



Meander Valley Council
Working Together

ORDINARY AGENDA

COUNCIL MEETING

Tuesday 12 May 2020

MEETING CONDUCT

This meeting is conducted under arrangements cognisant of the prevailing COVID-19 emergency and the provisions of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made and made available to the public.

Council is conscious of social distancing measures and health advice received from the Department of Health and Human Services Tasmania to slow the spread of COVID-19. Interested members of the community are encouraged to read the minutes of the meeting and listen to the meeting with a recording being published to Council's website. Public attendance will not be permitted.

SECURITY PROCEDURES

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 unlikely event 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.



Meander Valley Council
Working Together

PO Box 102, Westbury,
Tasmania, 7303

Notice is hereby given that an Ordinary Meeting of the Meander Valley Council will be held at the Westbury Council Chambers, 26 Lyall Street, Westbury, on **Tuesday 12 May 2020, commencing at 4.00pm.**

In accordance with Section 65 of the *Local Government Act 1993*, I certify that with respect to all advice, information or recommendations 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.

John Jordan
GENERAL MANAGER

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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 May 2020 at 4.00pm.

Business is to be conducted at this meeting in the order in which it is set out in this agenda, unless the Council by Absolute Majority determines otherwise.

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 21 April, 2020, be received and confirmed.”***

COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

| Date | Items discussed: |
|-----------------------------|---|
| <p>28 April 2020</p> | <ul style="list-style-type: none"> • Audit Panel Membership • Deloraine Pump Track • Bracknell Hall Upgrade Update • Community Engagement – Northern Regional Prison Survey • Draft 2020-21 Capital Works Program • |
| <p>5 May 2020</p> | <ul style="list-style-type: none"> • TNT presentation • NTDC presentation • Draft 2020-21 Capital Works Program • Budget Estimates Process 2020-21 • Blackstone Park – Sale of Council owned land and illegal boat ramp pontoon • Proposed Abattoir – Den Road, Mole Creek • Community Recovery Grants |

ANNOUNCEMENTS BY THE MAYOR

Tuesday 27 April 2020

Council Workshop

Friday 1 May 2020

Board Meeting - Northern Tasmanian Development Corporation

Monday 4 May 2020

Tamar Estuary Management Taskforce

ANNOUNCEMENTS BY COUNCILLORS

Nil

DECLARATIONS OF INTEREST

TABLING AND ACTION ON PETITIONS

PUBLIC QUESTION TIME

(suspended under the COVID-19 emergency procedures)

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 note any questions on notice asked and answered in the Council Meeting Agenda.

The Chairperson will then ask a Council officer to read questions without notice.

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 request a Councillor or Council officer to provide a response. A Councillor or Council officer who is asked a question without notice at a meeting may decline to answer the question.

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.

If the Chairperson refuses to accept a question from a member of the public, they will provide reasons for doing so.

Questions on notice and their responses will be minuted. Questions without notice raised during public question time and the responses to them will be minuted, 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

- The Chairperson may allocate a maximum time for each question, or maximum number of questions per visitor, depending on the complexity of the issue, and on how many questions are anticipated to be 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.

PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – APRIL 2020

3.1 Australian Services Union

Given the requisite changes to the way Council meetings are working in light of COVID-19 it would be appreciated if these questions could be taken as Questions on Notice, or if they have been submitted too late for Questions on Notice that they be taken as Questions Without Notice and answered in the Council meeting minutes.

1. I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:

"It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives".

Can the General Manager provide assurances to Meander Valley Council's employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?

2. Clause 13 of Council's enterprise agreement, the *Meander Valley Council Enterprise Agreement 2016*, and the *Fair Work Act 2009* both provide requirements for consultation in relation to major workplace changes including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme the potential termination of employment, amongst others.

The Australian Services Union and our members seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.

Can the General Manager assure employees of Meander Valley Council that the management team will enter into consultation before any major changes are implemented in the workplace?

3. Given that Local Government is not eligible for the federal government's JobKeeper program, the changes which were made to the *Fair Work Act 2009* in relation to COVID-19 stand downs and alternation of an employee's regular hours do not apply to Meander Valley Council.

Section 524 of the Act (*Employer may stand down employees in certain circumstances*) requires that an employee only be stood down where they "*cannot usefully be employed*", that is to say that there is no useful work for employees to undertake.

Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business but which assist the community with getting through, and recovering from, COVID-19? The Union can provide further details and suggestions around this matter.

If your next Council meeting is more than two weeks in the future could we please obtain a written response to these questions by email to adelatorre@asuvictas.com.au within the next week?

Response by John Jordan, General Manager

The matters raised by the Australian Services Union (ASU) are of an operational nature and a letter in response will be provided by the General Manager after Council consideration. This aside, the responses to the ASU questions as tabled at the meeting of 21 April 2020 are:

Q1: Re Ongoing Employment

The COVID-19 Disease Emergency is challenging from an employment and budget perspective. Meander Valley Council is committed to not standing down our permanent employees and every endeavour is being made to maintain current staff levels despite the significant financial impacts Council is managing.

Q2: Consultation on relocation of employees etc....

The standard consultation obligations under Meander Valley Council's Enterprise Agreement continue to apply while responding to COVID-19. COVID-19 is unprecedented in its impact on businesses and our experience at this early stage is that employees understand that significant decisions impacting on employee entitlements may need to be made.

Council has moved to ensure the health and safety of staff is effectively managed. Alternative work arrangements to achieve social distancing and to maximise business continuity (including working from home) have been achieved with the full cooperation of staff. Council has also put in place flexible leave arrangements to assist staff to manage personal and family circumstances; this includes provisioning for special pandemic leave on top of normal leave entitlements. The above actions are consistent with declarations under the Public Health Act (1997).

Council is committed to regularly communicating with our employees to keep them advised of the changes required to manage the impacts of COVID-19. If we need to implement any change, we aim to provide advance notice if possible of the change and give an opportunity to consult on the effect of the changes.

Q3: *Re guaranteeing all possible alternate duties explored before stand down*
Meander Valley Council is committed to keeping our employees engaged in meaningful work and is implementing options that ensure productivity is maintained. Council is working proactively with staff in responding to requirements arising from COVID-19 Disease Emergency.

2. PUBLIC QUESTIONS WITH NOTICE – MAY 2020

Nil

3. PUBLIC QUESTIONS WITHOUT NOTICE – MAY 2020

Nil due to COVID-19 Provisions

COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – APRIL 2020

Nil

2. COUNCILLOR QUESTIONS WITH NOTICE – MAY 2020

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – MAY 2020

DEPUTATIONS BY MEMBERS OF THE PUBLIC

PLANNING AUTHORITY ITEMS

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

Strategic/Annual Plan Conformance

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

Policy Implications

Not applicable.

Legislation

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

Risk Management

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

Financial Consideration

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

Alternative Recommendations

Council can either approve the application with amended conditions or refuse the application.

Voting Requirements

Simple majority

PLANNING AUTHORITY 1

Reference No. 91/2020

BLACK HILLS ROAD WESTBURY

Planning Application: PA\20\0155

Proposal: Subdivision of two (2) lots to create seven (7) lots

Author: Justin Simons
Town Planner

1) Background

Proposal:

| | |
|---------------------------|---|
| Applicant | PDA Surveyors |
| Owner | Black Hills Developments Pty Ltd |
| Property | Black Hills Road WESTBURY (CT: 249076/159 & CT: 35825/160) |
| Zoning | Low Density Residential Zone |
| Existing Land Use | Vacant (Grazing) |
| Number of Representations | Four (4) |
| Decision Due | 12 May 2020 |
| Planning Scheme: | Meander Valley Interim Planning Scheme 2013 (the Planning Scheme) |

Council has received an application for the subdivision of land on the corner of Black Hills Road and Ritchie Street, Westbury. The land currently comprises two (2) titles, with a total land area of 38,756 m². The land is currently vacant and is used for grazing.

The proposal is to create seven (7) residential lots (see Table 1 below).

| Lot | Area (m²) | Frontage (m) | Feature |
|------------|-----------------------------|--|----------------|
| 1 | 5,000 | 6 (Ritchie Street) | Vacant |
| 2 | 5,005 | 59.3 (Ritchie Street) | Vacant |
| 3 | 7,542 | 45.8 (Ritchie Street) & 143 (Black Hills Road) | Vacant |
| 4 | 5,060 | 6.1 (Black Hills Road) | Vacant |
| 5 | 5,008 | 64.5 (Black Hills Road) | Vacant |

| | | | |
|---|-------|-------------------------|--------|
| 6 | 5,016 | 6.1 (Black Hills Road) | Vacant |
| 7 | 6,125 | 65.6 (Black Hills Road) | Dam |

Table 1: features of the proposed subdivision

The application does not include any new roads. The land is not serviced by reticulated sewerage or water. The proposed lot layout and details are shown in Figure 1 (below), while full plans and documentation are included in the attachments. There are no easements on the property.



Figure 1: proposed subdivision layout (PDA Surveyors, 2019)

Standards Requiring Discretion:

- 12.4.3.1 General Suitability
- 12.4.3.2 Lot Area, Building Envelopes and Frontage
- E4.7.2 Management of Road, Accesses and Junctions
- E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Previous Council Decisions (relevant precedence):

Meeting Agendas and Minutes can be viewed on Council's website.

April 2020

PA\20\0159 – 138 Ritchie Street, Westbury - Subdivision (4 lots) - Application approved by Council.

February 2020

PA\20\0077 - 87 Five Acre Row, Westbury – Subdivision (4 lots) - Application was refused by Council and an appeal was lodged with the Resource Management and Planning Appeal Tribunal (RMPAT) - Council resolved to sign a consent agreement with additional conditions protecting existing vegetation and mandating additional plantings.

December 2019

PA\19\0224 - 321 Marriott Street – Subdivision (4 lots) - Approved by Council

November 2018

PA\19\0042 - 201 Veterans Row, Westbury – Subdivision (3 lots) - Approved by Council

August 2018

PA\18\0256 - 61 Veterans Row, Westbury - Subdivision (2 lots) - Application was refused by Council and an appeal was lodged with the RMPAT - Council resolved to sign a consent agreement with no alterations to the proposal and was ordered by the Tribunal to issue a permit.

October 2018

PA\18\0239 - 113 Ritchie Street, Westbury - Subdivision (2 lots) - Approved by Council.

October 2018

PA\18\0253 - 253 Black Hills Road, Westbury (immediately north of proposed development) - Subdivision (4 lots), including internal lots - Approved by Council.

2) Summary of Assessment

The application proposes the subdivision of two (2) existing lots into seven (7) lots intended for residential use and development in the Low Density Residential Zone.

Should Council wish to refuse the application it needs to demonstrate that the proposal does not comply with the Performance Criteria of any applicable standard. If compliance can be achieved by a minor change to the proposal, Councillors should consider the application of a reasonable condition rather than refusing the application.

The proposed development is compliant with all of the applicable provisions of the Meander Valley Interim Planning Scheme 2013.

The standards of the planning scheme which require assessment of the Performance Criteria and the application of Council's discretion are outlined below and detailed in the Scheme Assessment (section 6) below.

- All of the lots comply in relation to lot size and are 5,000m² in area or larger.
- The lots are all of sufficient size to allow the development of a dwelling and to accommodate onsite wastewater and stormwater management systems.
- Council's Infrastructure Department has reviewed the Traffic Impact Assessment and has not raised concerns with the conclusions of the assessment.
- The lots are in keeping with the character of the area, however, there is scope for additional conditions surrounding vegetation. It is recommended that a vegetation screen within the subdivision will integrate the development and achieve a more established visual character.
- Four (4) representations were received during advertising. The representations object to the proposed density, lot layout and traffic safety. The development is considered acceptable in regard to these aspects (refer to section 4 Representations).

3) Recommendation

It is recommended that the application for Use and Development for Subdivision (7 lots), on land located at Black Hills Road WESTBURY (CT: 249076/159 & CT: 35825/160), by PDA Surveyors, be APPROVED, generally in accordance with the endorsed plans:

- a) PDA Surveyors; 16 December 2019; Drawing No.: 44850J-P1**
- b) Livingston Natural Resource Services; Bushfire Hazard Management Report**

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 vehicular crossover servicing each lot must be constructed and sealed in accordance with LGAT standard drawing TSD-R03-V1 and TSD-R04-V1 and to the satisfaction of Council's Director Infrastructure Services (see Note 1).**

- 3. Vegetation clearance is to be undertaken in the immediate vicinity of each access to ensure safe sight distances to the satisfaction of Council's Director Infrastructure Services. Vegetation removal is to be limited to that required to achieve safe sight distances (see Note 1).**

- 4. Prior to the commencement of works a landscaping plan is to be submitted to the satisfaction of Council's Town Planner. The landscaping plan is to show a hedgerow or row of trees along the east boundary of Lot 3, the east and north boundary of Lot 1 (terminating at the access handle) and the north boundary of Lot 2. Trees are to attain a minimum mature height of 2m and are to be planted at recommended intervals for the species. It is not required that the vegetation form a contiguous screen, but must be of sufficient density to form a distinct lineal landscape feature (see Attachment A).**

- 5. Once planted all vegetation is to be maintained in a healthy condition and any fatalities are to be replaced with a new plant of similar size and habit.**

- 6. The developer must pay a Public Open Space contribution to Council, a sum equivalent to 5% of the unimproved value of the approved**

lots as determined by a registered land valuer procured at the subdivider's expense.

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

- a) The vehicular crossovers servicing all lots must be constructed and sealed, as per Condition 2.**
- b) Clearance for safe sight distances is to be undertaken in accordance with Condition 3.**
- c) Vegetation is to be planted in accordance with Condition 4 and the approved landscaping plan. All plants are to be semi-mature.**
- d) Payment of the Public Open Space Contribution is to be made to Council in accordance with Condition 4.**

Note:

- 1. Prior to the construction of the driveways, separate consent is required by the Road Authority. An Application for Works in Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Department 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 (03) 6393 5320 or via email: mail@mvc.tas.gov.au
- 3. 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 (03) 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.
- 4. 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.
5. 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
6. 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.
7. 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.
8. 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.
9. 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 (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c) The relevant approval processes will apply with state and federal government agencies.

4) Representations

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

Four (4) representations were received (attached documents). A summary of the concerns raised in the representations is provided below. While the summary attempts to capture the essence of the concerns, it should be read in conjunction with full representations included in the attachments.

Concerns regarding safety of new accesses onto Black Hills Road, proximity of driveways to one another and vehicles not travelling the speed limit, despite signage.

Comment:

The application includes a Traffic Impact Assessment (TIA) prepared by an experienced traffic engineer. The TIA considers the existing road alignment, 60km/hr posted speed limit, and volumes of traffic using the road. The sight distances for vehicles at each proposed access point have been determined to meet the requirements of the Planning Scheme or Australian Standard. Council Officers therefore consider that the proposed access points will not impact the efficiency or safety of the existing road for road users. It is noted that some motorists may be exceeding the current 60km/hr speed limit. It is anticipated that over time, as the accesses are constructed and development occurs on the new allotments, driver behaviour will improve and speeds reduce as there is an increase in activity along the road frontage. It is also noted that driveways located close to each other, for example Lot 1 and Lot 2, are not uncommon in low density residential areas and do not present a safety issue.

Concerns regarding maintenance responsibility and use of the road reserve to the north of the site, including the availability of access to the neighbouring property.

Comment:

The road reserve to the north of the site is not included in this application or impacted by it. The land is owned by the Crown. There are no leases or rights of access over the land by any party. While the applicant appears to informally manage the land, they do not have a management responsibility. The Crown is responsible for management of any vegetation within the road reserve. Use of the reserve for private access purposes should be discussed with the Property Services branch of the Department of Primary Industries, Parks, Water and the Environment.

Financial challenges regarding fence construction on the boundary

between the proposed development and the neighbouring property to the east.

The expense associated with the replacement of a boundary fence is not a relevant consideration under the Planning Scheme. The cost of fencing is a matter between landowners and is governed by the *Boundary Fences Act 1908*. This Act provides an opportunity to dispute and mediate any disagreements regarding the cost of fencing. This Act is not administered by Council.

Proposed density is too low and diminishes the unique rural character. Lots do not keep a distinction between the low density peripheral area and the inner serviced core. Blocks are not large enough to support livestock, as the surrounding lots do, setting up an area of peri-urban conflict. Blocks 5 acres and greater should be the minimum.

Comment:

The acceptable density for this area of Westbury is set by the Scheme at 5,000m². The intent of the applicable standards is to support increased densification on this area of Westbury. While there are many factors that must be considered to determine if an individual proposal is acceptable, the acceptable density has been determined at a strategic level. All of the proposed lots achieve this size. The lots are consistent in area and arrangement to the lots created in the recent subdivision directly to the north.

The peripheries of Westbury have a mixed character. Many properties have single dwellings and associated outbuildings; while some land is vacant. Some development is located in close proximity to a road; others are setback a distance from a road. Some development is highly visible from the road; others are screened by vegetation. There are pockets where development is relatively concentrated and there are areas with a very rural appearance. The character of the area is not defined by a single feature.

There is adequate scope to support conditions requiring additional vegetation screening, should Council wish to achieve a more established and diverse appearance, and assist to screen future development in a faster timeframe. These conditions are further discussed in the assessment below.

Impact of residential subdivision on adjoining agricultural practices. Residential subdivision and urban sprawl resulting in loss of farmland.

Comment:

The proposed development is located in the Low Density Residential Zone. The intent of this zone is to provide for residential use and development. These uses

take precedence in this zone over agricultural or resource development uses.

The Low Density Residential area of Westbury has clearly established residential uses and despite the original intent of the area it now presents a typical example of urban sprawl. Further subdivision of the land and increasing density in existing residential areas, within close proximity to the township and associated services, is an efficient means of meeting the demands for housing supply and local population growth without further extending the boundaries of development into the surrounding agricultural land.

Subdivision is aligned to financial gain rather than being in keeping with the area. Evidenced by the use of internal lots rather than the use of the road reserve.

Comment:

The applicants have not chosen to utilise the road reserve to the north of the subject property to service the subdivision. The applicant has chosen to utilise the existing roads, Ritchie Street and Black Hills Road. This is adequate to service the lots and meet the requirements of the Planning Scheme.

Bushfire management and accesses will impact existing vegetation.

Comment:

The bushfire hazard management plan achieves the required rating of Bushfire Attack Level 9 without requiring any vegetation removal. This is the minimum rating required for a dwelling to be constructed without any specific construction methods required. However, it is noted that the vegetation around the dam has minimal conservation value. Some vegetation along the frontage will also need to be removed for access purposes. However, the impacts will be relatively low as the existing vegetation, blackberries, gorse, scrubby wattles and hawthorn, does not form a contiguous screen and has significant gaps. Vegetation on the Ritchie Street frontage is primarily gorse and blackberries. Council can consider conditioning that additional vegetation be planted. This option is discussed further in the assessment below.

Dam will restrict building area on Lot 7.

Comment:

Although Lot 7 incorporates an existing dam, there remains sufficient area to accommodate a dwelling. Council's Plumbing Surveyor & Environmental Health Officers have assessed the site and provided advice that there remains sufficient area to manage wastewater and stormwater.

