which is currently being assessed. These buildings are not part of this application.

## **Conclusion**

In conclusion, it is considered that the application for Use and Development for a Subdivision (2 lots to 2 lots) is acceptable in the Rural Resource zone.

**AUTHOR:** Leanne Rabjohns  
TOWN PLANNER

## **12) Recommendation**

***That the application for Use and Development for Subdivision (2 lots to 2 lots) on land located at 1060 Osmaston Road, Deloraine (CT 154598/1) & 280 Exton Road, Exton (CT 164077/2) by Cohen & Associates P/L, requiring the following discretions:***

13.4.2.1 General Suitability

***be APPROVED, generally in accordance with the endorsed plans:***

- a) AK Consultants – Bushfire Exemption Report – dated 3 October 2017;***
- b) AK Consultants - Agricultural Report – dated 3 October 2017;***
- c) Cohen & Associates P/L – Plan of Subdivision – Ref: 53-58 (7541);***

***and subject to the following conditions:***

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
  - a) Such covenants or controls are expressly authorised by the terms of this permit; or**
  - b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
  - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
- 2. The southern vehicular crossover servicing proposed Lot 1 must be constructed in accordance with LGAT standard drawing TSD-RO3-V1 and TSD-R04-V1 (attached) and to the satisfaction of Council's Director Infrastructure Services.**

**3. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:**

- a) The vehicular crossover to Lot 1 must be constructed as per Condition 2.**

**Note:**

- 1. Prior to the construction of the crossover to the appropriate standard, a Driveway Crossover Application Form (enclosed) must be completed and approved by Council's Road Authority. All enquiries should be directed to Council's Technical Officer on 6393 5312.**

- 2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au).**

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.



A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. 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:**



ABN: 70 689 298 535  
ACN: 144 472 659



**COHEN & Associates Pty. Ltd.**

LAND & AERIAL SURVEYORS  
Operating in Tasmania Since 1946

ADRIAN R. FAIRFIELD, DIRECTOR  
103 Cameron Street  
PO Box 990 Launceston TAS 7250

Office: (03) 6331 4633  
admin@surveyingtas.com.au  
www.surveyingtas.com.au

18 October 2017

Our ref: 53-58 (7541)

Town Planner  
Meander Valley Council  
PO Box 102  
WESTBURY Tas. 7303

Attention: Ms. J. Oliver

Dear Jo,

Re: Development Application  
Subdivision / Boundary Adjustment  
1060 Osmaston Road Deloraine & 280 Exton Road, Exton  
G C Brazendale and J G and A G P Terry.

We are pleased to submit this Development Application for the reorganization of two titles (refs 154598-1 and 164077-2).

We attach:

- a) Plan of Subdivision;
- b) Copy of the two relevant titles;
- c) Application for Planning Approval;
- d) Agricultural report prepared by AK Consultants;
- e) Bushfire Exemption report prepared by Scott Livingston of AK Consultants.

We seek Council's approval for the subdivision and will be pleased to supply additional information as required.

Yours faithfully  
COHEN & ASSOCIATES PTY. LTD.

ADRIAN FAIRFIELD.  
REGISTERED LAND SURVEYOR/DIRECTOR

Encs.



## COHEN & Associates Pty. Ltd.

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www.surveyingtas.com.au

18 October 2017

Our ref: 53-58 (7541)

Planning Department  
Meander Valley Council  
PO Box 102  
WESTBURY TAS. 7303

Dear Sir/madam,

### ∴ Planning Application, 2 Lot Subdivision/Boundary Adjustment, 1060 Osmaston Road & 280 Exton Road.

This letter is prepared in support of a proposal for Cohen & Associates Pty Ltd on behalf of GC Brazendale and JG & AGP Terry for a two lot subdivision at land identified in CT 154598-1 and CT 164077-2.

Lot number	Area (ha)
1	83.2 ha currently; increasing to ~132.7 ha
2	105.5 ha currently; decreasing to ~56 ha

The subject land is zoned Rural Resource within the Meander Valley Interim Planning Scheme 2013 (the Scheme), with areas within the vegetated area of CT 154598-1 that are mapped as 'Priority Habitat' with a small area listed as a threatened vegetation community under the State Nature Conservation Act 2002.

#### ∴ 26.1.1 Zone Purpose Statements

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

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

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

The proposal complies – see attached report from AK Consultants.

#### 26.4 Development Standards

##### 26.4.2 Subdivision

###### Objective

To ensure that subdivision is only to: a) improve the productive capacity of land for resource development and extractive industries; or b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or c) facilitate use and development of land subsequent to appropriate development.



ABN: 70 689 298 535  
ACN: 144 472 659



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www.surveyingtas.com.au

Acceptable Solutions	Performance Criteria	Proposal Response
A1 No Acceptable Solution.	<p>P1 The subdivision:</p> <ul style="list-style-type: none"> <li>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</li> <li>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished; or</li> <li>c) is for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</li> <li>d) is for the consolidation of a lot with another lot and no additional titles created; or</li> <li>e) is to align existing titles with zone boundaries and no additional lots are created; or</li> <li>f) is to facilitate protection of a place of Aboriginal, natural or cultural heritage</li> </ul>	<p><i>P1 The proposal complies with the performance criteria. Please refer to the comprehensive report produced by AK Consultants.</i></p>

### Part E Codes

#### E1.0 Bushfire-Prone Areas Code

#### E1.4 Use or Development Exempt from this Code

The following use or development is exempt from this code: (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.





ABN: 70 689 298 535  
ACN: 144 472 659



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admin@surveyingtas.com.au  
www.surveyingtas.com.au

The proposal is considered to be consistent with the Meander Valley Interim Planning Scheme 2013, and should therefore be considered for approval.

Kind Regards,

ROSEMARY JENSEN

# Bushfire Exemption Report

1060 Osmaston Rd & 260 Exton Rd

**Report for:** Greg Brazendale

**Property Location:** 1060 Osmaston Rd & 280 Exton Rd, Exton

**Prepared by:** Scott Livingston  
AK Consultants,  
40 Tamar Street,  
LAUNCESTON, TAS. 7250

**Date:** 3<sup>rd</sup> October 2017



## **INTRODUCTION**

---

It is a requirement under the *Land Use Planning and Approvals Act 1993*, that a proposed subdivision that occurs either wholly or partially within a bushfire-prone area is assessed by an accredited person who will provide a Bushfire Hazard Management Report and a Bushfire Hazard Management Plan.

### **SCOPE**

This report has been commissioned to assess the bushfire risk for the proposed lots within the proposed subdivision. All advice is in compliance with the *Planning Directive 5.1 – Bushfire-Prone Areas Code*, the *Launceston Interim Planning Scheme 2015*.

### **PROPOSAL**

The proposal is to create 2 lots from 2 existing lots (boundary adjustment) through a subdivision from the land associated with 1060 Osmaston Rd (CT 154598/1) and 280 Exton Rd (CT 164077/2). 49.5ha of land is proposed to be excised from CT 154598/1 and adhered CT 164077. This would result in the size of CT 154598/1 being reduced to 56ha and CT 164077/2 being increased to 132.7ha. This is to provide adequate area to expand the agricultural operations that occur on CT 164077/2.

The land is zoned as Rural Resource Zone. The area is bushfire-prone because it is within 100m of bushfire-prone vegetation greater than a hectare in area.

### **LIMITATIONS**

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements.

## **SITE DESCRIPTION**

---

According to TasVeg 3.0 the predominant vegetation type across both titles is Agricultural Land (FAG). This vegetation is managed as pasture (grassland). There is also around 30ha of native vegetation on the eastern portion of CT 154598/1. TasVeg 3.0 maps the dominant community as *E. amygdalina – E. obliqua* damp sclerophyll forest (DSC) (forest). The 49.5ha that is associated with the boundary adjustment is managed as grassland. The general aspect for both titles is westerly to south westerly. In general, the eastern halves of the titles are moderately flat with an average gradient of approximately 2%, while the western half of both titles are more undulating, with an average gradient of approximately 10-14%.

Both existing titles have a dwelling located on them. In both instances, the location of the land where the boundary adjustment is proposed to be executed is more than 100m from the dwellings.

### **SURROUNDING AREA**

The subject titles are located in an agricultural district and are surrounded by a mixture of varying sized agricultural operations. The dominant vegetation to the east, north and west of the titles is grassland. While to the south is forest.



## RISK ASSESSMENT

---

The subject titles are zoned Rural Resource and are both utilised for agricultural operations. The 49.5ha of land that is proposed to be excised from CT 154598/1 and adhered to 164077/2 is managed as grassland vegetation. This area is more than 100m from the existing dwellings on both existing titles. The existing hazard management areas for these dwellings will not be effected by the boundary adjustment. There are no additional uses or developments proposed associated with the boundary adjustment that require bushfire protection measures. Therefore, I consider that there is insufficient increase in risk to warrant any specific bushfire protection measures. The proposal is considered exempt under clause E1.4.A of the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

If future developments that require specific bushfire measures are proposed for either lot, then the development will be required to be assessed again against bushfire protection measure requirements.

## HAZARD MANAGEMENT AREAS

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No additional hazard management is required as the proposal is exempt.

## FIREFIGHTING WATER SUPPLY

---

No water supply is required as the proposal is exempt.

## ACCESS

---

There are no specific access requirements as the proposal is exempt.

## CONCLUSIONS

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The area is bushfire prone, being less than 100m from vegetation greater than 1 ha in size. However there is insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The proposed subdivision is considered exempt under clause E1.4.A of the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*



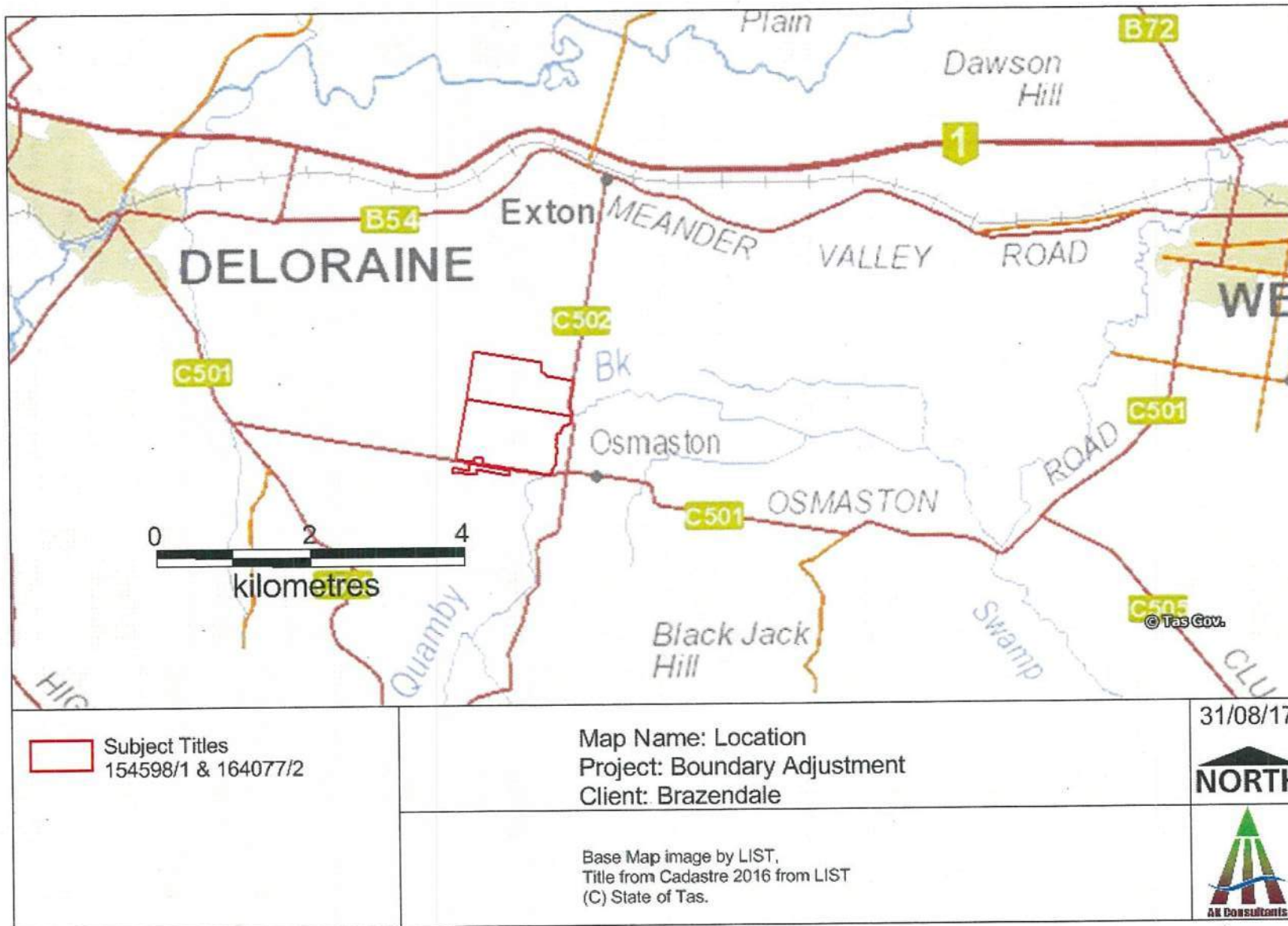


Figure 1: Location



 <b>COHEN &amp; ASSOCIATES P/L</b> LAND & AERIAL SURVEYORS ABN 70 089 298 535 103 CAMERON STREET PO BOX 990 LAUNCESTON 7250 TAS TELEPHONE : 03 6331 4633 www.surveyingtas.com.au EMAIL : admin@surveyingtas.com.au	<b>PLAN OF SUBDIVISION</b> <b>SHEET 1 OF 1</b>	<b>REF: 53-58 (7541)</b>
	Municipality: <b>MEANDER VALLEY COUNCIL</b> Site Address: <b>1060 OSMASTON ROAD, DELORAINE</b> Tasmap Sheet: <b>-</b> Grid Reference: <b>-</b>	Owners: <b>G.C. BRAZENDALE, J.G. &amp; A.G.P. TERRY</b> Title Refs: <b>154598-1, 164077-2</b> Dates: <b>Version A: 30-08-2017 Version B: Version C:</b> Scale: <b>1 : 6000 @ A3</b>
<small>DISCLAIMER: This is a preliminary plan prepared without field survey and forms part of an application to subdivide the land described and is not to be used for any other purpose. Contours and levels may be transferred from other sources and their accuracy has not been verified. These should not be used. The dimensions, area, location of improvements and number of lots are approximate and may vary as a result of decisions by the Municipality, Land Use Planning Review Panel, engineering or other advice. Easements may not be shown as these are to be determined at the time of survey. The plan is not to be copied unless this note is included.</small>		

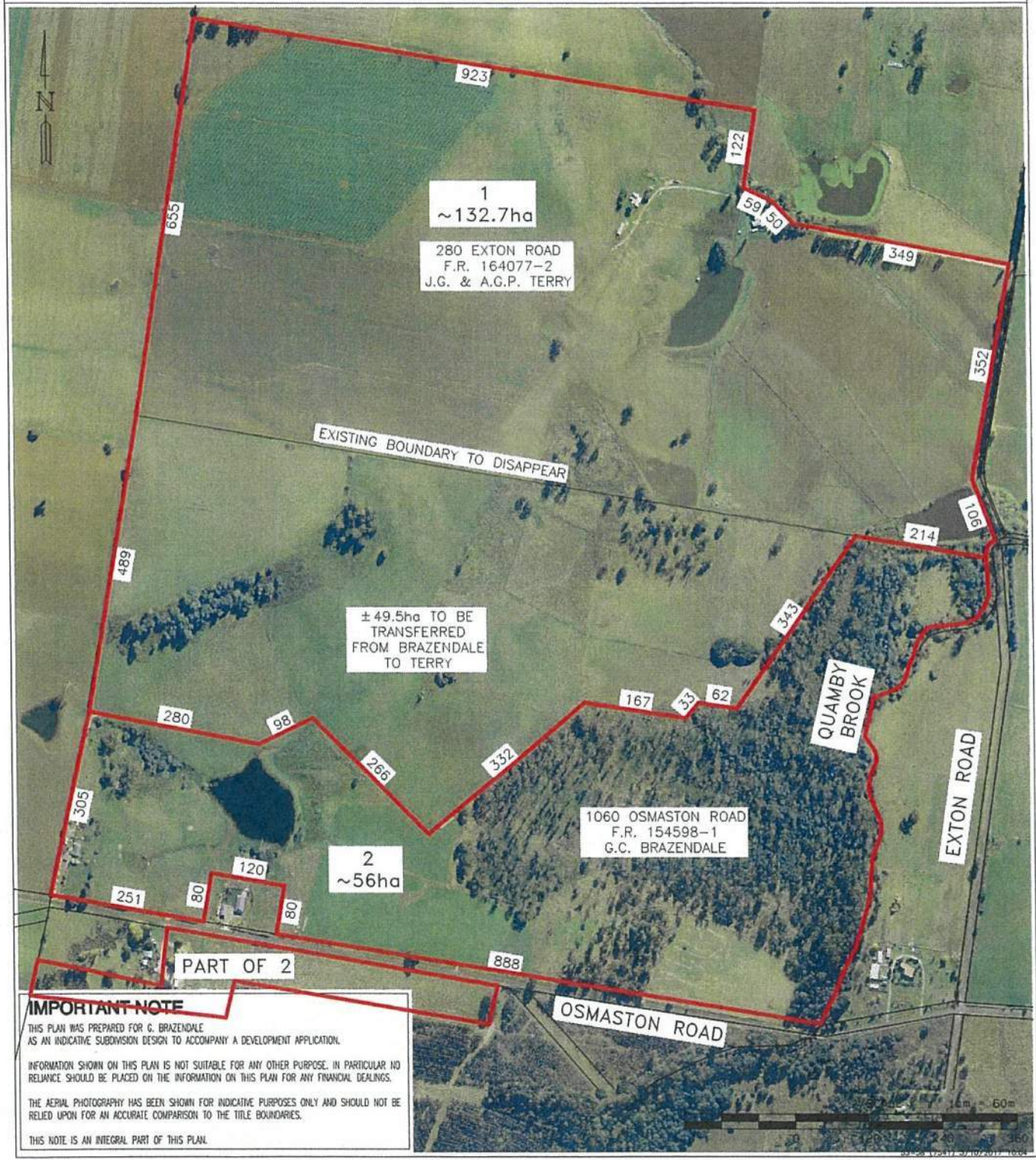


Figure 2: Site Plan



## CODE E1 – BUSHFIRE-PRONE AREAS CODE

### CERTIFICATE<sup>1</sup> UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

#### 1. Land to which certificate applies<sup>2</sup>

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

Meander Valley Interim Planning Scheme 2013

Street address:

1060 Osmaston Rd & 280 Exton Rd

Certificate of Title / PID:

CT 154598/1, PID 2868073 & CT 164077/2 PID 3202193

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

Certificate of Title / PID:

#### 2. Proposed Use or Development

##### Description of Use or Development:

(Provide a brief description of the proposed use or development; including details of scale, siting and context.)

2 Lot Subdivision from 2 existing titles (boundary adjustment)

##### Code Clauses<sup>3</sup>:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

<sup>1</sup> This document is the approved form of certification for this purpose, and must not be altered from its original form.

<sup>2</sup> If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

<sup>3</sup> Indicate by placing X in the corresponding  for the relevant clauses of E1.0 Bushfire-prone Areas Code.

### 3. Documents relied upon<sup>4</sup>

#### Documents, Plans and/or Specifications

Title:

Author:

Date:  Version:

#### Bushfire Hazard Report

Title:

Author:

Date:  Version:

#### Bushfire Hazard Management Plan

Title:

Author:

Date:  Version:

#### Other Documents

Title:

Author:

Date:  Version:

<sup>4</sup> List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire. Each document must be identified by reference to title, author, date and version.

#### 4. Nature of Certificate<sup>5</sup>

<input checked="" type="checkbox"/> E1.4 – Use or development exempt from this code			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input checked="" type="checkbox"/>	E1.4 (a)	Insufficient increase in risk	<i>Bushfire Exemption Report 1060 Osmaston Rd &amp; 280 Exton Rd</i>

<input type="checkbox"/> E1.5.1 – Vulnerable Uses			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.1 P1	Risk is mitigated	
<input type="checkbox"/>	E1.5.1 A2	BHMP	
<input type="checkbox"/>	E1.5.1 A3	Emergency Plan	

<input type="checkbox"/> E1.5.2 – Hazardous Uses			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.2 P1	Risk is mitigated	
<input type="checkbox"/>	E1.5.2 A2	BHMP	
<input type="checkbox"/>	E1.5.2 A3	Emergency Plan	

<input type="checkbox"/> E1.6 – Development standards for subdivision			
E1.6.1 Subdivision: Provision of hazard management areas			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1 P1	Hazard Management Areas are sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.1 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.1 A1 (b)	Provides BAL 19 for all lots	
<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	

<sup>5</sup> The certificate must indicate by placing X in the corresponding  for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1  
 Certificate: *Bushfire-Prone Areas Code v3.0*



E1.6.2 Subdivision: Public and fire fighting access		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/> E1.6.2 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/> E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.3 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/> E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	
<input type="checkbox"/> E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/> E1.6.3 A2 (a)	Insufficient increase in risk	
<input type="checkbox"/> E1.6.3 A2 (b)	Static water supply complies with Table E5	
<input type="checkbox"/> E1.6.3 A2 (c)	Static water supply is consistent with the objective	

### 5. Bushfire Hazard Practitioner<sup>6</sup>

<b>Name:</b>	Scott Livingston	<b>Phone No:</b>	03 6334 1033
<b>Address:</b>	40 Tamar St	<b>Fax No:</b>	03 63341117
		<b>Email Address:</b>	scott@akconsultants.com.au
	Launceston		7250
<b>Accreditation No:</b>	BFP – 105	<b>Scope:</b>	1, 2, 3A, 3B, 3C

### 6. Certification<sup>7</sup>

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.	<input checked="" type="checkbox"/>
--	-------------------------------------

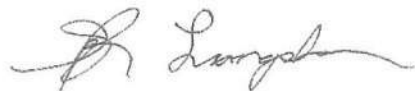
or

There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.	<input type="checkbox"/>
---	--------------------------

and/or

The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.	<input type="checkbox"/>
---	--------------------------

Signed:  
certifier



Date:

3/10/2017

Certificate No:

SRL17/50E

<sup>6</sup> A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).

<sup>7</sup> The relevant certification must be indicated by placing X in the corresponding .  
Certificate: Bushfire-Prone Areas Code v3.0



Mr Greg Brazendale  
1060 Osmaston Rd  
Deloraine 7304



3<sup>rd</sup> October 2017

Dear Mr Brazendale,

**Application for Subdivision- Boundary Adjustment at 1060 Osmaston Rd & 280 Exton Rd**

We have undertaken a desktop assessment of the feasibility of the proposed subdivision (boundary adjustment) at 1060 Osmaston Rd, Deloraine and 280 Exton Rd, Exton. In our opinion, the proposal will increase the productive capacity of the land and will satisfactorily meet the requirements of the Planning Scheme for a development application for a proposed boundary adjustment from an agricultural perspective.

The following section of the Planning Scheme is relevant;  
26.4.2 Development Standards in the Rural Resource Zone  
(P1) The Subdivision:

Must demonstrate that the productive capacity of the land will be improved as a result of the subdivision.

The proposal is to adjust the boundaries between two titles (CT154598/1 (105.5ha) & CT 164077/2(83.2ha)). The proposal is to excise 49.5ha of land from CT 154598/1 and adhere it to CT 164077. This would result in the size of CT 154598/1 being reduced to 56ha and CT 164077/2 being increased to 132.7ha.

The land in question is currently utilised for grazing. If the boundary adjustment is approved the intention for the larger title is to utilise the suitable areas of the flatter terrain (east side) for expansion of the existing horticulture operation on CT 164077/2. The sloping land to the west on the larger title would be developed for a mix of cropping and irrigated pasture, as is currently undertaken on similar land on CT 164077/2. These intended uses and the required investment in infrastructure demonstrate that the productive capacity of the subject land will be significantly improved through this proposal.

It is also the intention that with funds received from the sale of the balance land, the existing vegetation on the remainder of CT 154598/1 will be better managed for conservation outcomes. Funds will be used for weed control and game control. This has the potential for significant additional environmental benefits as there are areas within this vegetated area that are mapped as 'Priority habitat' under the Planning Scheme and there is a small area (0.5ha) mapped as *Eucalyptus ovata* which is a threatened vegetation community listed under the State *Nature Conservation Act 2002*.

ABN 34 137 578 440  
40 Tamar Street  
Launceston Tas 7250  
Phone: (03) 6334 1033  
E: office@akconsultants.com.au  
Web: www.akconsultants.com.au



CT 164077/2 is currently 83.2 ha in area. It has an existing dwelling. This title is utilised for an intensive horticultural operation on the flat eastern area of the title which utilises polytunnels. There is also a 30ha centre pivot irrigator located on the western side of the title. This area is utilised for cropping in rotation with grazing. There are two existing dams located on this title. Dam no. 7816 is located towards the middle of the title and according to the Water Information Management System dam registry has a capacity of 37ML and dam no. 187 is in the south-eastern corner of the title and has a capacity of 18ML (WIST dam registry). According to WIMS water licensing information there is 18ML of Surety 5 summer take water and 331.7ML Surety 8 winter take water available for both filling the existing dams and direct irrigation purposes associated with this title on Water Licence No 9284. There is also 100ML available from the Greater Meander Irrigation Scheme. Published information on LIST shows the title is predominately mapped as Class 4 Land Capability (68ha) with the balance mapped as Class 3 Land Capability. There are sections of Class 3 land mapped in the south-western corner and the north-eastern corner. The scale and intensity of operation on this title indicates this farm has commercial scale characteristics<sup>1</sup> and is likely to be a viable business. In our opinion, a viable farm is one that produces sufficient income to provide for a family and provide full time employment for one person. On this basis, a minimum Gross Income of \$150,000 is necessary to ensure the long-term viability of the farming operation.

CT 154598/1 is 105.5ha in area and is currently utilised for semi-dryland grazing; this includes the area that is subject to this proposal. It has an existing dwelling. Approximately 30ha of this title is covered by native vegetation. TASVEG 3.0 maps this as *E. amygdalina* – *E. obliqua* damp sclerophyll forest (DSC) as the dominant vegetation community with a small pocket (0.5ha) of *E. ovata* (DOV) forest community also mapped. DOV is listed as a threaten community under the *Nature Conservation Act 2002*. There are also areas within this vegetated area that are mapped as Priority Habitat under the planning Scheme. Quamby Brook forms the eastern boundary of this title and is adjacent to the area of native vegetation. There is an existing dam (no. 7804) located towards the south west corner of this title that has an 18ML capacity. There is an 18ML Surety 8 winter take irrigation allocation on water licence no 9324 associated with this title and 30ML available from the Greater Meander Irrigation Scheme. Published information shows the majority of the title as Land Capability Class 4 (103ha) with the balance mapped as Class 3. The scale and intensity of operations on this title and the presence of an existing dwelling indicates this farm has “hobby farm” characteristics<sup>1</sup> and off-farm income would be required to support this holding.

The general aspect for both titles is westerly to south westerly. In general, the eastern halves of the titles are moderately flat with an average gradient of approximately 2%, while the western half of both titles are more undulating, with an average gradient of approximately 10-14%.

There are two main soil types that are mapped across the two titles. Deloraine Association (D1) and Miscellaneous Soils 6 (M6). D1 are described red clayey soils developed on tertiary basalt on undulating hills. D1 is mapped across the western half of the titles. While, M6 is described as soils developed on

---

<sup>1</sup> As defined by AK Consultants in Ketelaar, A and Armstrong, D. 2012, *Discussions paper – Clarification of the Tools and Methodologies and Their Limitations for Understanding the Use of Agricultural Land in the Northern Region* which was a paper written for Northern Tasmania Development.

alluvium derived from the Launceston Tertiary Basin and Cluan Tiers. M6 is mapped on the eastern half of the titles. Mapped geology conforms with mapped soils and descriptions.

The land that is subject to this proposal is currently managed as pasture. Land Capability mapping at 1:100,000 (The LIST) maps this area as predominately Class 4 (47ha) with a small area in the north west of the area mapped as Class 3 (2.5ha). Class 4 Land is described by The LIST as 'land that is primarily suitable for grazing but which may be used for occasional cropping'. There are no irrigation water resources associated with the proposed transfer of ownership.

The land to be adhered to CT 164077/2 has similar Land Capability characteristics to that of CT 164077/2. This indicates that the conversion to the proposed more intensive use is feasible based on physical characteristics and the change to more intensive use will improve the productive capacity of the land. By increasing the land resources associated with the operation with commercial scale characteristics, greater economies of scale can be achieved, which provides economic benefits to the commercial operation. The increase in capacity of adhering the 49.5ha to the existing 83.2ha of CT 164077/2 making a 132.7ha title will more than offset the loss in productive capacity by reducing the size of CT 154598/1 from 105.5ha to 56ha. CT 154598/1 has "hobby scale" characteristics now and reducing the size will not alter that status.

Yours Faithfully,



**Michael Tempest**

Natural Resource Management Consultant.

Ph: 6334 1033

Mbl: 0467 452 155

Email: [michael@akconsultants.com.au](mailto:michael@akconsultants.com.au)

Web: [www.akconsultants.com.au](http://www.akconsultants.com.au)



**Astrid Ketelaar**

Natural Resource Management Consultant

Member Ag Institute of Australia (formerly AIAST)

Ph: 6334 1033

Mbl: 0407 872 743

Email: [astrid@akconsultants.com.au](mailto:astrid@akconsultants.com.au)

Web: [www.akconsultants.com.au](http://www.akconsultants.com.au)



### **References**

- DPIPWE. (2009, August). Cadastral Parcels Dataset. TASMAR Department of Primary Industries, Parks, Water and Environment.
- DPIPWE. (2007, November). Land Capability of Tasmania Dataset. Department of Primary Industries, Parks, Water and Environment.
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- DPIPWE. (2013). Tasmanian Vegetation Monitoring and Mapping Program TASVEG 3.0. Department of Primary Industries, Parks, Water and Environment.
- Grose, C. J. (1999). *Land Capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania*. (Second Edition ed.). Tasmania, Australia: Department of Primary Industries, Water and Environment.
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-

**Appendix 1 – Maps**

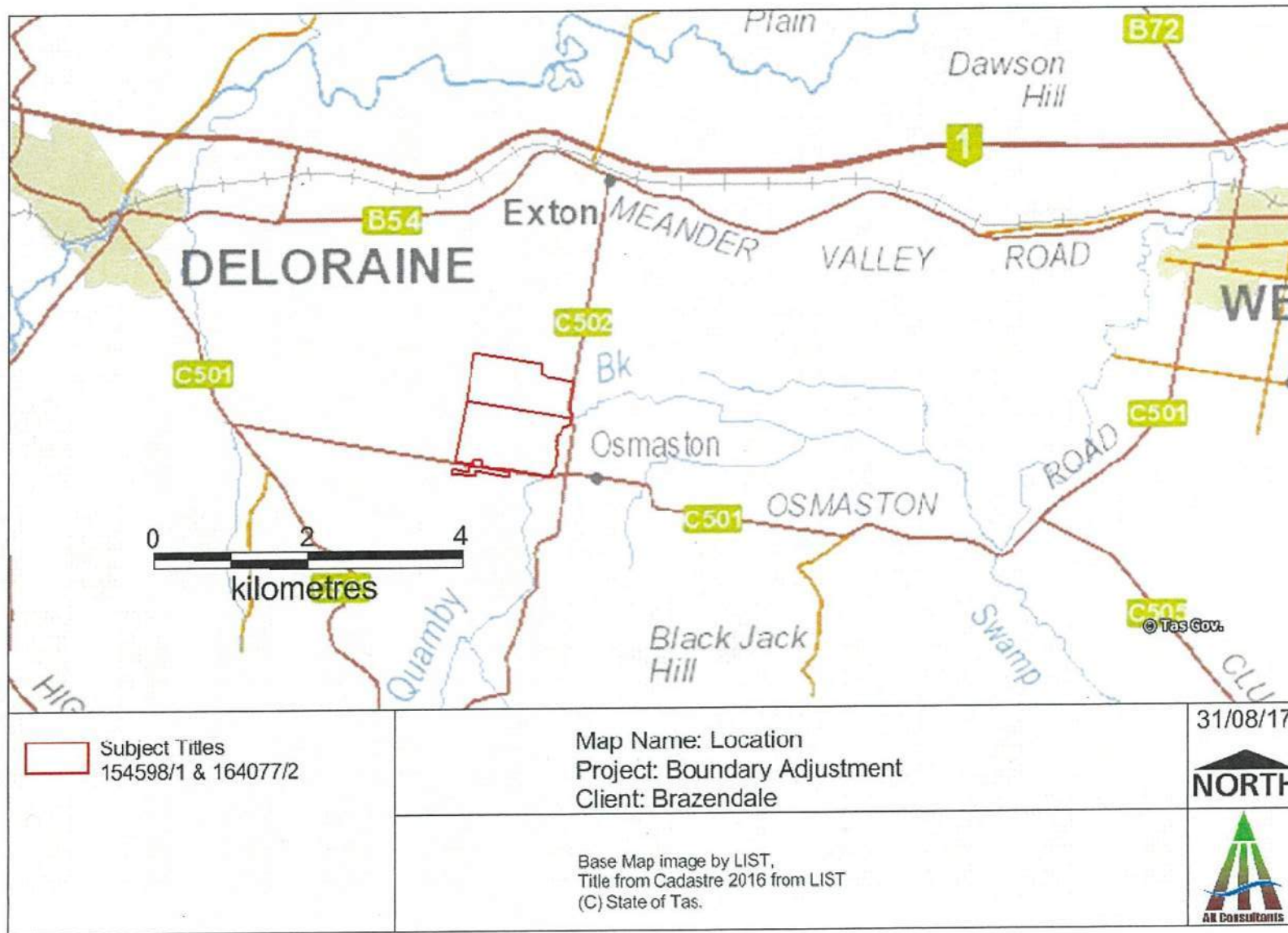


Figure 1: Location of titles.