Internal lots are not in keeping.

| |
|---|
| Comment: The planning scheme does not prohibit internal lots. The proposed internal lots are considered to be an appropriate means of maximising the separation between dwellings and increasing residential amenity, forcing some future dwellings away from the road and further into the landscape. The land is large enough and has sufficient frontage that the same number of lots could be achieved without any internal lots. However, this arrangement would support linear development parallel to the roads; an arrangement that is less consistent with surrounding developments. |
| Development does not maintain the distinctive grid pattern. |
| Comment: The proposal does not alter the existing street network and, as such, the grid pattern of streets will remain as existing. |
| Impact on heritage and unique layout of Pensioners Bush. |
| Comment: The land does not contain any heritage values. |

5) Consultation with State Government and other Authorities

Not applicable

6) Scheme Assessment

Use Class: Residential

Applicable Standards

A brief assessment against all applicable Acceptable Solutions of the applicable 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.

| Low Density Residential Zone | | |
|-------------------------------------|---|------------|
| Scheme Standard | Comment | Assessment |
| 12.3.1 Amenity | | |
| A1 | A Residential Use is a no permit required | Complies |

| | | |
|---|--|--------------------------------|
| | use in the Low Density Residential Zone | |
| A2 | Not Applicable | |
| 12.4.3.1 General Suitability | | |
| A1 | No acceptable solution | Relies on Performance Criteria |
| 12.4.3.2 Lot Area, Building Envelopes and Frontage | | |
| A1 | All lots exceed 5000m ² in area. Lots 1, 4 and 6 are internal lots and do not include a 35m diameter circle within 35m of the frontage. | Relies on Performance Criteria |
| A2 | All lots have frontage greater than 4m | Complies |
| A3 | No reticulated water or sewerage is available. | Relies on Performance Criteria |
| A4 | The application proposes on-site disposal of stormwater. | Relies on Performance Criteria |

| | | |
|---|---|------------|
| E1 Bushfire-Prone Areas Code | | |
| Scheme Standard | Comment | Assessment |
| E1.6.1 Subdivision: Provision of hazard management areas | | |
| A1(b) | The application includes a bushfire hazard management plan prepared by a suitably qualified person and certifying that the application is consistent with the Acceptable Solution. | Complies |
| E1.6.2 Subdivision: Public and fire fighting Access | | |
| A1(b) | The access is certified as being consistent with the objective. | Complies |
| E1.6.3 Subdivision: Provision of water supply for fire fighting purposes | | |
| A1 | Not applicable | |
| A2(b) | All lots rely on a static water supply. The application includes a bushfire hazard management plan certifying that the lots can achieve satisfactory water supply for firefighting consistent with the objective. | Complies |

| | | |
|---|--|--------------------------------|
| E4 Road and Railway Assets Code | | |
| Scheme Standard | Comment | Assessment |
| E4.6.1 Use and road or rail infrastructure | | |
| A1 | Not applicable | |
| A2 | The proposal will generate more than 40 vehicle movements. | Relies on Performance Criteria |

| | | |
|---|--|--------------------------------|
| A3 | Not applicable | |
| E4.7.2 Management of Road and Accesses and Junctions | | |
| A1 | Each lot will be provided with one access. | Complies |
| A2 | Not applicable | |
| E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings | | |
| A1 | Does not achieve sight distance. | Relies on Performance Criteria |

| | | |
|--|--|--------------------|
| E6 Car Parking and Sustainable Transport Code | | |
| Scheme Standard | Comment | Assessment |
| E6.2 Application of this Code | | |
| E6.2.1 | Code applies to all use and development. | Code is applicable |
| E6.6.1 Car Parking Numbers | | |
| A1 | Space available on site | Complies |
| E6.6.3 Taxi Drop-off and Pickup | | |
| A1 | Space available on site | Complies |
| E6.6.4 Motorbike Parking Provisions | | |
| A1 | Space available on site | Complies |

| | | |
|--|--|------------|
| E9 Water Quality Code | | |
| Scheme Standard | Comment | Assessment |
| E9.6.1 Development and Construction Practices and Riparian Vegetation | | |
| A1 | Native vegetation is not proposed to be removed – BFHP shows hazard management areas away from vegetation for dam. | Complies |
| A2 | No filling, draining or piping of wetland. | Complies |
| A3 | Not applicable | |
| E9.6.2 Water Quality Management | | |
| A1 | All stormwater will be managed within the site and is not proposed to be deposited in the dam. | Complies |
| A2 | No proposed point source discharge into a wetland or watercourse is provided. | Complies |
| A3 | Not applicable | |
| E9.6.3 Construction of Roads | | |
| A1 | An internal access track will likely be constructed to the west of the dam, | Complies |

| | | |
|--|---|----------|
| | however it does not cross or enter the watercourse and as such complies with the Acceptable Solution. | |
| E9.6.5 Sediment and Erosion Control | | |
| A1 | No works proposed other than installation of crossovers and fencing. | Complies |

| | | |
|---|---|------------|
| E10 Recreation and Open Space Code | | |
| Scheme Standard | Comment | Assessment |
| E10.6.1 Provision of Public Open Space | | |
| A1 | The General Manager has provided consent for a cash payment in lieu of public open space. | Complies |

Performance Criteria

Should Council wish to refuse the application it must be demonstrated how the development does not comply with one of the following Performance Criteria.

| | |
|---|--|
| Low Density Residential Zone | |
| 12.4.3.1 General Suitability | |
| Objective | |
| <i>The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Low Density Residential Zone.</i> | |
| Performance Criteria | |
| P1 | |
| <i>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:</i> | |
| <i>a) slope, shape, orientation and topography of land;</i> | |
| <i>b) any established pattern of use and development;</i> | |
| <i>c) connection to the road network;</i> | |
| <i>d) availability of or likely requirements for utilities;</i> | |
| <i>e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values;</i> | |
| <i>and</i> | |
| <i>f) potential exposure to natural hazards.</i> | |
| Response | |
| The assessment considers the suitability of the proposed lots for future use and development. The arrangement must be consistent with the Zone Purpose (see Table 2 below). | |

| | |
|----------|---|
| 12.1 | <i>Zone Purpose</i> |
| 12.1.1 | <i>Zone Purpose Statements</i> |
| 12.1.1.1 | <i>To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.</i> |
| 12.1.1.2 | <i>To provide for non-residential uses that are compatible with residential amenity.</i> |
| 12.1.1.3 | <i>To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.</i> |
| 12.1.2 | <i>Local Area Objectives</i> |
| | <i>Westbury</i> <i>a) Westbury will be promoted as a key settlement for low density residential development based on the extent of the historic pattern of lots;</i> <i>b) Greater efficiency in land use in the provision of lower density lots can be gained through the rearrangement or subdivision of older titles located outside of the serviced core of the settlement.</i> |
| | <i>a) Future subdivision will be determined on the basis of capacity for on-site servicing, access and any potential for natural hazards.</i> |
| 12.1.3 | <i>Desired Future Character Statements</i> |
| | <i>Westbury</i> <i>a) The low density character of the peripheral areas of the settlement are a distinctive feature of Westbury, reinforced by a strong grid pattern of roads and prominent hedge rows that border existing lots.</i> <i>b) Future development is to maintain a density and pattern that keeps the distinction between the inner serviced core and the peripheral low density zone.</i> |

Table 2: Zone Purpose for Westbury

Performance Criteria P1

a)

All lots are greater than 5,000m². The minimum standard for the zone is 5,000m². As such, the lot density is in keeping with the minimum standard for the zone.

These lots are considered large when compared to other residential zones. Within Westbury, the other zones that provide for residential use are the General Residential and Urban Mixed Use zones. Within the General Residential Zone the Acceptable Solution for lot size is 700m² and for the Urban Mixed Use Zone the Acceptable Solution for lot size is 800m². At 5,000m² and over, the proposed lot sizes maintain a distinction between the inner serviced core and the peripheral low density zone. The

layout is in keeping with a low density residential character.

The proposed lots have a relatively mild slope less than 1:9. The mild topography, combined with the size and dimensions of the lots, ensure the lots are of adequate size to accommodate future residential development consistent with the zone purpose.

b)

The area currently has a mixed pattern of development. The layout does not propose any new roads and will not alter the existing grid pattern, which is a distinctive feature of the area. Within this network, individual lots range in size and dimensions. The proposal has made use of internal lots in order to maximise the dimensions of the buildable area and separation between dwellings. While not common, there are a number of internal lots in the Low Density Zone of Westbury (see Figure 2 below). The lot arrangement ensures that dwellings will be scattered within the landscape, allowing maximum separation and discouraging linear development.

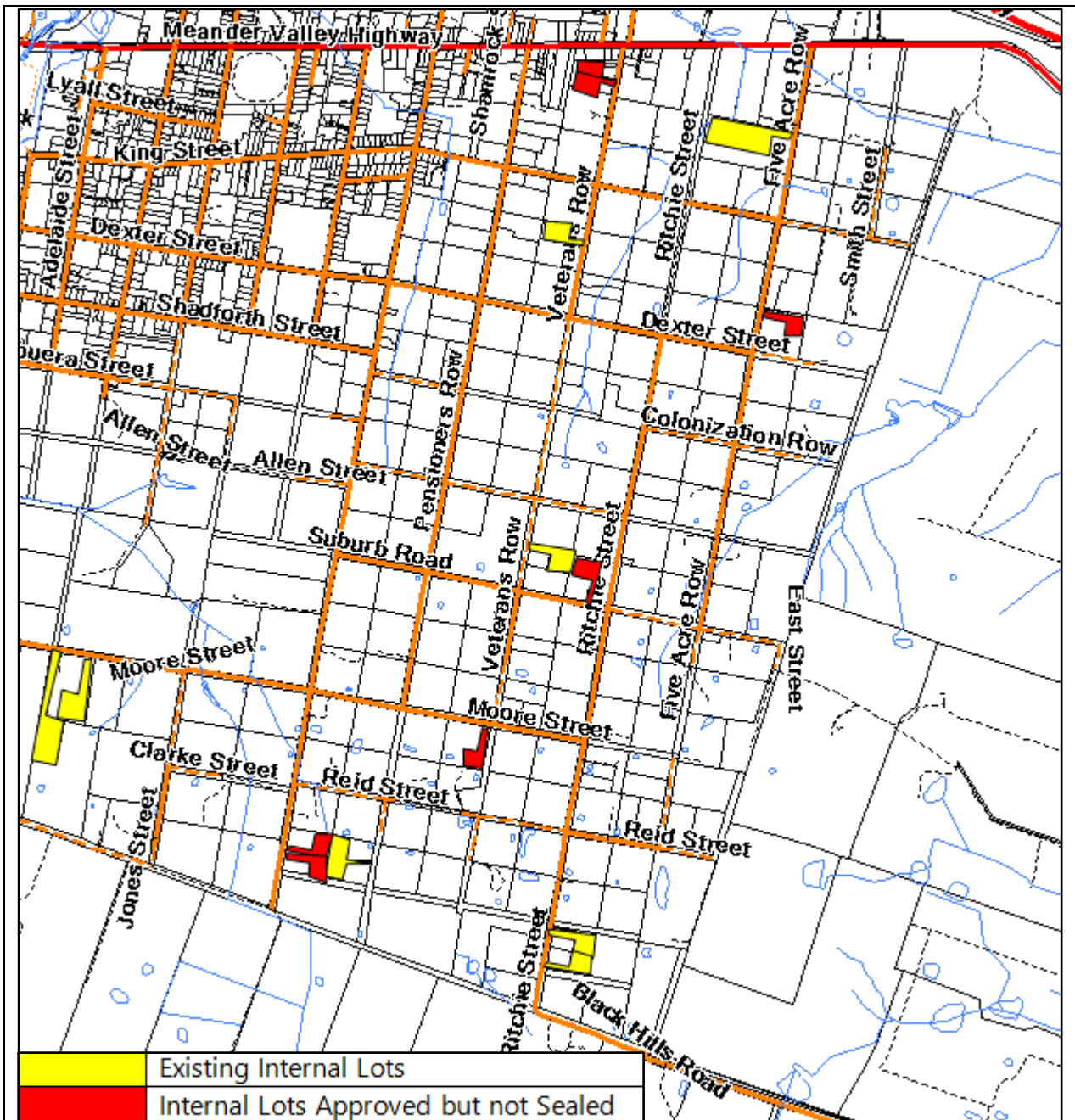


Figure 2: internal lots in the Westbury Low Density Residential Zone

It is noted that vegetation is a significant feature of this area of Westbury, with hedgerows providing significant visual buffers between lots. Prominent hedgerows are acknowledged as a desirable feature by the Desired Future Character Statements of the Zone Purpose. It is the opinion of the planner that domestic plantings will be undertaken as the area develops and, over time, future developments will become more visually integrated into the landscape and streetscape. However, additional planting will assist to make the visual character of the subdivision more consistent with that of the area. There is reasonable support in the Zone Purpose to condition additional vegetation.

With existing concerns raised by the representations regarding inappropriate road use and lack of sight lines on the corner of Black Hills Road and Ritchie Street, it is recommended that additional roadside vegetation be avoided, particularly along the frontage of Lot 3. However, linear plantings, between some of the lots would contribute to a more established appearance in a faster timeframe. A row of trees or hedgerow along the east boundary of Lot 3, the east and north boundary of Lot 1 (terminating at the access handle) and the north boundary of Lot 2 would provide the visual barriers necessary to break up the landscape, along both Black Hills Road and Ritchie Street (see Figure 3 below). This arrangement would visually break up the proposed subdivision into two (2) distinct clusters and provide some visual separation from the existing lots to the north.



Figure 3: proposed plantings (Attachment A)



Photo 1: subject lot viewed from Black Hills Road



Photo 2: subject property viewed from Ritchie Street

While vegetation screens would not completely screen development, it would break up the sweeping views of the site from the road and create pockets of development similar to other developed areas in the Low Density Residential Zone.

c)

All lots include a connection to the road network.

d)

Council's Environmental Health Officer and Plumbing Surveyor have assessed the application and have confirmed that the lots are of sufficient size to accommodate wastewater and stormwater management on site and do not require an extension of any public utilities.

e)

The land does not have any identified ecological, scientific or cultural values. There is some native vegetation surrounding the existing dam, however it predominately comprises wattles and does not have any conservation significance. The remainder of the lot is cleared. The property is not heritage listed and is not recognised by the planning scheme as having historical significance. The land does not have significant aesthetic values. Public visibility is limited to the road immediately adjacent to the subdivision and a distant view from Five Acre Row South. The vegetation fronting the property is composed of a mix of hawthorn, gorse, blackberries and wattles. It is in relatively poor condition and has significant gaps (see Photo 3 and 4). The application proposes the removal of some vegetation to ensure safe sight distances at the accesses. While the vegetation contributes aesthetically to the character of the immediate area, it is not considered to be of significant value. The recommended plantings will offset any boundary vegetation removal.



Photo 3: typical vegetation on Black Hills Road



Photo 4: typical vegetation fronting Ritchie Street

f)

The proposal has been assessed against the Bushfire Prone Areas Code below and is considered to be satisfactory. The land is not known to be subject to any other natural hazards.

In summary, the proposal supports low density residential development on large lots, outside of the serviced core of Westbury. The layout is an efficient use of the land and no new roads or additional infrastructure is proposed. In conclusion, the proposal is considered consistent with the Zone Purpose, Objective and Performance Criteria.

Recommended Condition

1. Prior to the commencement of works a landscaping plan is to be submitted to the satisfaction of Council's Town Planner. The landscaping plan is to show a hedgerow or row of trees along the east boundary of Lot 3, the east and north boundary of Lot 1 (terminating at the access handle) and the north boundary of Lot 2. Trees are to attain a minimum mature height of 2m and are to be planted at recommended intervals for the species. It is not required that the vegetation form a contiguous screen, but must be of sufficient density to form a distinct lineal landscape feature (see Attachment A).
2. Prior to the sealing of the final plan of survey vegetation is to be planted in accordance with Condition 1. All plants are to be semi-mature.
3. All vegetation is to be maintained in a healthy condition and any fatalities are to be replaced with a new plant of similar size and habit.

12.4.3.2 Lot Area, Building Envelopes and Frontage

Objective

To ensure:

- a) the area and dimensions of lots are appropriate for the zone; and
- b) the conservation of natural values, vegetation and faunal habitats; and
- c) the design of subdivision protects adjoining subdivision from adverse impacts; and
- d) each lot has road, access, and utility services appropriate for the zone.

Performance Criteria

P1

Each lot for residential use must provide sufficient useable area and dimensions to allow for:

- a) a dwelling to be erected in a convenient and hazard free location; and
- b) on-site parking and manoeuvrability; and
- c) adequate private open space; and
- d) reasonable vehicular access from the carriageway of the road to a building area on the

lot, if any; and

e) development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape; and

f) additional lots must not be located within the Low Density Residential Zone at Hadspen, Pumicestone Ridge or Travellers Rest.

Response

The proposed development relies on the Performance Criteria due to lots 1, 4 and 6 being internal and lacking a 35m² diameter circle within 35m of the frontage. All of the proposed lots comply with the Acceptable Solution in regard to lot area and density.

a)

All of the proposed lots have suitable area and dimensions to allow a dwelling to be erected in a suitable, hazard free location. The bushfire hazard management plan submitted with the application demonstrates that all lots can achieve hazard management areas for bushfire, within the title boundaries. There are no other specific hazards associated with the land.

b) & c)

All lots are of sufficient area and dimensions to accommodate onsite parking and manoeuvring, and adequate private open space. The topography of the land is relatively mild and there is adequate area for these provisions.

d)

All of the lots have reasonable vehicular access from the carriageway to the building area. While some of the lots are internal, the access handles have a mild topography, requiring minimal earthworks to create a trafficable access.

e)

The development will not adversely affect the amenity of or be out of character with surrounding development. The proposal is for residential lots, use and development of these lots will be consistent with that of the surrounding land. All lots have sufficient area and dimensions to allow for reasonable separation between new dwellings and the neighbouring properties. All of the existing dwellings on surrounding titles are more than 45m from the boundary of any of the proposed titles. This is considered to be sufficient buffer to maintain residential amenity.

While future development of the land will result in a significant change to its appearance and character, these changes are consistent with the character of surrounding developments and the streetscape. Surrounding development is of a mixed nature. Many properties have single dwellings and associated outbuildings; while some land is vacant. Some development is located in close proximity to a road; others are setback a distance from a road. Some development is highly visible from the road;

others are screened by vegetation. There are pockets where development is relatively concentrated and there are areas with a very rural appearance. The character of the area is not defined by a single feature.

It is acknowledged that the elevated nature of Black Hills Road is slightly unusual compared to the general topography of the area. The lack of vegetation and topography provides panoramic views of the whole site from both Black Hills Road and Ritchie Street. Future development will be prominent when viewed from the road. It is considered that the planting of domestic gardens on the proposed lots over time will adequately integrate the proposal. As discussed above, conditioning the planting of vegetation within the subdivision will break up the landscape and assist development to integrate.

It is noted that the land has sufficient frontage to accommodate a lot layout which would comply with the Acceptable Solution and provide a 35m diameter circle, within 35m of the frontage, without reducing the number of lots or dwelling density. However, the proposed layout and internal lots accommodate a more dispersed pattern of dwellings and discourages linear development along the roadside. This dispersed pattern is more consistent with the existing pattern of development and the streetscape and is considered to be appropriate for the area.

f)

The land is not located in Hadspen, Pumicestone Ridge or Travellers Rest and therefore is not prohibited by this section of the planning scheme.

The development is consistent with the Performance Criteria and the Objective, providing lots with areas and dimensions appropriate for the zone.

Performance Criteria

P3

Lots that are not provided with reticulated water and sewerage services must be:

a) in a locality for which reticulated services are not available or capable of being connected; and

b) capable of accommodating an on-site wastewater management system.

Response

a)

The property is not serviced by reticulated water and sewerage services.

b)

While the application does not include a waste water assessment, Council's Environmental Health Officers have reviewed the proposal and provided advice that the areas of the proposed lots do not raise any concerns regarding future management of wastewater associated with the development of a single dwelling.

As such, the proposal is considered consistent with the Objective and Performance Criteria.

Performance Criteria

P4

Each lot must be capable of disposal of stormwater to a legal discharge point.

Response

The land is not serviced by a stormwater system. In the absence of reticulated water, it is likely that roof stormwater will be collected in rain water tanks for domestic use. Excess stormwater will be managed onsite. Council's Environmental Health Officers and Plumbing Surveyor have provided advice that the lot areas are sufficient for the management of stormwater in this area.

As such, the proposal is considered consistent with the Objective and Performance Criteria.

Road and Rail Assets Code

E4.6.1 Use and Road or Rail Infrastructure

Objective

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

Performance Criteria

P2

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

Response

The application includes a traffic impact assessment prepared by Traffic Civil Services. The assessment demonstrates that the accesses will result in a relatively low volume of traffic onto Black Hills Road/Ritchie Street. The road is a low speed road and has a relatively low volume of traffic at approximately 200 vehicles per day. The report concludes that there is no road capacity or safety issues associated with the traffic volumes generated by the proposal.

Council's Infrastructure Department has reviewed the Traffic Impact Assessment and has not raised concerns with the conclusions of the assessment.

The development is considered to comply with the Performance Criteria and the Objective and does not reduce the safety or efficiency of the road network.

E4.7.4 Sight Distances at Accesses, Junctions and Level Crossings

Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Performance Criteria

P1

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.

Response

The application includes a traffic impact assessment prepared by Traffic Civil Services. The assessment demonstrates that safe sight distances consistent with the Acceptable Solutions can be achieved for all lots with some road side vegetation removal, excluding to the right of the Lot 3 access.

Further assessment of Lot 3 demonstrates that the sight distances achievable for this lot comply with the applicable Australian Standards. This is considered to be sufficient to ensure the safe movement of vehicles. It is noted that the access is immediately opposite an existing access which shares a similar sight distances.

Council's Infrastructure Department has reviewed the Traffic Impact Assessment and has not raised concerns with the conclusions of the assessment.

Provided that appropriate clearance is undertaken immediately adjacent to the accesses, the development is considered to comply with the Performance Criteria and the Objective and ensures the safe movements of vehicles.

Recommended Condition

1. Vegetation clearance is to be undertaken in the immediate vicinity of each access to ensure safe sight distances to the satisfaction of Council's Director Infrastructure Services. Vegetation removal is to be limited to that required to achieve safe sight distances.
2. Prior to the sealing of the final plan of survey clearance for safe sight distances is to be undertaken in accordance with Condition 1.

Conclusion

It is considered that the application for Use and Development for a Subdivision (7 lots) is acceptable in the Low Density Residential Zone and is recommended for approval.

DECISION:

Attachment A - Location for Landscaping

PLAN OF SUBDIVISION



PDA Surveyors
 Surveying, Engineering & Planning
ABN 71 217 806 325

Incorporating
WALTER SURVEYS

3/23 Brisbane Street,
 Launceston, Tasmania, 7250
 www.pda.com.au Also at:
 Hobart, Burnie,
 Devonport & Kingston
 PHONE: +61 03 6331 4099
 FAX: +61 03 6334 3098
 EMAIL: pda.ln@pda.com.au

| | | | | |
|------------------------------|---------------------------------|---------------------------|---|---|
| Owners | BLACKHILLS DEVELOPMENTS PTY LTD | Address | Black Hills Road, Westbury | This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey. |
| | | Council | Meander Valley Council | |
| Title References | FR 35725/160; FR 249076/159 | Planning Scheme | Meander Valley Interim Planning Scheme 2013 | |
| Schedule Of Easements | As shown. | Zone & Overlay | 12.0 Low Density Residential | |

| | | | | | | | | | | | |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------------------|
| Scale | 1:1500 | Date | 16 December 2019 | PDA Reference | 44850J - P1 | Map reference | 4839 | PID | 3443456 | Point of Interest | GDA84 MGA55 487423E, 5399680N |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------------------|





PLANNING NOTICE

An application has been received for a Permit under s.57 of the Land Use Planning Approvals Act 1993:

| | |
|-------------------|---|
| APPLICANT: | PDA Surveyors - obo - Blackhills Developments P/L - PA\20\0155 |
| PROPERTY ADDRESS: | Black Hills Road WESTBURY (CT's: 35825/160 & 249076/159) |
| DEVELOPMENT: | Subdivision (7 lots) - General suitability, building envelope, not connected to reticulated water, sewer & stormwater, access, sight distance. |

The application can be inspected until **Friday, 17 April 2020**, at www.meander.tas.gov.au or at the Council Office, 26 Lyall Street, Westbury (during normal office hours).

Written representations may be made during this time addressed to the General Manager, PO Box 102, Westbury 7303, or by email to planning@mvc.tas.gov.au. Please include a contact phone number. Please note any representations lodged will be available for public viewing.

If you have any questions about this application please do not hesitate to contact Council's Planning Department on 6393 5320.

Dated at Westbury on 28 March 2020.

John Jordan
GENERAL MANAGER

LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)
M.B. Reid, B. GEOM.(HONS) (Tas.), M.SSSI M.AIPM (Associate)

HOBART

C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)
H. Clement, B. SURV. (Tas.), M.SSSI (Director)
M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI (Director)
T.W. Walter, Dip. Surv & Map; (Director)
A.M. Peacock, B. APP. SC. (SURV), M.SSSI. (Consultant)
D. Panton, B.E. M.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)

BURNIE/DEVONPORT

A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Director)
A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI (Director)



PDA Surveyors

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SURVEYS**

Surveying, Engineering & Planning

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PO Box 284 (3/23 Brisbane Street)
Launceston, Tasmania, 7250
Phone (03) 6331 4099

ABN 71 217 806 325

Email: pda.ltn@pda.com.au
www.pda.com.au

Our Ref: 44850

Your Ref:

20th January, 2020.

Meander Valley Council
PO Box 102
WESTBURY TAS 7303

Attention: Mrs J. Richardson

Dear Jan,

RE: SUBDIVISION – BLACK HILLS DEVELOPMENT PTY LTD, BLACK HILLS ROAD, WESTBURY

We submit herewith on behalf of Black Hills Development Pty Ltd a subdivision to subdivide the land into 7 separate lots. We will now address the provisions of the Low Density Residential Zone Clause 12.4.3 as it relates to this subdivision.

12.4.3.1 General Suitability

Performance criteria are met in that the subdivision is consistent with the zoning purpose and is consistent with the performance criteria for this Clause.

12.4.3.2 Lot Area, Building Envelopes and Frontage

All lots are over 5000m² and all lots can contain the 35 metre circle in Clause A(1b). The subdivision is in character with the surrounding development in the area.

Acceptable Solution A2 is met in that each lot has frontage of at least 4.0 metres. Acceptable Solution A3 is not applicable as there is no water and sewerage system in the vicinity. Performance Criteria P3 is met in that the lots are capable of accommodating an onsite waste water management system. Performance Criteria P4 is met in that each lot is able to be large enough to be able to absorb stormwater within the boundaries of the block.

.../2...

OFFICES ALSO AT:

• 16 Emu Bay Road, Deloraine, 7304
• 6 Quaker Street, Meander Valley, Devonport, 7310

(03) 6362 2993
(03) 6423 6875

• 127 Bathurst Street, Hobart, 7000
• 6 Freeman Street, Kingston, 7050
• 60 Hill Road, Huonville, 7109

(03) 6234 3217
(03) 6229 2131
(03) 6264 1277

Codes:

1. Bushfire: A BHMP is enclosed.
2. Road Code: As the road is in front these lots has a 60kmph speed limit and corners of 25kmph and 35 kmph either side the Acceptable Solution A1 in clause E4.7.2 is met.
3. Open Space Code: As no land has been provided the owner will require consent from the Council General Manager for a cash payment to be made for the open space contribution.

We enclose the following to enable you to assess the application;

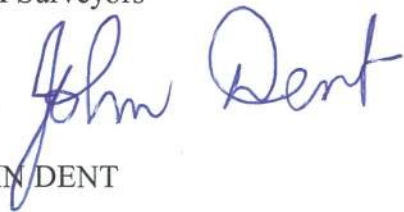
- 3 copies of the Proposal Plan.
- Completed Development Application Form.
- Copy of the Title.
- Bushfire Report.

Could you please let us know if there is anything further that you require to be able to assess this application. Can you please make out an invoice to Black Hills Development Pty Ltd c/o john.dent@pda.com.au and we will arrange for payment of your fees for this application.

Yours faithfully
PDA Surveyors

Per:

JOHN DENT



PLAN OF SUBDIVISION



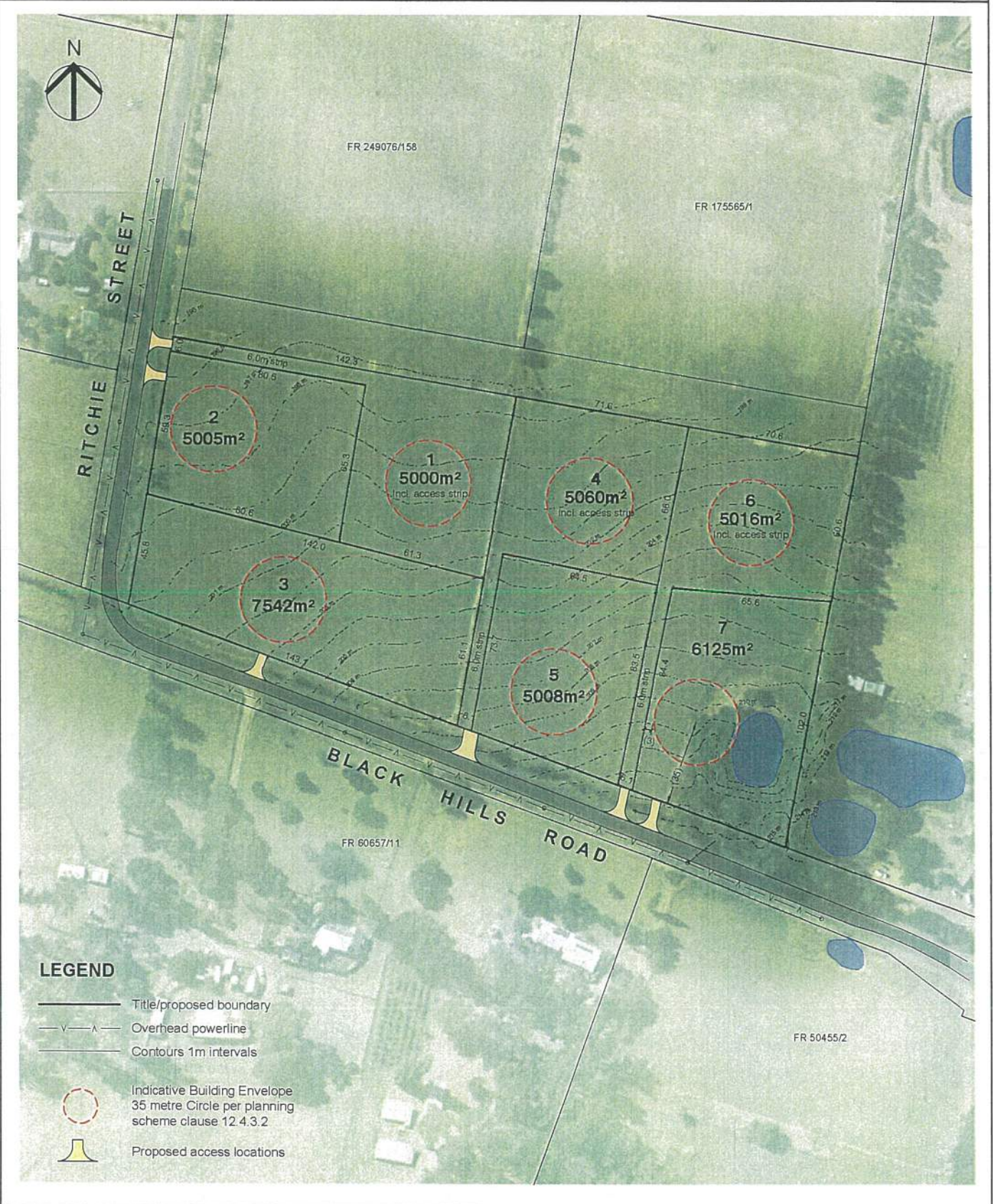
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| | | | | |
|------------------------------|---------------------------------|---------------------------|---|---|
| Owners | BLACKHILLS DEVELOPMENTS PTY LTD | Address | Black Hills Road, Westbury | This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey. |
| | | Council | Meander Valley Council | |
| Title References | FR 35725/160; FR 249076/159 | Planning Scheme | Meander Valley Interim Planning Scheme 2013 | |
| | | Zone & Overlay | 12.0 Low Density Residential | |
| Schedule Of Easements | As shown. | | | |

| | | | | | | | | | | | |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------|
| Scale | 1:1500 | Date | 16 December 2019 | PDA Reference | 44850J - P1 | Map reference | 4839 | PID | 3443456 | Point of Interest | 487423E, 5399680N |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------|



SEARCH OF TORRENS TITLE

| | |
|-----------------|------------------------------|
| VOLUME 35825 | FOLIO 160 |
| EDITION 6 | DATE OF ISSUE 31-May-2016 |

SEARCH DATE : 17-Jan-2020

SEARCH TIME : 09.02 AM

DESCRIPTION OF LAND

Parish of WESTBURY, Land District of WESTMORLAND
 Lot 160 on Diagram 35825
 Derivation : Whole of Lots 156 and 160 Gtd. to J. Hay and W.
 Archer respectively
 Prior CT 4473/26

SCHEDULE 1

M568713 TRANSFER to BLACKHILLS DEVELOPMENTS PTY LTD
 Registered 31-May-2016 at 12.01 PM

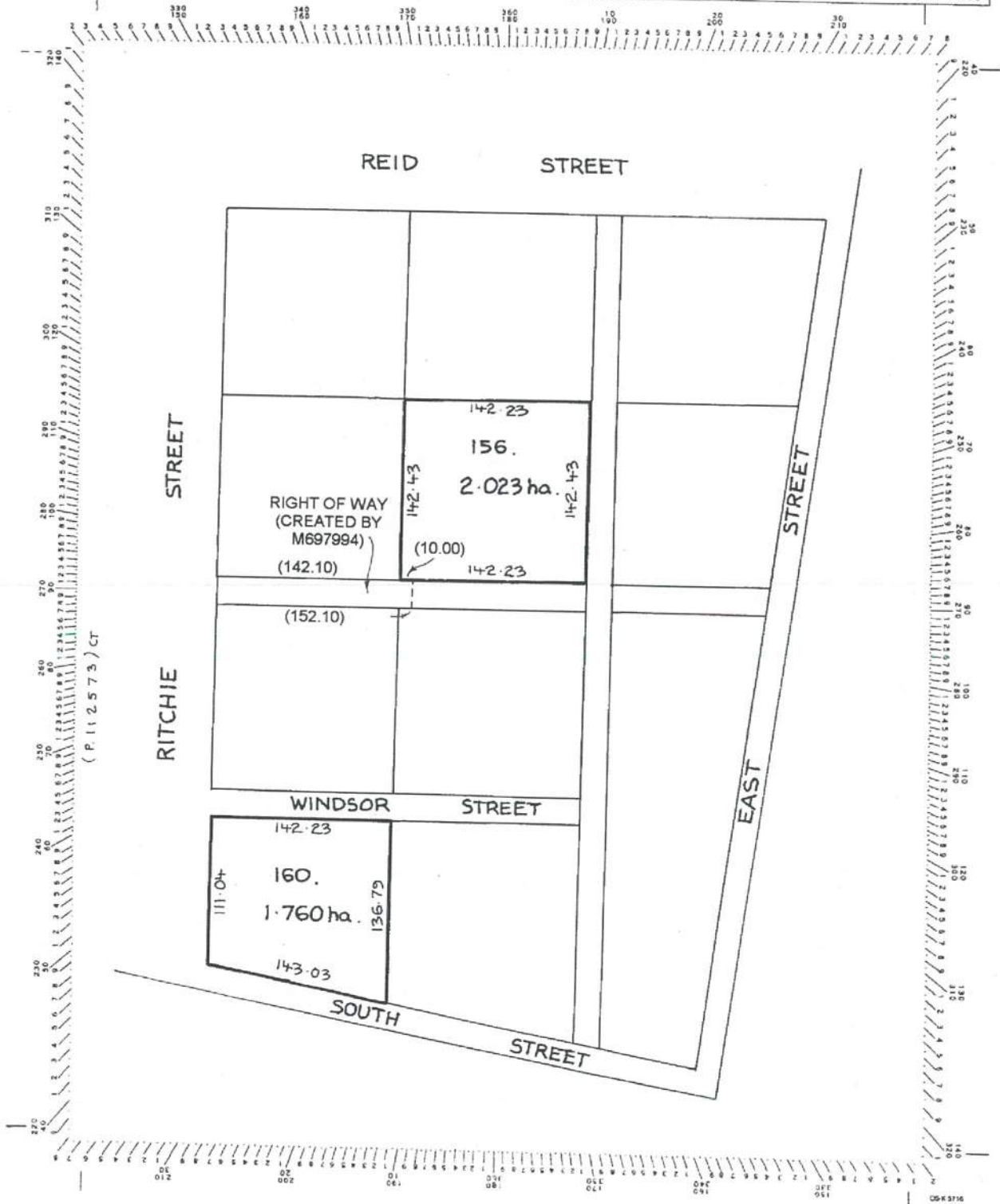
SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

| | | |
|--|--|--|
| Owner L.T. ACT 1980 | PLAN OF SURVEY of land situated in the | Registered Number: D.35825 |
| Title Reference Y.8976 | LAND DISTRICT OF WESTMORLAND PARISH OF WESTBURY | Approved: 24 JUN 1988 |
| Grantee WHOLE OF LOT 156, (5-0-0) GTD TO JOHN HAY (SEC F5), AND WHOLE OF LOT 160, (4-1-16) GTD TO WILLIAM ARCHER (SEC F13) | COMPILED FROM (W/26 L.O) | <i>H. Sullivan</i> Recorder of Titles |
| SCALE 1:300 MEASUREMENTS IN METRES | | |



SEARCH OF TORRENS TITLE

| | |
|------------------|------------------------------|
| VOLUME 249076 | FOLIO 159 |
| EDITION 6 | DATE OF ISSUE 31-May-2016 |

SEARCH DATE : 17-Jan-2020

SEARCH TIME : 09.04 AM

DESCRIPTION OF LAND

Town of WESTBURY
 Lot 159 on Plan 249076
 Derivation : Lot 159 (Section F.13) and Lot 158 (Section F.12)
 GGtd. to T. Shaw and J. Healey respectively
 Prior CT 3049/76

SCHEDULE 1

M568713 TRANSFER to BLACKHILLS DEVELOPMENTS PTY LTD
 Registered 31-May-2016 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469
TASMANIA
REAL PROPERTY ACT, 1862, as amended
NOTE - REGISTERED FOR OFFICE
CONVENIENCE TO REPLACE



CERTIFICATE OF TITLE

Register Book
Vol. Fol.
3049 76

Cert. of Title Vol. 819 Fol. 93

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

M. J. Imlach
Recorder of Titles.



DESCRIPTION OF LAND

TOWN OF WESTBURY
FIVE ACRES and
FIVE ACRES ONE ROOD TWO PERCHES on the Plan hereon

FIRST SCHEDULE (continued overleaf)

VERA MARY JONES of Westbury, Widow

SECOND SCHEDULE (continued overleaf)

NO. A137696 MORTGAGE TO
Florence Ivy Bellinger
Registered 16th December 1960 at 12.2p.m.
(Sgd.) A. IMLACH
Recorder of Titles

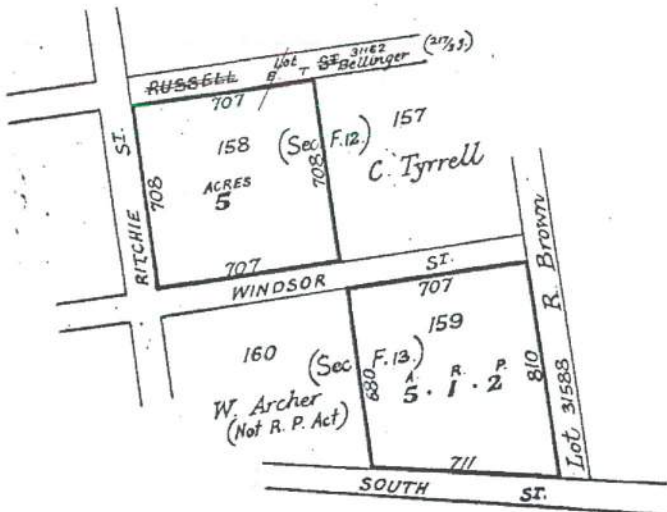
DISCHARGED A570898 (26.7.1977)

M. J. Imlach
Recorder of Titles

; RECORDER OF TITLES ARE NO LONGER SUBSISTING.

1599/58
Lot of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Registrar.

REGISTERED NUMBER
249076



Lot 159 Section F.13 and Lot 158 Section F.12 Gtd. to T. Shaw and J. Healey respectively - Meas. in Links

FIRST Edition. Registered

Derived from C.T. Vol. 819 Fol. 93 - Transfer A168592 V.M. Jones
" A137695 J.C. Finney

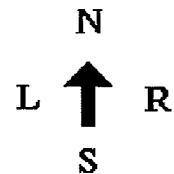
Bushfire Hazard Management Report: Subdivision Black Hills Road, Westbury.

Report for: PDA Surveyors

Property Location: Black Hills Road, Westbury

Prepared by: Scott Livingston
Livingston Natural Resource Services
12 Powers Road
Underwood, 7268

Date: 10th January 2020



Client: PDA Surveyors obo Black Hills Development Pty Ltd

Property identification: Black Hills Road, Westbury, CT 35825/160 and 249076/159, PID 3443456

Current zoning: Low Density Residential, Meander Valley Interim Planning Scheme 2013.

Proposal: A 7 lot subdivision is proposed from 2 existing title CT 35825/160 and 249076/159 at Black Hills Road Westbury.

Assessment A field inspection of the site was conducted to determine the Bushfire Risk and Bushfire Attack Level.

Assessment by: Scott Livingston



Master Environmental Management, Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act 1979: Accreditation # BFP-105.

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LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

DESCRIPTION

A 7 lot subdivision is proposed from 2 existing titles CT 35825/160 and 249076/159 at Black Hills Road, Westbury. The property is zoned Low Density Residential, *Meander Valley Planning Scheme, 2013*. There are no existing dwellings on either existing lot. The property has frontage to Black Hills Road and Ritchie Street, and is not serviced by a reticulated water supply. The property is grassland with some trees around the dam on proposed lot 7. Surrounding land is a mosaic of pasture (grassland) with occasional tree belts/clumps and managed land around dwellings.

See Appendix 1 for maps and site plan. Appendix 2 for photos.

BAL AND RISK ASSESSMENT

The land is considered to be within a Bushfire Prone Area due to proximity of bushfire prone vegetation, greater than 1 ha in area (grassland).

VEGETATION AND SLOPE

| Lot 1 | North | East | South | West |
|---|---|------------------|-----------------------------|-----------------------------|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland (approved subdivision) | 0-100m grassland | 0-100m grassland (inc road) | 0-100m grassland (inc road) |
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

| Lot 2 | North | East | South | West |
|---|---|------------------|-----------------------------|-----------------------------|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland (approved subdivision) | 0-100m grassland | 0-100m grassland (inc road) | 0-100m grassland (inc road) |
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |

| | | | | |
|------------------------|--------|--------|--------|--------|
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

| Lot 3 | North | East | South | West |
|---|------------------|------------------|-----------------------------|-----------------------------|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland | 0-100m grassland | 0-100m grassland (inc road) | 0-100m grassland (inc road) |
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

| Lot 4 | North | East | South | West |
|---|------------------|------------------|-----------------------------|------------------|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland | 0-100m grassland | 0-100m grassland (inc road) | 0-100m grassland |
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

| Lot 5 | North | East | South | West |
|---|------------------|------------------|---|---|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland | 0-100m grassland | 0-100m grassland (western portion includes some managed land around dwelling) | 0-30m grassland, 30-40m woodland, 40-100m dams and some scrub |

| | | | | |
|----------------------------|-----------------|---------------|---------------|-----------------|
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

| Lot 6 | North | East | South | West |
|---|------------------|------------------|---|------------------|
| Vegetation within 100m Subdivision boundaries | 0-100m grassland | 0-100m grassland | 0—50m grassland (50-100m woodland/scub around dam on Lot 7) | 0—100m grassland |
| Slope (degrees, over 100m) | Down slope 0-5° | Flat/ Upslope | Flat/ Upslope | Down slope 0-5° |
| BAL Rating at boundary | BAL FZ | BAL FZ | BAL FZ | BAL FZ |
| BAL Rating with HMA | BAL19* | BAL19* | BAL19* | BAL19* |

*May be decreased to BAL 12.5 with additional HMA

BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after development external to the subdivision and have also considered slope gradients. During development it is assumed undeveloped lots may be managed as grassland. Setback requirements may be able to be reduced following development and management of fuel loads on adjacent lots.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other constraints to building such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2009, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

| | Predicted Bushfire Attack & Exposure Level |
|----------|--|
| BAL-Low | Insufficient risk to warrant specific construction requirements |
| BAL-12.5 | Ember attack, radiant heat below 12.5kW/m ² |
| BAL-19 | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m ² |
| BAL-29 | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m ² |
| BAL-40 | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m ² |
| BAL-FZ | Direct exposure to flames radiant heat and embers from the fire front |

Setbacks

| | Grassland | Woodland |
|------------------|------------------|-----------------|
| BAL 12.5 | | |
| Upslope and flat | 14m | 22m |
| Down slope 0-5° | 16m | 26m |
| BAL 19 | | |
| Upslope and flat | 10m | 15m |
| Down slope 0-5° | 11m | 18m |

PROPOSED LOT BAL RATING

It is assumed that adjoining lots will continue to be managed at current levels of as grassland and woodland (dam on Lot 7) . Lots have a potential building area at BAL19, with a smaller building area available at BAL 12.5. Following development and hazard management on adjacent lots the BAL building areas may change.