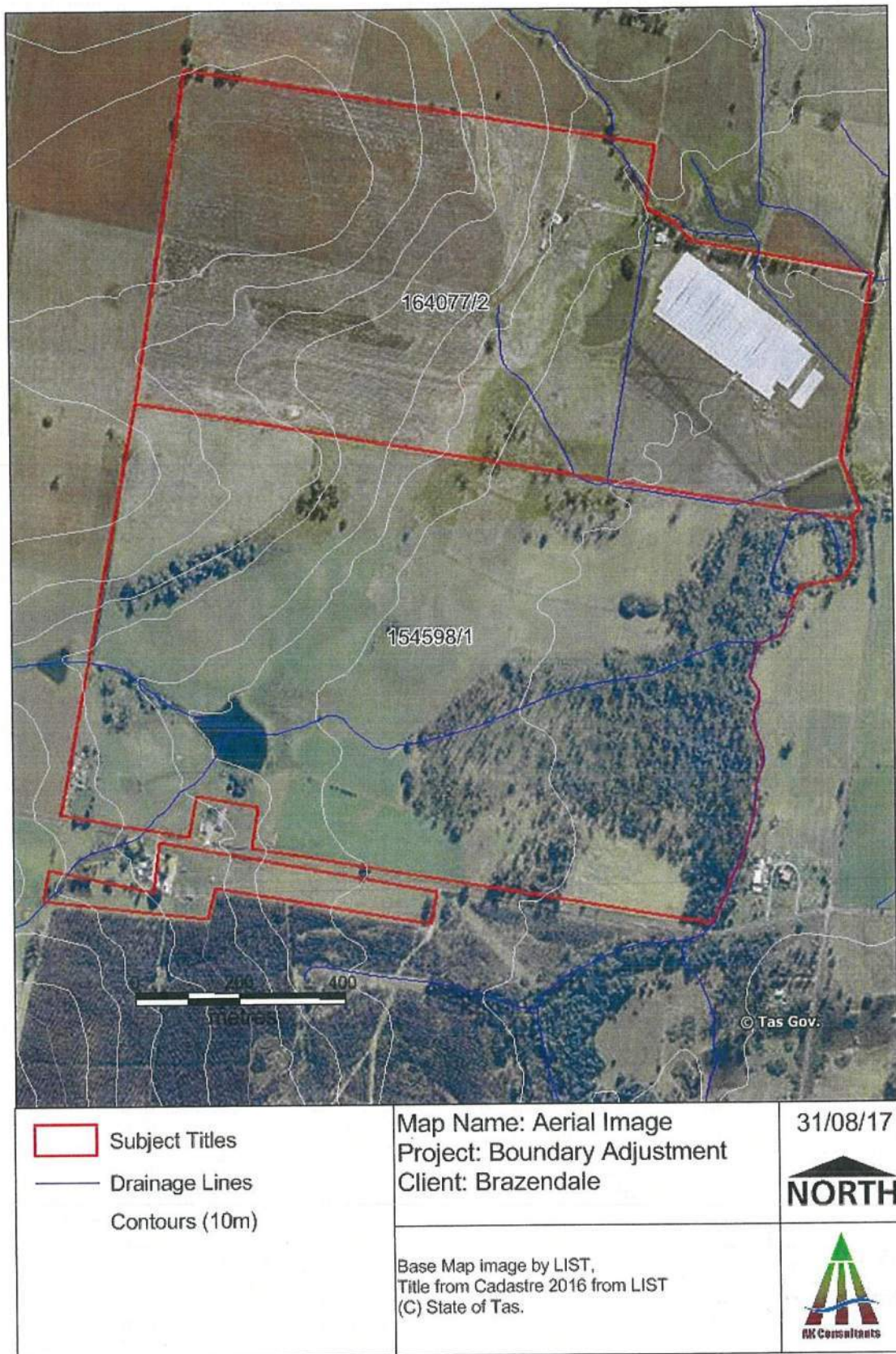


Figure 2: Aerial Image of Subject Titles



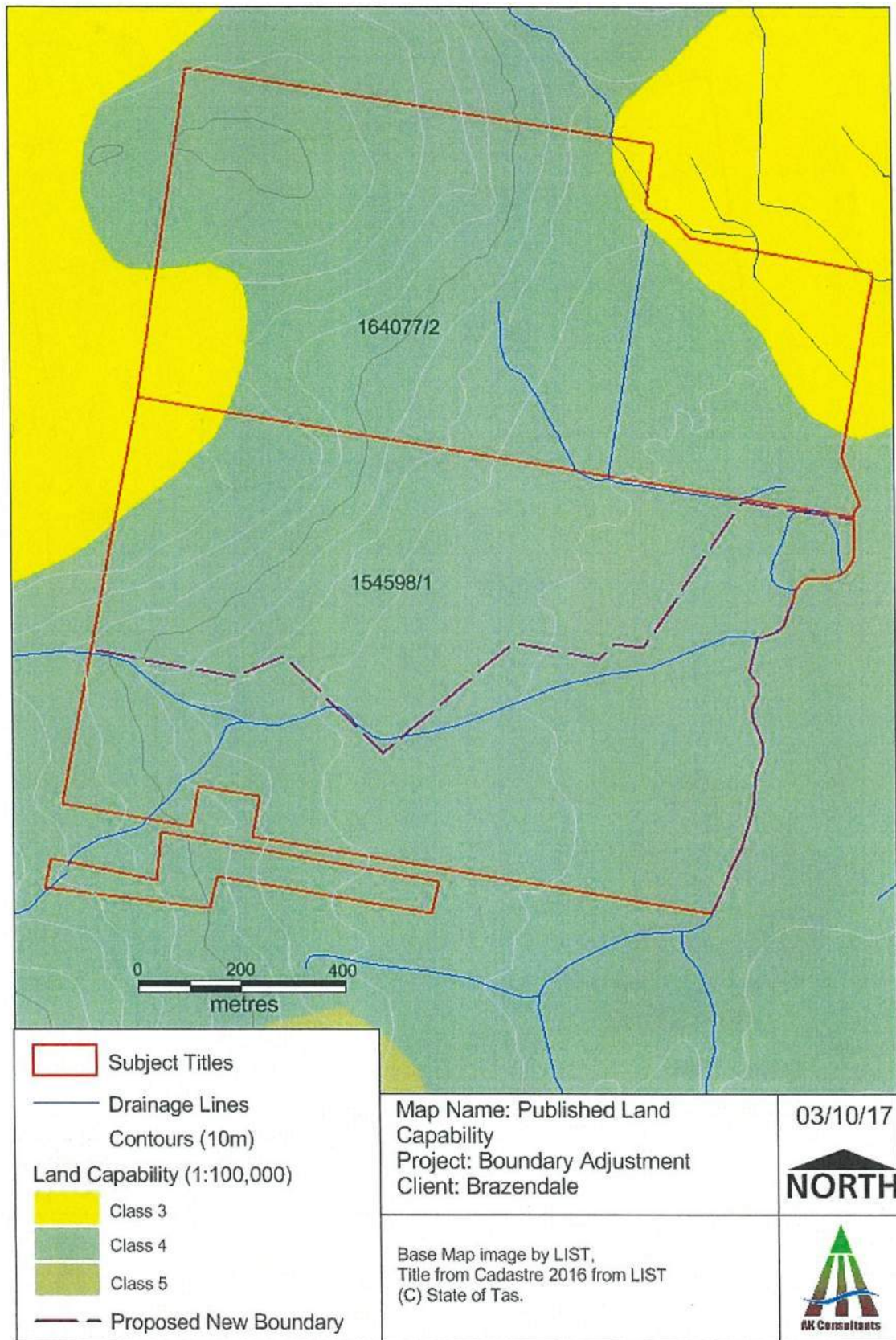


Figure 3: Published Land Capability (1:100,000)

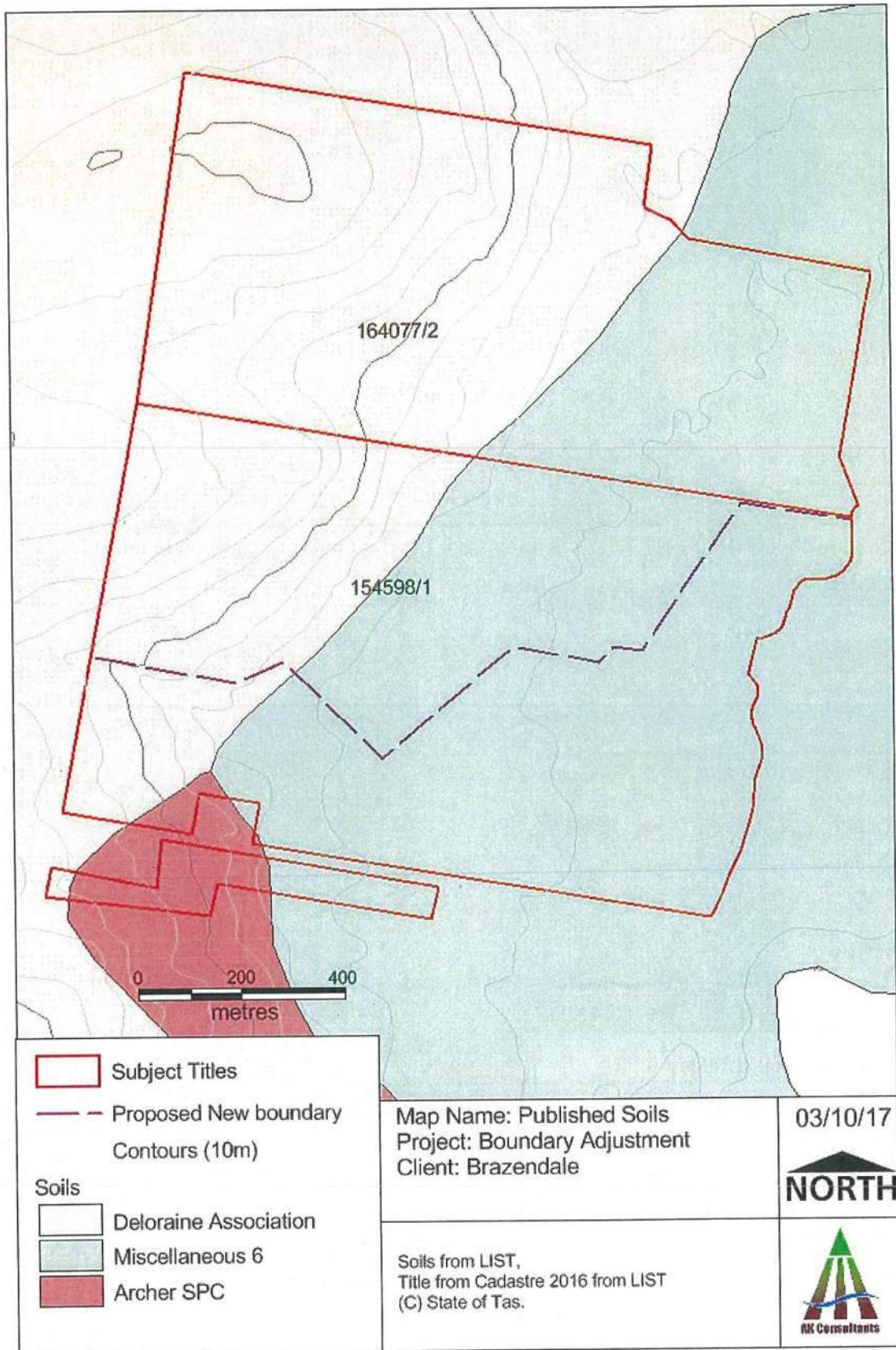
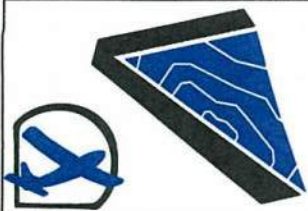


Figure 4: Published Soils (1:100,000)





**COHEN & ASSOCIATES P/L**  
 LAND & AERIAL SURVEYORS  
 ABN 70 689 298 535  
 103 CAMERON STREET  
 PO BOX 990 LAUNCESTON 7250 TAS  
 TELEPHONE : 03 6331 4633  
 www.surveyingtas.com.au  
 EMAIL : admin@surveyingtas.com.au

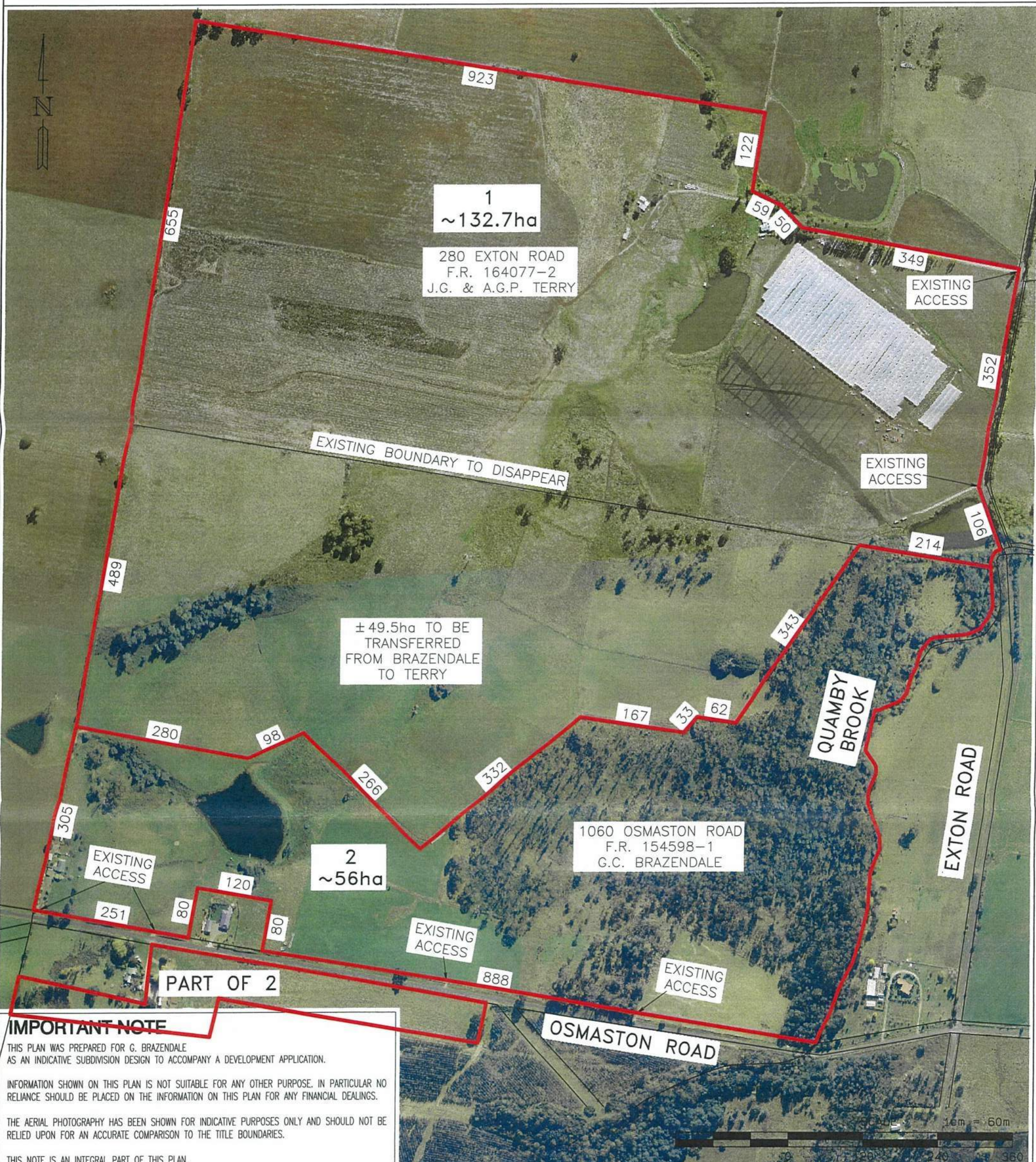
**PLAN OF  
 SUBDIVISION  
 SHEET 1 OF 1**

**REF: 53-58  
 (7541)**

Municipality: MEANDER VALLEY COUNCIL  
 Site Address: 1060 OSMASTON ROAD, DELORAINE  
 Tasmap Sheet: -  
 Grid Reference: -

Owners: G.C. BRAZENDALE, J.G. & A.G.P. TERRY  
 Title Refs: 154598-1, 164077-2  
 Dates: Version A: 30-08-2017  
 Version B:  
 Version C:  
 Scale: 1 : 6000 @ A3

**DISCLAIMER:** This is a preliminary plan prepared without field survey and forms part of an application to subdivide the land described and is not to be used for any other purpose. Contours and levels may be transcribed from other sources and their accuracy has not been verified. These should not be used. The dimensions, area, location of improvements and number of lots are approximate and may vary as a result of decisions by the Municipality, Land Use Planning Review Panel, engineering or other advice. Easements may not be shown as these are to be determined at the time of survey. The plan is not to be copied unless this note is included.



**IMPORTANT NOTE**

THIS PLAN WAS PREPARED FOR G. BRAZENDALE AS AN INDICATIVE SUBDIVISION DESIGN TO ACCOMPANY A DEVELOPMENT APPLICATION.  
 INFORMATION SHOWN ON THIS PLAN IS NOT SUITABLE FOR ANY OTHER PURPOSE. IN PARTICULAR NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS.  
 THE AERIAL PHOTOGRAPHY HAS BEEN SHOWN FOR INDICATIVE PURPOSES ONLY AND SHOULD NOT BE RELIED UPON FOR AN ACCURATE COMPARISON TO THE TITLE BOUNDARIES.  
 THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.





## Driveway Crossover – Information Sheet

### What is a Driveway Crossover?

A driveway crossover is the section of the driveway in front of the property front boundary (including any kerb and channel and footpath) that you use to get your vehicle from the road to the driveway within your property.

### What is a road reserve?

A road reserve is the public land outside your property boundary.

### Who is responsible for the driveway in the road reserve?

In Tasmania the owner of the property is responsible for providing and looking after the driveway and crossover to an acceptable standard.

On public roads the Council sets the standard for constructing and maintaining the crossovers.

### Permit timeframe

Most permits for standard type driveway crossovers are issued in 10 working days.

### Driveway Crossover Application Form

All new and replacement driveway crossovers will need a Council permit – there is no permit fee, only a procedure to follow. The Driveway Crossover Application Form is available on Council's website or from our Customer Service Desk on phone 6393 5300.

Our Inspector will look at your plan and the site. If you need on-site advice or something needs to be changed, the Inspector will call and see you. You will then receive your permit to commence work in the form of an approval letter from Council with a standard drawing attached of the construction requirements of the driveway crossover.

### When is a Permit required?

A permit is required when:

- you need a new driveway because there is not one there at all
- the existing one does not suit you and you wish to construct a new one or change the existing driveway crossover
- you have problems with your car scraping and believe a kerb wedge will fix the problem.

A permit is not required but you will need to talk to the Council when:

## Meander Valley Council – Driveway Crossover Information Sheet

- your driveway needs fixing – for example, there is a pothole in it.

### New driveway crossover and new house or building approvals

Council's Building and/or Planning Permits for your new house, office building etc does not mean approval is also given for the driveway and crossover shown on your plans. You will need separate approval. Refer to our Driveway Crossover Application Form.

### Duration of the Permit and the work

Your permit last for 12 months. However once work has started, for the safety of the public the driveway crossover must be completed in three days.

### Having difficulties designing your new driveway crossover?

It is not easy designing a good driveway crossover if you live in an area that has steep terrain. You might also have to allow for things like pedestrian crossovers, HEC poles, large car parks, double driveways, etc. Sometimes the standard designs just won't fit. If you have any queries or concerns please contact Meander Valley Council on 6393 5312.

### Look out for old pipes and cables underneath your crossover

Urban streets especially are filled with many different pipes and cables. Save yourself time and money – get the pipe and cable locations before you start. You will need to ring "Dial Before You Dig" on 1100 (free call) or contact each authority separately.

It is recommended that you employ a suitably qualified contractor to undertake this work.

### Council Contact

For all general enquiries regarding driveway crossovers please contact our Customer Service Centre on 6393 5300.



# Driveway Crossover Application Form

PO Box 102  
Westbury TAS 7303  
Tel 6393 5300  
Fax 6393 1474

## Address of New/Extended Driveway

Unit / Street No \_\_\_\_\_ Street \_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

- Property with existing residence       Vacant property

## Is there a planning/building application associated with this driveway crossover application:

- No       Yes      **Planning/Building Application Number** \_\_\_\_\_

## Applicant's Name

Title \_\_\_\_\_ Given Name/s \_\_\_\_\_

Surname \_\_\_\_\_

Unit / Street No \_\_\_\_\_ Street \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Postal Address (if different from street address) \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Mobile \_\_\_\_\_

Email address \_\_\_\_\_

## Purpose of the new driveway is to: (please cross)

- |  |  |
|--|--|
| <input type="checkbox"/> Create a new driveway access    | <input type="checkbox"/> Replace an old driveway with no change to its size      |
| <input type="checkbox"/> Make an existing driveway wider | <input type="checkbox"/> Move driveway access and remove the old driveway access |
| <input type="checkbox"/> Have a second driveway access   | <input type="checkbox"/> Include use of heavy vehicle(s)                         |
| <input type="checkbox"/> Other: (Please explain) _____   |  |

### Privacy Statement :

"The Meander Valley Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information Last updated on July 16 2012  
Meander Valley Council Ordinary Agenda 12 December 2012  
[www.meander.tas.gov.au](http://www.meander.tas.gov.au) or at the Council Office."

**Please turn to page 2 to complete your application ...**

**C&DS 1**

Provide a sketch in the blank space below showing the location of the driveway crossover entrance/s in relation to property boundaries (or attach sketch/drawings):

Applicant's signature \_\_\_\_\_

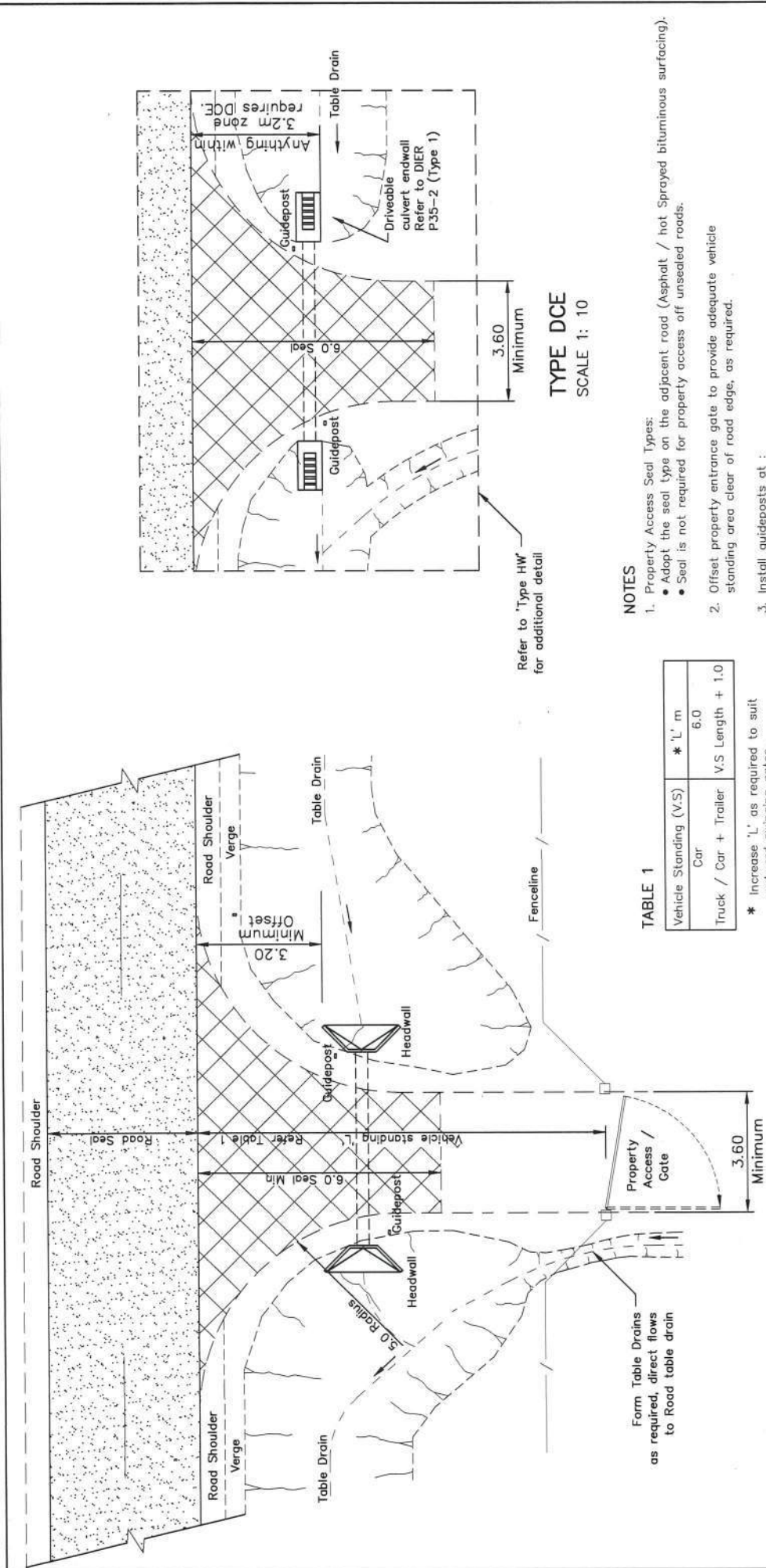
Date \_\_\_ / \_\_\_ / \_\_\_

**Please note:**

- In Tasmania the owner of the property is responsible for providing and looking after the driveway and crossover to an acceptable standard.
- Further information on driveway crossovers can be obtained by referring to Council's "Driveway Crossovers – Information Sheet"

<p><b>Approval letter and crossover standard drawing sent to applicant</b> <input type="checkbox"/> Yes</p> <p><b>Date letter sent</b> ___ / ___ / ___</p> <p><b>Council informed of completed driveway construction</b> <input type="checkbox"/> Yes</p> <p><b>Site inspected</b> <input type="checkbox"/> <b>Date of inspection</b> ___ / ___ / ___</p> <p><b>Crossover complies</b> <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p><b>Approving Officer: Name</b> _____</p>	<p><b>OFFICE USE ONLY</b></p>
---	-------------------------------





**TYPE HW**  
SCALE 1: 10

**KEY**

- HW – Head Wall
- DCE – Driveable Culvert Endwall



**TABLE 1**

Vehicle Standing (V.S)	* 'L' m
Car	6.0
Truck / Car + Trailer	V.S Length + 1.0

\* Increase 'L' as required to suit outward swinging gates.

Refer to 'Type HW' for additional detail

**TYPE DCE**  
SCALE 1: 10

**NOTES**

1. Property Access Seal Types:
  - Adopt the seal type on the adjacent road (Asphalt / hot Sprayed bituminous surfacing).
  - Seal is not required for property access off unsealed roads.
2. Offset property entrance gate to provide adequate vehicle standing area clear of road edge, as required.
3. Install guideposts at :
  - culvert end walls.
  - the start of the access ('nearside' lane approach only).
4. Pipe Culvert.
  - Pipe size, type, class, cover and grade shall be determined by consideration of the drainage catchment, rainfall I.F.D. data and road grade for an A.R.I. of 5 years (min).
  - Minimum pipe size – 300 dia.
  - Minimum grade – 1 in 100 (1%).
5. Shallow dish crossing may be used as an alternative.
6. Applicable for design speed zones in excess of 60km/hr.

SCALES: AS SHOWN  
(All scales are correct at A3)

XRref File: TSD-R03.v1.dwg

REFERENCES

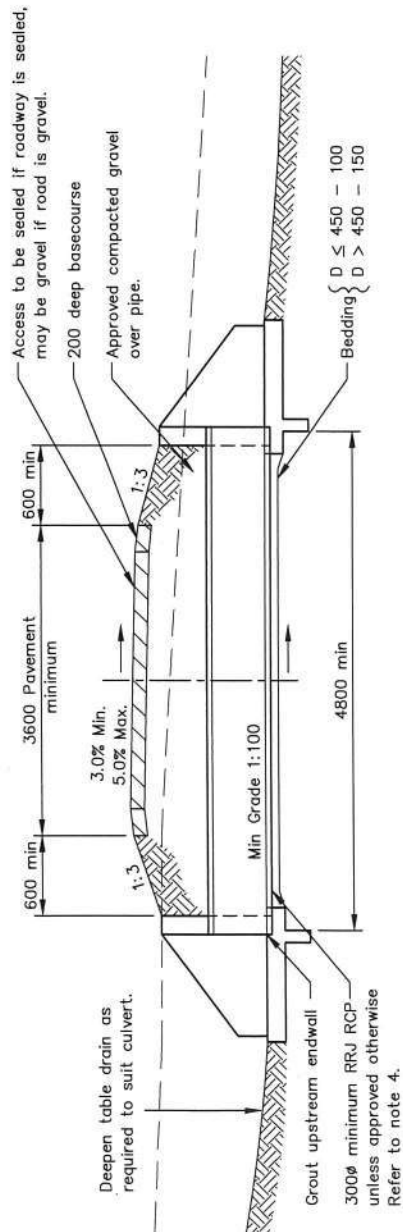
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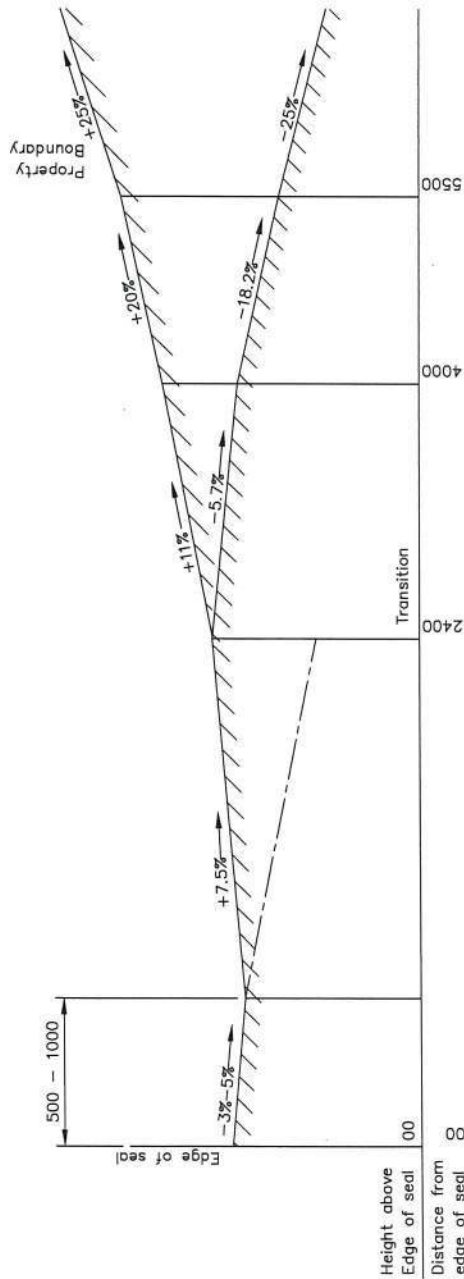
**STANDARD DRAWING**  
RURAL ROADS  
TYPICAL PROPERTY ACCESS

ISSUE DATE: 30-11-2013  
DRAWN BY: TSD-R03-V1





**CROSS SECTION**



**DRIVEWAY PROFILE**

Culvert removed for clarity

**NOTES**

1. All dimensions in millimetres (mm) unless noted
2. Precast endwall to be winged type or other approved type.
3. Shallow dish crossing may be used as an alternative
4. Min clear cover over driveway culverts shall be:  
Pipe Class: Min Cover:  
-Class 2 (Concrete) 600  
-Class 3 (Concrete) 400  
-Class 4 (Concrete) 300  
(All other pipes refer to manufacturers recommendations.)
5. Install guideposts at culvert ends.
6. Minimum driveway dimension for Class 4b to have a minimum pavement width of 4 metres.