Management of fuels around the existing dam on proposed lot 7 impact the potential building areas on the lot, if left unmanaged the building area is restricted to the northern portion of the lot to allow sufficient hazard management area outside this vegetation.

| Lot | Habitable Building Setbacks | |
|---------------|--|--|
| | BAL 12- existing trees on Lots retained | BAL 19- tree clearing required |
| 1 -6 | 14m from eastern and southern boundaries, 16m from northern and western boundaries | 10m from eastern and southern boundaries, 11m from northern and western boundaries |
| Balance lot 7 | 14m from eastern boundary unmanaged vegetation around dam and the southern boundary and 16m from northern and western boundaries | 10m from eastern boundary unmanaged vegetation around dam and the southern boundary and 11m from northern and western boundaries |

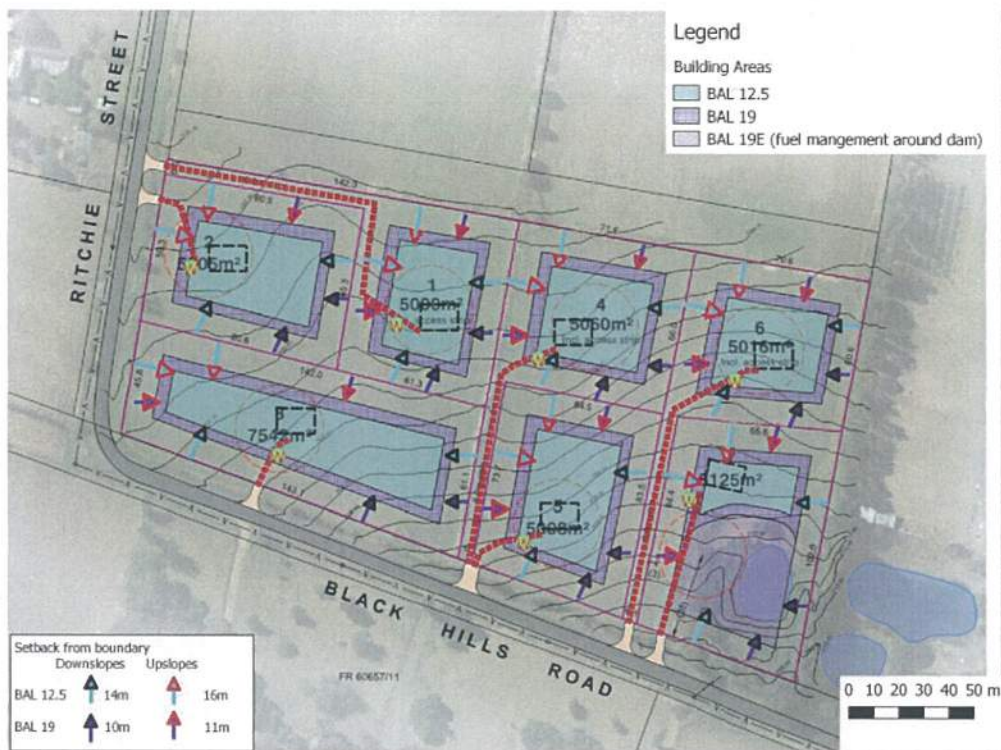


Figure 1: Building Area BAL Rating

HAZARD MANAGEMENT AREAS

All land within the lot shown below must be managed as low threat vegetation for the distances specified below from facades of habitable buildings. Low threat vegetation includes maintained lawns (mown to < 100mm), gardens and orchards. Land outside the HMA may be managed at fuel loads up to woodland.

| Façade | BAL 12.5 Construction HMA | BAL 19 Construction HMA |
|----------------|---------------------------|---------------------------|
| North and West | 0-16m managed/ low threat | 0-11m managed/ low threat |
| South and East | 0-14m managed/ low threat | 0-10m managed/ low threat |

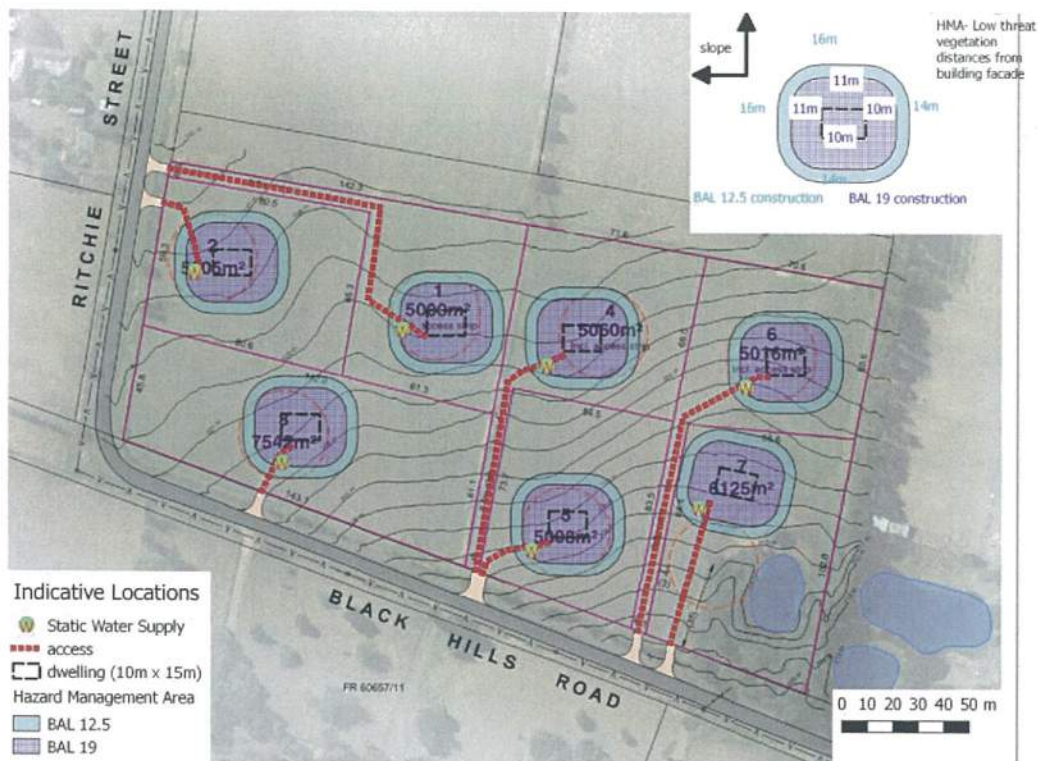


Figure 2: Hazard Management Areas

ROADS

Lot 1 and 2 will have access from Ritchie Street and Lot1 3-7 from Black Hills Road, no additional roads required for the subdivision.

PROPERTY ACCESS

Access to lots must comply with the relevant elements of Table E2 Access from the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*. Access to the water supply is likely to be in excess of 30m and required to meet Element B.

Table E2: Standards for Property Access

| Column 1 Element | Column 2 Requirement |
|---|--|
| <p>A.</p> <p>Property access length is less than 30 metres; or access is not required for a fire appliance to access a water</p> | <p>There are no specified design and construction requirements.</p> |
| <p>B.</p> <p>Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.</p> | <p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> (1) All-weather construction; (2) Load capacity of at least 20 tonnes, including for bridges and culverts; (3) Minimum carriageway width of 4 metres; (4) Minimum vertical clearance of 4 metres; (5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway; (6) Cross falls of less than 3 degrees (1:20 or 5%); (7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (8) Curves with a minimum inner radius of 10 metres; (9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and (10) Terminate with a turning area for fire appliances provided by one of the following: <ol style="list-style-type: none"> (a) A turning circle with a minimum inner radius of 10 metres; or (b) A property access encircling the building; or |

| | | |
|-----------|---|--|
| C. | Property access length is 200 metres or greater. | The following design and construction requirements apply to property access: (1) The Requirements for B above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres. |
| D. | Property access length is greater than 30 metres, and access is provided to 3 or more properties. | The following design and construction requirements apply to property access: (1) Complies with Requirements for B above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres. |

FIRE FIGHTING WATER SUPPLY

The subdivision is not serviced by a reticulated supply, Habitable buildings must have a static water installed to the standards listed in Table 4 of the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

Table E5 Static water supply for fire fighting

| Column Element | Column 2 Requirement |
|---|---|
| A. Distance between building area to be protected and water supply | The following requirements apply: a) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and b) The distance must be measured as a hose lay, between the water point and the furthest part of the building area. |

| Column Element | Column 2 Requirement |
|---|---|
| <p>B.</p> <p>Static Water Supplies</p> | <p>A static water supply:</p> <ul style="list-style-type: none"> a) May have a remotely located offtake connected to the static water supply; b) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; c) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; d) Must be metal, concrete or lagged by non-combustible materials if above ground; and e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6 mm thickness. |
| <p>C.</p> <p>Fittings, pipework and accessories (including stands and tank supports)</p> | <p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ul style="list-style-type: none"> (a) Have a minimum nominal internal diameter of 50mm; (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) Be metal or lagged by non-combustible materials if above ground; (d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23); (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) Ensure the coupling is accessible and available for connection at all times; (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and (i) Where a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) Visible; (ii) Accessible to allow connection by fire fighting equipment; (iii) At a working height of 450 – 600mm above ground level; and (iv) Protected from possible damage, including damage by vehicles |

| Column Element | Column 2 Requirement |
|---|---|
| <p>D. Signage for static water connections</p> | <p>The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must</p> <ul style="list-style-type: none"> (a) comply with: Water tank signage requirements within AS 2304-2011 Water storage tanks for fire protection systems; or (b) comply with water tank signage requirements within Australian Standard AS 2304-2011 Water storage tanks for fire protection systems; or (c) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service. |
| <p>E. Hardstand</p> | <p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> (a) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access. |

CONCLUSIONS

A 7 lot subdivision is proposed from 2 existing titles CT 35825/160 and 249076/159 at Black Hills Road, Westbury. The area is bushfire prone, being less than 100m from vegetation greater than 1ha in size.

There is sufficient area on proposed lots to provide building areas at BAL 19, BAL 12.5 construction is also possible with additional hazard management and setbacks. Extended building areas are available on Lot 7 subject to management of fuel loads around the existing dam..

Dwellings will require a hazard management area – low threat vegetation at specified distances from habitable buildings. Other areas of the lots may be managed at fuel loads up to grassland.

No additional roads are required, access to habitable buildings and water supply on lots must comply with the relevant elements of Table E2 Access from the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*

Habitable buildings must have a static water supply installed to the standards listed in Table 4 of the *Planning Directive No. 5.1 Bushfire-Prone Areas* prior to construction of habitable buildings.

REFERENCES

Meander Valley (2013) *Meander Valley Interim Planning Scheme*.

Standards Australia. (2009). *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.

Planning Commission (2017), *Planning Directive No. 5.1 Bushfire-Prone Areas Code*

APPENDIX 1 – MAPS

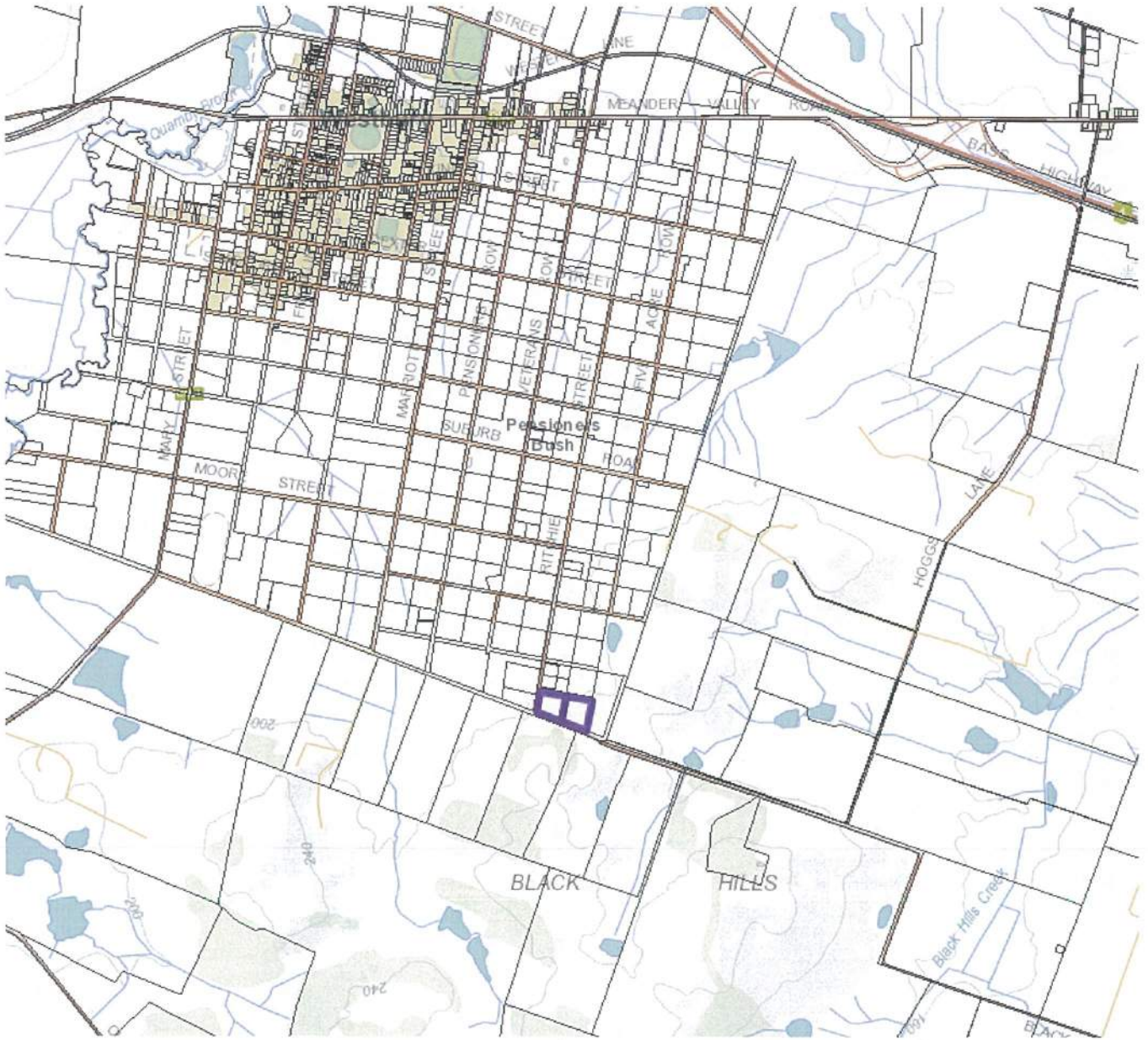


Figure 3: Location,



Figure 4: Aerial Image

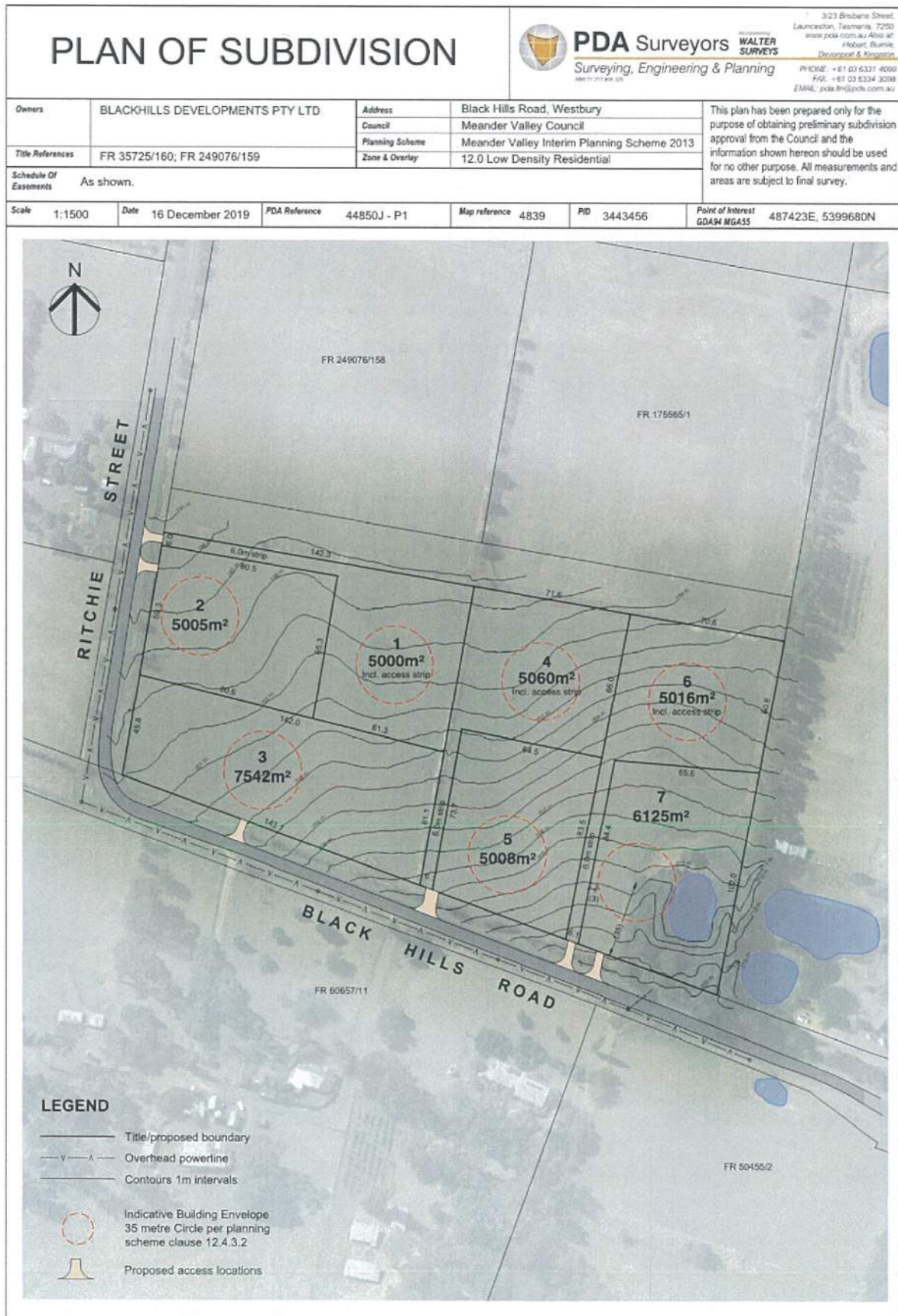


Figure 5: Proposed Subdivision Plan

APPENDIX 2 – PHOTOS



Figure 6: west along Black Hills road



Figure 7: north across lots



Figure 8: north across lots 6-7



Figure 9: vegetation around dam on Lot 7

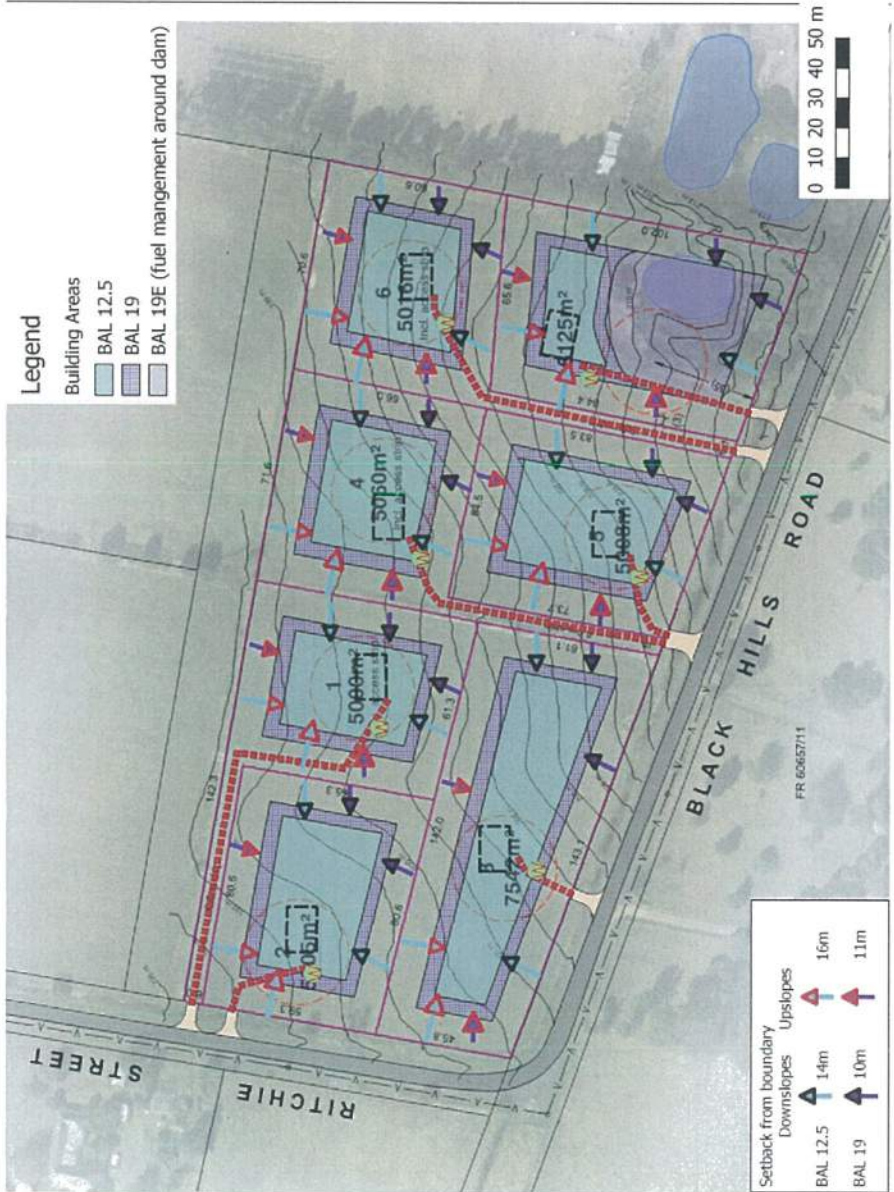


Figure 10: vegetation around dam on Lot 7



Figure 11:grassland west of lots

Bushfire Hazard Management Plan: Lot 1-7 Subdivision of CT 35825/160 & 249076/159, Black Hills Road, Westbury



Construction: BAL 12.5, BAL 19
 Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959

It is important to prepare your Bushfire Survival Plan, read your Community Protection Plan and know your Nearby Safer Place. These can be obtained from your

Note:
 It should be borne in mind that the measures contained in this Bushfire Management Plan cannot guarantee that a building will survive a bushfire event on

Scott Livingston
 Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C
 Date 10/1/2020
 SRL20/025

| Lot | Habitable Building Setbacks | BAL 19- tree clearing required |
|---------------|--|--|
| 1-6 | BAL 12- existing trees on Lots retained 14m from eastern and southern boundaries, 16m from northern and western boundaries | 10m from eastern and southern boundaries, 11m from northern and western boundaries |
| Balance lot 7 | 14m from eastern boundary unmanaged vegetation around dam and the southern boundary and 16m from northern and western boundaries | 10m from eastern boundary unmanaged vegetation around dam and the southern boundary and 11m from northern and western boundaries |

Building Areas

Water Supply

a static water supply to following standards must be installed for each building area:

The following requirements apply:

- the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and
- the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.

A static water supply:

- may have a remotely located offtake connected to the static water supply;
- may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;
- must be a minimum of 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;
- must be metal, concrete or lagged by non-combustible materials if above ground; and
- if a tank can be located so it is shielded in all directions in compliance with section 3.5 of *Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas*, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by:
 - metal;
 - non-combustible material; or fibre-cement a minimum of 6mm thickness.

Fittings and pipework associated with a fire fighting water point for a static water supply must:

- have a minimum nominal internal diameter of 50mm;
- be fitted with a valve with a minimum nominal internal diameter of 50mm;
- be metal or lagged by non-combustible materials if above ground;
- if buried, have a minimum depth of 300mm;
- provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment;
- ensure the coupling is accessible and available for connection at all times;
- ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);
- ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compatible with this Table; and
- if a remote offtake is installed, ensure the offtake is in a position that is:
 - visible;
 - accessible to allow connection by fire fighting equipment;
 - at a working height of 450 – 600mm above ground level; and
 - protected from possible damage, including damage by vehicles.

The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must:

- comply with water tank signage requirements within *Australian Standard AS 2304-2011 Water storage tanks for fire protection systems*; or
- Comply with the Tasmania Fire Service Water Supply Guideline published by Tasmania Fire Service

A hardstand area for fire appliances must be:

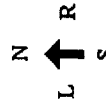
- no more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);
- no closer than 6m from the building area to be protected;
- a minimum width of 3m constructed to the same standard as the carriageway; and
- connected to the property access by a carriageway equivalent to the standard of the property access

Property Access

Access to a habitable building and/or water supply point. It must be constructed to the following standards:

The following design and construction requirements apply to property access:

- All-weather construction;
- Load capacity of at least 20 tonnes, including for bridges and culverts;
- Minimum carriageway width of 4 metres;
- Minimum vertical clearance of 4 metres;
- Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- Gross falls of less than 3 degrees (1.20 or 5%);
- Dips less than 7 degrees (1.8 or 12.5%) entry and exit angle;
- Curves with a minimum inner radius of 10 metres;
- Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- Terminate with a turning area for fire appliances provided by one of the following:
 - A turning circle with a minimum inner radius of 10 metres; or
 - A property access encircling the building; or a hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.



Scott Livingston
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C
Date: 10/1/2020
SRL20/025

BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

1. Land to which certificate applies²

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:

Black Hills Road, Westbury

Certificate of Title / PID:

CT 35825/160 and 249076/159 PID 3443456

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

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

² 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.

Description of Use or Development:

7 lot subdivision from 2 existing titles

Code Clauses:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

3: Documents relied upon

Documents, Plans and/or Specifications

Title: Plan of Subdivision

Author: PDA Surveyors

Date: 16/12/2019

Version: 1, 44850J-P1

Bushfire Hazard Report

Title: Bushfire Hazard Management Report, Lots159-160 Black Hills Road

Author: Scott Livingston

Date: 10/1/2020

Version: 1

Bushfire Hazard Management Plan

Title: Bushfire Hazard Management Plan Lots159-160 Black Hills Road

Author: Scott Livingston

Date: 10/1/2020

Version: 1

Other Documents

Title:

Author:

Date: _____

Version:

4: Nature of Certificate

E1.4 – Use or development exempt from this code

| Assessment Criteria | Compliance Requirement | Reference to Applicable Document(s) |
|-----------------------------------|-------------------------------|-------------------------------------|
| <input type="checkbox"/> E1.4 (a) | Insufficient increase in risk | |

E1.5.1 – Vulnerable Uses

| Assessment Criteria | Compliance Requirement | Reference to Applicable Document(s) |
|------------------------------------|---------------------------------|-------------------------------------|
| <input type="checkbox"/> E1.5.1 P1 | Residual risk is tolerable | |
| <input type="checkbox"/> E1.5.1 A2 | Emergency management strategy | |
| <input type="checkbox"/> E1.5.1 A3 | Bushfire hazard management plan | |

E1.5.2 – Hazardous Uses

| Assessment Criteria | Compliance Requirement | Reference to Applicable Document(s) |
|------------------------------------|---------------------------------|-------------------------------------|
| <input type="checkbox"/> E1.5.2 P1 | Residual risk is tolerable | |
| <input type="checkbox"/> E1.5.2 A2 | Emergency management strategy | |
| <input type="checkbox"/> E1.5.2 A3 | Bushfire hazard management plan | |

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 achieve tolerable risk | |
| <input type="checkbox"/> E1.6.1 A1 (a) | Insufficient increase in risk | |
| <input checked="" type="checkbox"/> E1.6.1 A1 (b) | Provides BAL 19 for all lots | Bushfire Hazard Management Lots 159-160 Black Hills Road |
| <input type="checkbox"/> E1.6.1 A1 (c) | Consent for Part 5 Agreement | |

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 checked="" type="checkbox"/> E1.6.2 A1 (b) | Access complies with Tables E1, E2 & E3 | Bushfire Hazard Management Plan Lots 159-160 Black Hills Road |

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 checked="" type="checkbox"/> E1.6.3 A2 (b) | Static water supply complies with Table E5 | Bushfire Hazard Management Plan Lots 159-160 Black Hills Road |
| <input type="checkbox"/> E1.6.3 A2 (c) | Static water supply is consistent with the objective | |

5. Bushfire Hazard Practitioner³

| | | | |
|--------------------------|---|------------------|---|
| Name: | <input type="text" value="Scott Livingston"/> | Phone No: | <input type="text" value="0438 951 021"/> |
| Address: | <input type="text" value="12 Powers Road"/> | Fax No: | <input type="text"/> |
| | <input type="text" value="Underwood"/> | Email | <input type="text" value="scottlivingston.lnra@gmail.com"/> |
| | <input type="text" value="Tasmania"/> | Address: | |
| | <input type="text" value="7250"/> | | |
| Accreditation No: | <input type="text" value="BFP – 105"/> | Scope: | <input type="text" value="1, 2, 3A, 3B, 3C"/> |

6. Certification

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.

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.

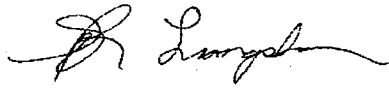
and/or

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.

³ 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.

Signed:

certifier



Date: 10/1/2020

Certificate No: SRL20/02S

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE
ITEM**

Section 321

To: Owner /Agent

Form **55**

Address

Suburb/postcode

Qualified person details:

Qualified person:

Address:

Phone No:

Fax No:

Licence No:

Email address:

Qualifications and Insurance details:

(description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Speciality area of expertise:

(description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Details of work:

Address:

Lot No:


Certificate of title No:

The assessable item related to this certificate:

(description of the assessable item being certified)

Assessable item includes –

- a material;
- a design
- a form of construction
- a document
- testing of a component, building system or plumbing system
- an inspection, or assessment, performed

Certificate details: 

Certificate type:

(description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work:

or

a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

Relevant

calculations:

Australian Standard 3959

- Planning Directive No.5.1 *Bushfire-Prone Areas Code*
- Building Amendment Regulations 2016
- Director of Building Control, Determination
 - Application of Requirements for Building in Bushfire Prone Areas. (Aug 2017)
- Guidelines for development in bushfire prone areas of Tasmania

Substance of Certificate: (what it is that is being certified)

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959
2. Bushfire Hazard Management Plan

Assessed as -BAL 19, BAL 12.5


Proposal is compliant with DTS requirements, clauses 4.1, 4.2, 4.3 & 4.4 Directors Determination Requirements for Building in Bushfire Prone Areas (v2.1)

[Empty box for content]

Scope and/or Limitations

[Empty box for Scope and/or Limitations]

I certify the matters described in this certificate.

| | | | |
|-------------------|---|------------------------|--------------|
| | <i>Signed:</i> | <i>Certificate No:</i> | <i>Date:</i> |
| Qualified person: |  | SRL20/02S | 10/1/2020 |

PLAN OF SUBDIVISION

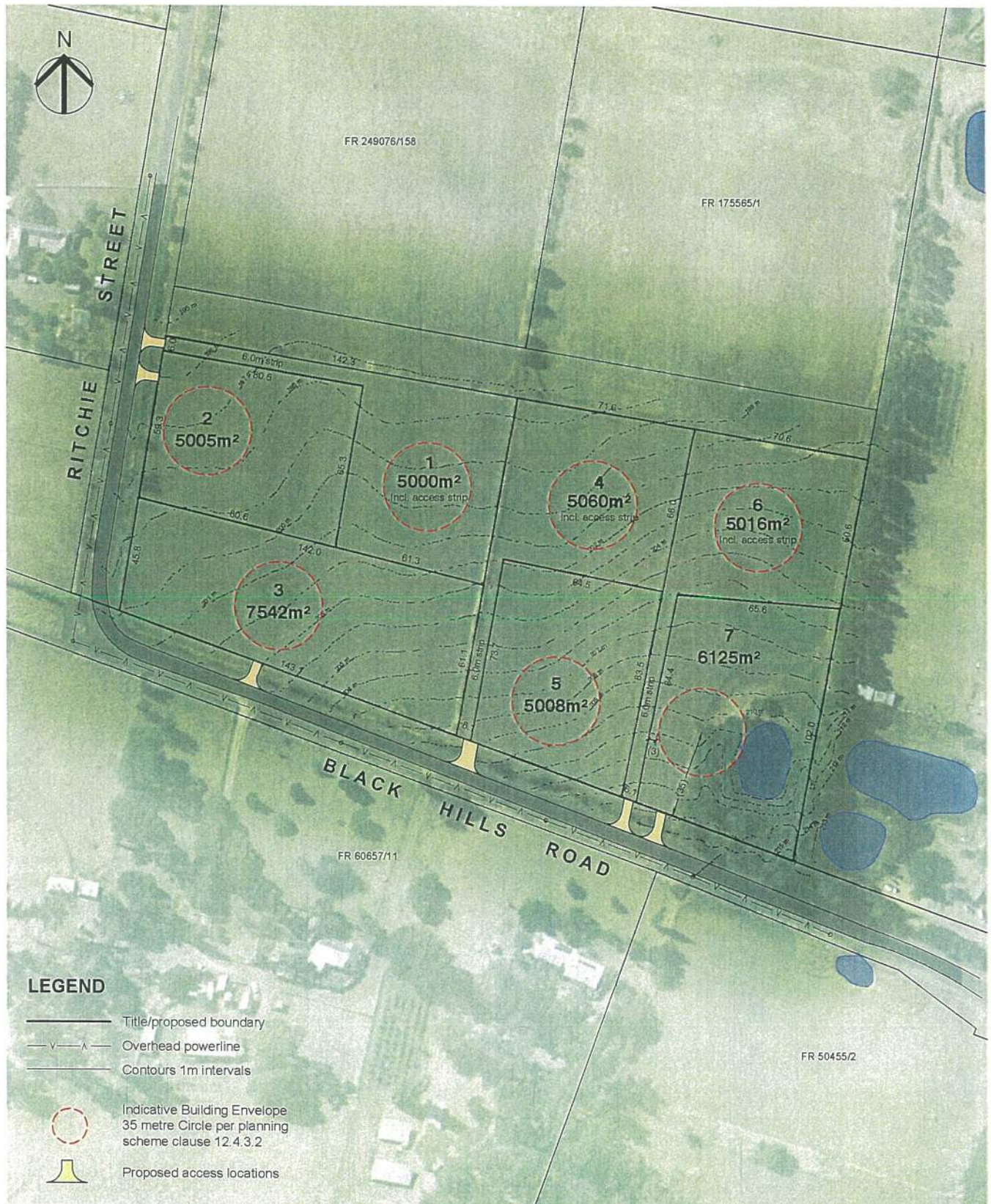


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| | | | | | | | | | | | |
|------------------------------|---------------------------------|---------------------------|---|---|-------------|----------------------|------|------------|---------|--------------------------------------|-------------------|
| Owners | BLACKHILLS DEVELOPMENTS PTY LTD | Address | Black Hills Road, Westbury | This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey. | | | | | | | |
| | | Council | Meander Valley Council | | | | | | | | |
| Title References | FR 35725/160; FR 249076/159 | Planning Scheme | Meander Valley Interim Planning Scheme 2013 | | | | | | | | |
| | | Zone & Overlay | 12.0 Low Density Residential | | | | | | | | |
| Schedule Of Easements | As shown. | | | | | | | | | | |
| Scale | 1:1500 | Date | 16 December 2019 | PDA Reference | 44850J - P1 | Map reference | 4839 | PID | 3443456 | Point of Interest GDA94 MGA55 | 487423E, 5399680N |



PLAN OF SUBDIVISION



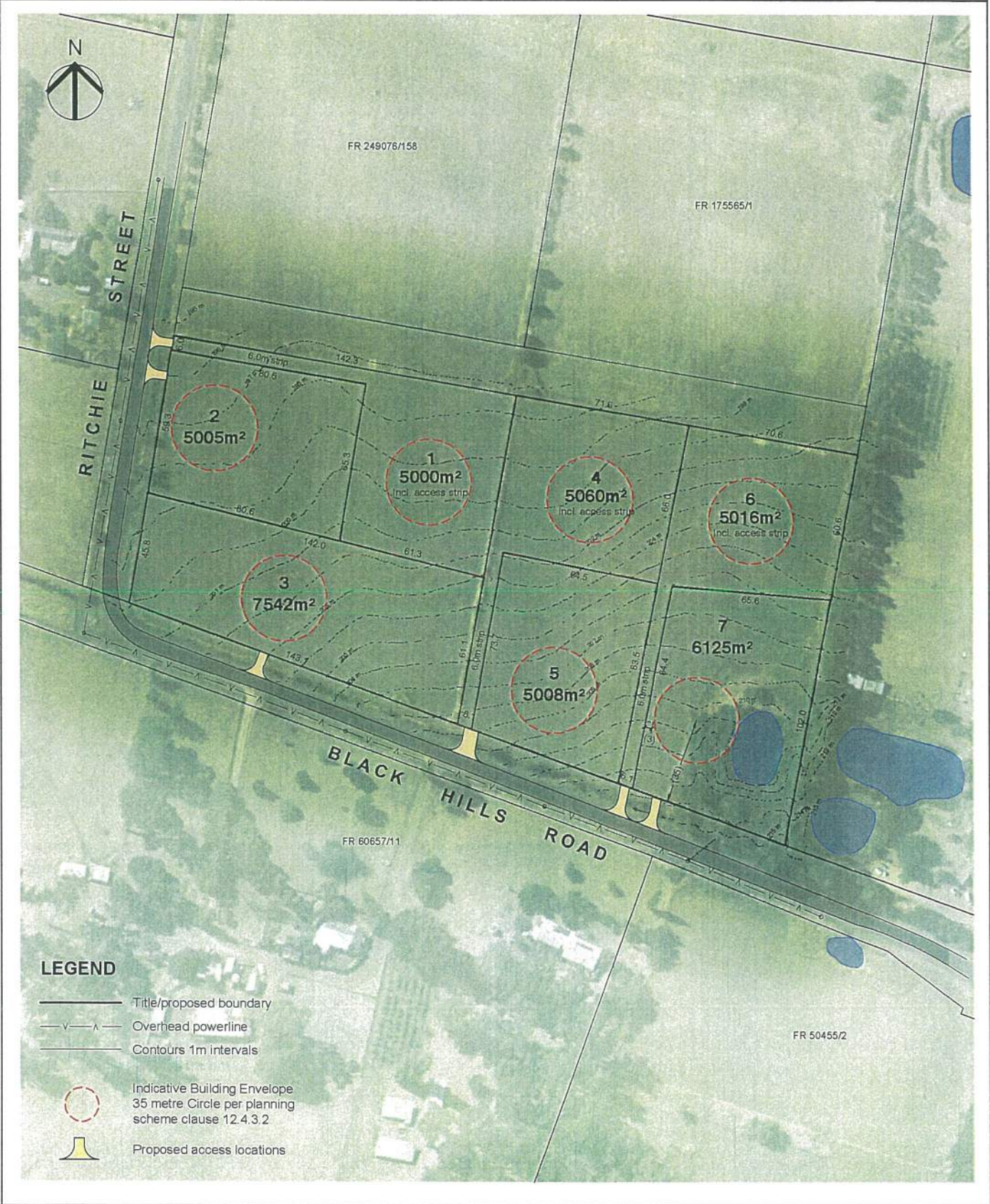
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| | | | | |
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| Owners | BLACKHILLS DEVELOPMENTS PTY LTD | Address | Black Hills Road, Westbury | This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey. |
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| Title References | FR 35725/160; FR 249076/159 | Planning Scheme | Meander Valley Interim Planning Scheme 2013 | |
| | | Zone & Overlay | 12.0 Low Density Residential | |
| Schedule Of Easements | As shown. | | | |

| | | | | | | | | | | | |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------|
| Scale | 1:1500 | Date | 16 December 2019 | PDA Reference | 44850J - P1 | Map reference | 4839 | PID | 3443456 | Point of Interest | 487423E, 5399680N |
|--------------|--------|-------------|------------------|----------------------|-------------|----------------------|------|------------|---------|--------------------------|-------------------|





BLACK HILLS ROAD, WESTBURY

7 LOT SUBDIVISION

TRAFFIC IMPACT ASSESSMENT MARCH 2020





Black Hills Road, Westbury

TRAFFIC IMPACT ASSESSMENT

- Draft
- March 2020

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1. Introduction

1.1 Background

The proposed consists of a 7-lot subdivision of CTs 35825/160 & 249076/159 Ritchie Street and Black Hills Road ,Westbury. A development permit is required from Meander Valley Council and this TIA has been prepared to assess the impact of the proposal with recommendations where necessary.

This Traffic Impact Assessment (TIA) must be submitted with the development application and provide the following details:

- The significance of the impact of these movements on the existing road network.
- Any changes required to accommodate the additional traffic.

The TIA has been prepared based on Department of State Growth guidelines.

1.2 Objectives

A Traffic Impact Assessment is a means for assisting in the planning and design of sustainable development that considers:

- Safety and capacity
- Equity and social justice
- Economic efficiency
- The environment and future development.

This TIA considers the impact of the proposal on projected traffic volumes expected by 2029.

1.3 Scope of Traffic Impact Assessment (TIA)

This TIA considers in detail the impact of the proposal on the local road network which includes Black Hills Road and Ritchie Street, Westbury.

1.4 References

- RTA Guide to Traffic Generating Developments - 2002
- Meander Valley Interim Planning Scheme 2013
- Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections - 2017
- Austroads Guide to Traffic Management: Part 6:Intersections, Interchanges and Crossings - 2019



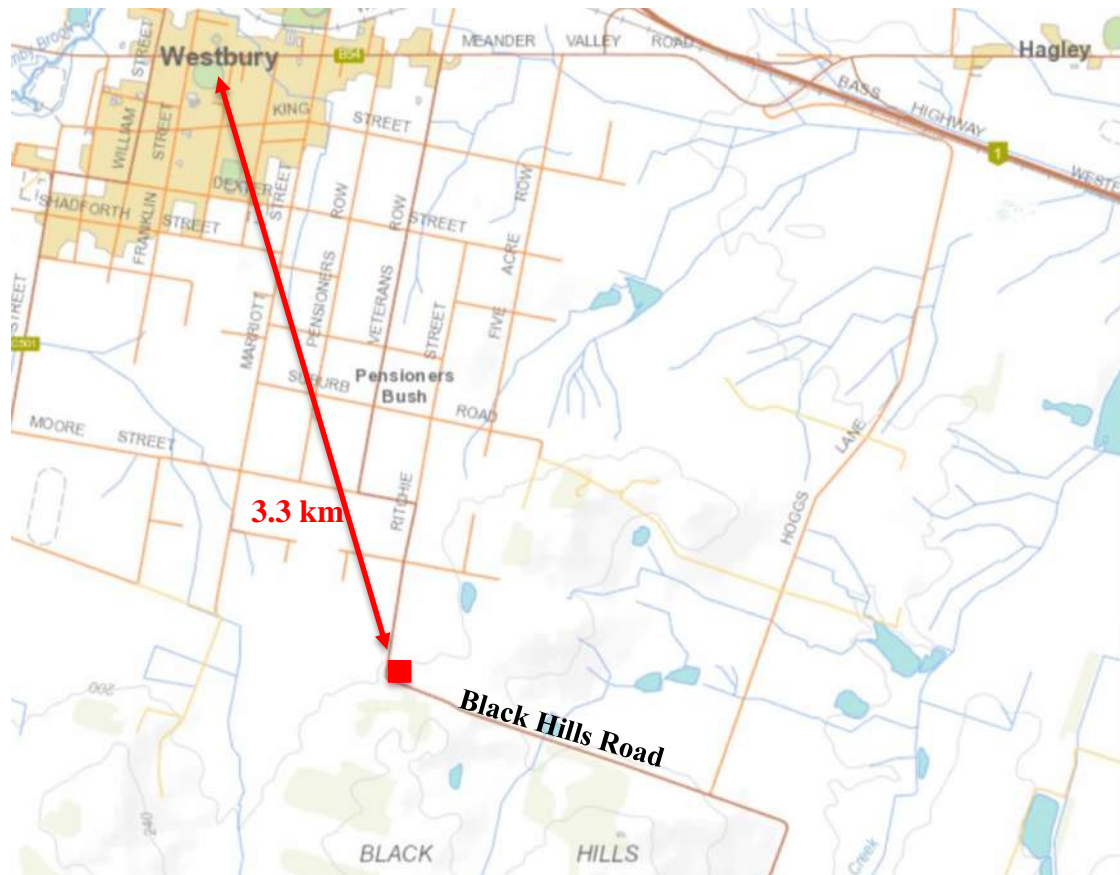
2. Site Description

Figure 1 shows the proposed subdivision site with respect to Westbury.

The Black Hills Road property consists of grassed paddocks which slope towards Hagley.

The setting is rural, and there is a posted 60km/hr speed limit on the Ritchie Street and Black Hills Road approaches to the site.