SCALES: AS SHOWN  
(All scales are correct at A3)

XRef File: TSD-R04-v1.dwg

**REFERENCES**

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TAS Division  
**IPWEA**  
INSTITUTE OF PUBLIC WORKS  
ENGINEERING AUSTRALIA

**LGAT**  
Local Government Association Tasmania

**STANDARD DRAWING**  
RURAL ROADS  
TYPICAL DRIVEWAY PROFILE

ISSUE DATE: 30-11-2013  
DWG No: TSD-R04-V1

GPO Box 1511, Hobart Tasmania 7001 | 128 Macquarie Street, Hobart, Tasmania 7000  
T: 01 8233 5946 F: 01 8233 5986 Email: admin@ipw.tas.gov.au





## Merrilyn Young

---

**From:** robertshandymanagementservices@bigpond.com  
**Sent:** Monday, 27 November 2017 8:19 AM  
**To:** Planning @ Meander Valley Council  
**Cc:** patricia van dijk  
**Subject:** planning notice

Planning notice for 1060 Osmaston road and 280 exton road exton.

We live directly across the the road at 309 exton road exton where the adjustment is proposed.

With the development of the property at 280 exton with the tunnel houses for fruit growing we have already been impacted, with the constant increase in noise from the current site and the massive increase in traffic on the roads leading to the property.

The entrance near quamby brook for access that was put in place with no notification to us to even have our input this has made the road quite hazardous as it is used by log trucks regularly to access the tiers.

This has increased the risk of using our driveway to access our property and it will get worse as the original access to the property was a safer option with clear vision from both directions.

We realise that with the increase of the business that there will be more infrastructure installed such as more cool rooms and trucks.

The area where the current coolrooms and sheds are situated in a bit of a sound tunnel with the noise traveling to our property. We already can hear what is happening across the road like we are on site.

We also have noted accommodation cottages on site which we have been told by council that they would be removed from site but are still there.

We are concerned about the change to general use of the property that this will allow on site accommodation and this will allow for noise and complete lack of privacy and security issues with people wandering around the area in there down time. Also as stated being in a sound tunnel there will be a complete lack of privacy. As there is public access allowed along the brook and also along the roadside we think that this will be a major issue.

We have purchased this property to have our own private piece of paradise which is already impacted by the increased noise and the lack of privacy because of the increase of activity on 280 exton road.

We also realise that the council will look at their proposal favourably as it produces income and employment for the council area.

We hope that you can advise us on the general rulings and what it means and also the impact of this development to us.

We hope that the council can advise us which rights have in regards to this development and what steps will be made to stop or minimise the impact on our lifestyle and also the possible loss in value to our property because of the large developments adjoining us.

Yours Sincerely

Robert and Patricia Van Dijk

ROBERTS HANDYMAN SERVICES  
PO BOX 119 WESTBURY  
0407153765 0363623516

[robertshandymanagementservices@bigpond.com](mailto:robertshandymanagementservices@bigpond.com)

## **C&DS 2 8 REID STREET EAST, WESTBURY - SINGLE DWELLING AND RESIDENTIAL OUTBUILDING**

### **1) Introduction**

This report considers application PA\18\0085 for a Single Dwelling and Residential Outbuilding on land located at 8 Reid Street East, Westbury (CT: 170557/2).

### **2) Background**

#### **Applicant**

N Fitsialos

#### **Planning Controls**

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

#### **Use & Development**

This application proposes to develop a single dwelling and residential outbuilding on land located at 8 Reid Street East. The dwelling will be constructed of concrete blocks with a colorbond roof and will be built over two levels. The ground floor will have an area of 173.58m<sup>2</sup> and includes an open plan kitchen/dining/living area, laundry, verandahs and master suite. The first floor includes two bedrooms and a bathroom. The proposed residential outbuilding will have a floor area of 54m<sup>2</sup> and will be used as a garage and domestic storage. It will be constructed of steel and clad in Zinalume and Colorbond.

The plans below are indicative of the proposed development; greater detail is provided in the attachments.

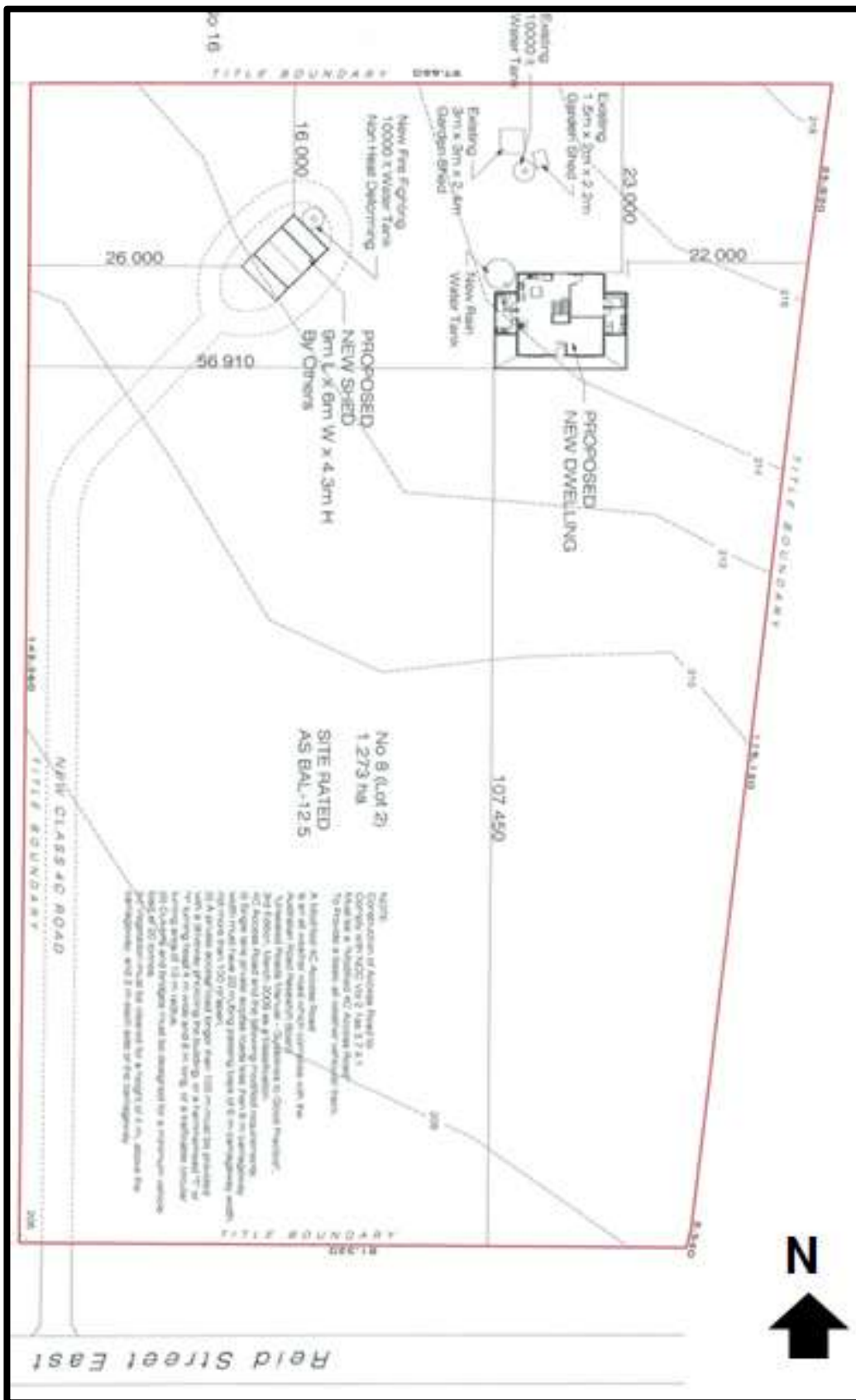


Figure 1: proposed site plan (Nicholas Fitsialos, 2017)

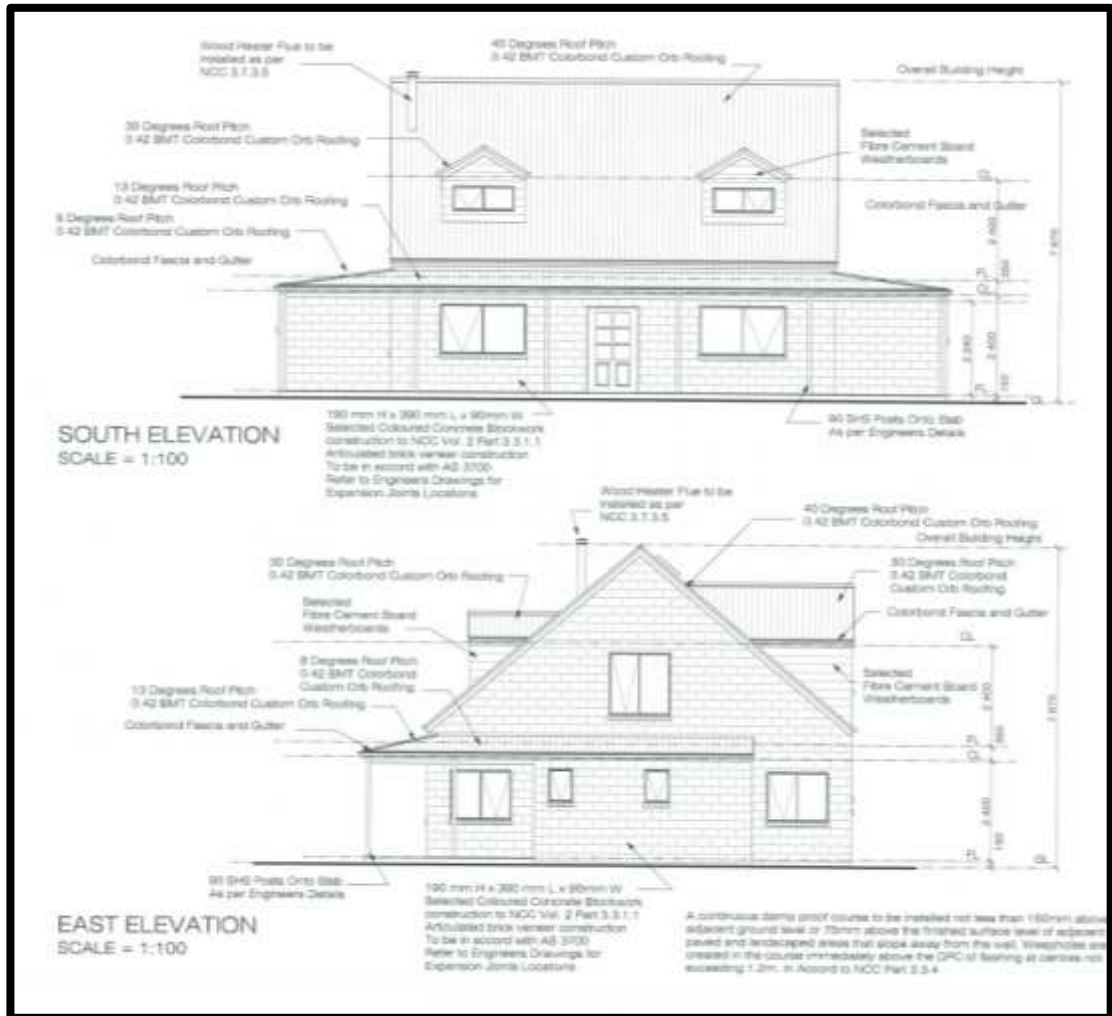


Figure 2: south and east elevations of proposed dwelling (Nicholas Fitsialos, 2017)

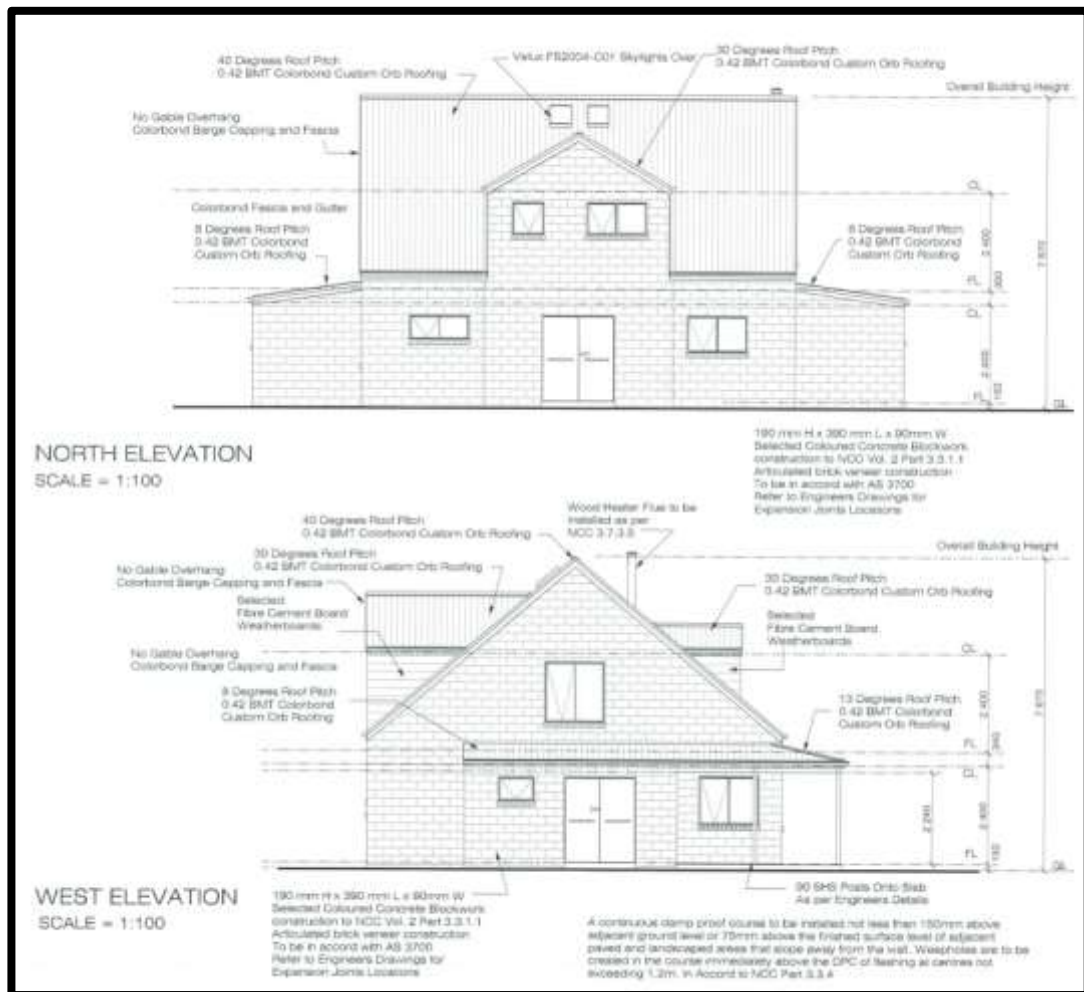


Figure 3: north and west elevations of proposed dwelling (Nicholas Fitsialos, 2017)

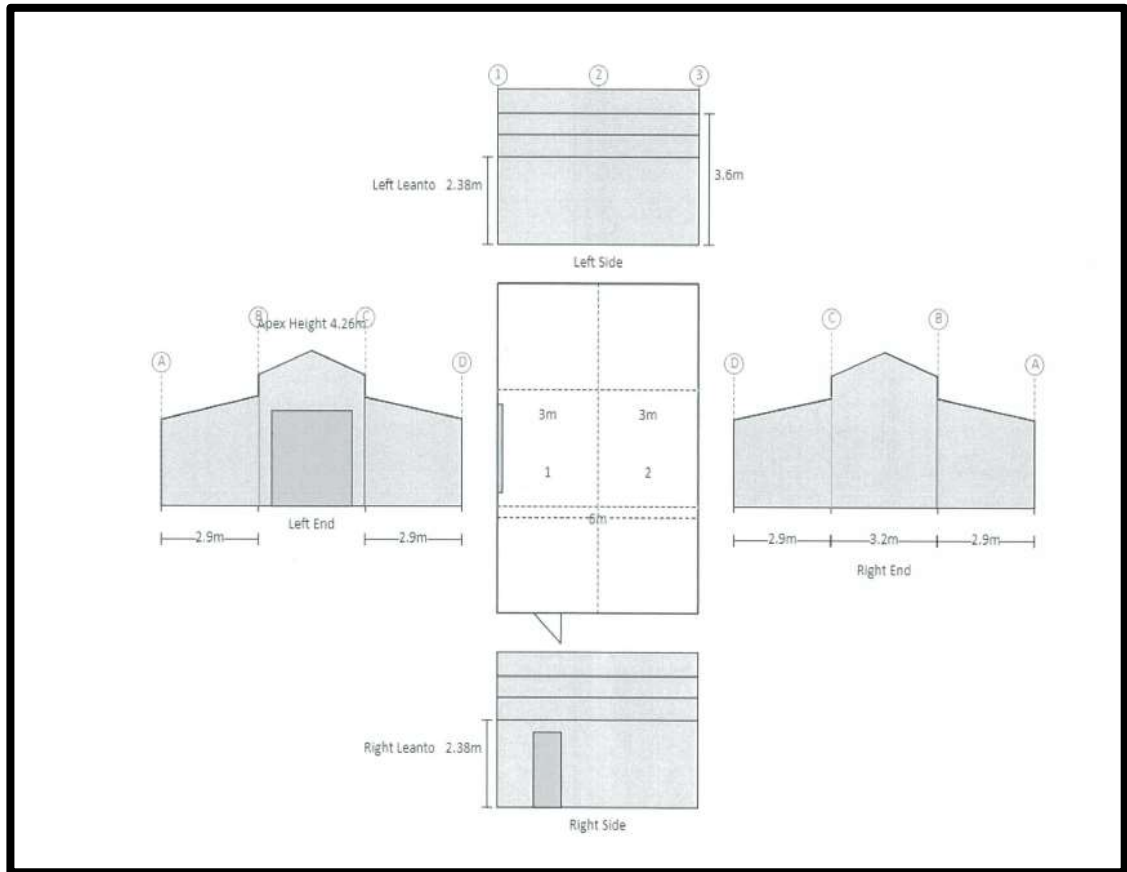


Figure 4: elevations of proposed outbuilding (TNC Engineering P/L, 2017)

### **Site & Surrounds**

The subject title is located on the eastern edge of the urban area of Westbury and has an area of 1.27 hectares. The southern and eastern boundaries of the title are defined by a hawthorn hedge, while the remainder of the title is cleared of standing vegetation. There are two outbuildings and a water tank located at the northern end of the property. The land has a mild slope, falling approximately 10 metres from north to south.

The surrounding lands to the north, west and south is used for residential purposes and have been developed with single dwellings. It is noted that dwellings have been constructed on the titles to the north and west since the taking of Photo 1.

There is an unmade road reserve immediately to the east of the title. While the land beyond this is used for Resource Development there is a dwelling relatively close to the subject lot.





Photo 1: aerial photo of subject title and surrounding land



Photo 2: subject site, viewed from Reid Street East, showing the existing outbuildings and neighbouring dwelling



Photo 3: subject site, looking south-west, showing the approximate location of the proposed outbuilding and a neighbouring dwelling to the west



Photo 4: subject site, looking south, showing the approximate location of the proposed dwelling



### **Statutory Timeframes**

Date Received:	1 November 2017
Request for further information:	Not applicable
Information received:	Not applicable
Advertised:	11 November 2017
Closing date for representations:	27 November 2017
Extension of time granted:	Not applicable
Extension of time expires:	Not applicable
Decision due:	12 December 2017

### **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 (1) 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 the application with amended conditions, or refuse the application.

## 11) Officers Comments

### Zone

The subject property is located in the Low Density Residential Zone. The land surrounding the site is located in the Low Density Residential and Rural Resource Zones.



Figure 5: zoning of subject title and surrounding land

### Use Class

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

- Residential (single dwelling)

### 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 Low Density Residential 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>Low Density Residential Zone</b>			
Scheme Standard		Comment	Assessment
<b>12.3.1 Amenity</b>			
A1	If for permitted or no permit required uses.	A single dwelling is a no permit required use in the Low Density Residential Zone	Complies
A2	Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	Not applicable	
<b>12.4.1.1 Site Coverage</b>			
A1	The site coverage must not exceed 30% of the site.	Total site coverage is 311.61m <sup>2</sup> ; significantly less than 30% site coverage on 1.27ha lot	Complies

<b>12.4.1.2 Building Height</b>			
A1	Building height must not exceed 8 metres.	The dwelling has a maximum height of 7.7 metres and the outbuilding has a height of 4.3 metres	Complies
<b>12.4.1.3 Frontage Setbacks</b>			
A1	<p>A1.1 Primary frontage setbacks must be a minimum:</p> <ul style="list-style-type: none"> <li>a) of 6 metres; and</li> <li>b) for infill lots, within the range of the setbacks of buildings on adjoining lots; and</li> </ul> <p>A1.2 Buildings must be set back a minimum of 3 metres from any other frontage.</p>	There are dwellings on the titles to the east and west of the subject site. As such it is considered infill development. The dwelling is setback further than the existing dwellings to the east and the west	Relies on Performance Criteria
<b>12.4.1.4 Rear and Side Setbacks</b>			
A1	Buildings must be set back 5m from the rear boundary.	The development is 16 metres from the rear boundary at the closest point	Complies
A2	Buildings must be set back from side boundaries 3 metres.	The development is 22 metres from the nearest side boundary	Complies
<b>12.4.1.5 Outbuildings and Ancillary Structures</b>			
A1	<p>Outbuildings must not have a:</p> <ul style="list-style-type: none"> <li>a) combined gross floor area of greater than 80m<sup>2</sup>; and</li> <li>b) maximum wall height of greater than 3.5 metres; and</li> </ul>	<p>The proposed outbuilding has a floor area of 54m<sup>2</sup> and a maximum height of 4.3 metres The proposed wall height is 4.2</p>	Relies on Performance Criteria

	c) maximum height greater than 4.5 metres.	metres. As such the development relies on Performance Criteria	
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<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 50 metres 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.	A single dwelling will generate less than ten vehicle movements per day in accordance with the NSW RTA Guide to Traffic Generating Developments	Complies
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>E4.7.2 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 application does not propose any additional accesses	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	
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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.	The proposed dwelling requires 2 parking spaces. There are six bays in the proposed outbuilding and a significant area for parking in the driveway	Complies
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#### E6.6.3 Taxi Drop-off and Pickup

A1	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.	There is sufficient space in the access for taxi parking	Complies
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#### E6.6.4 Motorbike Parking Provisions

A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	There is sufficient space in the access and the outbuilding to accommodate motorbike parking	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	The access and parking areas will be constructed to a 4C standard all-weather gravel access	Complies
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	<ul style="list-style-type: none"> <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>		
<b>E6.7.2 Design and Layout of Car Parking</b>			
A1	<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the General Residential Zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	The proposed garage is behind the building line of the dwelling	Complies
A2	<p>A2.1 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;</li> </ul>	<p>The proposed car parking is located within the outbuilding and will have a flat graded floor. Vehicles can enter and exit in a forward direction</p> <p>The access to the property was approved and constructed at</p>	Complies



	<p>and</p> <p>d) have a width of access and manoeuvring space to parking spaces not less than Table E6.3 where:</p> <p>(i) there are three or more spaces; and</p> <p>(ii) where parking is more than 30 metres from the road; or</p> <p>(iii) 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>	<p>the subdivision stage and complies with Table E6.2. The subject title is not limited in regard to manoeuvring space. There is sufficient room for vehicles to exit the parking spaces in accordance with E6.3</p> <p>The layout of parking and access complies with AS2890.1 so far as it is applicable to residential developments</p>	
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**Performance Criteria**

<p><b>Low Density Residential Zone</b></p>
<p>12.4.1.3 Frontage Setbacks</p>
<p><b>Objective</b></p> <p><i>To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.</i></p>
<p><b>Performance Criteria P1</b></p> <p><i>Buildings are set back from the primary frontage an appropriate distance having regard to:</i></p> <ul style="list-style-type: none"> <li><i>a) the efficient use of the site; and</i></li> <li><i>b) the safety of road users; and</i></li> <li><i>c) the prevailing setbacks of existing buildings on nearby lots; and</i></li> <li><i>d) the visual impact of the building when viewed from the road; and</i></li> <li><i>e) retention of vegetation within the front setback.</i></li> </ul>

**Comment:**

The proposed dwelling is setback 107.45 metres from the frontage, a much greater distance than that of the dwellings to the east and west. The reduced frontage setback is an efficient use of the site as it concentrates the development at one end of the lot and would not compromise the ability of the site to be further subdivided in accordance with the Acceptable Solutions for lot sizes.

The dwelling is setback a significant distance from Reid Street East and its location does not impact the safety of the road or road users.

Ignoring the regularity of the cadastre, there is a scattered pattern of development in the Low Density Residential Zone in this area of Westbury. The setback of dwellings from the frontage varies significantly from lot to lot. The dwelling at 1 Reid Street East is setback more than 200 metres from the frontage, while the neighbouring dwelling at 33 Reid Street is approximately 12 metres from the frontage. The dwelling to the north of the subject site is approximately 130 metres from the frontage on Five Acre Row South, while its neighbours are setback a little over 50 metres from the frontage. Where dwellings do have a similar setback from the road, they are generally a significant distance apart and the consistent setback is not apparent.

While the proposed development is setback a greater distance than the immediately adjoining lots, the scattered appearance is characteristic of the area.



Figure 6: aerial photo of subject title and surrounding land showing the frontage setbacks of various dwellings

The visual impact of the development when viewed from the public road is acceptable. The Reid Street East frontage is currently defined by a mature hawthorn hedge which largely screens the site and the development from view. Dwellings are a defining feature of the Low Density Residential Zone and, should this hedge be removed in the future, the appearance of a dwelling on the site would not be out of character. The proposed setback of 107.45 metres only serves to reduce the visual presence of the building within the landscape and minimises the visual impacts.



Photo 5: existing hedge on Reid Street East

#### 12.4.1.5 Outbuildings and Ancillary Structures

##### **Objective**

*To ensure that:*

- a) *outbuildings do not detract from the amenity or established neighbourhood character; and*
- b) *dwelling remain the dominant built form within an area.*

##### **Performance Criteria P1**

*Outbuildings must be designed and located having regard to:*

- a) *visual impact on the streetscape; and*
- b) *any adverse impacts on native vegetation; and*
- c) *overshadow adjoining properties; and*
- d) *compatibility with the size and location of outbuildings in the neighbourhood.*

##### **Comment:**

The proposed outbuilding is in an American barn style with a gabled roof and a total wall height of 4.3 metres. This is 0.8 metre higher than permitted

by the Acceptable Solutions for wall height; however it remains less than the Acceptable Solution for roof height (4.5metres).

Although the wall height is greater than the Acceptable Solution, the setback of the proposed outbuilding is sufficient to mitigate the impacts of the increased wall height. The proposed outbuilding is setback 16 metres from the nearest boundary, while the Acceptable Solutions provide for a 5 metre setback from the rear boundary for a building of similar height and scale.

The development does not require the removal of any native vegetation and it will not result in any overshadowing of a neighbouring dwelling or private open space areas.

The size of the outbuilding is compatible with that of existing outbuildings in the area. Large outbuildings are a common feature in the Low Density Residential Zone of Westbury.

The outbuilding's reliance on Performance Criteria is a result of the form of the building rather than the size. Changes to the roof design of the building could make the development "no permit required" without changing the height or building envelope.

The proposal is consistent with the objective. The outbuilding is consistent with the established character of the neighbourhood and the dwelling will remain the dominant building on the site.

### **Representations**

One (1) representation was received during the advertising period from the residents of 16 Five Acre Row South (see attached documents). A summary of the representation is as follows:

#### 1. Height of Dwelling

Privacy impacts due to the height of the dwelling and proximity to the shared boundary and dwelling at 16 Five Acre Row South.

#### 2. Existing Dwelling

Proximity of existing dwelling and removal once development of the dwelling is complete.

#### 3. Boundary Fence



Survey demonstrates that the boundary fences have been erected in incorrect location and as such the development will be in the incorrect location.

**Comment:**

1. Height of Dwelling

The dwelling complies with the height standard of the zone and has a setback from the rear boundary four times the distance required by the Acceptable Solutions. As such the dwelling is fully compliant in regard to the height and rear setback. It is also noted that the first floor windows facing 16 Five Acre Row are those of a toilet and a bathroom. These rooms are occupied infrequently and for short periods of time. Given the nature of the rooms it is likely that they will be treated for privacy by the owners. Regardless, the setback of 22 metres is sufficient to reasonably mitigate any privacy impacts and no further conditions are considered warranted.

2. Existing Dwelling

A dwelling has not been approved on the subject property. Two outbuildings and a tank have been erected on the site. It is reported that these buildings were occupied by the previous owner; however they are no longer occupied. The current owners have been made aware that the buildings cannot be occupied without the necessary approvals.

Through this application Council can only consider those works which have been applied for. There are specific provisions in the *Land Use Planning and Approvals Act 1993* for regulating unapproved works. If necessary, Council can proceed with enforcement action to rectify any existing illegal structures.

However, it is noted that the tank and one outbuilding already comply with the exemptions provided for such buildings in Clause 6.1 of the planning scheme and do not require permits. It is likely that with minor alterations the larger outbuilding can also be made to comply with the exemption.

Council's Permit Authority has inspected the buildings and is of the opinion that as non-habitable buildings, the structures are likely low-risk work under the *Building Act 2016* and do not require building permits.

No further action is required at this time. Should the buildings be occupied or remain non-compliant with the planning scheme, Council can commence enforcement action. In the mean time Council can work with the applicant to make the building compliant.

### 3. Boundary Fence

The subject property is the result of a recent subdivision and new fences have been installed in line with the boundary markers installed by the surveyor. Disputes regarding the location of the boundary are a matter for the landowners to resolve between themselves. A 1 metre variation in the setbacks of the dwelling and outbuilding is a matter which can be addressed through a minor amendment to the planning permit should it be necessary.

### **Conclusion**

In conclusion, it is considered that the application for Use and Development for a Single Dwelling and Residential Outbuilding complies with all of the applicable standards of the Planning Scheme, is an acceptable development in the Low Density Residential zone and should be approved.