Figure 1 – Proposed development site



Source: LISTmap



3. Proposal, Planning Scheme and Road Owner objectives

3.1 Description of Proposed Development

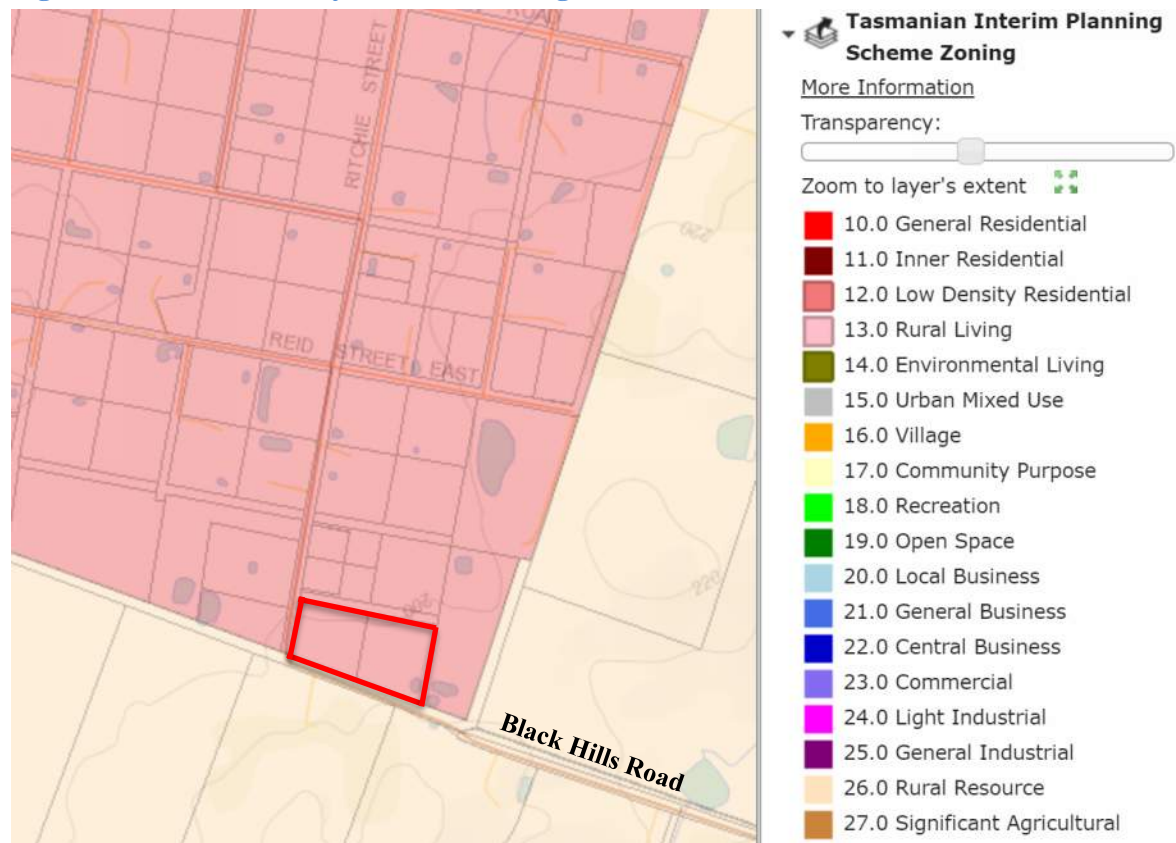
The proposal is to subdivide the Black Hills Road - Ritchie Street, Westbury property into 7 lots as shown in figure 3 consisting of:

- 5 lots 0.5 Ha in area accessing Black Hills Road
- 2 lots between 0.61 and 0.75 Ha in area accessing Ritchie Street.

3.2 Council Planning Scheme

The proposed development involves land currently zoned Rural Living in accordance with the Meander Valley Interim Planning Scheme 2013 shown in Figure 2.

Figure 2 – Meander Valley Interim Planning Scheme 2013



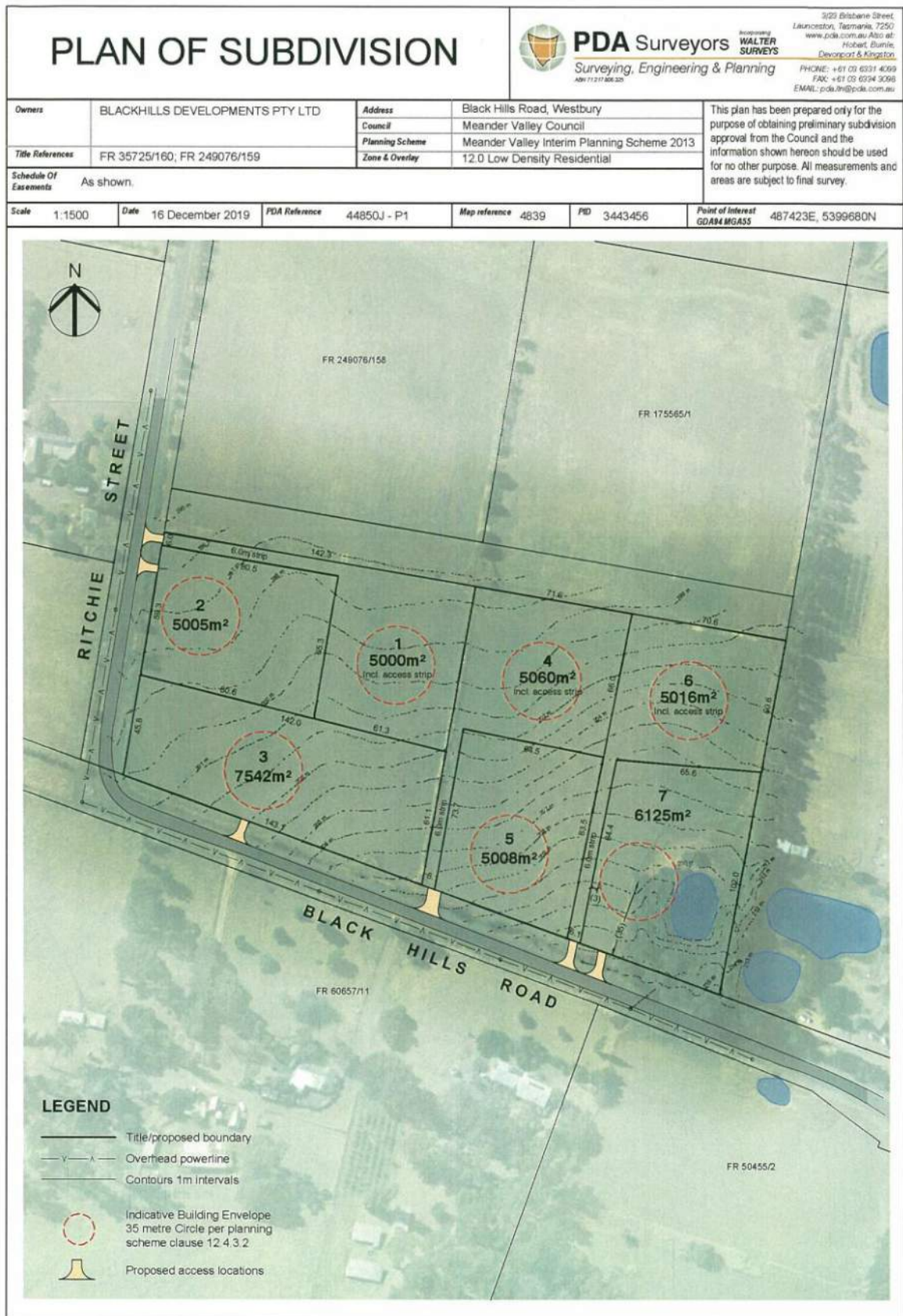
Source: LISTmap

3.3 Local Road Network Objectives

To maintain safe and efficient operation of the Council road network.



Figure 3 – Subdivision Proposal





4. Existing Conditions

4.1 Transport Network

The surrounding road network consists of Council roads with Black Hills Road and Ritchie Street being the impacted roads in the region.

4.1.1 Black Hills Road

Black Hills Road is a sealed road with a minor rural collector function and connects with Westbury via Ritchie Street. The road is in good condition.

Black Hills Road has an estimated annual average daily traffic of some 200 vpd from traffic survey data, see Appendix A. The road has a 5.5m wide seal and is delineated with guideposts. The posted speed limit is 60km/h as shown in figure 4.

Figure 4 – Looking south along Ritchie Street towards Black Hills Road





4.1.2 Black Hills Road - Ritchie Street Bend

Black Hills Road and Ritchie street meet at the bend shown in figures 5-7. The bend has warning signs and advisory speeds on both approaches as can be seen in figures 6 and 7.

Figure 5 – Black Hills Road - Ritchie Street bend



Figure 6 – Ritchie Street southern approach to Black Hills Road bend



>80m of approach sight distance is available.

Figure 7 – Looking west along Black Hills Road towards Ritchie Street.



>80m of approach sight distance is available.



4.1.3 Ritchie Street

Ritchie Street is a sealed rural access road with a minor rural collector function and connects Black Hills Road with Dexter Street and Westbury. Ritchie Street has the same standard and traffic as Black Hills Road, see figure 8.

Figure 8 – Looking north along Ritchie Street from Black Hills Road intersection



4.1.4 Proposed Access to Lot #1 and Lot #2 via Ritchie Street

Access to lot #1 and #2 is approximately 100m north of the Ritchie Street/Black Hills Road bend. Figures 9-10 show available sight distances.

Figure 9 – Looking right along Ritchie Street from proposed Lot #1 and #2 access



Available sight distance is 60m.
This can be extended to >80m with tree/shrub removal.



Figure 10 – Looking left along Ritchie Street from proposed Lot #1 and #2 access



Available sight distance is 110m

Figure 11 – New access just north of proposed lot #1 and #2 accesses to Ritchie Street



Access appears to be constructed to LGAT Rural Road Access Standard TSD R03 – v1 with type HW culvert headwalls

Figure 12 – New access just north of proposed lot #1 and #2 accesses to Ritchie Street



New access is opposite residence.



4.1.5 Proposed Access to Lot #3 via Black Hills Road

Access to lot #3 is approx. 50m east of the Ritchie Street/Black Hills Road bend. Figures 13-15 show available sight distances.

Figure 13 – Looking right from Lot #3 access



Available sight distance is 60m

Figure 14 – Looking left from Lot #3 access



Available sight distance is 105m with tree/ shrub removal

Figure 15 – Looking at Lot #3 access from road





4.1.6 Proposed Access to Lot #4 and Lot #5 via Black Hills Road

Access to lot #4 and #5 is some 150m east of the Ritchie Street , Black Hills Road bend.

Figures 16 - 17 show available sight distances.

Figure 16 – Looking right from Lot #4 and #5 access



Available sight distance is 145m with tree / shrub removal.

Figure 17 – Looking left from Lot #4 and #5 access



Available sight distance is 90m

Figure 18 – Looking at proposed Lot #4 and #5 access from road





4.1.7 Proposed Access to Lot #6 and #7 via Black Hills Road

Access to lot #6 and #7 is some 215m east of the Ritchie Street/Black Hills Road bend.

Figures 19-22 show available sight distances and the access site.

Figure 19 – Looking right from Lot #6 and #7 access



Available sight distance is 85m

Figure 20 – Looking left from Lot #6 and #7 access



Available sight distance is 200m with some tree pruning.

Figure 21 – Looking at Lot #6 and #7 access from road





Figure 22 – Looking toward road from Lot #6 and #7 access



4.1.8 Sight Distance Summary

Sight distance requirements are summarised in figure 23.

All accesses except the proposed access to Lot 3 can satisfy the Acceptable Solution though some tree/shrub removal is recommended to improve or maintain site lines.

Lot 3 is 60m from the bend however satisfies Performance Criteria.

Figure 23 – Summary of sight distance requirements

| Junction Major Rd - Minor Rd | Speed Limit (km/h) | Speed Environment (km/h) | Acceptable Solution | Current Provision | | Performance Criteria | Proposed Treatment | | |
|-----------------------------------|--------------------------|--------------------------------|------------------------------|----------------------|----------|-------------------------|-----------------------|------------|--|
| | | | Road frontage sight distance | | | | | Mitigation | |
| | | | Table E4.7.4 SISD (m) | Available | | AS / NZS 2890.1 (m) | Left | Right | |
| | | | | Left(m) | Right(m) | | | | |
| Ritchie St - Access to lot #1 | 60 | 50 | 80 | 110 | 80 | 45 | | T/S | |
| Ritchie St - Access to lot #2 | 60 | 50 | 80 | 105 | 80 | 45 | | T/S | |
| Black Hills Rd - Access to lot #3 | 60 | 50 | 80 | 105 | 60 | 45 | T/S | | |
| Black Hills Rd - Access to lot #4 | 60 | 50 | 80 | 90 | 145 | 45 | | T/S | |
| Black Hills Rd - Access to lot #5 | 60 | 50 | 80 | 90 | 145 | 45 | | T/S | |
| Black Hills Rd - Access to lot #6 | 60 | 50 | 80 | 200 | 85 | 45 | T/S | | |
| Black Hills Rd - Access to lot #7 | 60 | 50 | 80 | 200 | 85 | 45 | T/S | | |

Compliant with Table E4.7.4
 Compliant with AS / NZS 2890.1
 Tree/Shrub Removal (T/S)



4.2 Traffic Activity

4.2.1 Black Hills Road and Ritchies Street

A brief traffic survey was conducted on Thursday 12th March 2020, see Appendix A for results. From the survey data it is estimated both roads near at the site have an AADT of 200vpd.

4.3 Crash History

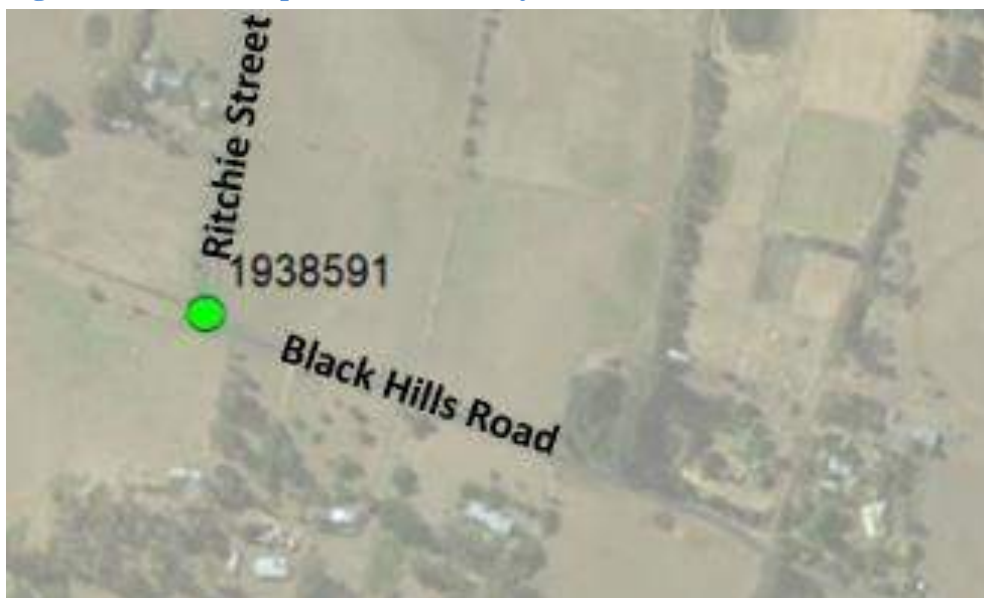
The Department of State Growth is supplied with reported crashes by Tasmania Police. The Department maintains a crash database from the crash reports which is used to monitor road safety, identify problem areas and develop improvement schemes.

The 5-year crash history records one reported crash at the Black Hills Rd – Ritchie St bend. Figures 24 and 25 show the details. The crash history shows no crash propensity.

Figure 24 – 5 Year reported crash history

| Crash Id | Description | Date | Time | Severity | Light | Location | Units |
|----------|-------------------|-------------|-------|-----------|-------|------------------|-------|
| 1938591 | 189 - Other curve | 29-Oct-2016 | 04:30 | First Aid | Night | Black Hills Road | LV |

Figure 25 – 5 Year reported crash history locations



4.4 Services

Overhead power supply poles are located on the southern side of Black Hills Road as shown in figure 20. These poles are considered a low risk hazard as they are separated from the road.



4.5 Road Safety Review

A road safety review was conducted of Black Hills Road – Ritchie Street. No road safety issues were identified. Figures 26 and 27 show warning signage on the Black Hills Road crest south of the development site.

The bend shown in figures 6 and 7 is adequately mitigated with curve and advisory speed signs.

Figure 26 – Looking east along Black Hills Road towards access to lots 6 and 7.



Figure 27 – Looking west along Black Hills Road towards access to lots 6 and 7.





4.6 Austroads Safe System Assessment

Black Hills Road – Ritchie Street adjacent the proposed development has been assessed in accordance with the Austroads Safe System Assessment framework. This framework involves consideration of exposure, likelihood and severity to yield a risk framework score. High risk crash types and vulnerable road user crash types are assessed for each site and aggregated to provide an overall crash risk. Crash risk is considered in terms of three components:

- Exposure (is low where low numbers of through and turning traffic) i.e. 1 out of 4
- Likelihood (is low where the infrastructure standard is high) i.e. 1 out of 4
- Severity (is low where the speed environment is low) i.e. 1 out of 4

The Austroads Safe System Assessment process enables the relative crash risk of an intersection or road link to be assessed. Vulnerable road users are considered along with the most common crash types.

The crash risk score is an indication of how well the infrastructure satisfies the *safe system objective which is for a forgiving road system where crashes do not result in death or serious injury.*

A Safe System Assessment was prepared which resulted in an assessed crash risk of 30/448 which is a very low crash risk. See Appendix C and figure 28.

Figure 28 – Austroads Safe System Assessment alignment between crash score and risk





5. Traffic Generation and Assignment

This section of the report is to determine how traffic generated by the proposal is distributed within the adjacent road network now and ten years future.

5.1 Traffic Growth

Background traffic compound annual growth of 1% on Black Hills Road and Ritchie Street.

5.2 Trip Generation

7 lots zoned Rural Living at 6vpd and 0.6vph during peak times /lot from RTA guidelines. On this basis the proposed business will generate 42 vpd and up to 4 vph at peak times.

5.3 Trip Assignment

It is assumed 80% of traffic movements will be to and from Ritchie Street to the north.



6. Impact on Road Network

6.1 Impact of traffic generated by the proposal

Traffic projections indicate that traffic activity on Black Hills Road and Ritchie Street will increase from 200 to 242 vpd.

6.2 Impacts on road users

6.2.1 Public Transport

No impact.

6.2.2 Delivery Vehicles

No impact.

6.2.3 Pedestrians and Cyclists

No impact.

6.2.4 Motorcyclists

No impact.

6.3 Other impacts

6.3.1 Environmental

No applicable environmental impacts were identified in relation to:

- Noise, vibration or visual impact
- Community severance, pedestrian amenity
- Hazardous loads, air pollution or ecological impacts
- Heritage and Conservation

6.3.2 Street Lighting and Furniture

The proposal does not justify street lighting or other roadside furniture.



6.4 Access Standard

Meander Valley Council is a participating Council in the Tasmanian Standard Drawings authorised by LGAT and IPWEA – TAS Division available at:

<https://www.lgat.tas.gov.au/webdata/resources/files/LGAT%20Standard%20Drawings%20Release%20Version%20Dec%202013.pdf>

The Rural Road Typical Property Access standard drawing TSD-R03-v1 is applicable.

Specific requirements for accesses are as follows:

Lots 1 and 2 accessing Ritchie Street

As per requirements of TSD-R03-v1. Type HW headwalls are considered appropriate as the traffic volume is low, and the speed environment is low i.e < 60km/h. Other recently constructed accesses in the area appear to have been constructed to this standard with type HW headwalls, see figure 11.

Lots 3,4,5,6 and 7 accessing Black Hills Road

As per requirements of TSD-R03-v1. No driveway culverts or headwalls are necessary with these accesses as there are no roadside drains and stormwater sheds from the road onto the paddocks, see figures 13-22.



6.5 Meander Valley Interim Planning Scheme 2013

6.5.1 Road and Railway Assets Code E4 requirements

Section E4.6.1 Use and road or rail infrastructure

Acceptable solution A2

For roads with a speed limit of 60km/hr or less the use must not generate more than a total of 40 vehicle entry and exit movements per day.

- The proposal is estimated to increase vehicles entry and exit movements by 42 per day.

Acceptable solution A2 is not achieved.

Performance criteria P2

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

- The proposal is for 7 property accesses each contributing some 6 vehicle movements per day to a low volume low speed road with 200vpd.
- There are no traffic safety or capacity issues with the proposal.
- Proposed accesses to be provided in accordance with Council standards

Performance criteria P2 is satisfied.

Section E4.7.2 Management of Road Accesses and Junctions

Acceptable solution 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 proposal involves 7 lots each with one access providing both entry and exit within a 60km/h speed limit.

Acceptable solution A1 is achieved.

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

Acceptable solution A1 a)

An access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4.

- Figure 23 summarises sight distance requirements and availability and shows that SISD requirements of Table E4.7.4 can be satisfied with tree / shrub removal for all accesses except lot 3.



Acceptable solution A 1a) is satisfied for all lots except lot 3.

Performance criteria P2

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.

- Lot 3 access satisfies sight distance requirement to the right for property accesses in accordance with AS/NZS 2890.1 Off street car parking - Figure 3.2. See figure 23.

Performance Criteria P2 is satisfied for lot 3.



7. Recommendations and Conclusions

This traffic impact assessment has been prepared to assess the proposed 7 lot subdivision of CTs 35825/160 & 249076/159 Ritchie Street and Black Hills Road, Westbury. Traffic projections for 2030 show an estimated increase in peak hour traffic activity from 200vph to 242vph due to the proposal. Existing traffic activity on Black Hills Road is low as is the traffic generated by the 7 proposed property accesses so the impact on traffic capacity is negligible and there are no traffic capacity concerns.

From review of the planning scheme, existing roads, crash history, proposed access locations and Safe Systems Assessment, no traffic safety issues were identified, and the proposal is considered safe.