**AUTHOR:** Justin Simons  
TOWN PLANNER

### **12) Recommendation**

***That the application for Use and Development for Single Dwelling and Residential Outbuilding on land located at 8 Reid Street East, Westbury (CT: 170557/2) by N Fitsialos, requiring the following discretions:***

- 12.4.1.3 - front setback
- 12.4.1.5 - height of outbuilding

**be APPROVED, generally in accordance with the endorsed plans:**

- a) N Fitsialos; Project No.: RPB180917C, Drawing No.: 03, 04, 05, 06, 07 & 10**
- b) TNC Engineering Pty Ltd, Drawing No.: WSS172283-3**

and subject to the following conditions:

- 1. The use of the approved outbuilding is not permitted for human habitation and is limited to residential storage and related residential activities only.**

**Note:**

- 1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au)**
  
- 2. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:**
  - a) Building approval**
  - b) Plumbing approval**

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

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 prior within 6 months of the expiration.
7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. 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:**

SEARCH OF TORRENS TITLE

VOLUME 170557	FOLIO 2
EDITION 3	DATE OF ISSUE 05-May-2017

SEARCH DATE : 25-Oct-2017

SEARCH TIME : 05.25 PM

DESCRIPTION OF LAND

Parish of WESTBURY Land District of WESTMORLAND  
 Lot 2 on Sealed Plan 170557  
 Derivation : Part of 13A-0R-22P (Sec G4) Gtd to E J Dawes  
 Prior CT 17378/2

SCHEDULE 1

M623749 TRANSFER to ROBIN GLENN BOYD and PATRICIA HENRIETTA BOYD Registered 05-May-2017 at noon

SCHEDULE 2

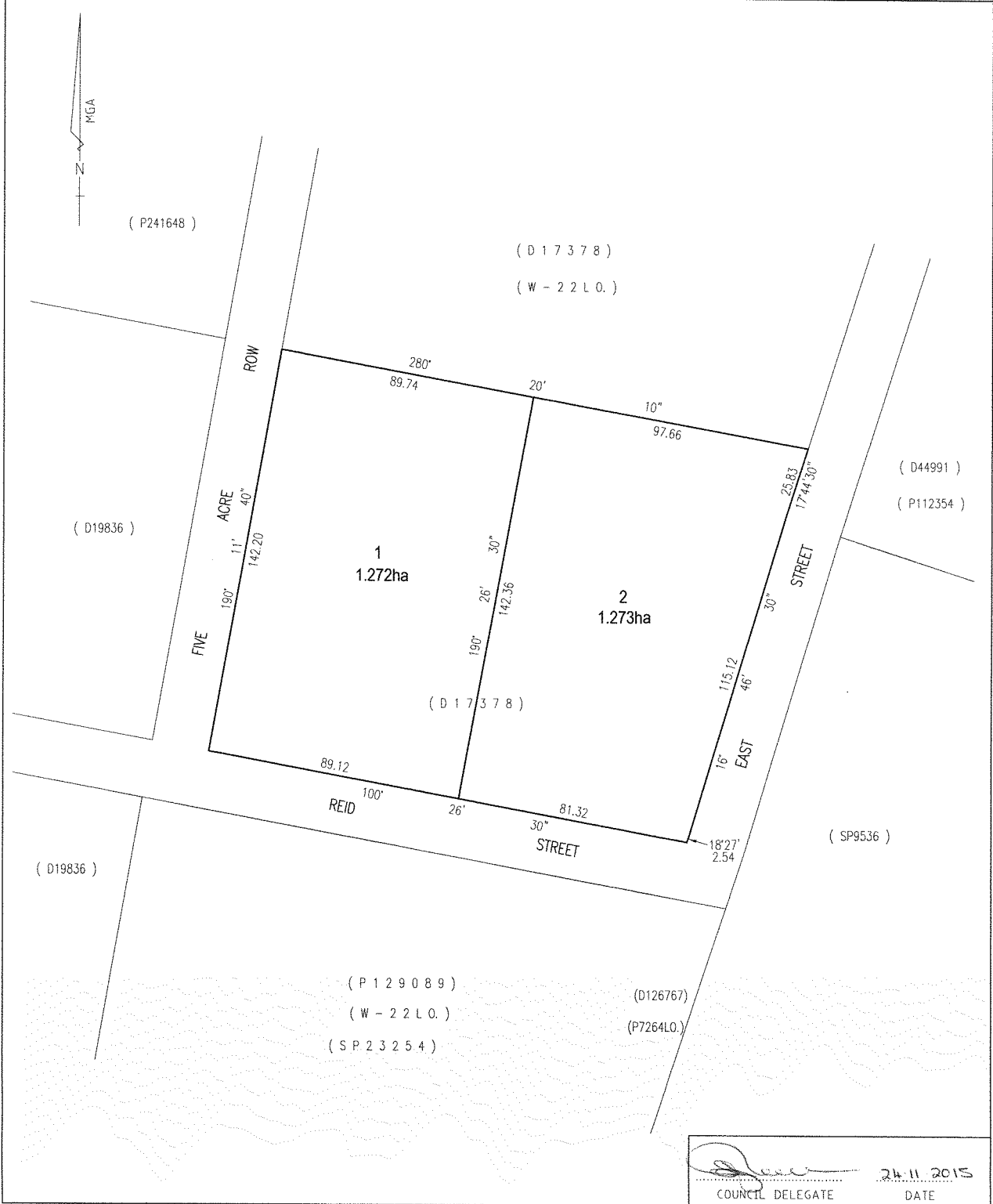
Reservations and conditions in the Crown Grant if any  
 SP170557 FENCING COVENANT in Schedule of Easements  
 E87372 MORTGAGE to National Australia Bank Limited  
 Registered 05-May-2017 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



OWNER G.A. & M.G WOOLLEY		<b>PLAN OF SURVEY</b> BY SURVEYOR PAUL HODGETTS of MICHELL HODGETTS & ASSOC. P/L 99 HIGH STREET, LAUNCESTON, 7250 LOCATION <b>WESTMORLAND</b> <del>TOWN OF WESTBURY</del> (Sec.G4) SCALE 1:1250 LENGTHS IN METRES		REGISTERED NUMBER <b>SP170557</b>	
FOLIO REFERENCE F/R 17378-2				APPROVED EFFECTIVE FROM - 1 DEC 2015 <i>Alice Kawa</i> Recorder of Titles	
GRANTEE PART OF 13a.Or.22p, Sec.G4, GTD TO EDWARD JOHN DAWES		MAPSHEET MUNICIPAL CODE No. 121 (4840-52)	LAST UPI No.	LAST PLAN No. D-17378	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



*Alice Kawa*  
COUNCIL DELEGATE  
24.11.2015  
DATE

<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 170557

PAGE 1 OF PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

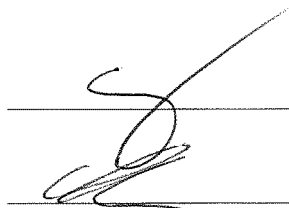
The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

COVENANTS

The Owner of each Lot on the Plan covenants with the Vendors that the Vendors shall not be required to fence.

There are no easements, covenants or profits a prendre intended to benefit or burden the said land.

**SIGNED** by Grant Anthony Woolley and )  
 Meagan Gayle Woolley )  
 Being the registered proprietors of the land )  
 Contained in certificate of title 17378 Folio 2 )



In the presence of:

Signature: Ann Mcharg  
 Name: ANN MCHARG  
 Address: 127 EMU BAY RD DELORAINIE  
 Occupation: NEWSAGENT

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: MICHELL HODGETTS & ASSOCIATES	PLAN SEALED BY: Meander Valley Council
FOLIO REF: 17378 Folio 2	DATE: 24 November 2015
SOLICITOR Bishops, Barristers & Solicitors	PA15/0187
& REFERENCE: 151322	REF NO. Council Delegate

**NOTE:** The Council Delegate must sign the Certificate for the purposes of identification.

TKAB\_WOOL\_G\*M\_151322\_001.DOC

PROJECT  
 PROPOSED  
 New Dwelling  
 Existing Shed  
 & Shed By Others

Building Area :  
 Dwelling Lower Floor : 136.94 m2  
 Dwelling Upper Floor : 72.03 m2  
 Dwelling Verandah : 36.64 m2  
 New Shed : 54.00 m2  
 Existing Sheds : 12.00 m2  
  
 Dwelling TOTAL : 311.61 m2

FOR  
 R.G. & P.H. BOYD

SITE  
 8 REID STREET  
 WESTBURY 7303

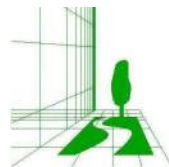
COUNCIL  
 MEANDER VALLEY

PLANNING ISSUE

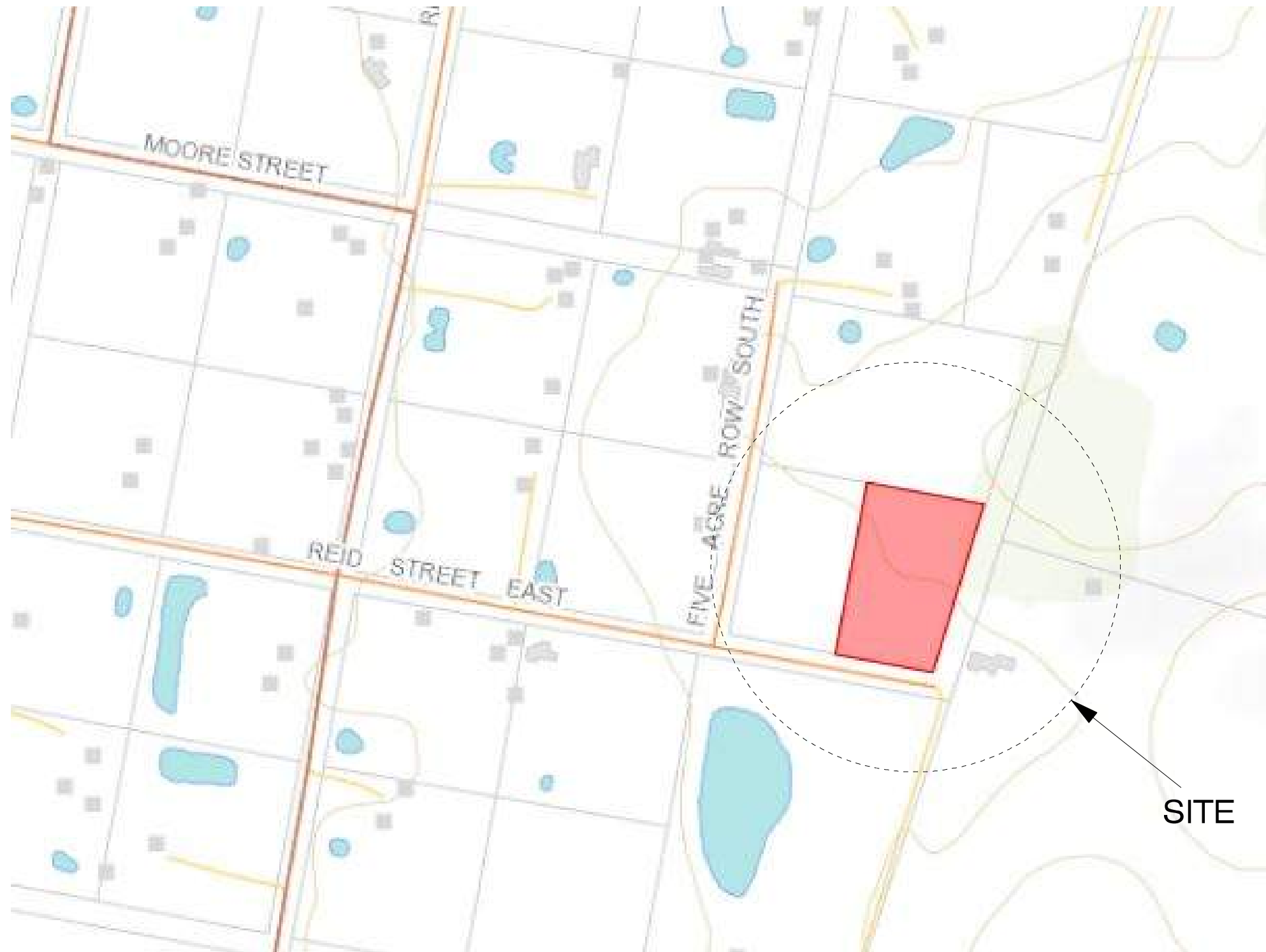
Page No : 01 of 08  
 Date: 28/10/2017

Date:	Revision

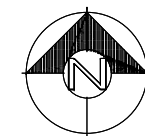
Drawn by:  
 Nicholas Fitsialos  
 Accreditation No: CC4789 M  
 Phone: 03 63 931 905  
 Fax : 03 63 931 921  
 Mobile: 0418 508 538  
 Email: nfdesigner@yahoo.com.au



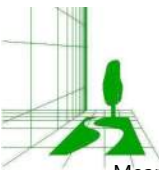
BUILDING CRITERIA	
Climate Zone	7
Design Wind Speed	N2
Soil Classification	H2
BAL Rating	BAL12.5
Zone	Low Density Residential
Title	Volume: 170557 Folio: 2
DRAWING LIST Project No: RPB180917C	
01. FACE PAGE	
02. LOCATION PLAN	
03. SITE PLAN	
04. GROUND FLOOR PLAN	
05. UPPER FLOOR PLAN	
06. SOUTH & EAST ELEVATIONS	
07. NORTH & WEST ELEVATIONS	
08. ROOF PLAN	
09. PLUMBING PLAN	
10. DRAINAGE PLAN	



SITE



**LOCATION PLAN**  
Not To SCALE

Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Meander Valley Council Ordinance Designers Email: nfdesigner@yahoo.com.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m <sup>2</sup> Dwelling Upper Floor : 72.03 m <sup>2</sup> Dwelling Verandah : 36.64 m <sup>2</sup> New Shed : 54.00 m <sup>2</sup> Existing Sheds : 12.00 m <sup>2</sup>  Dwelling TOTAL : 311.61 m <sup>2</sup>	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date:  Revision
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others Date: 28/10/2017	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Project No: RPB180917C  Page No : 02 of 10	Page 88			

C&DS 2

NOTES:  
All Site Dimensions shown are  
Outside Cladding unless noted otherwise

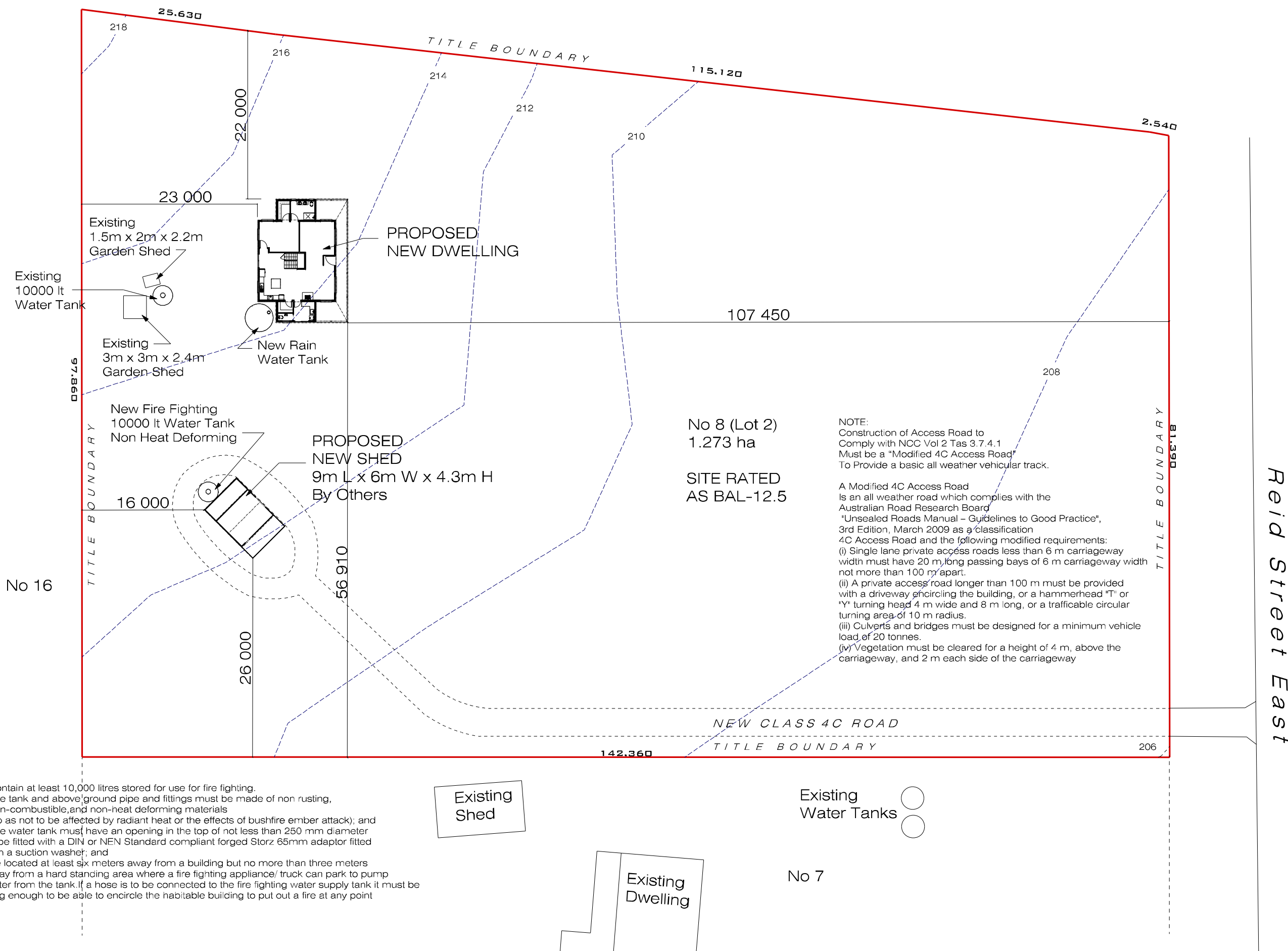
Confirm all Dimensions on Site Prior to  
Commencement of Works

If in Doubt Bearings Shown should be  
Confirmed on site by Surveyor

The Builder is to Provide protection to  
Adjoining Properties & Buildings In  
Accordance with Building Regulations

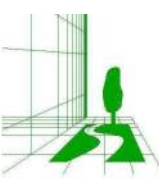
Unprotected Embankments  
To Comply with NCC Vol 2 part 3.1  
Batter Back Less Than 45 degrees

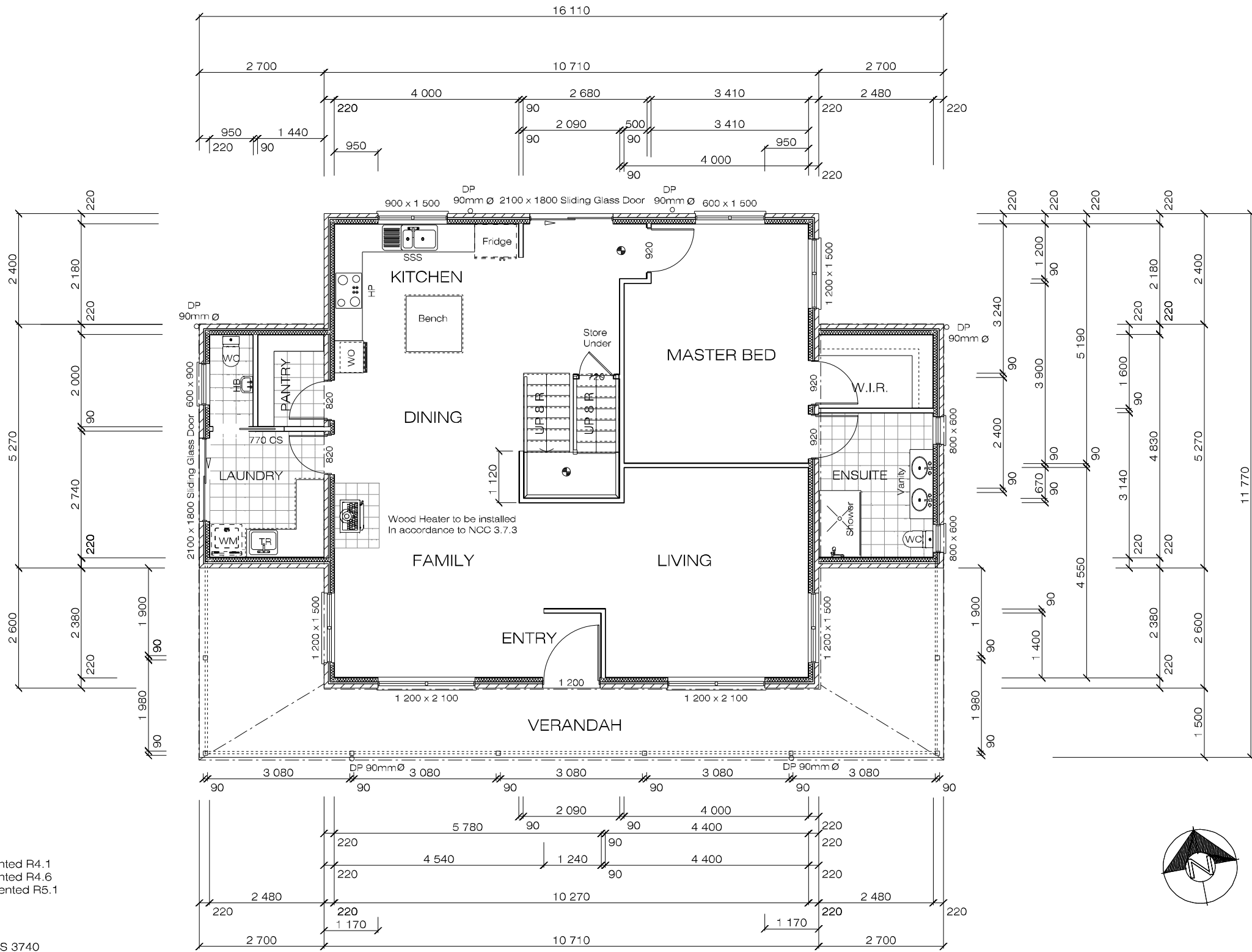
Direct All Storm & Surface Water  
Away from Footings



1. Contain at least 10,000 litres stored for use for fire fighting.
2. The tank and above ground pipe and fittings must be made of non rusting, non-combustible, and non-heat deforming materials (so as not to be affected by radiant heat or the effects of bushfire ember attack); and
3. The water tank must have an opening in the top of not less than 250 mm diameter or be fitted with a DIN or NEN Standard compliant forged Storz 65mm adaptor fitted with a suction washer; and
4. Be located at least six meters away from a building but no more than three meters away from a hard standing area where a fire fighting appliance/ truck can park to pump water from the tank. If a hose is to be connected to the fire fighting water supply tank it must be long enough to be able to encircle the habitable building to put out a fire at any point

**SITE PLAN**  
SCALE 1:500

Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Email: nfdesigner@yahoo.com.au Meander Valley Council Ordinary Agenda - 12 December 2017	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date: Revision
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Project No: RPB180917C	Page No : 03 of 10	Page 89		
	<b>C&amp;DS 2</b>						
	Email: nfdesigner@yahoo.com.au Meander Valley Council Ordinary Agenda - 12 December 2017						



NOTES:  
 R Value of element as per NCC Vol 2 part 3.12  
 External walls R2.8  
 Roof Surface Solar Absorptance not more 0.4 Unvented R4.1  
 Roof Surface Solar Absorptance not more 0.6 Unvented R4.6  
 Roof Surface Solar Absorptance more than 0.6 Unvented R5.1  
 Any sarking must have flammability index of not more than 5.

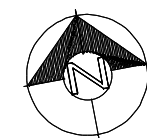
All wet areas to comply with NCC Vol 2 Part 3.8 & AS 3740  
 Wall finishes shall be water resistant to a height of 1800mm above floor level to shower enclosures and 150mm above baths, basins, sinks and troughs if within 75mm of the wall.

All glass to conform with NCC Vol 2 part 3.6. and AS1288. Installations of Glazing to be in accordance with AS 2047

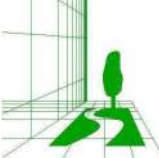
Soil Classification to AS2870.  
 The owners attention is drawn to Appendix A of AS 2870.1  
 "Performance Requirements and Foundation Maintenance".  
 Footings not to encroach title boundaries and easement lines.

Stair construction is to comply with NCC part 3.9.1 Max 18 risers in each flight.  
 Max 125mm opening anywhere in stairs and balustrade.  
 Treads to have non-slip surface or nosing.  
 Riser Min.115mm, Max.190mm.  
 Tread Max. 355mm, Min. 240mm

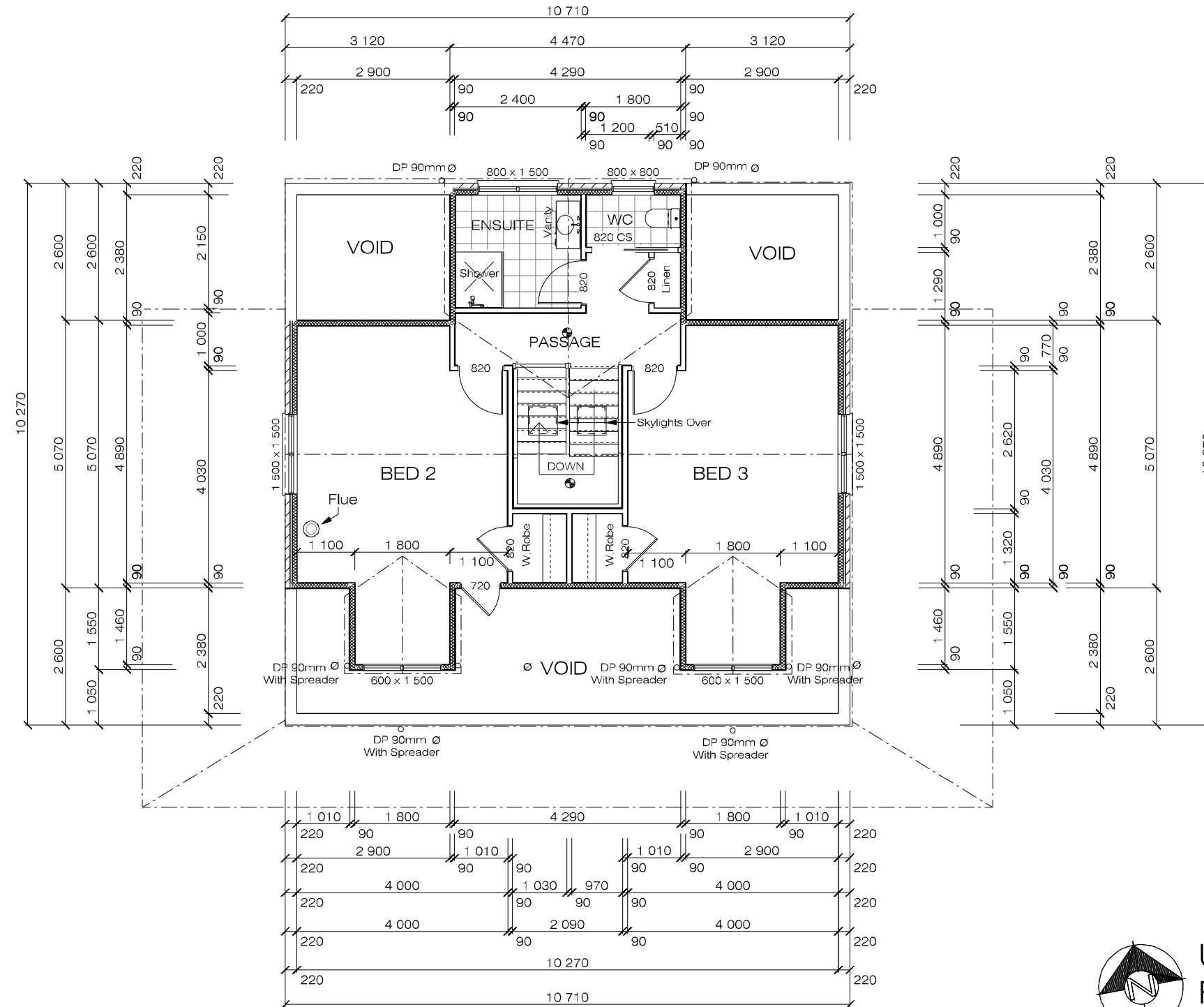
Smoke detectors to be installed as per NCC Vol 2 part 3.7.2. Must be Interconnect if Multiple



**GROUND FLOOR PLAN**  
 SCALE = 1:100

Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Email: nfitsialos@nicholasfitsialos.com.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	Date: Revision
	Project: PROPOSED New Dwelling Existing Shed	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Scale AS SHOWN DO NOT SCALE OFF PLAN	Project No: RPB180917C	Page No : 04 of 10	Page 90
	<p style="text-align: center;"><b>C&amp;DS 2</b></p>					





NOTES:  
 R Value of element as per NCC Vol 2 part 3.12  
 External walls R2.8  
 Roof Surface Solar Absorptance not more 0.4 Unvented R4.1  
 Roof Surface Solar Absorptance not more 0.6 Unvented R4.6  
 Roof Surface Solar Absorptance more than 0.6 Unvented R5.1  
 Any sarking must have flammability index of not more than 5.

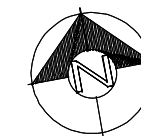
All wet areas to comply with NCC Vol 2 Part 3.8 & AS 3740  
 Wall finishes shall be water resistant to a height of 1800mm above floor level to shower enclosures and 150mm above baths, basins, sinks and troughs if within 75mm of the wall.

All glass to conform with NCC Vol 2 part 3.6. and AS1288. Installations of Glazing to be in accordance with AS 2047

Smoke detectors to be installed as per NCC Vol 2 part 3.7.2. Must be Interconnect if Multiple

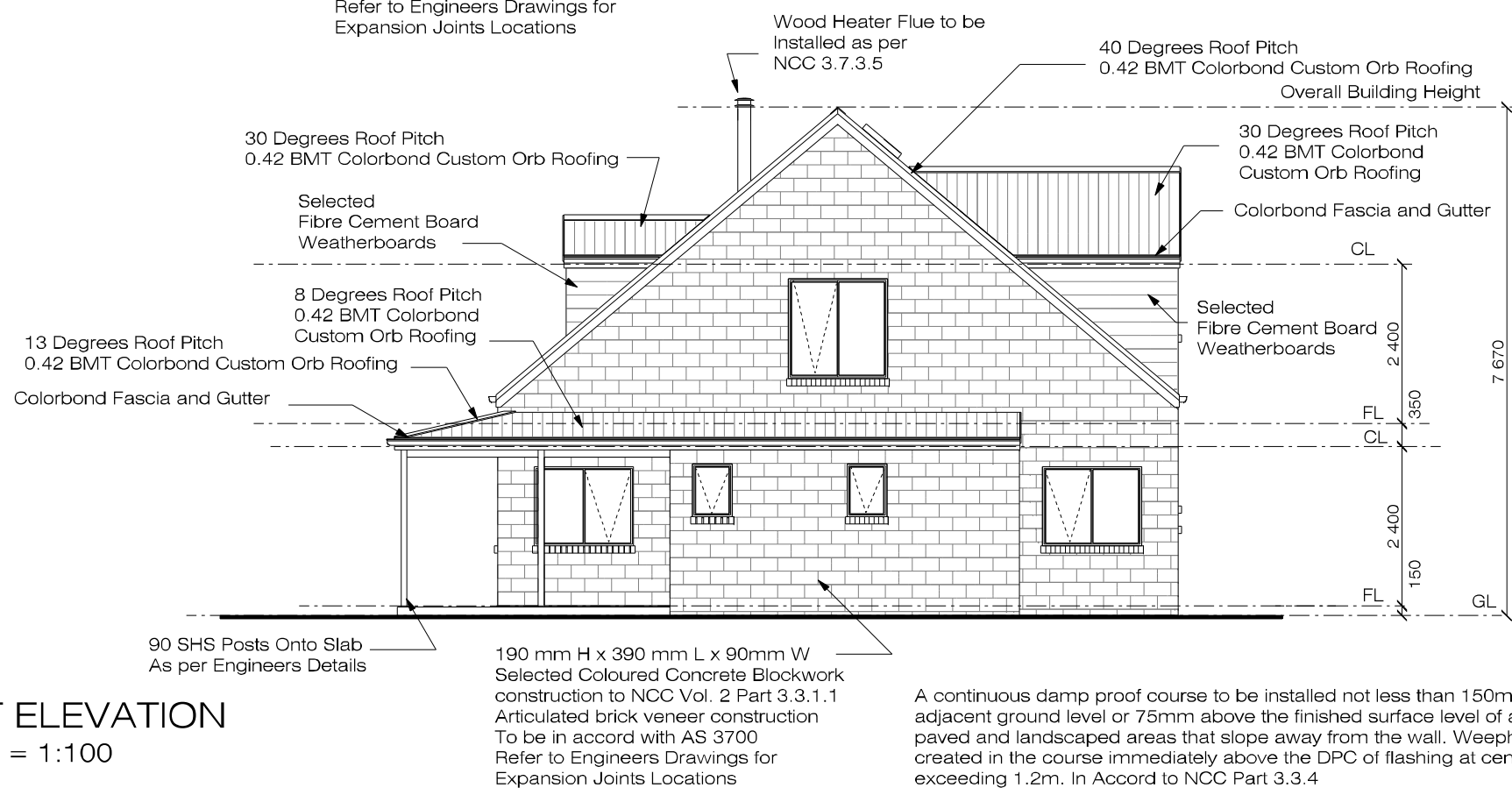
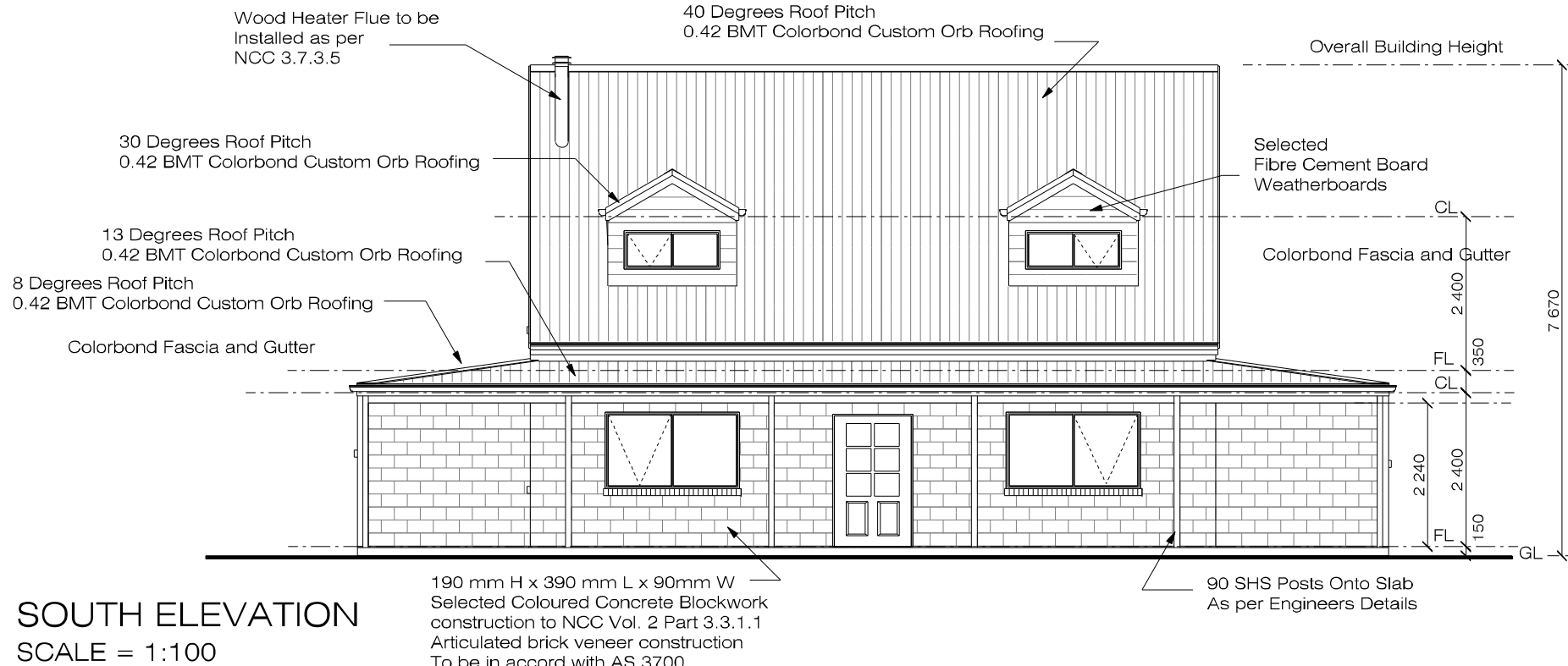
Soil Classification to AS2870. The owners attention is drawn to Appendix A of AS 2870.1 \*Performance Requirements and Foundation Maintenance\*. Footings not to encroach title boundaries and easement lines.

Stair construction is to comply with NCC part 3.9.1 Max 18 risers in each flight. Max 125mm opening anywhere in stairs and balustrade. Treads to have non-slip surface or nosing. Riser Min.115mm, Max.190mm. Tread Max. 355mm, Min. 240mm

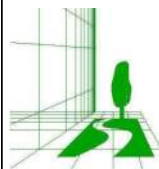


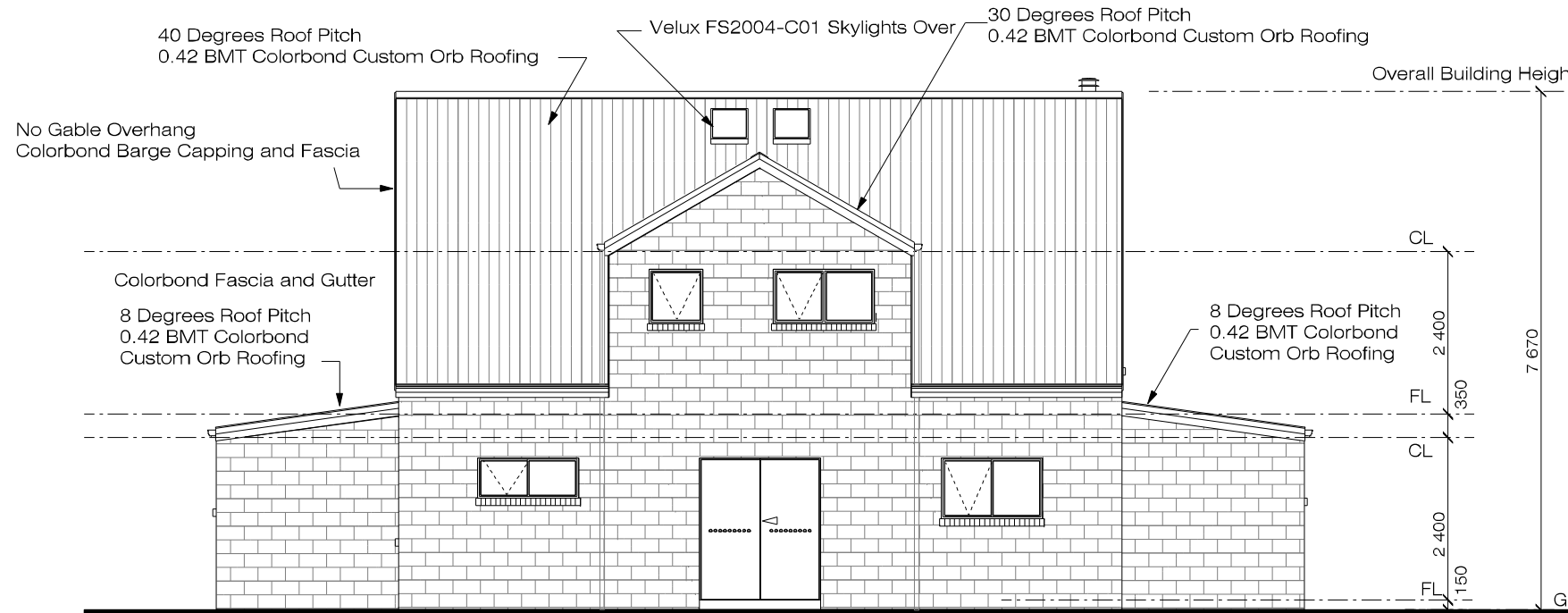
**UPPER FLOOR PLAN**  
 SCALE = 1:100

Drawn By : Nicholas Fitsialos 40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Meander Valley Council Ordinary Agenda - 19 December 2017 Email: nfitsialos@yahoo.com.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES. CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	Date: Revision	
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Dwelling Lower Floor : 136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Project No: RPB180917C	Page 91
			Dwelling TOTAL : 311.61 m2	Project No : 05 of 10	Page No : 05 of 10	Page 91



Windows Powder Coated Awning Aluminium Frames  
 Tas Oak Reveals and Trims  
 All Flashings and Fixings To Manufacturers Specifications  
 All Glass To Conform with NCC Vol 2 Part 3.6. And AS1288. Installations of Glazing to Be In Accordance with AS 2047

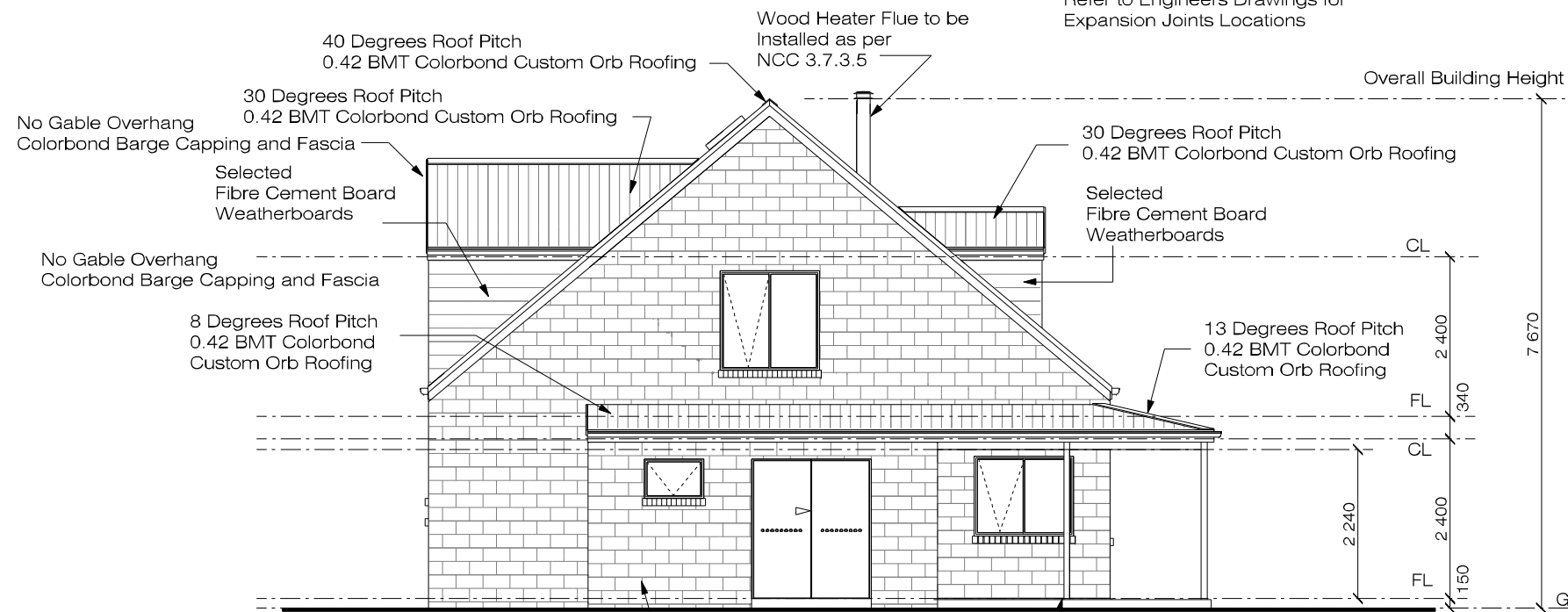
Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Meander Valley Council Ordinary Agenda - 12 December 2017 Email: nfdesigner@yahoo.com.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m <sup>2</sup> Dwelling Upper Floor : 72.03 m <sup>2</sup> Dwelling Verandah : 36.64 m <sup>2</sup> New Shed : 54.00 m <sup>2</sup> Existing Sheds : 12.00 m <sup>2</sup> Dwelling TOTAL : 311.61 m <sup>2</sup>	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date: Revision
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Dwelling TOTAL : 311.61 m <sup>2</sup> <b>C&amp;DS 2</b>	Project No: RPB180917C	Page No : 06 of 10	Page 92	



**NORTH ELEVATION**

SCALE = 1:100

190 mm H x 390 mm L x 90mm W  
Selected Coloured Concrete Blockwork  
construction to NCC Vol. 2 Part 3.3.1.1  
Articulated brick veneer construction  
To be in accord with AS 3700  
Refer to Engineers Drawings for  
Expansion Joints Locations



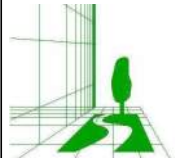
**WEST ELEVATION**

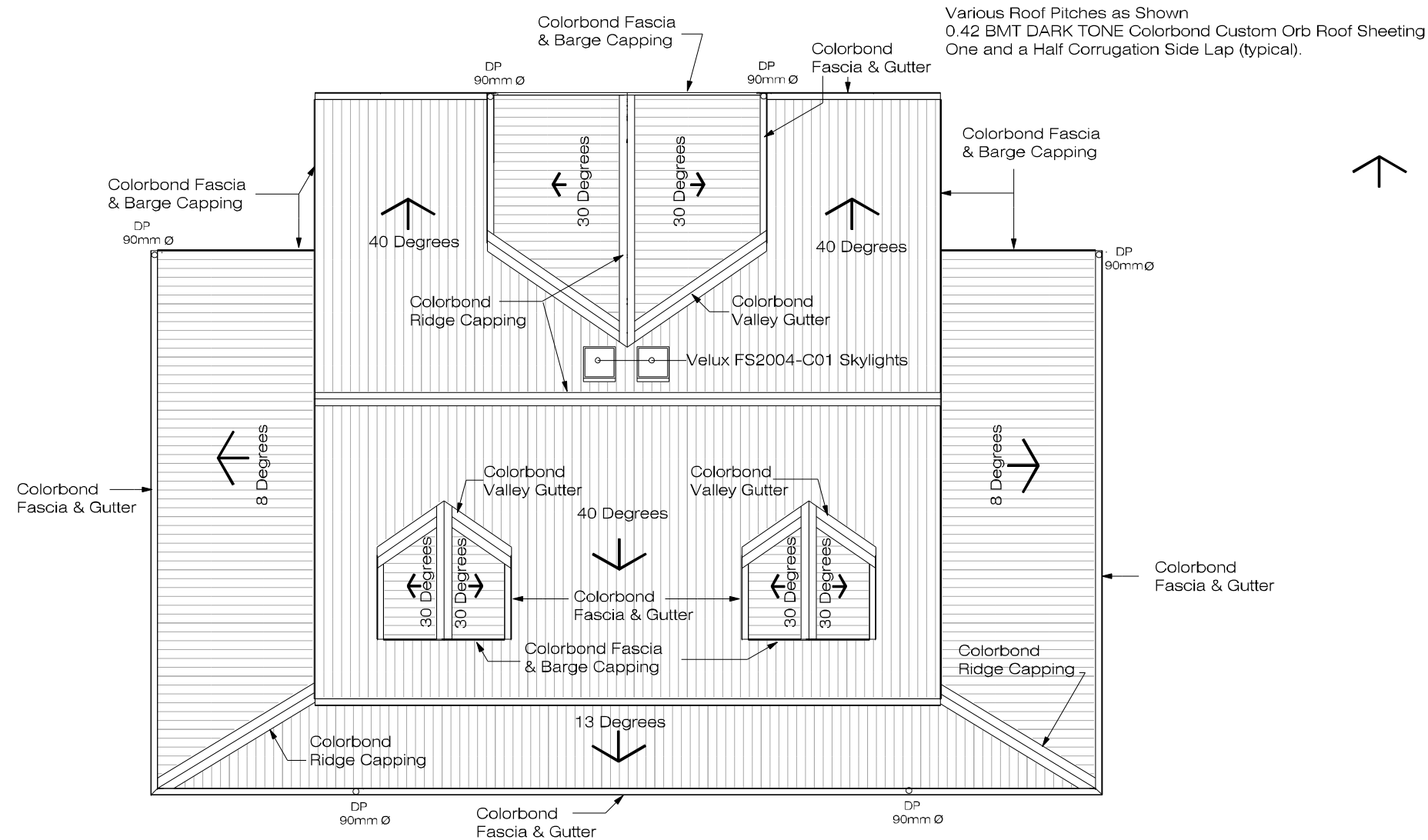
SCALE = 1:100

190 mm H x 390 mm L x 90mm W  
Selected Coloured Concrete Blockwork  
construction to NCC Vol. 2 Part 3.3.1.1  
Articulated brick veneer construction  
To be in accord with AS 3700  
Refer to Engineers Drawings for  
Expansion Joints Locations

A continuous damp proof course to be installed not less than 150mm above  
adjacent ground level or 75mm above the finished surface level of adjacent  
paved and landscaped areas that slope away from the wall. Weepholes are to be  
created in the course immediately above the DPC of flashing at centres not  
exceeding 1.2m. In Accord to NCC Part 3.3.4

Windows Powder Coated Awning Aluminium Frames  
Tas Oak Reveals and Trims  
All Flashings and Fixings To  
Manufacturers Specifications  
All Glass To Conform with NCC Vol 2 Part 3.6.  
And AS1288. Installations of Glazing to Be  
In Accordance with AS 2047

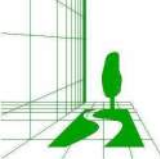
Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Email: nfitsialo@meander.vic.gov.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m <sup>2</sup> Dwelling Upper Floor : 72.03 m <sup>2</sup> Dwelling Verandah : 36.64 m <sup>2</sup> New Shed : 54.00 m <sup>2</sup> Existing Sheds : 12.00 m <sup>2</sup> Dwelling TOTAL : 311.61 m <sup>2</sup>	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date: Revision
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Dwelling TOTAL : 311.61 m <sup>2</sup>	Project No: RPB180917C	Page No : 07 of 10	Page 93	
	Meander Valley Council Ordinary Agenda 12 December 2017		<b>C&amp;DS2</b>				



NOTE:  
 ROOF CLADDING to NCC Vol 2 Part 3.5.1.3  
 and installed in accordance with AS 1562.1  
 Colorbond Custom Rrb Roof Sheeting Crest Fixed  
 at Side Laps with 3 Fixings for Internal Spans  
 and 5 for End Spans.  
 Fix with RoofZips M6 x 50mm (or equal).

GUTTERS & DOWNPIPES to NCC Vol 2 Part 3.5.3.2  
 with downpipes maximum spacing's 12mt and  
 1.2mt from Valleys

 **ROOF PLAN**  
 SCALE = 1:100

Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Email: nfitsialos@nicholasfitsialos.com.au Meander Valley Council Ordinary Agenda 12 December 2017	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date:	Revision
	Project: PROPOSED New Dwelling Existing Shed	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017	Dwelling TOTAL : 311.61 m2 <b>C&amp;DS 2</b>	Project No: RPB180917C	Page No : 08 of 10	Page 94		



**Sewer:**

Sewer trunk line shall be DN100 dia. Class SH solvent weld uPVC at a minimum grade of 1:60 in straight, even grades to terminate at local council mains

**Drainage:**

Stormwater line shall be DN100 dia. Class SH solvent weld uPVC at a minimum grade of 1:60, in straight, even grades to terminate at local council mains or rainwater tank.

**Min. Grades:**

DN50.....2.5%

DN100.....1.65%

Maximum fixture unit loadings for graded discharge pipes;

DN50.....2.5%.....8

DN100.....1.65%.....115

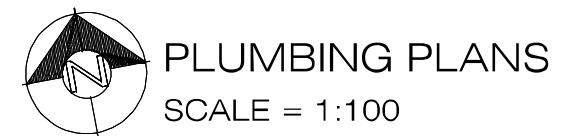
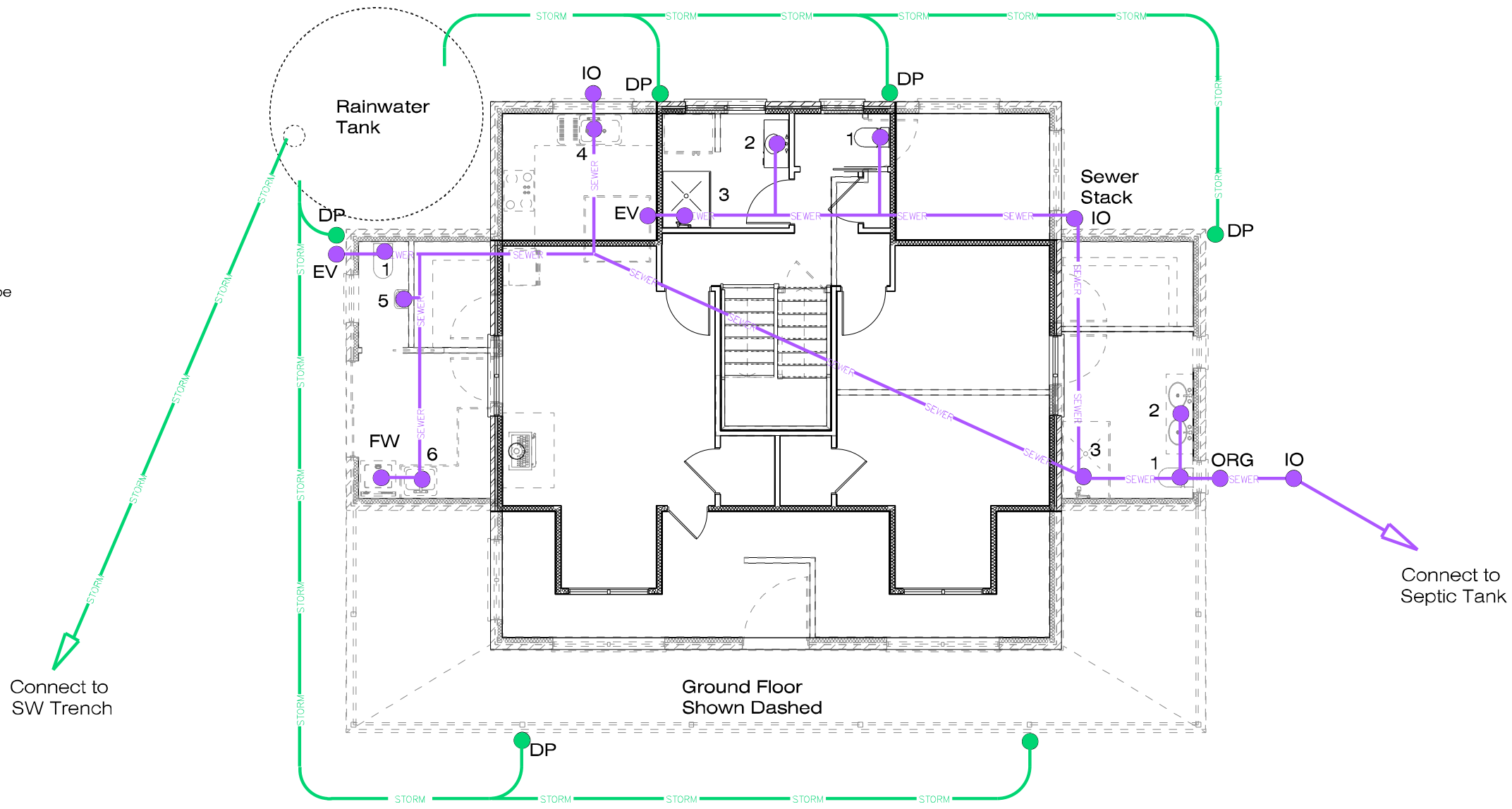
Fixture	Abbreviation	Fixture unit rating	Size of pipe
Basin	Ba	1	DN50
Bath	Bth	4	DN50
Shower	Shr	2	DN50
Sink	Sk	3	DN50
Dishwasher	DW	3	DN50
Washing machine	MW	5	DN50
Water closet	WC	6	DN100
Laundry trough	TR	1	DN50
Branch lines			DN100
Inspection opening	I.O.		
Overflow relief gully	ORG		
Educt vent	EV		
Downpipe	DP		DN100

All drainage works are provisional only and subject to amendments to comply with local council requirements all works to comply with NCC, AS3500 and all plumbing codes of Tasmania All plumbing to be carried out by licensed trade person only All connections to be approved by local council

**KEY**

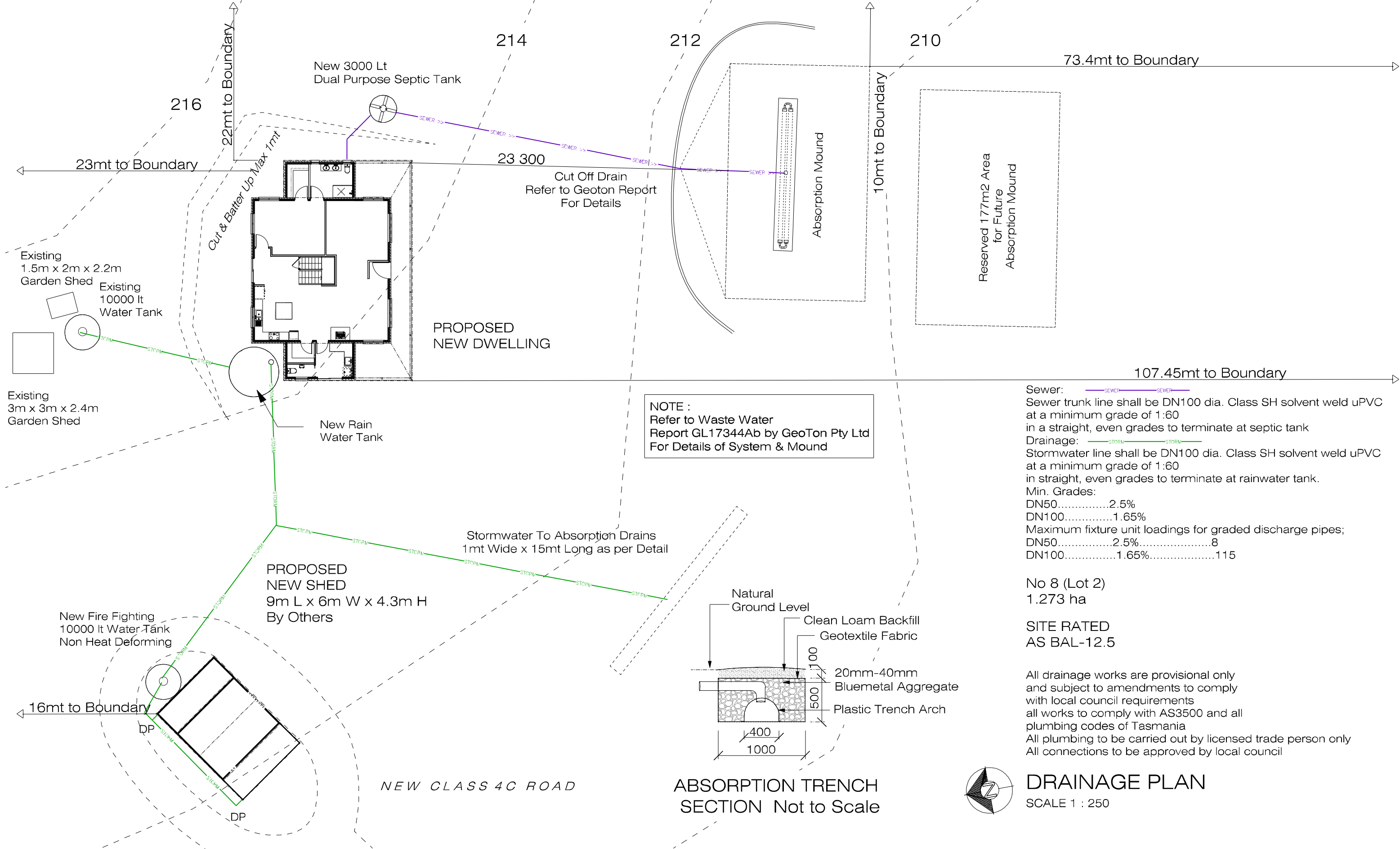
1. W.C
2. Vanity basin
3. Shower
4. Kitchen sink
5. Hand Basin
6. Laundry trough

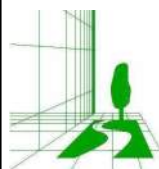
FW Floor waste  
DP. Downpipe

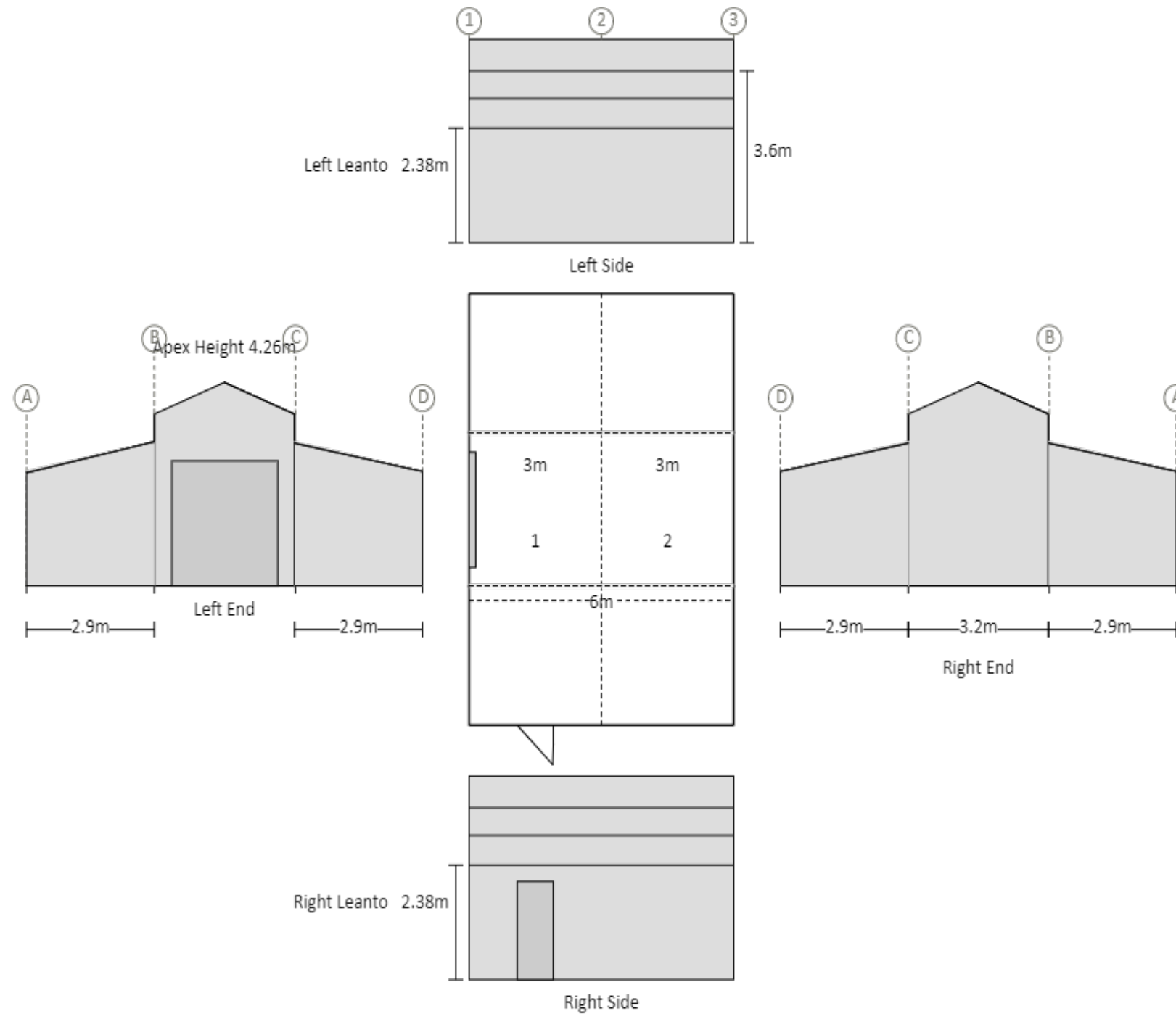


Drawn By : Nicholas Fitsialos 40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Email: nfitsialos@plumbingplans.com.au Member Valley Council Ordinary Agenda 12 December 2017	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: 8 REID STREET WESTBURY 7303 Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor :136.94 m2 Dwelling Upper Floor : 72.03 m2 Dwelling Verandah : 36.64 m2 New Shed : 54.00 m2 Existing Sheds : 12.00 m2 Dwelling TOTAL : 311.61 m2	NOTE: ALL DIMENSIONS AND LEVELS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTORS ARE TO SATISFY THEMSELVES THAT ALL WORK IS CLEAR OF EXISTING SERVICES, WHETHER SHOWN ON THE DRAWINGS OR NOT. SERVICES TO BE LOCATED SHALL BE DONE SO IN CONJUNCTION WITH RELATIVE AUTHORITIES.	CONSIDERABLE CARE HAS BEEN TAKEN TO AVOID ERRORS & OMISSIONS IN THE PREPARATION OF THESE DRAWINGS. HOWEVER EVEN WITH THE GREATEST CARE INACCURACIES MAY OCCUR & THE DRAFTSPERSON CANNOT ACCEPT RESPONSIBILITY FOR SUCH ERRORS OR OMISSIONS	SCALE AS SHOWN DO NOT SCALE OFF PLAN	Date:	Revision	
	Project: PROPOSED New Dwelling Existing Shed	Project Status: PLANNING ISSUE Date: 28/10/2017	Project No: RPB180917C	Page No : 09 of 10	Page 95				
	<b>C&amp;DS 2</b>								





Drawn By : Nicholas Fitsialos  40 Suburb Road WESTBURY 7303 Phone : 63 931 905 Fax : 63 931 921 Mobile: 0418 508538 BPA CC4789M ABN 24 545 273 Meander Valley Council Ordinary Agenda - 12 December 2017 Email: nfdesigner@yahoo.com.au	Name: <b>R.G. &amp; P.H. BOYD</b>	Location: <b>8 REID STREET          WESTBURY 7303</b> Volume: 170557 Folio: 2	Building Area : Dwelling Lower Floor : 136.94 m <sup>2</sup> Dwelling Upper Floor : 72.03 m <sup>2</sup> Dwelling Verandah : 36.64 m <sup>2</sup> New Shed : 54.00 m <sup>2</sup> Existing Sheds : 12.00 m <sup>2</sup> Dwelling TOTAL : 311.61 m <sup>2</sup>	<b>C&amp;DS 2</b>	SCALE AS SHOWN DO NOT SCALE OFF PLAN  Project No: RPB180917C  Page No : 10 of 10	Date:	Revision
	Project: PROPOSED New Dwelling Existing Shed & Shed By Others	Project Status: <b>PLANNING ISSUE</b> Date: 28/10/2017					
						Page 96	



Purchaser Name: Robin & Patricia Boyd

Site Address: 8 Reid Street WESTBURY TAS Australia 7303

Drawing # WSS172283 - 3

Print Date: 28/08/17

**Layout**  
**NOT FOR CONSTRUCTION**  
 © Copyright Steelx IP Pty Ltd

Seller: Wide Span Sheds  
 Steelx Pty Ltd  
 Phone: 07 5657 8888  
 Fax: 07 5657 8899  
 Email: admin@sheds.com.au

TNC ENGINEERING PTY LTD  
 ACN: 610 855 260  
 ME Aust. (Registered NER Structural & Civil) 2741240  
 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T : 225521ES;  
 Practising Professional Structural & Civil Engineer

Signature: *R. Nancarrow* R. Nancarrow Date: 28/08/17

**Justin Simons**

---

**From:** Shelley Bennic <shelley\_bennic@live.com>  
**Sent:** Monday, 20 November 2017 5:25 PM  
**To:** Planning @ Meander Valley Council  
**Subject:** Development for N Fitsialos- PA\18\0085, 8 Reid St east, Westbury

Dear General Manager

**RE: Development for N Fitsialos- PA\18\0085, 8 Reid St east, Westbury**

We refer to the above development application and wish to express concerns regarding the following:

1. Height of building- Main dwelling;  
We noted on the proposed plans for the main dwelling at 8 Reid St, the peak of the building will be 7.6m approx. and only 22 metres from our boundary, our dwelling at 16 Five Acre Row is situated close to our southern border hence the 2 storey proposed dwelling would be looking directly into our home and recreational area. We request they either change the dwelling to 1 storey building given the size of the block or if they would like to retain a 2 storey building, to move the dwelling further down the hill, closer to Reid St
2. The existing dwelling;  
The current dwelling on the property of 8 Reid St was built by the previous owners without any previous notification to us and is only 2 metres from our boundary. We understand this was a shack for the previous owners to live in whilst at the property and is not a shed. We would prefer this existing dwelling to be removed once the current owners dwellings have been built.
3. Current border fence;  
We had our property surveyed when we purchased the land, to ensure we knew where the correct borders were, unbeknownst to us, the previous owners of the sub divided block of 8 Reid St. placed a fence in the wrong position from our information provided to us by the surveyor. We communicated to the owner at the time, before he sold the current block, the fence should be 1 m further to the south, there fore placing the existing application and measurements in the incorrect place! We believe that the current owners should look into this ASAP prior to developing the site.