The following recommendations are made:

Recommendation #1 – Improve sight distance at proposed accesses

- *Remove trees and shrubs on fence lines so sight lines are maintained and not disaffected by tree and shrub growth for all accesses and especially on the right sides of proposed accesses to lots 1 and 2 on Ritchie Street.*

Recommendation #2 – Access standards

- ***Lots 1 and 2 accessing Ritchie Street***
As per requirements of TSD-R03-v1. Type HW headwalls are considered appropriate as the traffic volume is low, and the speed environment is low i.e < 60km/h. Other recently constructed accesses in the area appear to have been constructed to this standard with type HW headwalls, see figure 11.
- ***Lots 3,4,5,6 and 7 accessing Black Hills Road***
As per requirements of TSD-R03-v1. No driveway culverts or headwalls are necessary with these accesses as there are no roadside drains and stormwater sheds naturally from the road onto the paddocks, see figures 13-22.

In summary this report demonstrates that the proposal can satisfy the Meander Valley Interim Planning Scheme 2013 requirements of Road and Railway Assets Code E4.

Overall, it has been concluded that the proposed development should not create any traffic capacity or traffic safety issues for road users.

Based on the finding of this report and subject to the recommendations above, the proposed development is supported on traffic grounds.



Appendix A – Turning count 12th March 2020

Black Hills Road / Ritchies Road bend

Traffic & Civil
 1 Cooper Crescent
 Launceston, Tas , 7250
 0456535746

Turn Count Summary

Location: Proposed Access at Black Hills Road, Westbury
GPS Coordinates: Lat=-41.555582, Lon=146.850344
Date: 2020-03-12
Day of week: Thursday
Weather:
Analyst: R Burk

Total vehicle traffic

| Interval starts | SouthBound | | | Westbound | | | Northbound | | | Eastbound | | | Total |
|-----------------|------------|------|-------|-----------|------|-------|------------|------|-------|-----------|------|-------|-------|
| | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | |
| 11:02 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 |
| 11:05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 11:10 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 11:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11:20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| 11:25 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |

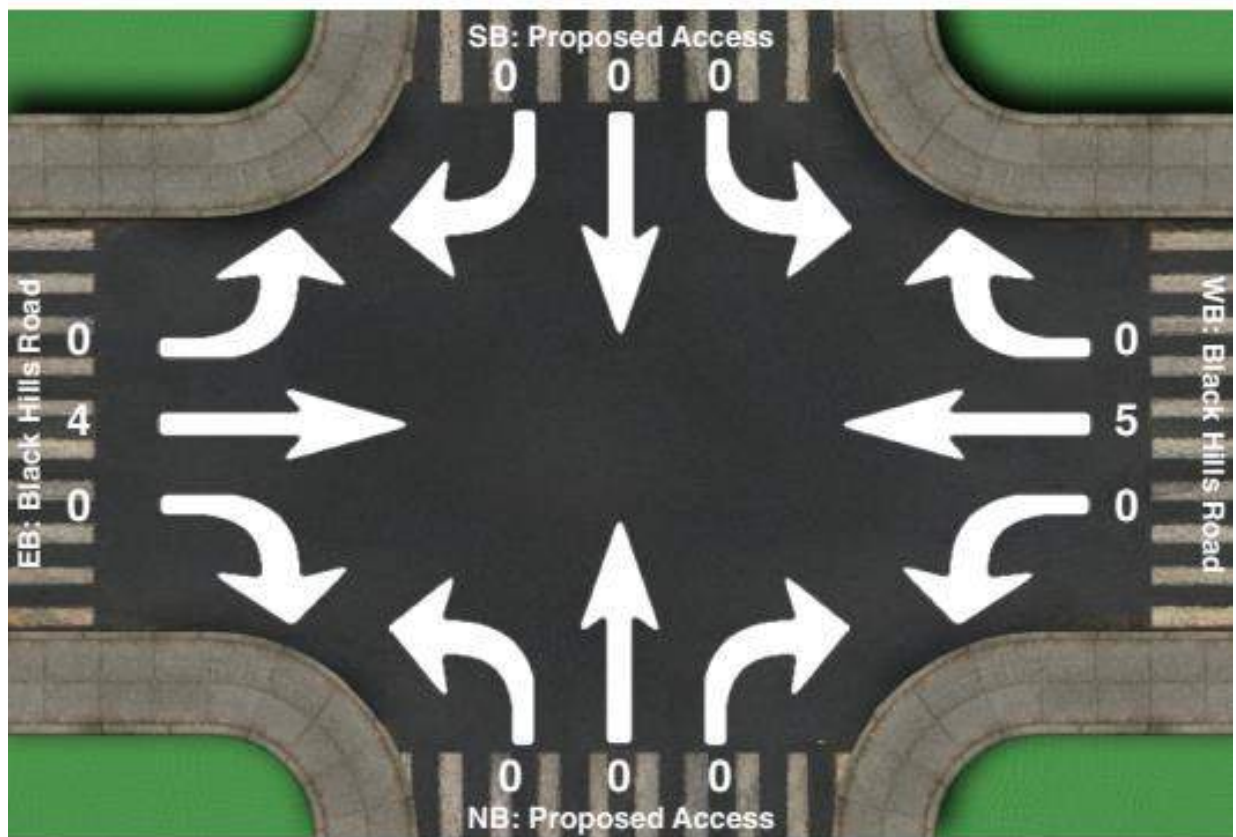
Car traffic

| Interval starts | SouthBound | | | Westbound | | | Northbound | | | Eastbound | | | Total |
|-----------------|------------|------|-------|-----------|------|-------|------------|------|-------|-----------|------|-------|-------|
| | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | |
| 11:02 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 |
| 11:05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 11:10 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 11:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11:20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| 11:25 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |



Intersection Count Summary

Location: Proposed Access at Black Hills Road, Westbury
GPS Coordinates: Lat=-41.555582, Lon=146.850344
Date: 2020-03-12
Day of week: Thursday
Weather:
Analyst: R Burk



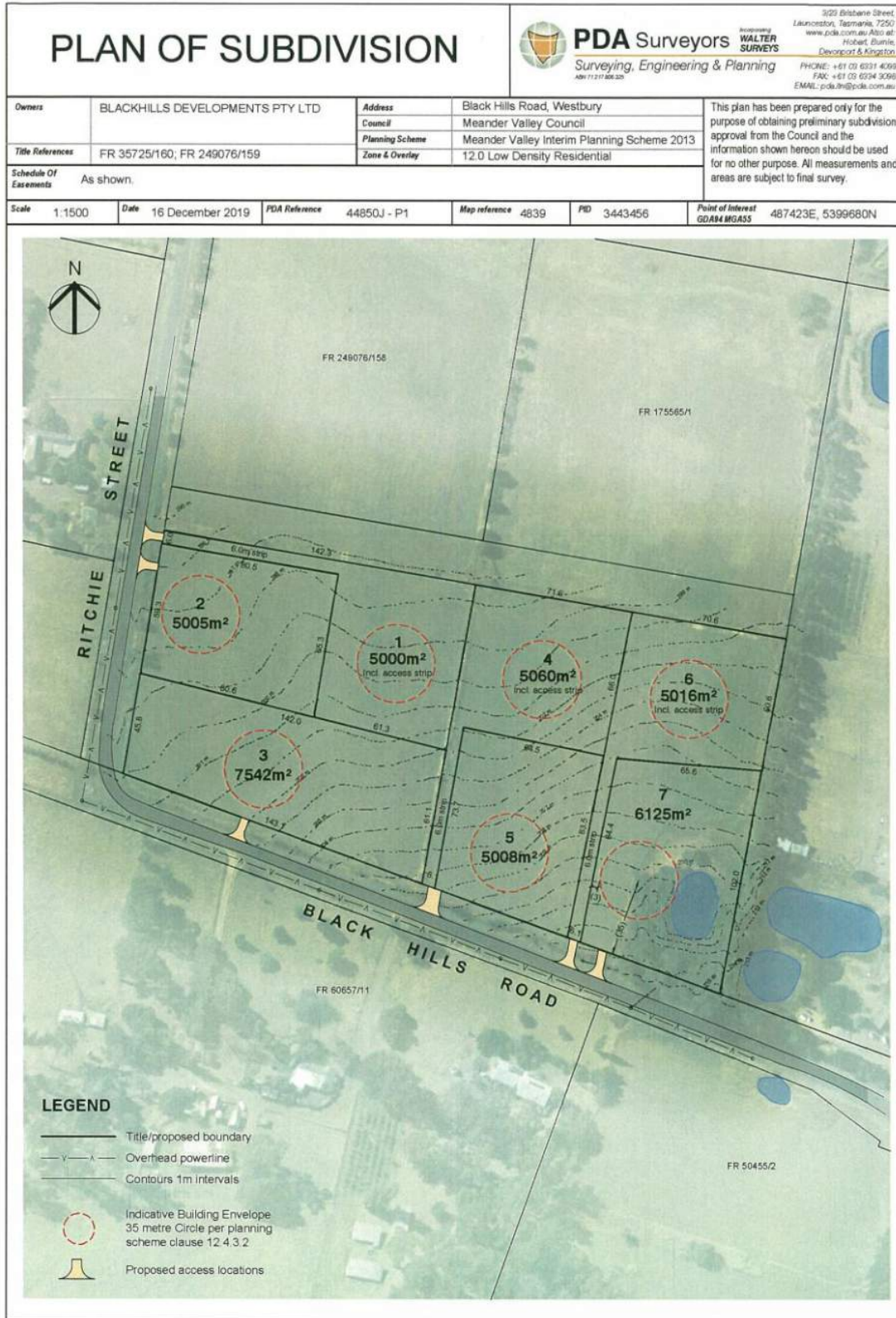
Intersection Count Summary

11:02 - 11:25

| | SouthBound | | | Westbound | | | Northbound | | | Eastbound | | | Total |
|---------------|------------|------|-------|-----------|------|-------|------------|------|-------|-----------|------|-------|-------|
| | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | Left | Thru | Right | |
| Vehicle Total | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 9 |



Appendix B – Subdivision Plan





Appendix C – Safe System Assessment

Existing situation Black Hills Road

Safe System Assessment

| Exposure | Run-off-road | Head-on | Intersection | Other | Pedestrian | Cyclist | Motorcyclist |
|-----------------------------|--|--|--|--|--------------------------------------|---------------------------------|---|
| Justification (AADT 200vpd) | Low traffic volume and no reported crashes. | Low traffic volume and no reported crashes. | NA | Heavy vehicles | No pedestrian activity | Low volumes | Low volumes |
| Score / 4 | 1 | 1 | 0 | 1 | 1 | 1 | 1 |
| Likelihood | 5.5m sealed road in good condition, guideposts for delineation. Tight 25km/h bend in road with warning signs | 5.5m sealed road in good condition, guideposts for delineation. Tight 25km/h bend in road with warning signs | NA | 5.5m sealed road in good condition, guideposts for delineation. Tight 25km/h bend in road with warning signs | Roadsides unfriendly for pedestrians | No specific facilities provided | Consistent sealed surface for motorcyclists |
| Score / 4 | 3 | 3 | 3 | 3 | 3 | 3 | 1 |
| Severity | 50km/h speed environment, forgiving road sides | 50km/h speed environment, forgiving road sides | 50km/h speed environment, forgiving road sides | 50km/h speed environment, forgiving road sides | high speed for pedestrians | high speed for cyclists | High speed for motorcyclists |
| Score / 4 | 1 | 1 | 1 | 1 | 3 | 3 | 3 |
| Product | Total Score /64 | 3 | 0 | 3 | 9 | 9 | 3 |
| | Total /448 | | | | | | 30 |



Meander Valley Council
Working Together

Public Open Space Contribution

In accordance with Clause E10.0 of the Meander Valley Interim Planning Scheme 2013 the General Manager gives consent that no land is required for public open space but instead there is to be a cash payment in lieu for PA\20\0155 - Subdivision - 7 lots at Black Hills Road WESTBURY (CT's: 249076/159 & 35825/160).

Signed:


John Jordan
GENERAL MANAGER

29 January 2020

From: Megan
Sent: 29 Mar 2020 11:14:26 +1100
To: Planning @ Meander Valley Council
Subject: PA\20\0155

I would like to raise concerns about the proposed development in the continued shared driveway access to properties which may pose a risk in the event of needing emergency services. The same owner has previously subdivided the property on the other side of Windsor Street (not an actually road). With this next subdivision there is apparently adequate safe access to Black Hills road but this will consist of shared or very close driveway access. There are very few cars who travel at the nominated 60 km hour speed limit on Black Hills Road.

Several properties (7 if this proposal is accepted) will now have the Windsor Street boundary abutted to their property. Who will be responsible for maintaining the vegetation in this area to prevent a fire hazard. Have these development applications been done separately to avoid the need to pay for road access via Windsor Street.

This subdivision creates challenges with fencing as our property is located in a semi-rural area and our fencing is appropriate for farm areas. We will face financial challenges if there is an expectation that we contribute to the cost of residential fencing on these shared boundaries.

As the resident whose property the Windsor Street access ends at would we still have access to the lower end of our property via this lane way?

Thank you,
Megan Parr
800 Blackhills Road
Westbury



From: Jennifer Hodgson
Sent: 29 Mar 2020 20:31:12 +1100
To: Planning @ Meander Valley Council
Subject: PA/20/0155

To whom it may concern,

As a nearby resident\rate payer to the proposed subdivision on Black Hills Road\Ritchie Street (PA/20/0155) I am concerned that road safety will be compromised with the addition of 4 new entry points onto Black Hills Road.

Although signed at 60 kmph, I believe that a number of vehicles travel well over this speed as they approach Westbury creating a dangerous situation. Testament to this is the number of near misses we have encountered entering Black Hills Road from our driveway and further toward Westbury in the past five years. The crests in the road also contribute to this situation.

I also believe that such high density housing in our area diminishes the unique rural charter of the place and once this has been lost is something that can not be regained.

As one of the first rural residents outside Westbury I am worried that intensive subdivision will impact upon what are considered normal agricultural practices and in time may reduce our and others ability to earn an income.

Please feel free to contact me regarding the content of this email.

Kind regards,

John McKimmie
Ph 0487227024

From: lanparr@aapt.net.au
Sent: 19 Apr 2020 17:17:12 +1000
To: Planning @ Meander Valley Council
Subject: PA. 20.0155

Dear Sir or Madam,

I object to this development. I refer to my previously submitted comments below in relation to PA.18.0253 which I believe are still valid. It is my firm belief that further blocks of this size, at this development site, do not help to keep a distinction between the low density peripheral area and the inner serviced core, as stated in the interim scheme Section 12.1.3 Desired Future Character Statements.

This is particularly the case given that if this latest development goes ahead there will be 11 such blocks at this site. This does not include adjacent developments on the corner of Ritchie St and Black Hills Rd. Blocks of 5 acres or greater should generally be the minimum size allowed and would be the only way to preserve the existing character of the outer peripheral area that is synonymous with Westbury, as outlined in the Desired Future Character Statements. Having an occasional smaller block interspersed amongst these larger blocks would be acceptable and would not disrupt the existing character of this outer peripheral area.

Unfortunately it would appear to be a typical development at play where the ethos is more aligned to maximum financial gain rather than giving consideration to what would be more in keeping with the area. This is evidently clear when you look at the way the blocks have been squeezed into the existing parcel of land with a number of driveways which have to go directly past the blocks fronting the road, instead of coming off Windsor Street.

It would also appear that for Lot 7 of this development to have an acceptable bushfire rating most of the trees around the dam on the block will need to be removed, however these are likely to be replaced with gorse very quickly unless adequate control is carried out. With a number of the other proposed blocks, for clear vision along the road, most of the roadside vegetation is to be removed. How does this preserve the existing character? This is particularly so since it would appear that there will be restrictions on what can be planted around homes built on these blocks.

Lot 7 also consists of approx 3000m² of dam area which is unable to be built on, this limits the area that a dwelling can be built to approximately 3000m².

A distinctive feature of this development is the number of blocks that are internal, this is also most definitely not in keeping with the existing character of the area.

Blocks of this nature are not large enough to support livestock whereas the surrounding existing lots generally all carry livestock and are managed as such, including normal agricultural operations such as the use of farm machinery and spraying of weeds. There is unlikely to be any empathy from these new developments towards these type of activities

and by allowing these blocks Council is effectively setting up an area of likely peri-urban conflict. This is particularly so given the additional proximity of the Rural land use zone.

---- Ianparr@aapt.net.au wrote ----

Dear Sir or Madam,

Please find below comments in relation to the planning application PA.18.0253

Best regards,
Ian Parr

Re PA.18.0253

It is my belief that this proposed development is inappropriate for the location. I submit the following comments in support of that view.

The application states that 'The subdivision is in character with the surrounding development in the area'. I disagree with this statement, there are no lots of that size within the immediate vicinity. Most blocks are of 3 – 15 acres in size and rural in nature and appearance. These blocks on the periphery of Westbury tend to be visually more in keeping with the adjacent rural zone. The proposed 4 blocks of approximately 1.25 acres are incompatible with the surrounding landscape and will detract from the amenity and character value of existing properties.

Of particular concern is the layout of the blocks whereby 2 of the lots have a small road frontage and will be immediately behind the 2 lots adjoining the road. This is not in keeping with the surrounding area. I note from the application that the back 2 lots do not meet the requirement of Clause A1(b) and as such I would argue that the lots fail to meet the Performance criteria P1(e) which states 'development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape'

Under the current interim scheme Section 12.1.3 Desired Future Character Statements contains the following statements for Westbury:

The low density character of the peripheral areas of the settlement are a distinctive feature of Westbury, reinforced by a strong grid pattern of roads and prominent hedge rows that border existing lots.

Future development is to maintain a density and pattern that keeps the distinction between the inner serviced core and the peripheral low density zone.

In my opinion this proposed development does not satisfy these requirements. Blocks of this size on the periphery of this zone fails to keep the distinction between the inner serviced core and the peripheral low density zone and would be more appropriate closer to the residential zone of Westbury.

From: Karen Murray
Sent: 20 Apr 2020 10:10:18 +1000
To: Planning @ Meander Valley Council
Subject:

PA\20\0155

17.4.2020

Dear Mr John Jordan, General Manager, Meander Valley Council, Westbury Tasmania

We, Beryl Murray of 96 Suburb Road, Westbury Tasmania 7303 and Karen Murray of 24 Five Acre Row Westbury Tasmania object to the proposed subdivision of land situated on the Black Hills Road, Westbury Tasmania for the prospect of building purposes.

This area is zoned Low Density Residential. To us, this means land comprised mainly of low density housing where the planning objective is to PROTECT the locality's single dwelling character and landscape. These types of dwellings are often associated with rural residential areas where the housing density is VERY low.

As there are a number of dwellings already approved for building adjoining the above mentioned address, we fail to see how this is Low Density Housing when it's more like packstack ville , with everybody living on top of each other.

In this area originally known as Queenstown/Pensioner's Bush, the Council, Heritage, and other Historical outlets should have been concerned about preserving the historical integrity of the area instead of carving it up.

Farmland is a vital local and national resource. However, many communities have witnessed significant loss of this finite resource, due in part to changes in the structure of the farming industry but particularly to the sprawl of non-agricultural development into rural areas, particularly on the edges of rural towns.

People purchase these blocks for their own personal space, their own escape to the country. Imagine moving to the country and for example, the neighbour across the road, the neighbour beside you decide they can no longer keep their property in good shape, explore the planning options and because The Planning Scheme says that you can, even though you were unaware that you could subdivide suddenly you are surrounded by an entire village. This is not in keeping with the character of the area and will have significant impact on the infrastructure.

Yours Sincerely,

Beryl Murray.
Contact number: 0488 037 387

Karen Murray.

COMMUNITY AND DEVELOPMENT SERVICES 1

Reference No. 92/2020

329 WESTBURY ROAD, PROSPECT – PETITION TO AMEND SEALED PLAN

AUTHOR: Justin Simons
Town Planner

1) Recommendation

It is recommended , considering the following points:

- 1. The effect of the amendment is to allow the development of multiple dwellings on the property at 329 Westbury Road, Prospect Vale, by allowing any new title, resulting from subdivision or strata, to accommodate a dwelling;***
- 2. The amendment applies to only one title in the Sealed Plan and does not affect the covenants applicable to any other title;***
- 3. A planning permit has been issued for the development of 3 units on the subject title;***
- 4. The covenant as applied is contrary to the Meander Valley Interim Planning Scheme 2013 and covenants cannot be taken into account when making planning decisions;***
- 5. No interested party has requested to be heard by Council;***
- 6. The written representation received does not raise any specific objection to the effect of the amendment on the subject and surrounding land, but relate to a different property unaffected by the covenant;***
- 7. The objector has not sought a hearing or further pursued the matter;***
- 8. Council made a decision in 2019 to rezone, subdivide and sell the former Mace Street Reserve, formerly lot 17 on the sealed plan. Council instigated a similar amendment to the same sealed plan in order to allow the new titles to each accommodate a dwelling (registered 26 August 2019);***

that Council requests that Sealed Plan 8204 be amended as requested in the following manner-

1. "Amendment of the Covenant in the Schedule of Easements restricting the building of more than 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building in a lot referred to in schedule of easements Sealed Plan 8204 to allow any Certificate of Title that was a part of parent title Certificate of Title Volume 8204 Folio 25 to erect 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building on each Certificate of Title. "

2) Officers Report

Introduction:

| | |
|---------------------------|---|
| Petitioner | Simmons Wolfhagen Lawyers |
| Owner | P G Symons |
| Sealed Plan | 8204 |
| Number of Representations | One (1) |
| Legislation | <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> Sections 103, 104 and 105 |

Background:

Section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) provides for Council to amend a Sealed Plan on the petition of any person having an interest in land subject to the Sealed Plan. The act provides for Council to conduct a hearing where affected parties wish to be heard regarding the requested amendment.

On 15 January 2020, Council received a request to amend Sealed Plan 8204 to remove a covenant from the schedule of easements to allow the construction of more than one (1) dwelling on the original titles. The proposed change will only apply to Lot 25 (329 Westbury Road) and will not alter the covenants applicable to any other lot in the Sealed Plan.

The application requests that Sealed Plan 8204 be amended as follows:

- 1. Amendment of the Covenant in the Schedule of Easements restricting the building of more than 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building in a lot referred to in schedule of easements Sealed Plan 8204 to allow any Certificate of Title that was a part of parent title Certificate of Title Volume 8204 Folio 25 to erect 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building on each Certificate of Title.**
- 2. A marked up copy of the schedule of easements is attached showing the amendments.**

The Act does not provide any specific criteria for assessment of a request to amend a Sealed Plan.