If you wish to discuss further any of the above points please Shelley on 0427 907 032.

Regards,

Shelley and Mark Bennic  
Owners of  
16 Five Acre Row  
Westbury

Regards

# **GOV 1 NOTICE OF MOTION – FREE CAMPING IN REGIONAL TOWNS – CR TANYA KING**

## **1) Introduction**

The purpose of this report is for Council to consider a Notice of Motion from Cr Tanya King that Council lobby the State Government to review the existing application of National Competition Principles to free camping on Council land in regional towns.

## **2) Background (Cr Tanya King)**

Following the Council decision to adopt the new policy- Camping in Council Reserves at the Ordinary Council Meeting November 2017, I have been contacted by a number of local business owners and residents expressing concern about the restrictions on low cost camping.

The overwhelming message is that the restrictions will have a negative impact on the local economy. A number of Westbury businesses have backed this message with a peaceful protest, placing posters in their shopfront windows stating that they *'support free camping in Westbury'*.

Council adopted the policy because there was a perception that it had to, in order to comply with the National Competition Principles and the direction of the economic regulator.

I would argue that current interpretation of the National Competition Principles in relation to low cost camping does not pass the 'pub test'. To put it another way, the detriment to Tasmanian tourism and small business in regional areas outweighs the issues of competitive neutrality.

It is becoming increasingly clear through feedback on social media that tourists visiting Tasmania see low cost camping on Council reserves and camping in private caravan parks as an integrated tourism product providing complementary services.

The feedback from tourists using Recreational Vehicles or caravans is that they will use both products, and in both cases will spend money in the town they are staying.

Dubbo City Council undertook a study during 2017 to determine the positive and negative impacts of the free camping and caravanning markets in the region, a key finding of this study was that;

*The majority of caravaners and campers are both free and paid travellers and very few are free only campers and very few are paid only campers. While estimates vary, the common perception is that approximately 20% of campers are free only, 20% are paid only, leaving 60% to do both to varying degrees.*

The current policy context does not reflect this pattern of choice and shift between camping products. At the moment it appears that the application of the National Competition Principles do not reflect the behaviour of the Tasmanian tourist market

For those reasons and the detrimental impact on local economies there is value in reviewing the application of the National Competition Principles in Tasmania.

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

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

- Future Direction (3) - Vibrant and engaged communities
- Future Direction (5) - Innovative leadership and community governance

### **4) Policy Implications**

Not applicable.

### **5) Statutory Requirements**

Not applicable.

### **6) Risk Management**

Not applicable.

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

If the motion is support, Council will engage with the State Government.



## 8) Community Consultation

Following the adoption of Council's Policy – Camping in Council Reserves a number of local businesses, campers and community members have contacted Council to express their concerns about the impact of the policy on the local economy.

## 9) Financial Impact

Not applicable.

## 10) Alternative Options

Council can elect not to support, or amend, the recommendation

## 11) Officers Comments

Council officers have raised the matter of free camping with the Local Government Association Tasmania (LGAT) and it has been included as strategic issue on the agenda for the next Premiers Local Government Committee in December.

**AUTHOR:** Martin Gill  
GENERAL MANAGER

## 12) Recommendation (Cr Tanya King)

***It is recommended that Council -***

- a. Write to the State Government, in particular the Minister and Shadow Minister for Local Government and the Minister and Shadow Minister for Tourism, seeking a review of the existing application of National Competition Principles to free camping on Council land in regional towns.***
- b. Submit a motion to Local Government Association Tasmania (LGAT) for inclusion at the General Meeting 2 March 2018 seeking sectorial support for the review.***

## **DECISION:**

## **GOV 2 NOTICE OF MOTION - EXPRESSION OF INTEREST FOR A NORTHERN CORRECTIONAL CENTRE TO BE CONSTRUCTED ADJACENT TO ASHLEY DETENTION CENTRE – CR IAN MACKENZIE**

### **1) Introduction**

The purpose of this report is for Council to consider a Notice of Motion from Cr Ian Mackenzie that Council write to the government to express their interest in working with all levels of government to establish a Northern Correctional Centre next to Ashley Youth Detention Centre (AYDC).

### **2) Background (Cr Ian Mackenzie)**

In 2016 I moved a motion in support of the Ashley Staff. On Tuesday 17 October 2017 Mr G Hall MLC for McIntyre moved the following motion in the upper house of the Tasmanian Parliament;

*That the Legislative Council urges the Tasmanian Government to consider the building of a Northern Correctional Centre for the state, in order to address the following:*

- *Risdon prison is currently operating at close to capacity;*
- *There are limited facilities for holding people who are on remand in custody, particularly in the north of the state;*
- *The management, including the separation of the various prisoners and detainees due to rivalries and conflicts, is difficult given the limited correctional facilities and options within those facilities;*
- *There is currently a lack of 'equity' in regard to visitations for prisoners and detainees (those persons who are still awaiting trial or hearings), from the north and north-west, as many have a 4-6 hour round trip to travel to Hobart for visitations; and*

- *The need for increased correctional accommodation will be required if the prison population, including detainees on remand, continues to increase.*

I would also like to add that I see this as being supportive of the AYDC staff who could be shared across both centres in particularly administration staff and correctional / youth workers.

Additional employment would be a benefit for our Municipal area.

### **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

### **4) Policy Implications**

Not applicable.

### **5) Statutory Requirements**

Not applicable.

### **6) Risk Management**

Not applicable.

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

Not applicable.

### **8) Community Consultation**

Not applicable.

### **9) Financial Impact**

Not applicable

## **10) Alternative Options**

Council can elect to not support the recommendation.

## **11) Officers Comments**

If State Government does progress to commence an investigation into locating a correctional facility in the north of the state, the site of the Ashley Youth Detention Centre should be included.

Making contact with the State Government will ensure that Council is included in any discussion about locating a facility in Meander Valley.

**AUTHOR:** Martin Gill  
GENERAL MANAGER

## **12) Recommendation (Cr Ian Mackenzie)**

***It is recommended that Meander Valley Council write to the state Government to express interest for a Northern Correctional Centre to be built next to Ashley Detention Centre.***

## **DECISION:**

## **GOV 3 PETITION – WESTBURY RECREATION GROUND**

### **1) Introduction**

The purpose of this report is for Council to determine if it will hold a public meeting in response to the request set out in the petition tabled at Ordinary Council Meeting November 2017.

### **2) Background**

At the Ordinary Council Meeting September 2017 Council made the following resolution;

#### ***That Council:***

- 1. Approves new capital works funding of the amount up to \$5m to be drawn from Council cash reserves, so as to enable construction of a new Westbury Recreation Ground sports pavilion incorporating second level multipurpose function Centre as per concept design Attachment A, and in so doing demolish the existing sports pavilion on the same site (footprint).***
- 2. Appoint Councillors Mackenzie, Synfield and Richardson and Director Infrastructure Services to oversee project development supported by Council's Property Management Officer and Parks Project Officer.***
- 3. Design development to be undertaken in-house as far as possible.***
- 4. Where possible utilise the building skills of competent and qualified local trades persons.***

Prior to the November Ordinary Council meeting council received a petition with 487 signatories. The petition included the following statement:

***Under the provisions of the Section 59 of the Local Government Act 1993 the signatories request that Meander Valley Council hold a public meeting regarding the Council decision to use \$5 million from Council's cash reserve to construct a new building at the Westbury Recreation Ground.***



***Conversations amongst the public following the decision of Council to spend these funds indicate that the proposal is not supported by the wider community.***

***The community and existing user groups originally asked for an upgrade of the existing facilities. Council's decision does not appear to represent and promote the interests of the community. The financial impact on ratepayers is starting to become apparent and Council needs to be accountable to the community.***

The Local Government Act 1993 (Act) sets out how Council will deal with the petition. For the purposes of this report and Council consideration of the petition the following sections of the Act are relevant.

*Section 60(2)*

*Within 42 days after the tabling of the petition:*

- (a) the general manager is to advise the council at a council meeting whether the petition complies with section 59 , if applicable; and*
- (b) the council, at that meeting, is to determine any action to be taken in respect of the petition.*

With respect to part (a), Section 59 of the Act states that Council must hold a public meeting if the petition is signed by at least 5% of the electors in Meander Valley or 1,000 of those electors.

The petition tabled at the Ordinary Council meeting in November contained 487 signatures. This is less than 5% of the electors.

Part (b) will be dealt with in the decision of Council when it considers the recommendation in this report.

Despite the petition not complying with part (a) of Section 59 of the Act, under the provisions of Section 60(3) Council can still resolve to hold a public meeting to discuss the '*subject matter of the petition*'.

Section 60A describes the process for holding a public meeting and providing an opportunity for people to make submissions.

Council discussed the petition and the progress of the design development process for the multipurpose function centre at the Council workshop held on 5 December 2017.

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

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

- Future Direction (5): Innovative leadership and community governance
- Future Direction (6): Planned Infrastructure

### **4) Policy Implications**

Not applicable.

### **5) Statutory Requirements**

Sections 57, 59 & 60 of the Local Government Act 1993

### **6) Risk Management**

Any decision regarding Council's response to the petition should be made having considered reputational risk and the role of Council described in Section 20(2) of the Act which states that:

***In performing its functions, a council is to consult, involve and be accountable to the community.***

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

Not applicable.

### **8) Community Consultation**

The petition calls for additional community consultation.

### **9) Financial Impact**

Not applicable.

## **10) Alternative Options**

Council can elect to not support or amend the recommendation.

## **11) Officers Comments**

The decision of Council to allocate new capital works funding of the amount up to \$5 million to enable construction of a new Westbury Recreation Ground sports pavilion has generated public interest and a level of concern among the Meander Valley community.

A public meeting would provide an opportunity for Council to hear these concerns and to respond to some of the matters raised in the petition, in particular:

- Financial impact on ratepayers
- Representation and promotion of community interest including the current user groups
- The extent of upgrade to existing facilities

**AUTHOR:** Martin Gill  
GENERAL MANAGER

## **12) Recommendation**

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

- 1. Note that the subject matter of the petition was community concern about the Council decision to use \$5 million from Council's cash reserve to construct a multi-purpose function centre at the Westbury Recreation Ground.***
- 2. Note that the petition contained 487 signatories***
- 3. Resolves, under the Provisions of 60(f) of the Local Government Act 1993, to hold a public meeting to discuss the proposed development at the Westbury Recreation Ground on 8 February 2018.***

## **DECISION:**

## **GOV 4      SPECIAL COMMITTEES OF COUNCIL**

### **1) Introduction**

The purpose of this report is to formalise the annual appointment of members of Special Committees of Council.

### **2) Background**

Council has a number of special hall and recreation ground committees together with the Deloraine and Westbury Community Car Committees, Natural Resource Management Committee, the Townscape, Reserves & Parks Committee and the Sustainable Environment Committee.

Each year it is necessary to formalise the appointment of members of all Special Committees as member representation changes.

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

Council has a program objective under Section 1.1 of the Annual Plan to ensure compliance with legislative requirements.

### **4) Policy Implications**

Not applicable.

### **5) Statutory Requirements**

Section 24(2) of the Local Government Act 1993

### **6) Risk Management**

All Special Committees of Council operate under a signed Memorandum of Understanding with Council which outlines the ongoing arrangements for the effective management of the respective Council owned properties. Each individual member of every Special Committee of Council has completed a Member Information Sheet for insurance purposes.

### **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 updated membership list is obtained from each Special Committee following their Annual General meetings.

**AUTHOR:** Martin Gill  
**GENERAL MANAGER**

## 12) Recommendation

***It is recommended that Council formalise the appointment of the following Special Committee members as required by Section 24(2) of the Local Government Act 1993:***

<b>Special Committee</b>	<b>Members</b>
<b><i>Birralee Memorial Hall Committee:</i></b>	Esther Blackberry, M Dewsbery, L Brient, D Hall, G Blackberry, D Arnold, Ernest Blackberry, Esther Blackberry, L Blackberry, N Hall, F Camino, Jon Herbert
<b><i>Bracknell Public Hall and Recreation Ground Committee:</i></b>	Stephen Jones, S Cousens, C Spencer, R Leonard, Sharmaine Jones, N Jones, C Jones, A Cousens, E Preece, E Leonard, Merrilyn Shelton, M Shelton, I Mackenzie, B Shelton, O Shelton, L Richardson
<b><i>Carrick Community Committee:</i></b>	E Strickland, D Keygan, R Shean, D Williams, J Cunningham, R Williams, S Stevenson, B Stevenson, N Trower, C Blackwell, R Renault



<b><i>Caveside Recreation Committee:</i></b>	K Howe, Kelvin Haberle, Katy Haberle, M Manners, C Robertson, T Robertson, R Linger, C Linger, S Manners, N Doyle, R Stafford, Z Crowden, J Robertson, C Doyle, M Crowden, G Robertson, A Crowden, C Capper, G Capper, M Howe, D Rollins, M Rollins, Bradley Harris, Bob Hedger
<b><i>Chudleigh Memorial Hall Committee:</i></b>	J Lamont, D Crowden, N Ritchie, W Richardson, Leon Philpott, T Pickett, S Crowden, M Cameron, M Wilson, D Philpott, A Cameron, M-L Haberle, P Philpott, B Motton, Michael Smith, Louise Middleton, P Hickman, L Erther, N Clarke
<b><i>Dairy Plains Memorial Hall Committee:</i></b>	N Atkins, K Atkins, A Atkins, R Atkins, G Atkins, B Atkins, M Atkins, A Rathjen, V Terry
<b><i>Deloraine Community Car Committee:</i></b>	R Axelsen, M Young, S Keegan, K Earley, R Roles, C Fowler, L Wadley, M Christie
<b><i>Meander Hall and Recreation Ground Committee:</i></b>	J John, S Johnston, S Saltmarsh, N Chilcott, A Costello, C Chilcott, T Buttery, A Berne, N Johnston, D Chilcott, K Bird, A Gear, S Jones, H Smith
<b><i>Mole Creek Memorial Hall Committee:</i></b>	B Walters, M Martin, D Walters, K Philpott, K Lane, K Green, P Lane, E Gale, M Philpott, S Wilks, D Stewart, D Youd, R Larcher, L Stephens, R Quick
<b><i>Rosevale Memorial Hall and Recreation Ground Committee:</i></b>	G Cuthbertson, C Davson-Galle, K Best, M Eddington, R Millwood, W Cuthbertson, R Hardwicke, T Reed, J Rowlands, G Smith, B Tatnell
<b><i>Selbourne Memorial Hall Committee:</i></b>	D Eyles, M Heazlewood, G Eyles, J French, D French, M Brown, M Hills, T Hills, N Reed, A Reed, P Brown, J Brown, J Eyles, P Eyles, A Batterham
<b><i>Weegen Hall Committee:</i></b>	G Swinsburg, T Dawkins, J Hawley, S Harvey, S Roberts, A Lindsay, J Buck, M Lindsay, F Robinson, R Buck, C Roberts, L Norton, K Sheldon, P Mackay, C Gard, R Thomas, C Norton, A Robinson, M Webster, M Sheldon, M Graves, L Pittard, A LeFevre, J Lindsay, B Lindsay,

	G Lindsay, J Spicer
<b>Westbury Community Car Committee:</b>	C Blazely, E Blackley, E Carter, R Travis, Shirley Bott, K Hewlett, W Jarman, D Pyke
<b>Westbury Recreation Ground Management Committee:</b>	S West, G Claxton, L Brient, K Pitt, K Garwood, D Jarvis, R Reinmuth, Colin King, K Lattin, R Poulton
<b>Westbury &amp; Districts Historical Society</b>	J Starr-Thomas, V Greenhill, A Witherden, M Cameron, S West, K Treloggen, S Badcock, D Murray, A Barber, A Taylor, P Swain, S Manners, P Mantanle, B Greenhill, A Manners,
<b>Whitemore Recreation Ground Committee:</b>	K Pitt, B Pearn, K Johns, E Shaw, S Pearn, S French, M Cresswell, M Dent, Kym Hingston, N Hingston, R Johns
<b>Natural Resource Management Committee</b>	S Brownlea, D Bower, J Bell, G Neill, M Bennett, T Schmidt. A Baldwin, R Buck, Lynette While, Cr Rodney Synfield, A Whiteley
<b>Townscape, Reserves and Parks Committee</b>	Cr A Connor, Cr R Synfield, I Knight, Cr J Temple, D Fitzgerald, C Chilcott, L Catchlove, G Bartley, N Szczyglowska, Scott Wilson, D De Paoli, M Millwood
<b>Sustainable Environment Committee</b>	S Brownlea, L While, K Eade, I Howard, Cr T King, Sean Manners, C Plaisted, Cr B Richardson, Cr D White

## DECISION:

# **INFRA 1 AMENDMENT 2/2017 - MEANDER VALLEY INTERIM PLANNING SCHEME 2013 – REZONING AND SUBDIVISION – MACE STREET AND BORDIN STREET, PROSPECT VALE**

## **1) Introduction**

The purpose of this report is to amend the Meander Valley Interim Planning Scheme 2013 to reflect the relocation of the former Mace Street Reserve to a new location off Bordin Street, Prospect Vale. The amendment includes:

- rezoning of land located at 7 Mace Street, Prospect Vale (CT: 8204/17) from Open Space Zone to General Residential Zone; and
- rezoning of land off Bordin Street, Prospect Vale (CT:172720/31) from General Residential Zone to Open Space Zone.

The application also includes a subdivision proposal to divide the land at 7 Mace Street, incorporating land off Nanke Court (CT: 172720/102), into two lots suitable for residential use and development. The titles subject to the application are all currently owned by Council.

## **2) Background**

The existing reserve at 7 Mace Street has historically been underutilised due to deficiencies in the design and location of the park. These deficiencies include a lack of connectivity to walking and cycling networks and inadequate opportunities for passive surveillance resulting in complaints of anti-social behaviour.

Council has taken steps to acquire a parcel of land located nearby with frontage to Bordin Street, which offers greater public visibility, opportunity for passive surveillance and greater connectivity to both Bordin Street and Nanke Court. Work has already commenced on the construction of a new playground at this new public open space.

In the regular meeting of December 2014, Council approved a motion to divest 7 Mace Street, Prospect Vale. It is recognised that the current Open Space zoning of the land prohibits residential forms of use and development and severely limits the use of the property. Subdivision of the land will create land parcels of a size which is consistent with the

surrounding residential properties and revenue from the sale will assist to cover the costs of the open space relocation.

Rezoning the new open space off Bordin Street from General Residential Zone to Open Space Zone will reflect the use of the space as a public reserve and provides certainty that the land will continue this function into the future.

### **Statutory Timeframes**

Decision – Initiation and Certification:	Tuesday 12 December 2017
Advertising:	Saturday 16 December 2017 and Saturday 23 December 2017
Closing date for representations:	Monday 22 January 2018

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

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

- Future Direction (1) - A sustainable natural and built environment
- Future Direction (2) - A thriving local economy
- Future Direction (4) - A healthy and safe community
- Future Direction (6) -Planned infrastructure services

### **4) Policy Implications**

Not applicable.

### **5) Statutory Requirements**

Amendments to the Land Use Planning and Approvals Act 1993 (LUPAA), to establish the Tasmanian Planning Scheme, were gazetted on 17 December 2015. The State Planning Provisions have been made by the Minister and came into effect on 2 March 2017. However, the provisions of the Tasmanian Planning Scheme do not come into operational effect until such time as Council completes its Local Provisions Schedule and the Minister makes the planning scheme.

In the interim, the process for the consideration of planning scheme amendments continues in accordance with LUPAA as it was written prior to the 17 December 2015. These provisions are defined as the 'former

provisions' in Schedule 6 – Savings and Transitional Provisions in the amended LUPAA.

Under Sections 34(1)(b) and 35 of LUPAA, Council may, of its own motion, initiate and certify a draft amendment to the planning scheme.

In certifying a draft amendment to the planning scheme, Council must be satisfied that the amendment is in accordance with Sections 32 and 30(O) of the Act. To do this Council must:

- describe the site and the surrounding uses;
- provide a full description of the proposed rezoning of land and any provisions to be inserted into the Scheme;
- be satisfied that the amendment is supported by strategy;
- demonstrate that the amendment does not revoke or amend overriding local provisions or common provision of the Scheme;
- determine that the proposal is in accordance with the State Policies made under section 11 of the State Policies and Projects Act 1993;
- establish that the proposal is in accordance with the Regional Land Use Strategy of Northern Tasmania;
- demonstrate that the amendment furthers the objectives set out in Schedule 1 of the Act; and
- consider the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

Upon initiation and certification of the draft amendment, Council is required to forward the amendment to the Tasmanian Planning Commission (the Commission), who will assess the proposal and determine whether to approve or reject the draft amendment. The Commission may also request additional information.

## **6) Risk Management**

Risk is managed through the appropriate consideration of future development controls for the General Residential and Open Space Zones.

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

Upon initiation and certification of the amendment and determination of the permit, Council is required to refer the amendment and development to Taswater.



## 8) Community Consultation

Public notification is a part of this process, whereby upon initiation and certification of an amendment, Council is required to advertise the amendment in two Saturday newspapers and provide for public comment for a period of 28 days, plus any days that the Council office is closed over the Christmas period. Council must consider any public representations and provide a report to the Commission, who may hold hearings into representations received prior to making a decision on the amendment.

It is also noted that Council has previously undertaken public consultation under the Local Government Act prior to the decision to divest 7 Mace Street, which returned a favourable response to the closure of the Mace Street Reserve.

## 9) Financial Impact

The amendment and subdivision will facilitate the sale of the land to offset the costs of purchasing the land for the alternate open space area on Bordin Street.

## 10) Alternative Options

Council can modify the amendment or not initiate the amendment.

## 11) Officers Comments

The report included as Attachment A - **Combined Draft Planning Scheme Amendment - Rezoning and Subdivision**, describes the amendment in detail and addresses the requirements of the Land Use Planning & Approvals Act 1993. The report is the principal document for Council's consideration of the amendment.

The draft amendment complies with requirements of the Act.

**AUTHOR:** Jo Oliver  
SENIOR STRATEGIC PLANNER

## 12) Recommendation

**Pursuant to Sections 33(3) and 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, the following amendments to the Meander Valley Interim Planning Scheme 2013 are initiated and**

in accordance with Section 35, are initiated and certified as being in accordance with Sections 30(O) and 32 of the Act:

- a) Rezone Certificate of Title 8204/17 from Open Space Zone to the General Residential Zone;
- b) Rezone Certificate of Title 172720/31 from General Residential Zone to the Open Space Zone;

and

**Pursuant to Section 43C. of the former provisions of the Land Use Planning and Approvals Act 1993 and the Meander Valley Interim Planning Scheme 2013, approve the application for Use and Development for Subdivision on land located at 7 Mace Street, Prospect Vale (CT: 8204/17) and land off Nanke Court (CT: 172720/102), generally in accordance with the endorsed plan and subject to the following conditions:**

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
  - a) Such covenants or controls are expressly authorised by the terms of this permit; or
  - b) Such covenants or similar controls are expressly authorised by the consent in writing of Council.
  - c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.
- 2. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:**
  - a) A Stormwater connection is to be installed to the existing reticulated stormwater system, to the satisfaction of Council's Plumbing Surveyor.
- 3. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No *INSERT NUMBER* attached)**

**Notes:**

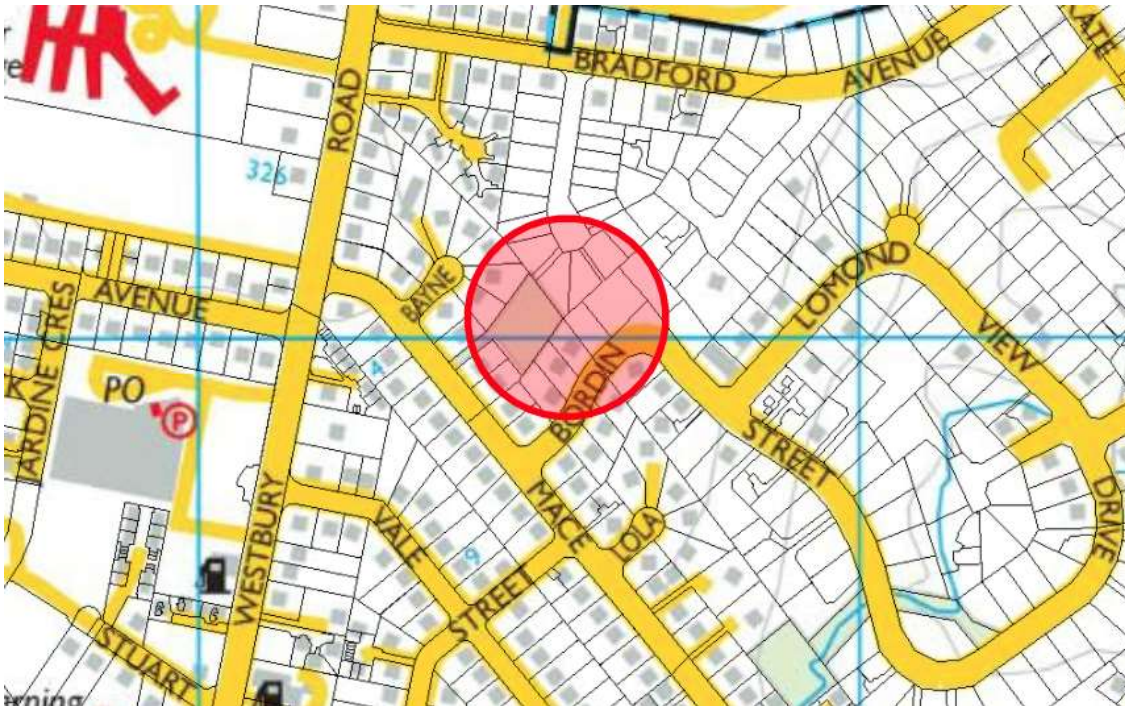
1. *Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.*
2. *This permit does not imply that any other approval required under any other by-law or legislation has been granted.*
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. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.*
7. *In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.*

8. *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:**

# Combined Draft Planning Scheme Amendment - Rezoning and Subdivision

## 7 Mace Street and Bordin Street, Prospect Vale



### Section 43A Application

### For Meander Valley Council



<b>Issue</b>	01
<b>Date</b>	4 December 2017
<b>Project Number</b>	17.335
<b>Project Name</b>	Section 43A Application, Prospect Vale
<b>Author</b>	George Walker
<b>Document</b>	

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**INFRA 1**

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## Executive Summary

**6ty° Pty Ltd** acts on behalf of **Meander Valley Council** (the Council) for the purposes of preparing and assessing a draft amendment to the Meander Valley Interim Planning Scheme 2013 (the Scheme) and to provide a recommendation with respect to whether the draft amendment be initiated. The proposed amendment seeks to:

1. rezone land located at 7 Mace Street identified by CT 8204/17 from Open Space to General Residential; and
2. rezone land located off Bordin Street identified by CT 172720/31 from General Residential to Open Space.

In addition, the application is seeking to subdivide the land located at 7 Mace Street into two lots to accommodate residential use which would not be allowed if the Scheme is not amended as requested. Accordingly, the application is made pursuant to section 43A of the *Land Use Planning and Approvals Act 1993* (the Act).

This planning submission forms the basis of the application and has been prepared taking into account the requirements of the Act, relevant strategic documents and relevant provisions of the Scheme. It is submitted that the application for a combined amendment to the Scheme and permit is either consistent, or directly complies with all applicable sections of the Act and Scheme as outlined within the ensuing report.

## Note

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*. Parts 2A and 3 of the **former provisions** remain in force until a Local Provisions Schedule comes into effect for the municipal area.



## 1.0 Introduction

It is proposed to amend the Scheme by:

1. rezoning land located at 7 Mace Street identified by CT 8204/17 from Open Space to General Residential; and
2. rezoning land located off Bordin Street identified by CT 172720/31 from General Residential to Open Space.

In addition, the application is seeking to subdivide the land located at 7 Mace Street into two lots to accommodate residential use which would not be allowed if the Scheme is not amended as requested.

The planning submission has been prepared to:

- provide the rationale for the draft amendment;
- provide a full description of the proposed use and development;
- detail the site and the surrounding uses;
- demonstrate that the application can further the objectives set out in Schedule 1 of the Act;
- determine that the proposal is in accordance with the State Policies;
- establish that the proposal is in accordance with the Northern Regional Land Use Strategy 2016 (Version 5.0);
- demonstrate that the proposal is outside of the area regulated by the *Gas Pipelines Act 2000*;
- make evident that this proposal does not conflict with uses on adjoining land; and
- establish that the proposed subdivision complies with applicable provisions of the relevant provisions of the Scheme.

### 1.1 Application Overview

Element	Overview	
<b>Legislative Instrument</b>	<i>Land Use Planning and Approvals Act 1993</i>	
<b>Planning Instrument</b>	<i>Meander Valley Interim Planning Scheme 2013</i>	
<b>Address</b>	<i>7 Mace Street, Prospect Vale</i>	<i>Bordin Street, Prospect Vale</i>
<b>CT</b>	<i>8204/17</i>	<i>172720/31</i>
<b>PID</b>	<i>7025980</i>	<i>3491669</i>
<b>Land Area</b>	<i>2,487m<sup>2</sup></i>	<i>1,433m<sup>2</sup></i>
<b>Current Zone</b>	<i>19.0 - Open Space</i>	<i>10.0 - General Residential</i>
<b>Proposed Zone</b>	<i>10.0 - General Residential</i>	<i>19.0 - Open Space</i>

<b>Proposed Use</b>	<i>Residential - single dwelling</i>	<i>Passive Recreation</i>
<b>Use Status</b>	<i>No Permit Required</i>	<i>No Permit Required</i>

## 1.2 Requirements of the Act

The Act sets out specific matters that a draft amendment is required to demonstrate compliance and consistency with in order for a planning authority to be satisfied to initiate the draft amendment.

The following table outlines the key sections of the Act and the requirements within each section that the draft amendment needs to address.

<b>Section</b>	<b>Requirement</b>
20(1)	<p>Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section. Specifically, this section requires a planning scheme to:</p> <ul style="list-style-type: none"> <li>a) seek to further the objectives in Schedule 1 of the Act;</li> <li>b) prepare the scheme in accordance with State Policies made under section 11 of the <i>State Policies and Projects Act 1993</i>; and</li> <li>c) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the <i>Local Government Act 1993</i> as adopted by the council at the time the planning scheme is prepared; and</li> <li>d) have regard to the safety requirements set out in the standards prescribed under the <i>Gas Pipelines Act 2000</i>.</li> </ul>
32(1)(e)	An amendment to a planning scheme must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
32(1)(ea)	<p>An amendment to a planning scheme must not conflict with the requirements of section 30O of the Act which specifies the following:</p> <ul style="list-style-type: none"> <li>- <b>30O (1):</b> an amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area;</li> <li>- <b>30O (2):</b> an amendment to a planning scheme may only be made if: <ul style="list-style-type: none"> <li>a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision;</li> <li>b) the amendment does not revoke or amend an overriding local provision; and</li> </ul> </li> </ul>

	<p>c) the amendment would not create a conflicting local provision.</p> <ul style="list-style-type: none"> <li>- <b>300 (3):</b> an amendment may only be made to a local provision if:             <ul style="list-style-type: none"> <li>a) the amendment is to the effect that a common provision is not to apply to an area of land;</li> <li>b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</li> </ul> </li> <li>- <b>300 (4):</b> an amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme; and</li> <li>- <b>300 (5):</b> an amendment to a planning scheme may be made if the amendment consists of:             <ul style="list-style-type: none"> <li>a) taking an optional common provision out of the scheme; or</li> <li>b) taking the provision out of the scheme and replacing it with another optional common provision.</li> </ul> </li> </ul>
32(1)(f)	<p>An amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</p>
43(c)	<p>An amendment to a planning scheme must:</p> <ul style="list-style-type: none"> <li>a) seek to further the objectives set out in Schedule 1 of the Act; and</li> <li>b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application.</li> </ul>

## 2.0 Subject Property(s) and Surrounding Area

### 2.1 Mace Street Property

The property located at 7 Mace Street is an internal lot approximately 2,487m<sup>2</sup> in area and is located on the north-eastern side of Mace Street between the intersections of Bayne Place to the north-west and Bordin Street to the south-east (refer to Image 1).



**Image 1 – aerial view of 7 Mace Street, Prospect Vale identified by the red border (Source: The LIST).**

The property is zoned Open Space in accordance with the Scheme which reflects its use as a local neighborhood park known as the Mace Street Reserve. Primary access to the property is from an access strip which is approximately 36.6m in length and 7.6m in width. There is an existing crossover at the Mace Street frontage where bollards restrict vehicles from entering the reserve (refer to Image 2).





**Image 2 - existing access to the property from Mace Street.**

A (primarily) pedestrian gravel track extends from Mace Street along the access strip and forms a loop within the body of the reserve around a solitary tree and a small rectangular space that previously contained play equipment (refer to Image 3).



**Image 3 - body of the Mace Street Reserve including the solitary tree and adjacent space previously containing play equipment.**

The body of the reserve currently comprises a central grassed area which contains the solitary tree and previous playground area. The grassed area continues on the outer edge of the gravel track extending to the perimeter of the property which is lined with a mixture of native and introduced trees and shrubs of varying health and maturity (refer to Images 4 and 5).





**Image 4 - body of the Mace Street Reserve looking south-west.**



**Image 5 - body of the Mace Street Reserve looking north-west.**

The property is enclosed by General Residential zoned land and shares a common boundary with 10 smaller lots which are established with residential dwellings. A minor access strip approximately 30m in length and 5m in width extends perpendicularly from the north-eastern corner of the lot to Nanke Court but does not currently provide through access. The access strip was acquired by Council during the subdivision of Nanke Court.

Whilst the reserve is still accessible to the public, it is proposed to close the reserve which is in the process of being transferred to the Bordin Street property which is under the ownership of Council, and subdivide the property into two internal lots which will accommodate future residential use following a successful draft scheme amendment process. It should be noted that the Mace Street Reserve land has been through the divestment of public land process in accordance with the relevant sections of the *Local Government Act 1993*.

## 2.2 Bordin Street Property

The property is located on the northern side of a corner of Bordin Street approximately 110m to the north-east of the Mace Street intersection. The property is predominately square in shape comprising an area of approximately 1,433m<sup>2</sup> and has a frontage with a width of approximately 39m onto Bordin Street to the south (refer to Image 6).



**Image 6 - aerial view of Bordin Street title, Prospect Vale identified by the red border and the section of the Bordin Street road reserve identified by the green shading and border (Source: The LIST).**

The property is zoned General Residential in accordance with the Scheme and forms part of a recent subdivision which created Nanke Court to the north-west where it was identified as a suitable location for a public park at the time of the Nanke Court subdivision. Subsequently, the park is currently under construction and will serve as the primary open space area for Nanke Court and the northern ends of Mace Street and Bordin Street following the formal closure of the existing Mace Street Reserve (refer to Image 7). The new public park will also include a portion of land approximately 430m<sup>2</sup> in area between the southern property boundary and the footpath adjacent to the Bordin Street road pavement which is identified within Image 6.





**Image 7 - Bordin Street property with play equipment and landscaping under construction.**

A pedestrian access strip approximately 30m in length and 3m in width extends perpendicularly from the north-western boundary of the property and the end of the Nanke Court cul-de-sac turning bulb (refer to Image 8). The property is enclosed by General Residential zoned land and shares a common boundary with four smaller residential lots.



**Image 8 - pedestrian link between the property and Nanke Court.**

### 2.3 Character of Surrounding Area

Both properties are located within a large residential area of Prospect Vale which is bound by Westbury Road to the west, Prospect High School to the north, Kate Reed Reserve to the north-east, Bass Highway to the south and the Prospect Vale light industrial precinct to the south-west. This area comprises predominately standard rectangular residential lots which support single dwellings which are interspersed with multiple dwelling use and development and local parks.

## 2.4 Road Access and Services

Each property has frontage to a road which provides adequate vehicular and pedestrian access.

## 2.5 Environmental Hazards and Constraints

The following section provides an investigation into potential environmental hazards and constraints for each property.

### 2.5.1 Landslide Hazard

The properties are not identified as being subject to landslide hazard as depicted by the overlay maps within the Scheme. Accordingly, the subject site is free from landslide hazards.

### 2.5.2 Bushfire Hazard

The properties are not located within a bushfire prone area as defined by the Scheme. Accordingly, the subject properties are free from direct bushfire hazards.

### 2.5.3 Flora and Fauna

The subject site is located within an established urban area of Prospect Vale and has been highly modified overtime. The land is clear of significant vegetation, with the exception of the scattered vegetation within the property located at 7 Mace Street. TASVEG 3.0 mapping identifies the land as a mixture of FUR (urban areas) and FUM (extra-urban miscellaneous) classifications which are not identified as significant habitat.

### 2.5.4 Scenic and Landscape Value

Both properties are relatively flat and are not prominent within the urban landscape being surrounded by residential development. Overall, the properties are not located within an area that contributes to significant scenic or landscape values within the surrounding area.

### 2.5.5 Salinity

The properties are subject to the Urban Salinity mapping of the Scheme. However, the proposed development is exempt from the code pursuant to Clause E15.4(b) on the basis that the subdivision involves less than three lots.

### 2.5.6 Waterways

The properties are not located within the vicinity of significant natural watercourses.

## 3.0 Proposed Subdivision

### 3.1 Lot Configuration

It is proposed to subdivide 7 Mace street into two internal lots. Proposed Lot 1 will have an area of approximately 1,265m<sup>2</sup> and will incorporate the existing access strip off Nanke Court which is identified by CT 172720/102 by way of consolidation. Proposed Lot 2 will have an area of approximately 1,400m<sup>2</sup> and will incorporate the

existing access strip off Mace Street. A plan of subdivision is contained within **Appendix B**.

### 3.2 Infrastructure Services

Proposed Lot 1 has existing connections to water, sewerage and stormwater which were installed during the construction of the Nanke Court subdivision. There are sewerage and water mains running along Mace Street which proposed Lot 2 will be able to access. A stormwater main runs parallel with the south-western boundary of proposed Lot 2 which will be able to be accessed.



## 4.0 Draft Amendment - Rezoning

The following section provides an overview of the proposed rezoning and an assessment against the key requirements of the Act.

### 4.1 Rationale of Proposed Amendment

The tangible and intangible benefits of easily accessible local parks and open spaces within urban areas are well known in terms of providing spaces for active and passive recreation, social opportunities and amenity values. Well-functioning parks and open spaces are also able to attract a variety of residents and visitors to an area.

Contemporary design practices for urban parks and open space areas are well documented with key objectives and outcomes of these places including:

1. providing open spaces within safe and comfortable walking distances from dwellings;
2. connectivity to the broader neighbourhood walking and cycling network;
3. encouraging active recreation through the provision of useable spaces, play and exercise equipment;
4. creating pleasing and relaxing places through appropriate landscaping and maintaining spaces to a high standard;
5. promoting safety and amenity through passive surveillance and connectivity; and
6. providing for comfort and convenience through street furniture and accessibility.

Another key design tool which is being adopted when planning and designing public spaces is crime prevention through environmental design (CPTED). A key objective of CPTED with respect to locating and designing local parks and open spaces is the ability to promote passive surveillance which include the following methods:

- aligning long boundaries of parks and open spaces with streets;
- avoiding enclosed spaces;
- incorporating multiple entry and exit points;
- facilitating natural surveillance from nearby dwellings.

#### 4.1.1 Deficiencies of Mace Street Reserve

Key deficiencies of the Mace Street Reserve that have been identified with respect to the location and design of the park include a lack of connectivity to the broader walking and cycling network and inadequate opportunities for passive surveillance. The main body of the reserve is internal from Mace Street and is fully enclosed by residential dwellings. Sole access is provided from Mace Street via an access strip

which is approximately only has one entry and exit point off Mace Street which is approximately 36m in length. This configuration severely limits the ability for passive surveillance to be achieved from public spaces which diminishes the safety and amenity of the reserve. It is understood that Council has received a number of complaints from local residents in relation to anti-social behaviour occurring within the Mace Street Reserve due to the lack of passive surveillance which assists with substantiating the decision to transfer the location of the park.

Conversely, the Bordin Street property provides ample passive surveillance through the provision of a 39m frontage which provides unimpeded views from the property to the street. In addition, a combined pedestrian and cycle path links the property with Nanke Court to the north which enhances the connectivity throughout the local road network. Accordingly, a decision was made by Council to transfer the Mace Street Reserve to the Bordin Street property.

From a spatial perspective, the two properties are separated by a distance of approximately 20m (refer to Image 9). Accordingly, the proposed rezoning will not remove the provision of public open space from the local neighbourhood or substantially change its current location.



Image 9 – spatial context of the properties subject to the rezoning.

#### 4.1.2 Proposed Amendment

The proposed amendment for rezoning represents the swapping of land used for a local park from an area that is less suitable to an area that is more suitable. The proposed rezoning will facilitate the transfer of land in the following ways:

1. rezoning the Bordin Street property from General Residential to Open Space which will reflect the public ownership of the land and its use as a local park (refer to Figure 1 and 2); and

- 2. rezoning the Mace Street property from Open Space to General Residential to enable a two-lot subdivision for residential purposes (refer to Figure 1 and 2).

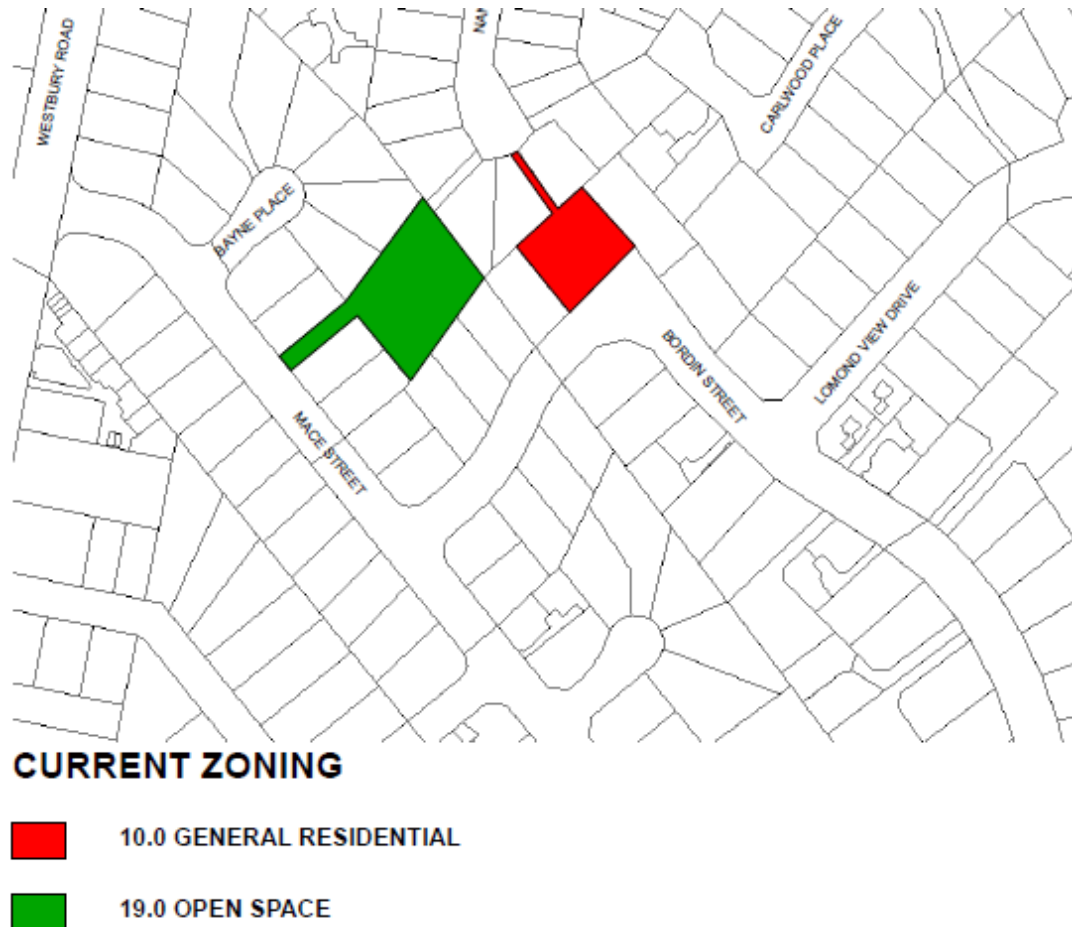


Figure 1 - current zoning of each property.

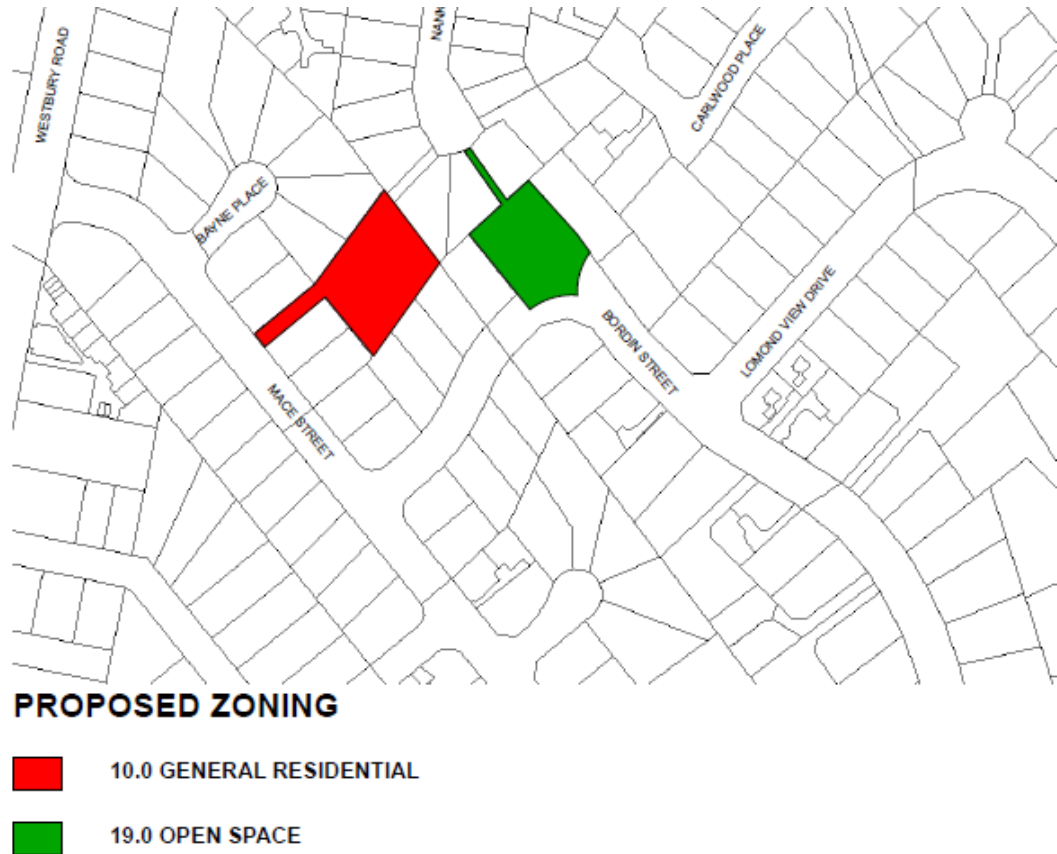


Figure 2 - proposed zoning of each property.

## 4.2 Objectives of Schedule 1 of the Act

Sections 20(1)(a) and 43(c)(a) of the Act require a planning scheme and an amendment to a planning scheme to seek to further the objectives set out in Schedule 1 of the Act. The following section provides an assessment of the proposed amendment against each objective.

### 4.2.1 Schedule 1 Part 1

- a) **To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.**

It is considered that the proposed rezoning promotes the sustainable development of Meander Valley’s physical resources by enabling the transfer of a public park from a less suitable location to more suitable location and enabling the existing Mace Street Reserve to be converted to residential purposes which is in keeping with the established use of the land immediately adjoining the property. The subject site does not contain any threatened flora or fauna species and does not contribute to significant ecological processes within the locality.

- b) **To provide for the fair, orderly and sustainable use and development of air, land and water.**

The General Residential zone will enable infill development to occur within a serviced urban area of Meander Valley. The proposed rezoning will represent

continuous and logical extension of the General Residential zone land that is located on the adjacent land to the Mace Street property. The rezoning of the Bordin Street property from General Residential to Open Space will directly support the function of the local residential neighbourhood.

**c) To encourage public involvement in resource management and planning.**

Should the draft amendment be initiated by Council, public involvement will be achieved in accordance with the objective by virtue of the public exhibition period prescribed by section 38 of the Act. Members of the public are entitled to view the application and submit representations pursuant to section 39 of the Act.

**d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).**

If approved, the proposed subdivision enables two additional residential lots to be created within an established urban area. The proposed subdivision including the future development potential will directly stimulate economic development through the provision of additional housing lots which will have positive flow on effects within the community through the development and construction industry.

**e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry.**

The combined permit and amendment process directly involves the private sector, Meander Valley Council, the Tasmanian Planning Commission and the community by virtue of the public exhibition process to determine the merits of the proposal and to administer the legislative process.

#### 4.2.2 Schedule 1 Part 2

**a) To require sound strategic planning and co-ordinated action by State and local government.**

The combined permit and amendment proposal has been assessed against the relevant strategic documents that have been prepared under the auspices of Meander Valley Council as required by section 20(1) of the Act.

**b) To establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land.**

The combined permit and amendment proposal seeks to change the instrument that governs use and development of each property. It is considered that the proposed rezoning(s) will be appropriate for the locale in terms of allowing use and development that is directly compatible with the surrounding area.



- c) To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.**

The properties are located within an established urban area which has been highly modified overtime and fully developed with infrastructure and services. Accordingly, it is considered that the proposed amendment will provide for the efficient and sensible extension of the uses that will be compatible with surrounding use and development without compromising environmental or ecological values within the municipality.

- d) To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.**

The proposed Scheme amendment has been assessed against the relevant State Policies and land use strategies which consider environmental, social, economic and conservation priorities.

- e) To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.**

The combined permit and amendment process enables a proposed amendment to a planning scheme to be considered with an application for use and development on land that would not ordinarily be allowed if the planning scheme was not amended as requested. Accordingly, section 43A of the Act provides for a consolidated and coordinated approval process.

- f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.**

The proposed amendment and subsequent subdivision will facilitate additional residential use and development within an established urban environment. The new residential lots will be located within a walkable distance to public amenities and community facilities including schools and shopping centres. Furthermore, the relocated public park will improve the connectivity and passive surveillance of the space which will enhance the safety and amenity of the open space area.

- g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural values.**

There are no known local historic or aboriginal heritage values applicable to the site. Notwithstanding this, the provisions of the *Aboriginal Heritage Act 1976* will apply to any development of the subject site.

- h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.**

The subject site is located within a developed and serviceable urban area. New infrastructure will be constructed to connect into the existing services most notable for proposed Lot 2. It is not envisioned that the proposed amendment and any subsequent development will compromise the functionality and operation of public assets and facilities within the community.

**i) To provide a planning framework which fully considers land capability.**

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 on the basis that it is within an established urban area. Accordingly, this objective is not relevant to the proposed rezoning.

### 4.3 Meander Valley Council Community Strategic Plan 2014 to 2024

Section 20(1)(c) requires planning schemes to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20(1) of the Act.

The 4.3 Meander Valley Council Community Strategic Plan 2014 to 2024 (the Plan) is a key policy document overarching the Council which provides direction to the roles in which the Council undertakes the delivery of services in order to enhance and maintain the quality of life for residents in social, economic and environmental terms. The following section identifies the most relevant codes of the Plan and provides an assessment of how the proposed draft amendment responds to each strategic outcome of the code.

<b>Future Direction (1) – A sustainable natural and built environment.</b>	
<b>Code</b>	<b>Strategic Outcome</b>
1.1	<b>Contemporary planning supports and guides growth development across Meander Valley.</b>
	<p><b>Response</b></p> <p><i>The proposed combined permit and amendment process will be guided by current planning legislation.</i></p>
1.2	<b>Liveable townships, urban and rural areas across the local government area with individual character.</b>
	<p><b>Response</b></p> <p><i>The relocated public park will improve the connectivity and passive surveillance of the space which will enhance the safety and amenity of the open space area. This is expected to enhance the liveability of the local residential community.</i></p>
<b>Future Direction (2) – A thriving local economy.</b>	
2.3	<b>People are attracted to live in the townships, rural and urban areas of Meander Valley.</b>
	<p><b>Response</b></p> <p><i>Furthermore, the enhanced safety and amenity of the open space area is expected to contribute to the attractiveness of the local neighbourhood.</i></p>
<b>Future Direction (4) – A healthy and safe community.</b>	
4.2	<b>Infrastructure, facilities and programs encourage increased participation in all forms of active and passive recreation.</b>

	<p><b>Response</b></p> <p><i>The relocated public park is expected to encourage and promote increased usage by local residents by virtue of being within a more accessible and visible location which in turn enhances its safety and amenity value.</i></p>
<p><b>Future Direction (6) – Planned infrastructure services</b></p>	
<p><b>6.4</b></p>	<p><b>Open space, parklands, recreation facilities, cemeteries and public buildings are well utilised and maintained.</b></p>
	<p><i>The proposed rezoning will not result in a loss of local open space within the local residential neighbourhood.</i></p>

## 4.4 Northern Regional Land Use Strategy 2016 (Version 5.0)

Section 30O(1) of the Act specifies that an amendment may only be made to a local provision of a scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area. Accordingly, an assessment of the proposed rezoning and subdivision against the relevant sections of the Northern Regional Land Use Strategy 2016 (Version 5.0) is provided in the following section.

### 4.4.1 Overview of the RLUS

The Northern Tasmania Regional Land Use Strategy (RLUS) is a key policy framework that has been established to guide land use, development, and infrastructure investment decisions across the region. A primary objective of the RLUS is to integrate land use planning and policy with environmental, social, economic, conservation and resource management policies in order to:

- manage the region's development in response to ongoing socio-economic and physical environmental change; and
- protect and enhance the region's quality of life (liveability), productivity and sustainability for existing and future communities across the Region.

### 4.4.2 Structure of the Strategy

The RLUS acknowledges that complex interactions exist between environmental, economic and social spheres when making land use planning decisions. As such, the RLUS adopts a comprehensive, integrated and long-term approach to land use planning and recognises that synergies among policy areas.

Accordingly, the RLUS is broken up into a number of policy groupings on which to build and execute the policies necessary to shape and guide future land use planning decisions. The policy groupings are as follows:

1. Regional Settlement Network;
2. Regional Activity Centres Network;
3. Regional Infrastructure Network;
4. Regional Economic Development;
5. Social Infrastructure and Community; and
6. Regional Environment.

Of the policy groupings, manufacturing and industrial land falls under the Regional Settlement Network policy objective.

### 4.4.3 Regional Settlement Network

The following sections identify the key principles of the regional settlement network policy and provides a response detailing how the proposed rezoning and subdivision is consistent with the specific principle.



The desired regional outcome for regional settlement network planning is to reinforce urban growth boundary areas with an efficient urban settlement pattern strategy to ensure sustainable use of land across the region that:

- consolidates the roles of the greater Launceston urban area and the surrounding sub-regional urban centres; and
- creates well-planned communities, supported by an activity centre network that gives people good access to public transport and links residential areas to employment locations.

The key principles to achieve the desired regional outcome are as follows:

- a) **support growth in established urban settlement areas and redevelopment in and around existing urban centres, and key public transit networks;**

***Proposal response***

*The proposed rezoning will increase the area of land available for residential use and development within an established urban settlement of Prospect Vale which is within walking distance of public transport routes.*

- b) **ensure new urban development areas are contiguous with existing communities wherever possible, or otherwise provide development with direct transport linkages to established urban areas early in the development;**

***Proposal response***

*The proposed rezoning and subsequent subdivision provides an opportunity to increase residential use and development within an existing urban environment.*

- c) **ensure physical and social infrastructure can be adequately funded and delivered before permitting development of new development areas;**

***Proposal response***

*The properties are located within an area that has access to full infrastructure services.*

- d) **proponents of new development within the Region must demonstrate how required infrastructure and services are to be provided for new land to be developed within the Urban Growth Boundary Areas along with how current state and local government infrastructure delivery programs will be delivered and funded;**

***Proposal response***

*The subject property is located within a serviceable area.*

- e) **accommodate regional growth in locations to support public transport and other sustainable transport choices or otherwise reduce car use.**

***Proposal response***

*The locality is able to accommodate and support the proposed increased residential use and development on the basis that each lot can and will be provided with individual connections to infrastructure services and the land is located within walking distance of key community facilities including public transport, schools, and shopping centres.*

Additionally, the regional settlement network seeks to:

- 1. **ensure urban development conserves land by making the most efficient use of land allocated within the Urban Growth Boundary Areas;**

***Proposal response***

*The proposed rezoning and subdivision will conserve land by increasing the utilising existing vacant land within an established urban environment for residential use and development.*

- 2. **reinforce the containment of urban development within the Urban Growth Boundary Areas by which the role of a wider range of land uses and regional policies takes effect.**

***Proposal response***

*The proposed rezoning and subdivision will contribute to the containment of residential use and development within the established urban growth area of Prospect Vale.*

4.4.4 Provision of Dwellings

The RLUS projects that approximately 10,000 new residential dwellings will need to be provided over the life of the strategy and beyond and envisages the dwellings being provided across the region based on the preferred settlement pattern principles of:

- promoting infill development in existing centres;
- re-developing ‘infrastructure-rich’ areas; and
- maximising residential yield in major new residential areas;

In addition, the RLUS indicates that there is likely to be greater future demand for alternative forms of housing including multiple dwellings, smaller single dwellings

and affordable housing options. Accordingly, the RLUS emphasises the importance of increasing residential densities through dwelling diversity including single detached dwellings and multiple dwellings.

***Proposal response***

*It is considered that the proposed rezoning and subdivision is consistent with, and furthers, the preferred settlement pattern principles and assists with achieving the desired outcome for dwelling diversity on the following basis:*

- a. it will provide for additional residential use and development within a spatially contiguous to key community assets including a local business area, employment node, schools and public transport routes;*
- b. it will maximise the capacity of existing infrastructure which is capable of servicing the subdivision;*
- c. it will maximise residential yield within a residential area without detracting from the established residential character or pattern of development; and*

## 4.5 State Policies

Section 20(1)(b) requires planning schemes to be prepared in accordance with State Policies made under section 11 of the State Policies and Practices Act 1993. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20.

Currently, there are four State Policies that are in effect within Tasmania. The following section identifies each policy and assesses the application against the content of the policy.

### 4.5.1 State Policy on the Protection of Agricultural Land 2009

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) on the basis that it is within an established urban area. Accordingly, the PAL Policy is not relevant to the proposed rezoning.

### 4.5.2 Tasmanian State Coastal Policy 1996

The State Coastal Policy 1996 (the Policy) applies to all of Tasmania, including all inlands with the exception of Macquarie Island which is subject to separate legislation within 1m from a coastal zone. The Policy is not applicable to the subject property on the basis that it is located in excess of 1km from the nearest coastal zone.

### 4.5.3 State Policy on Water Quality Management 1997

The State Policy on Water Quality Management 1997 (the Policy) is concerned with achieving *'sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System'*.

The proposed amendment and development will not modify or compromise existing surface water resources. The subject site and subsequent development will be connected into existing services including sewage, water and stormwater which will ensure that all concentrated water runoff and sewage is managed and disposed of appropriately. Accordingly, it is envisaged that the proposed rezoning and subdivision will be consistent with the Policy.

### 4.5.4 National Environmental Protection Measures

The current National Environmental Protections (NEPM) relate the following areas:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;

- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

Each NEPM is automatically adopted as a State Policy. The listed NEPMs are not considered applicable to the proposed amendment and subsequent use and development on the basis that they deal or relate to matters which will be unaffected by the proposal.

#### 4.5.5 Gas Pipelines Act 2000

The subject property is not affected by the Gas Pipeline. The *Gas Pipeline Act 2000* is therefore not applicable.

#### 4.6 Section 20(2) of the Act

Section 32(2) of the Act requires an amendment to a planning scheme to be in accordance with the provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) of the Act. It is considered that the proposed amendment will be consistent with the specified sections insofar as:

- the proposed amendment will not prevent the continuance or completion of any lawful use or development;
- the proposed amendment will not prevent the reconstruction or restoration of buildings or works unintentionally destroyed or damaged;
- the proposed amendment will not extend or transfer an existing non-conforming use from one parcel of land to another parcel of land; and
- the proposed amendment will not affect any forestry operations, mineral exploration, fishing or marine farming operations.



## 4.7 Section 32 of the Act

The following section addresses the requirements of section 32 of the Act.

### 4.7.1 Section 32(1)(e) of the Act

Section 32(1)(e) of the Act requires an amendment to a planning scheme, as far as practicable, must avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. Accordingly, the following section addresses potential land use conflicts that may arise as a result of the proposed rezoning.

It is observed that the rezoning of 7 Mace Street will be to a zone that is the same as the adjoining zones and will therefore enable use and development that is compatible with the established use and development. The rezoning of the Bordin Street property will essentially formalise the use of the land as a local park which is permissible ('No Permit Required') under the current General Residential zone.

The properties do not adjoin land that is under the administration of a different municipal planning scheme. However, the proposed rezoning is not expected to have any adverse impacts on the adjacent municipality of Launceston which is located between 200m and 500m to the north-east and includes the Prospect High School site and a section of Kate Reed Reserve. The residential estate in which the subject properties are located within has a network of open space areas which connect to the Kate Reed Reserve to the north east via Oakden Road.

Overall, the proposed rezoning(s) is unlikely to give rise to conflict within the nature envisaged by section 32 of the Act.

### 4.7.2 Section 32(1)(ea) of the Act

Section 32(1)(ea) of the Act specifies that an amendment to a planning scheme must not conflict with the requirements of Section 30O of the Act. The following table outlines the relevant sub-sections of 30O of the Act and a corresponding assessment of the merits of the proposed draft amendment against the sub-sections.

Section	Requirement
30O (1)	An amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area.
	<p><b>Response</b></p> <p>An assessment against the RLUS has been provided within section 4.4 of the report.</p>
30O (2)	<p>An amendment to a planning scheme may only be made if:</p> <ul style="list-style-type: none"> <li>a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision;</li> </ul>

	<p>b) the amendment does not revoke or amend an overriding local provision; and</p> <p>c) the amendment would not create a conflicting local provision.</p>
	<p><b>Response</b></p> <p>The common provisions within the Scheme are as follows:</p> <ul style="list-style-type: none"> <li>• Planning Directive No 1 - the Format and Structure of Planning Schemes;</li> <li>• Planning Directive 4.1 - Standards for Residential Development General Residential Zone; and</li> <li>• Planning Directive No 5.1 - Bushfire-Prone Areas Code.</li> </ul> <p>The application seeks to change the zones of the identified properties. The proposed amendment does not seek to amend or revoke a common provision or overriding local provision of the Scheme.</p>
<p>300 (3)</p>	<p>An amendment may only be made to a local provision if:</p> <p>a) the amendment is to the effect that a common provision is not to apply to an area of land;</p> <p>b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</p>
	<p><b>Response</b></p> <p>Aforementioned, the proposed amendment will not interfere with any common provisions within the Scheme.</p>
<p>300 (4)</p>	<p>An amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</p>
	<p><b>Response</b></p> <p>No amendments to a common provision within the Scheme have been proposed.</p>
<p>300 (5)</p>	<p>An amendment to a planning scheme may be made if the amendment consists of:</p> <p>a) taking an optional common provision out of the scheme; or</p> <p>b) taking the provision out of the scheme and replacing it with another optional common provision.</p>
	<p><b>Response</b></p>

	<p>No amendments to a common provision within the Scheme have been proposed.</p>
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4.7.3 Section 32(1)(f) of the Act

Section 32(1)(f) of the Act specifies that an amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms. Overall, it is not envisaged that the proposed rezoning will impact the region from an environmental, economic or social perspective.

## 5.0 Meander Valley Interim Planning Scheme 2013

The following section provides an assessment of the proposed subdivision against the relevant sections of the Meander Valley Interim Planning Scheme 2013 (the Scheme). The assessment is based on the property located at 7 Mace Street, Prospect Vale (the subject site) being zoned General Residential in accordance with the Scheme.

### 5.1 General Residential Zone

#### 5.1.1 Purpose Statements

The following section lists the purpose statements of the General Residential zone with a response provided detailing how the proposed subdivision will be consistent with each statement.

- 10.1.1.1 to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

**Response**

*The proposed subdivision will directly facilitate residential use and development within an established urban area of Prospect Vale which is fully serviced.*

- 10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

**Response**

*Non-residential uses are not proposed.*

- 10.1.1.3 Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside business hours, traffic generation and movement or other off-site impacts.

**Response**

*Non-residential uses are not proposed.*

- 10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

**Response**

*The configuration of the proposed subdivision will be compatible with the established pattern of development within the surrounding area insofar as the land is an existing internal lot and there are similar internal lots within the vicinity of the subject site.*

#### 5.1.2 Local Area Objectives

**Prospect Vale**

Prospect vale will be maintained as a key centre of urban expansion. Where areas currently zoned General Residential adjoin the Particular Purpose Zone,

development is to provide for the long term strategic outcomes in the design of urban environment.

Promote opportunities to alter the urban environment to make more efficient use of alternative modes of transport.

- a) Subdivision design is to consider the relationship and connectivity to future urban growth areas.

**Response**

*No new roads are proposed, and the subject site is not located adjacent to an identified urban growth area.*

- b) Development design is to complement any public works to provide improved connectivity for alternative transport modes.

**Response**

*The proposed subdivision will not adversely impact established pedestrian and cycling routes within the surrounding area.*

**5.1.3 Desired Future Character Statements**

Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area. Some redevelopment sites may also be appropriate for higher density development. Typical residential and non-residential development is to be detached, rarely exceeding two storeys and be setback from the street and property boundaries.

**Response**

*Each lot within the proposed subdivision will be of a sufficient size to enable residential development to be designed and located so that it is in keeping with the prevailing pattern of development within the surrounding area.*

**5.1.4 Use Standards**

*Non-residential use proposed. Therefore standards 10.3.1 to 10.3.2 are not applicable to the proposed subdivision.*

**5.1.5 Development Standards**

It is observed that development standards 10.4.1 through to 10.4.14 do not apply to the assessment on the basis that no single or multiple dwelling development has been proposed.

<b>10.4.15.1 General Suitability</b>
<b>Objective</b>
<b>The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential zone.</b>



Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No acceptable solution.</p>	<p><b>P1</b></p> <p>Each new lot on a plan must be suitable for use and development in an arrangement that is consistent with the zone purpose, having regard to the combination of:</p> <ul style="list-style-type: none"> <li>(a) slope, shape, orientation and topography of land;</li> <li>(b) any established pattern of use and development;</li> <li>(c) connection to the road network;</li> <li>(d) availability of or likely requirement for utilities;</li> <li>(e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and</li> <li>(f) potential exposure to natural hazards.</li> </ul>

**Response**

*There is no acceptable solution. Therefore, assessment against the corresponding performance criteria is required.*

**Performance Criteria Assessment**

*It is considered that each proposed lot within the plan of subdivision will be suitable for the intended use which will be for residential use and development therefore according with the purpose of the zone. With respect to the individual performance criteria, the following is observed:*

- a) the shape and orientation of each lot will largely remain the same as the existing larger lot albeit in smaller formats. The subject site is relatively flat and is not affected by significant topographical constraints;*
- b) the existing lot is of an internal configuration with access provided from Mace Street. The proposed subdivision will create two internal lots with separate access provided off Mace Street and Nanke Court. As such, the nature of the subject site will not change with respect to its use and function as an internal lot from Mace Street. Furthermore, the internal lots will be compatible with the pattern of development within the surrounding area which includes the presence of internal lots which are located within a 500m radius of the subject site (notably in a south-eastern direction);*
- c) each lot will be provided with frontage to the existing road network;*

- d) *the subject site is located within an established urban area which is capable of accommodating the two additional residential lots;*
- e) *the subject site has been highly modified over time and does not comprise any known ecological, scientific, historic, cultural or aesthetic values;*
- f) *the subject site is not located within an area that is exposed to significant environmental hazards.*

10.4.15.2 Lot Area, Building Envelopes and Frontage	
Objective	
<p><b>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.</b></p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Lots must:</p> <ul style="list-style-type: none"> <li>(a) have a minimum area of at least 700m<sup>2</sup> which:                             <ul style="list-style-type: none"> <li>i. is capable of containing a rectangle measuring 10m by 15m; and</li> <li>ii. has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul> </li> <li>(b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>(c) for the provision of utilities; or</li> <li>(d) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>(e) to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p><b>P1</b></p> <p>Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>(a) a dwelling to be erected in a convenient and hazard-free location; and</li> <li>(b) on-site parking and manoeuvrability; and</li> <li>(c) adequate private open space.</li> </ul>

**Response**

*Each lot will have an area greater than 700m<sup>2</sup> and will be capable of containing a building envelope with a minimum dimension of 10m by 15m. Furthermore, there are no existing buildings located on the subject site in which the new boundary is*

*required to be setback from in accordance with the relevant acceptable solutions. Therefore, acceptable solution A1(a) is met.*

Acceptable Solutions	Performance Criteria
<p><b>A2</b></p> <p>Each lot must have a frontage of at least 4 metres.</p>	<p><b>P2</b></p> <p>Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>

**Response**

*Proposed Lot 1 will have a frontage width of approximately 5m whilst proposed Lot 2 will have a frontage width of approximately 7.6m. Therefore, the acceptable solution is met.*

10.4.15.3 Provision of Services	
Objective	
<p>To provide lots with appropriate levels of utility services.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot must be connected to a:</p> <ul style="list-style-type: none"> <li>(a) water supply; and</li> <li>(b) sewerage system.</li> </ul>	<p><b>P1</b></p> <p>Each lot created must be:</p> <ul style="list-style-type: none"> <li>(a) in a locality for which reticulated services are not available or capable of being connected; and</li> <li>(b) capable of accommodating an on-site waste-water management system.</li> </ul>

**Response**

*Each lot is capable of connecting to a reticulated water and sewerage system. Therefore, the acceptable solution is met.*

Acceptable Solutions	Performance Criteria
<p><b>A2</b></p> <p>Each lot must be connected to a reticulated stormwater system.</p>	<p><b>P2</b></p> <p>Each lot must be capable of disposal of storm water to a legal discharge point.</p>

**Response**

*Each lot is capable of connecting to a reticulated stormwater system. Therefore, the acceptable solution is met.*

<b>10.4.15.4 Solar Orientation of Lots</b>	
<b>Objective</b>	
To provide for solar orientation of lots and solar access for future dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>At least 50% of lots must have a long axis within the range of:</p> <ul style="list-style-type: none"> <li>(a) north 20 degrees west to north 30 degrees east; or</li> <li>(b) east 20 degrees north to east 30 degrees south.</li> </ul>	<p><b>P1</b></p> <p>Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.</p>

**Response**

*The long axis of each lot will be within the range required by subclauses (a) and (b).*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A2</b></p> <p>The long axis of residential lots less than 500m<sup>2</sup>, must be within 30 degrees east and 20 degrees west of north.</p>	<p><b>P2</b></p> <p>Lots less than 500m<sup>2</sup> must provide adequate solar access to future dwellings, having regard to the:</p> <ul style="list-style-type: none"> <li>a) size and shape of the development of the subject site; and</li> <li>b) topography; and</li> <li>c) location of access way(s) and roads.</li> </ul>

**Response**

*Each lot within the proposed plan of subdivision will be greater than 500m<sup>2</sup> in area. Therefore, the provision is not applicable.*

<b>10.4.15.5 Interaction, Safety and Security</b>	
<b>Objective</b>	
To provide a lot layout that contributes to community social interaction, personal safety and property security.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

<p><b>A1</b></p> <p>Subdivisions must not create any internal lots.</p>	<p><b>P1</b></p> <p>Subdivisions that create internal lots must provide for adequate levels of visibility and surveillance.</p>
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**Response**

*Each lot will have an area greater than 500m<sup>2</sup> in area. Therefore, the provision is not applicable to the proposed subdivision.*

**10.4.15.6 Integrated Urban Landscapes**

<p><b>Objective</b></p> <p>To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:</p> <ul style="list-style-type: none"> <li>(a) character and identity of new neighbourhoods and urban places; or</li> <li>(b) to existing or preferred neighbourhood character, if any.</li> </ul>
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<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
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<p><b>A1</b></p> <p>The subdivision must no create any new road, public open space or other reserves.</p>	<p><b>P1</b></p> <p>For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) it has regard to existing, significant features; and</li> <li>b) accessibility and mobility through public spaces and roads are protected or enhanced; and</li> <li>c) connectivity through the urban environment is protected or enhanced; and</li> <li>d) the visual amenity and attractiveness of the urban environment is enhanced; and</li> <li>e) it furthers the local area objectives, if any.</li> </ul>
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**Response**

*No new road, public open space or other reserves will be created. Therefore, the provision is not applicable to the proposed subdivision.*

**10.4.15.7 Walking and Cycling Network**

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

**Response**

*No new road, footpath or public open space will be created. Therefore, the provision is not applicable to the proposed subdivision.*

10.4.15.8 Neighbourhood Road Network
<p><b>Objective</b></p> <ul style="list-style-type: none"> <li>a) to provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and</li> <li>b) to design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood</li> </ul>

road system for all users.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>The subdivision must no create any new road.</p>	<p><b>P1</b></p> <p>The neighbourhood road network must:</p> <ul style="list-style-type: none"> <li>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</li> <li>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</li> <li>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</li> <li>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</li> <li>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movements of pedestrians cyclists, public transport and other motor vehicles; and</li> <li>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</li> <li>g) provide for service and emergency vehicles to safety turn at the end of a dead-end road; and</li> <li>h) take into account any identified significant features.</li> </ul>

**Response**

*No new road will be created. Therefore, the provision is not applicable to the proposed subdivision.*

## 5.2 Code Assessment

The following section provides an assessment against the relevant codes that apply to the subject site and proposed use and development.

### 5.2.1 Road and Railway Assets Code

*The Road and Railway Assets Code applies to the proposed subdivision insofar as the subdivision will intensify the use of the existing accesses. Notwithstanding this, the proposed subdivision complies with the relevant acceptable solutions, notably E6.4.1 (A2). As such, all relevant acceptable solutions of the code are met.*

### 5.2.2 Car Parking and Sustainable Transport Code

*Pursuant to clause E6.2.1, the code applies to all use and development. The proposed development relates to the subdivision of land. Table E6.1 requires 1 car parking space to be provided per bedroom or 2 spaces per 3 bedrooms. In this instance, no residential dwellings (or other uses) have been proposed.*

*Accordingly, the code is not considered applicable to the proposed subdivision pursuant to clause 7.5.2 (b) of the Scheme on the basis that the code deals with a matter that is not affected by the proposed subdivision.*

## 6.0 Conclusion

This application seeks to amend the Scheme by:

1. rezoning land located at 7 Mace Street identified by CT 8204/17 from Open Space to General Residential; and
2. rezoning land located off Bordin Street identified by CT 172720/31 from General Residential to Open Space.

The preceding report has demonstrated that the proposed rezoning of land is consistent with the:

- common and local provisions of the Scheme;
- objectives set out in Schedule 1 of the Act;
- State Policies;
- Northern Regional Land Use Strategy; and
- *Gas Pipelines Act 2000*.

In addition, the proposed subdivision has demonstrated compliance with the applicable standards of the Scheme if the amendment were in place. On this basis, it is considered that the combined permit and amendment to the Scheme can be supported.

## 7.0 Recommendation

That Council:

1. Pursuant to the former section 33(3) and section 34(1)(b) of the *Land Use Planning and Approvals Act 1993*, initiates the draft amendment comprising:
  - a. rezoning land located at 7 Mace Street identified by CT 8204/17 from Open Space to General Residential; and
  - b. rezoning land located off Bordin Street identified by CT 172720/31 from General Residential to Open Space.
2. Pursuant to the former section 35(1)(b) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment;
3. Pursuant to the former section 43C of the *Land Use Planning and Approvals Act 1993*, approves the subdivision of 7 Mace Street, Prospect Vale into two (2) residential lots subject to the following conditions:

**Conditions:**

1. The subdivision must be carried out in accordance with the following endorsed plan and to the satisfaction of Council unless modified by a condition of the Permit:
  - a. Site Plan Project No. 17.335 Drawing No. P01 prepared by 6ty° Pty Ltd dated 28 November 2017.
2. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:
  - a. Such covenants or controls are expressly authorised by the terms of this permit; or
  - b. Such covenants or similar controls are expressly authorised by the consent in writing of Council; or
  - c. Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.
3. Prior to the sealing of the final plan of survey, the following must be completed to the satisfaction of Council:
  - a. A Stormwater connection is to be installed to the existing reticulated stormwater system, to the satisfaction of Council's Plumbing Surveyor.

4. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No **INSERT NUMBER** attached).

**Notes:**

1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au).
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 6 weeks prior to the expiration date.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
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.

## 8.0 Bibliography

National Heart Foundation of Australia (Victoria Division) 2004, *Healthy by Design: a planners' guide to environments for active living*;

Parks and Leisure Australia (Vic/Tas) 2013, *Open Space Planning and Design Guide*;

Healthy Spaces and Places 2009, *Design Principle – Parks and Open Space*;

The State of Queensland 2007, *Crime Prevention through Environmental Design Part A: Essential features of safer places*.

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EXISTING  
 PIPELINE & SERVICES &  
 DRAINAGE EASEMENT 'B'  
 VARIABLE WIDTH

LOT 1b  
 CT172720-102  
 152m<sup>2</sup>±

LOT 1a  
 1112m<sup>2</sup>±  
 PART OF  
 CT8204-17  
 TOTAL 1265m<sup>2</sup>±

LOT 2  
 1400m<sup>2</sup>±  
 BALANCE OF  
 CT8204-17

1b CT 172720-102 152m<sup>2</sup> TO BE ADDED TO  
 1a 1112m<sup>2</sup> PART OF CT 8204-17  
 TO FORM LOT 1 1265m<sup>2</sup>± ON FINAL PLAN  
 LOT 2 1400m<sup>2</sup>± BEING THE BALANCE OF CT 8204-17  
 ALL MEASUREMENTS AND AREAS SUBJECT TO SURVEY.



**PRELIMINARY - NOT FOR CONSTRUCTION**

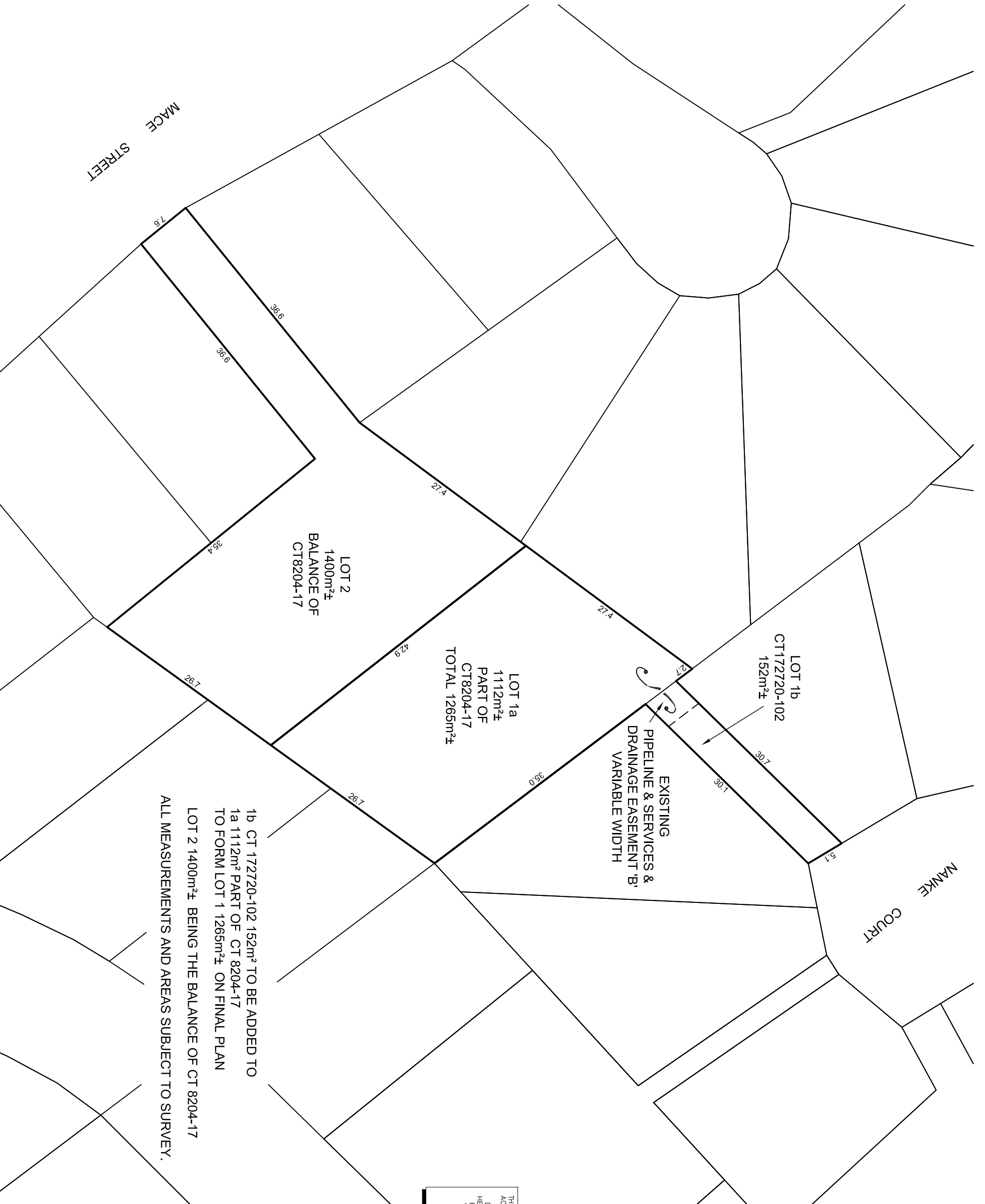
ISSUE	DATE	REVISION	BY
01	28.11.17	INFORMATION	-

THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION TO ACCOMPANY A DEVELOPMENT APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS, AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY PURPOSES AND TO THE EXTENT OF ANY CONFLICT, THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

DIMENSIONS ARE IN METRES, DO NOT SCALE, CHECK AND VERIFY ALL DIMENSIONS AND AREAS. DIMENSIONS AND AREAS OF OTHER BOUNDARIES SHOWN ON THIS PLAN, UNLESS OTHERWISE NOTED, SHOULD NOT BE RELIED UPON. INDEPENDENT VERIFICATION OF BOUNDARIES SHOULD BE OBTAINED BY CONSULTING SURVEY.

PROJECT: PROPOSED 2 LOT  
 SUBDIVISION  
 AT: 7 MACE STREET AND LOT 102  
 AT: NANKÉ COURT PROSPECT VALE  
 FOR: MEANDER VALLEY COUNCIL

DRAWING: SITE PLAN



DESIGNER: G.L.M., CHECKED: G.A.W.  
 SCALE: 1:250  
 AT A SIZE DRAWING SHEET

PROJECT No. 17.335 DRAWING No. P01

# **INFRA 2 MEANDER VALLEY DRAFT LOCAL PROVISIONS**

## **SCHEDULE – TASMANIAN PLANNING SCHEME**

### **1) Introduction**

The purpose of this report is to endorse the draft Local Provisions Schedule (LPS) applying to the Meander Valley municipal area, for submission to the Tasmanian Planning Commission (Commission). The LPS makes up the local component of the Tasmanian Planning Scheme (TPS). Submitting the LPS commences the process of changing to the Tasmanian planning Scheme.

### **2) Background**

Amendments to the Land Use Planning and Approvals Act (LUPAA) 1993 to establish the TPS were gazetted on 17 December 2015. The TPS is made up of two components; the State Planning Provisions (SPP's) and the Local Provisions Schedule (LPS).

The SPP's were made by the Minister on 22 February 2017 and comprise the range of zones that can be applied to land, codes relating to matters that occur across different zones, the use and development provisions within those zones and codes, and exemptions. The SPP's are the operational provisions of the planning scheme that apply across the State and were subject to a public notification and Commission hearing process before being made by the Minister. Councils cannot amend those provisions.

The SPP's also provide for local data to be mapped under a standard code, such as flood prone areas, or local lists, such as local heritage places.

The LPS is the component of the planning scheme, whereby councils apply the available SPP zones to land and can also include localised provisions that substitute, modify or are in addition to specific SPP's through Local Area Objectives, Particular Purpose Zones, Specific Area Plans or Site Specific Qualifications.

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

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

- Future Direction (1) - A sustainable natural and built environment
- Future Direction (2) - A thriving local economy

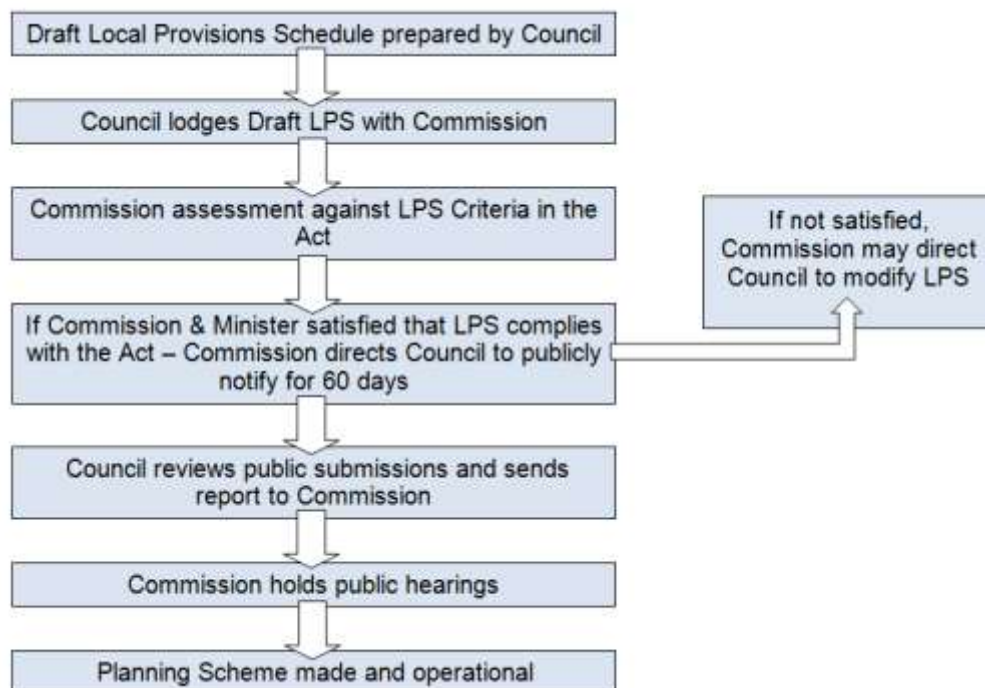
- Future Direction (4) - Innovative leadership and community governance

#### 4) Policy Implications

Not applicable.

#### 5) Statutory Requirements

The statutory process for consideration of a LPS is set out in Part 3A of LUPAA and is summarised in the diagram below.



Upon submission of its LPS, the planning authority is required to demonstrate that the LPS meets the LPS Criteria set down in Section 34 of LUPAA, prior to submission to the Commission under Section 35.

#### 6) Risk Management

Not applicable.

#### 7) Consultation with State Government and Other Authorities

Consultation has been undertaken with Tasfire in regard to mapping of the Bushfire Prone Area and will be ongoing through the process of consideration of the LPS.

The draft LPS will be referred to relevant State agencies following endorsement by Council.

## **8) Community Consultation**

Meander Valley Council undertook early, informal consultation on the preparation of its draft LPS from 14 October to 10 November 2017. This enabled the community to review the LPS and provide input on the proposed application of zones, codes and local provisions that are different to the SPP's, before Council makes its decision on the LPS that will be submitted to the Commission for approval.

Some modifications to zoning and provisions have been included following public submissions.

## **9) Financial Impact**

Council made an allocation for preparation of the LPS in the operating budget for 2017-2018.

## **10) Alternative Options**

Council can modify the LPS prior to endorsement or not endorse the LPS.

## **11) Officers Comments**

In preparing and submitting its LPS, Council must demonstrate that the LPS is in compliance with the requirements of LUPAA.

Council must determine the most appropriate zones to apply to land from the list of available zones in the SPP's and the application of relevant codes. Council must also determine whether overriding local provisions are to be included in Particular Purpose Zones, Specific Area Plans or Site Specific Qualifications.

When including local provisions that substitute, modify or add to the SPP's, Section 32(4) of the Act requires that Council demonstrate that the matter requires a tailored approach and provide justification that:

- the use or development to which the provision relates is of significant social, economic or environmental benefit to the State, region or municipal area; or
- that the area of land has particular environmental, economic, social or spatial qualities that require unique provisions.



Recent amendments have been made to LUPAA to clarify transitional arrangements for some existing provisions in Interim Planning Schemes that can be carried forward directly to the LPS without the need for justification under Section 32(4). However there are strict limitations on the degree to which transitional provisions can be altered. 'Permitted alterations' are defined in Schedule 6 of LUPAA and are limited to:

- conforming to the requirements of the SPPs;
- reflecting terminology used in the SPPs;
- the LPS contains provisions that are appropriately numbered and correctly referenced; and
- ensuring the provisions achieve the effect intended.

These transitional arrangements were primarily aimed at transferring existing planning scheme lists such as heritage lists, however also apply to some existing Specific Area Plans (SAP). The effect of the SPP's is such that in some cases, it may not be advisable to transition existing SAPs due to the need to alter the SAP beyond the permitted alterations for improved function.

The transitional provisions for Meander Valley are identified in the supporting report at Attachment A and must be approved by the Minister upon submission of the LPS to the Commission.

In submitting its LPS to the Commission, Council must demonstrate that it meets the LPS Criteria set down in Section 34 of LUPAA.

The LPS Criteria are:

- Contains all the provisions that SPP's specify must be contained;
- Furthers the objectives set out in Schedule 1 of the LUPAA;
- Is in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993;
- Is consistent with the Regional Land Use Strategy of Northern Tasmania;
- Is consistent with the Council's Strategic Plan;
- As far as practicable, is consistent with and co-ordinated with any LPS's of an adjoining municipality;
- Has regard to the safety requirements set out in the standards prescribed under the Gas Pipe lines Act 2000; and
- Is in accordance with Section 32 of LUPAA.

The supporting report at Attachment A addresses the LPS Criteria.

The Tasmanian Planning Scheme ordinance that includes the SPP's and Council's overriding local provisions in Appendix A is included as Attachment B.

All of the elements of the LPS are required to be represented in maps in accordance with the prescribed graphic format for colour and hatching so that all maps across the State are consistent.

The zone and overlay maps are included in PDF format as Attachment C.

**AUTHOR:** Jo Oliver  
SENIOR STRATEGIC PLANNER

## **12) Recommendation**

***It is recommended that:***

- 1. Council endorse that it is satisfied that the attached Local Provisions Schedule for Meander Valley meets the LPS Criteria of Section 34 of LUPAA.***
- 2. That Council endorses the Local Provisions Schedule for Meander Valley and the supporting report at Attachments A, B and C for submission to the Tasmanian Planning Commission under Section 35(1).***
- 3. Council delegates to the General Manager its powers and functions to:***
  - a) submit the endorsed LPS to the Commission pursuant to Section 35(1);***
  - b) submit the provisions for transition under Schedule 6 of LUPAA to the Minister for Planning;***
  - c) modify the LPS if a notice is received from the Commission pursuant to Section 35(5)(b);***
  - d) exhibit the LPS pursuant to Sections 35B, 35C and 35D;***
  - e) Represent the Council at hearings pursuant to Section 35H.***

## **DECISION:**

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

Councillor xx moved and Councillor xx seconded ***“that pursuant to Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

**GOV 5 CONFIRMATION OF MINUTES**

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 14 November, 2017.

**GOV 6 LEAVE OF ABSENCE**

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

**GOV 7 GENERAL MANAGER’S PERFORMANCE REVIEW**

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

**C&DS 3 2018 AUSTRALIA DAY NOMINATIONS**

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

The meeting moved into Closed Session at x.xxpm

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)