Effect:

The effect of the amendment is that any additional title, including strata title, resulting from the division of Certificate of Title Volume 8204 Folio 25, is permitted to be developed with one (1) dwelling. This will allow multiple dwellings to be erected on the land currently comprising Lot 25.

Location:

The Sealed Plan is located in the vicinity of Mace Street and Bayne Place Prospect Vale and comprises the properties identified in Table 1 below and outlined in Figure 1 below. A full copy of the Sealed Plan and schedule of easements is attached.

| Certificate of Title | Address |
|----------------------|-------------------------------|
| 8204/7 | 1 Mace Street, Prospect Vale |
| 8204/8 | 3 Bayne Place, Prospect Vale |
| 8204/9 | 5 Bayne Place, Prospect Vale |
| 8204/10 | 7 Bayne Place Prospect Vale |
| 8204/11 | 9 Bayne Place, Prospect Vale |
| 8204/12 | 6 Bayne Place, Prospect Vale |
| 8204/13 | 4 Bayne Place, Prospect Vale |
| 8204/14 | 2 Bayne Place, Prospect Vale |
| 8204/15 | 3 Mace Street, Prospect Vale |
| 8204/16 | 5 Mace Street, Prospect Vale |
| 8204/18 | 9 Mace Street, Prospect Vale |
| 8204/19 | 11 Mace Street, Prospect Vale |

| | |
|--|----------------------------------|
| 8204/25 | 329 Westbury Road, Prospect Vale |
| 8204/26 | 2 Mace Street, Prospect Vale |
| 8204/27 | 4 Mace Street, Prospect Vale |
| 8204/28 | 6 Mace Street Prospect Vale |
| 8204/29 | 8 Mace Street, Prospect Vale |
| 8204/30 | 10 Mace Street, Prospect Vale |
| 8204/31 | 12 Mace Street, Prospect Vale |
| 176602/1 Formerly 8204/17 – Mace Street Reserve | 7 Mace Street, Prospect Vale |
| 176602/2 Formerly 8204/17 – Mace Street Reserve | 16 Nanke Court, Prospect Vale |

Table 1: properties registered within the Sealed Plan with a potential interest



Figure 1: properties registered within the Sealed Plan outlined in red, Lot 25 highlighted

The changes are restricted to Lot 25, 329 Westbury Road, Prospect Vale.

Representation:

The owners of all titles within the Sealed Plan have been notified of the application in accordance with Section 103 (3) of the Act.

One written representation was received from the owner of 11 Mace Street, Prospect Vale. The representor did not seek to be heard by Council. The

representation is largely concerned with the sale of the Mace Street Reserve and future development of multiple dwellings on these titles. The title subject to this amendment is not part of the former Mace Street Reserve and is not an immediately adjoining property.

Although they have not been specifically raised by the representor, concerns regarding amenity, parking and traffic impacts are addressed by the standards for multiple dwellings which are incorporated in the Meander Valley Interim Planning Scheme 2013. As such, planning approval is considered sufficient to address most common concerns associated with unit development.

It is not considered that the alteration of the covenant from Lot 25 will have a direct impact on the owner of 11 Mace Street. No other land owners within the sealed plan have raised objection to the proposal or sought to be heard by Council.

Enforcement of Covenants:

The enforcement of covenants is not the responsibility of or within the powers of Council. Covenants are a civil agreement between the parties within a Sealed Plan and Council is generally not a party to the agreement. A breach of a covenant is dealt with by a civil magistrate and an action can only be brought about by another land owner within the Sealed Plan.

Consistency with Planning Scheme:

The subject covenant restricts development in a manner which is contrary to the provisions of Council's Planning Scheme. Multiple dwellings are a permitted form of use and development in the General Residential Zone and Council does not have the ability to refuse a planning application for multiple dwellings which complies with all of the Acceptable Solutions of the planning scheme. As such a request to remove the covenant or partially remove the covenant will bring the private covenants into greater conformity with the statutory planning regulations which are uniformly applicable.

Recent Request by Council

In 2019 Council made a decision to rezone, subdivide and sell the former Mace Street Reserve, formerly lot 17 on the sealed plan. Despite the subdivision, the area previously comprising lot 17 remained subject to the covenant and only one dwelling could be constructed. Council instigated a similar amendment to the same sealed plan in order to allow the new titles to each accommodate a

dwelling (registered 26 August 2019). The proposed amendment is not dissimilar.

Compensation:

Council can consider a claim for compensation from any affected party made within 60 days of having been served with the petition. No claims for compensation have been received.

Conclusion:

None of the other landowners party to the covenant have sought to be heard by Council. While a written representation was received, the concerns raised in the representation primarily relate to a different block of land. No specific objections have been raised in relation to Lot 25.

The covenant as it currently applies to the title is contrary to the provisions of the Meander Valley Interim Planning Scheme 2013 and its removal will bring it into greater conformity. A planning permit, PA\20\0085, has already been issued for the development of multiple dwellings on this title and the proposed amendment is consistent with this approval.

It is considered that the removal of the covenant as requested will not unduly impact any person, is consistent with the statutory planning provisions regulating the use and development of land in this area and is acceptable.

3) Council Strategy and Policy

Not applicable.

4) Legislation

Local Government (Building and Miscellaneous Provisions) Act 1993

5) Risk Management

No risk to Council.

6) Government and Agency Consultation

The application was referred to TasWater who provided Consent to Register a Legal Document.

7) Community Consultation

Parties affected by the amendment were notified via letter and provided 28 days to advise Council if they seek to be heard.

One written representation was received from the owner of 11 Mace Street (attached document), however, they did not seek to be heard by Council (confirmed by phone – 19 February 2020).

8) Financial Consideration

Not applicable.

9) Alternative Recommendations

Council can refuse to amend the Sealed Plan.

The power to amend a Sealed Plan is a discretionary decision of Council and is not confined to the jurisdiction of the Planning Authority. As such a broader assessment of interests and issues is required in making a determination.

In this case relevant factors are considered to be confined to:

- The intent of the original covenant.
- The effect of the proposed changes.
- The representation received from the owner of 11 Mace Street, Prospect Vale.
- Consistency of the covenant with other land use and development regulations.
- Council's own decision to amend the sealed plan in a similar way in 2019.

10) Voting Requirements

Simple majority

DECISION:

From: Robert Macpherson
Sent: 17 Jan 2020 05:08:11 +0000
To: Meander Valley Council Email
Subject: Petition to Amend Sealed Plan 8204

I DO NOT support the owner Peter Symonds seeking to remove the covenant in the schedule of easements registered over sealed plan 8204 to allow the construction of more than one dwelling on the original lots.

The old Mace Street Reserve was sold to the new owners after objection that it should not have been sold at all, and remained as a park for all to use. Unfortunately this did not happen and my understanding was the reason the land was sold at all, was on the provision that construction of only 1 dwelling on the original lots was allowed.

As a neighbouring property owner I Strongly OPPOSE the petition to remove the covenant, and believe that ONE dwelling per lot should remain.

Regards

Robert Macpherson.

Sent from [Mail](#) for Windows 10



Contact: Sam Pratt
Our Ref: SEP-STL:193788

15 January 2020

Meander Valley Council
PO Box 102
WESTBURY TAS 7303

| | | | |
|-----------------|-------------|-------|----|
| Index No. 11784 | | | |
| Doc No. | | | |
| RCV'D | 16 JAN 2020 | MVC | |
| Action Officer | LR | Dept. | 03 |
| EO | | OD | ✓ |

Dear Sir/Madam

Symons to Lee
Sale of Part 329 Westbury Road, Prospect

We refer to the above property.

Our client is applying for the covenant relating to the restriction of one dwelling to be removed for his property. Attached are copies of letters being sent to all effected owners.

At the expiry of the 28-day period, we will forward the Petition and Request to Amend Sealed Plan Blank Instrument Form.

Please do not hesitate to contact the writer if you require any further information.

Yours faithfully
Simmons Wolfhagen

Zoey Donnellan
Associate | Property & Commercial Law
Zoey.donnellan@simwolf.com.au

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Phone +613 6338 2390

ABN 31 635 248 976

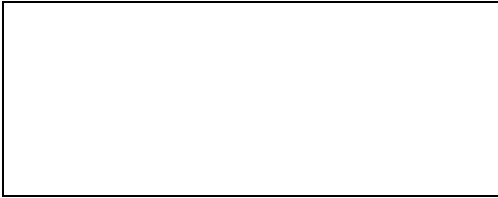
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- › Bankruptcy, Insolvency & Secured Finance
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TASMANIAN LAND TITLES OFFICE

Blank Instrument Form Land Titles Act 1980



| DESCRIPTION OF LAND | | | |
|-----------------------|-----------|--------|-------|
| Folio of the Register | | | |
| Volume | Folio | Volume | Folio |
| 8204 | 25 | | |

To the Recorder of Titles:

REQUEST TO AMEND SEALED PLAN SP8204

Section 103 Local Government (Building and Miscellaneous Provisions) Act 1993

Meander Valley Council requests that Sealed Plan 8204 be amended in the following manner-

1. Amendment of the Covenant in the Schedule of Easements restricting the building of more than 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building in a lot referred to in schedule of easements Sealed Plan 8204 to allow any Certificate of Title that was a part of parent title Certificate of Title Volume 8204 Folio 25 to erect 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building on each Certificate of Title.
2. A marked up copy of the schedule of easements is attached showing the amendments.

(The petitioner has advised that the Certificates of Title will not be produced)

Date:

The COMMON SEAL of Meander Valley Council
has been affixed in the presence of:

.....

Council delegate

Land Titles Office Use Only

Version 1

THE BACK OF THIS FORM MUST NOT BE USED

Stamp Duty

7



SCHEDULE OF EASEMENTS

Plan No.

S.P 8204

Note:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

THIS COPY SCHEDULE CONSISTS OF 2 PAGES

INTERPRETATION

In this schedule the word "subdivider" means Frederick Henry Maca the registered proprietor of the land comprised in Certificate of Title Volume 3453 Folio 15 and the word "Company" means Premier Homes Pty.Ltd. the registered proprietor of the land comprised in Certificate of Title Volume 3453 Folio 14. NO easements or profits a prendre are created to benefit or burden any lot shown on the plan.

COVENANTS

FIRST The owner of each lot on the plan covenants with the (the subdivider and the company) that the Vendors Vendors and the Company shall not be required to fence

SECONDLY the owner of each lot shown on the plan covenants with the subdivider with the Vendor and the Company and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run and bind the covenantor's lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan and every other part of the land respectively comprised in Certificates of Title Volume 3453 Folio 15 and Volume 3453 Folio 14 to observe the following stipulations:-

- 1. Not to erect on the said lot any building other than one dwelling house or one building containing two or more residential flats and the buildings usually appurtenant to any such house or building
2. Not to use such house or building for any purpose other than residential or for the provision of professional services

Handwritten notes: EXCEPT THAT on each of Certificates of Title Volume 17602 FOLIOS 1 & 2 are permitted to each erect 1 dwelling house or 1 building containing 2 or more residential flats and the buildings usually appurtenant to any such house or building on each Certificate of Title. AND FURTHER THAT ANY CERTIFICATE OF TITLE THAT WITH A PART OF PARENT TITLE CERTIFICATE OF TITLE VOLUME 8204 FOLIO 25 IS TO ERECT 1 DWELLING HOUSE OR 1 BUILDING CONTAINING 2 OR MORE RESIDENTIAL FLATS AND THE BUILDINGS USUALLY APPURTENANT TO ANY SUCH HOUSE OR BUILDING ON EACH CERTIFICATE OF TITLE.

8204

- 3. Not to set up or carry on in or upon the said lot any trade manufacture or business of any kind other than the provision of professional services
- 4. Not to erect or permit to be erected on the said lot or any part thereof or attach or permit to be attached to any buildings erected thereon any advertisement hoarding bill or poster or any other similar erection of an unsightly nature
- 5. Not to erect any dwelling house of a lesser value than Fifteen thousand dollars (exclusive of outbuildings) or in the case of a building containing two or more residential flats of a lesser value than Thirty thousand dollars (exclusive of outbuildings) such values to be the actual cost of labour and materials only and any questions as to the value of any building shall be settled by the ^{Subdivider} Vendor and the Company *ST* to whom all necessary vouchers shall be produced.

MM SIGNED by the ^{Subdivider} Vendor in the presence of: *Y. Macle*

Heleen Low John Lawton

THE SEAL of PREMIER HOMES PTY. LTD. was herunto affixed by order of the Board of Directors in the presence of:



Director *John Bueff*
 Secretary *J. Broohamer*

Certified correct for the purposes of the Real Property Act 1862, as amended.

ARCHER HALL WATERHOUSE & CAMPBELL
J. H. Murray
 Solicitors for the ^{Subdivider} Vendor and the Company

8204

Certified correct for the purposes of the Real Property Act 1862, as amended.

.....
Subdivider/Solicitor for the Subdivider
*FREDERICK HENRY YACE AND
PRIMIER HANES Pty Ltd*
This is the schedule of easements attached to the plan of.....
(Insert Subdivider's Full Name)

..... affecting land in
G.T. Vol. 3453 Fol. 14 & G.T. Vol. 3453 Fol. 15
.....
(Insert Title Reference)

Sealed by *MUNICIPALITY OF NESTOR* on *12th August 1976*
.....
[Signature]
Council Clerk/Town-Clerk

04100

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Mr FMM Ercole
2 Bayne Place
Prospect Vale TAS 7250

Dear Franco

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

Our client is seeking to remove the covenant in the schedule of easements registered over Sealed Plan 8204 to allow the construction of more than 1 dwelling on the original lots. Attached is a copy of the proposed amendment.

You are one of the parties affected by this Easement.

We are required by the *Local Government (Building & Miscellaneous Provisions) Act 1993* (Tas) to advise you that you have the right to be heard in support or opposition of the Easement.

If you oppose the Petition, you will have 28 Days to raise your objection. If you do wish to do so, you should make that representation to:

The General Manager
Meander Valley Council
PO Box 102
Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen



Sam Pratt
Director | Property & Commercial Law
sam.pratt@simwolf.com.au

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Address Level 4, 99 Bathurst Street
Hobart TAS 7000
GPO Box 146
Hobart TAS 7001

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- › Bankruptcy, Insolvency & Security
- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr AL & Mrs LC Guy
279 Maroondah Highway
Croyden VIC 3136

Dear Anthony & Linda

Petition to Amend Sealed Plan 8204

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> Insurance Law, Personal Injury Law
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Contact: Sam Pratt
 Our Ref: SEP.ZED:193788

14 January 2020

Ms AK Batty
 5 Mace Street
 Prospect Vale TAS 7250

Dear Anita

Petition to Amend Sealed Plan 8204

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 Director | Property & Commercial Law
 sam.pratt@simwolf.com.au

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- > Bankruptcy, Insolvency & Security of Interests
- > Insurance Law, Personal Injury Law
- > Building, Construction & Engineering Law



Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr MA Norton
9 Mace Street
Prospect Vale TAS 7250

Dear Mark

Petition to Amend Sealed Plan 8204

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Yours faithfully
Simmons Wolfhagen

Sam Pratt
Director | Property & Commercial Law
sam.pratt@simwolf.com.au

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- › Bankruptcy, Insolvency & Securities
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- › Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Mr RB Macpherson
11 Mace Street
Prospect Vale TAS 7250

Dear Robert

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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Meander Valley Council
PO Box 102
Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen



Sam Pratt
Director | Property & Commercial Law
sam.pratt@simwolf.com.au



Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr RW Mace
2 Mace Street
Prospect Vale TAS 7250

Dear Ross

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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Meander Valley Council
PO Box 102
Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen

Sam Pratt
Director | Property & Commercial Law
sam.pratt@simwolf.com.au

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Mr MJ Poole
4 Mace Street
Prospect Vale TAS 7250

Dear Matthew

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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PO Box 102
Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen



Sam Pratt
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- › Building, Construction & Engineering Law



Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr PC John
161 Marana Drive
Bakers Beach TAS 7307

Dear Phillip

Petition to Amend Sealed Plan 8204

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PO Box 102
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Yours faithfully
Simmons Wolfhagen

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- > Building, Construction & Engineering Law



Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr WT & A Dargan
10 Mace Street
Prospect Vale TAS 7250

Dear Wayne & Anne

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen

Sam Pratt
Director | Property & Commercial Law
sam.pratt@simwolf.com.au

Contact: Sam Pratt
 Our Ref: SEP:ZED:193788

14 January 2020

Ms ML Wilson
 8 Mace Street
 Prospect Vale TAS 7250

Dear Margaret

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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The General Manager
 Meander Valley Council
 PO Box 102
 Westbury TAS 7303

Yours faithfully
 Simmons Wolfhagen



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- > Bankruptcy, Insolvency & Securities
- > Insurance Law, Personal Injury Law
- > Building, Construction & Engineering Law

Contact: Sam Pratt
 Our Ref: SEP:ZED:193788

14 January 2020

Mr R & Mrs JM Bailey
 12 Mace Street
 Prospect Vale TAS 7250

Dear Rex & Judith

Petition to Amend Sealed Plan 8204

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Yours faithfully
 Simmons Wolfhagen



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- > Building, Construction & Engineering Law



Contact: Sam Pratt
Our Ref: SEP ZED:193788

14 January 2020

Mr NT Clark
1 Mace Street
Prospect Vale TAS 7250

Dear Nathan

Petition to Amend Sealed Plan 8204

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Simmons Wolfhagen

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- > Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Mr AW & Mrs ME White
5 Bayne Place
Prospect Vale TAS 7250

Dear Andrew & Mary

Petition to Amend Sealed Plan 8204

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Westbury TAS 7303

Yours faithfully
Simmons Wolfhagen



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- › Building, Construction & Engineering Law

Contact: Sam Pratt
 Our Ref: SEP.ZED:193788

14 January 2020

Mr PK & Mrs KL Leggett
 3 Winifred Jane Crescent
 Hadspen TAS 7290

Dear Paul & Kim

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

Our client is seeking to remove the covenant in the schedule of easements registered over Sealed Plan 8204 to allow the construction of more than 1 dwelling on the original lots. Attached is a copy of the proposed amendment.

You are one of the parties affected by this Easement.

We are required by the *Local Government (Building & Miscellaneous Provisions) Act 1993* (Tas) to advise you that you have the right to be heard in support or opposition of the Easement.

If you oppose the Petition, you will have 28 Days to raise your objection. If you do wish to do so, you should make that representation to:

The General Manager
 Meander Valley Council
 PO Box 102
 Westbury TAS 7303

Yours faithfully
 Simmons Wolfhagen



Sam Pratt
 Director | Property & Commercial Law
 sam.pratt@simwolf.com.au

Hobart Office
 Address Level 4, 99 Bathurst Street
 Hobart TAS 7000
 GPO Box 146
 Hobart TAS 7001

Launceston Office
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- > Local Government, Environment & Planning Law
- > Employment & Workplace Relations Law
- > Bankruptcy, Insolvency & Securities Law
- > Insurance Law, Personal Injury Law
- > Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr MS & Mrs MJ Reed
4 Bayne Place
Prospect Vale TAS 7250

Dear Mark & Margaret

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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- › Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Ms ML De Jong
9 Bayne Place
Prospect Vale TAS 7250

Dear Melissa

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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- › Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Ms AR McLean
3 Bayne Place
Prospect Vale TAS 7250

Dear Angela

Petition to Amend Sealed Plan 8204

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- › Building, Construction & Engineering Law



Contact: Sam Pratt
Our Ref: SEP-ZED:193788

14 January 2020

Xuan Shi & Yuchen Han
7 Bayne Place
Prospect Vale TAS 7250

Dear Sir/Madam

Petition to Amend Sealed Plan 8204

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- › Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP.ZED:193788

14 January 2020

Harley Developments Pty Ltd
19 Canning Street
Launceston TAS 7250

Dear Sir/Madam

Petition to Amend Sealed Plan 8204

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- > Building, Construction & Engineering Law

Contact: Sam Pratt
Our Ref: SEP:ZED:193788

14 January 2020

Mr SA Crawford & Mrs NM Martin-Crawford
4 Harris Street
Summerhill TAS 7250

Dear Shaun & Nicole

Petition to Amend Sealed Plan 8204

We act on behalf of Peter Symons, the Petitioner and owner of Certificate of Title Volume 8204 Folio 25 (329 Westbury Road, Prospect).

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COMMUNITY AND DEVELOPMENT SERVICES 2

Reference No. 93/2020

2020-21 ENVIRONMENTAL HEALTH FEES

AUTHOR: Katie Proctor
Environmental Health Officer

1) Recommendation

It is recommended that Council, consistent with the Council direction for the Community Care and Recovery Package response to the COVID-19 pandemic, adopt the following environmental health fees and charges for the 2020-21 financial year:

| Food Premises (Except for bona fide not for profit organisations) | Fees and Charges |
|--|-----------------------------|
| Annual Registration/renewal of Registration | |
| • P3 | \$0.00 |
| • P1 and P2 | \$0.00 |
| Late fee if application for renewal not received by 31 July | \$52.00 |
| Additional inspections due to non-compliance | \$117.00 incl. GST |
| Temporary Food Stall Registration (Except for bona fide not for profit organisations) | |
| One-off event | \$0.00 |
| 0 – 6 months | \$0.00 |
| 6 – 12 months | \$0.00 |
| Late fee if not received before event | \$41.00 |
| Public Health | |
| Place of Assembly Licence – Public events, 1 day | \$75.00 |
| Place of Assembly Licence – Public events, greater than 1 day | \$235.00 |
| Registration of Private Water Supplier | \$98.00 |
| Other premises requiring licensing under Public Health Act 1997 | \$98.00 |
| Request for inspection and written reports on food premises for prospective purchasers | \$117.00 incl. GST |
| Mobile Food Vehicles | |

| | |
|-----------------|--------|
| Vendor's Permit | \$0.00 |
|-----------------|--------|

2) Officers Report

The purpose of this report is for Council to adopt environmental health fees and charges for 2020-21.

Council fees and charges are set in conjunction with the annual budget process. However, the environmental health fees and charges are determined at the May Council meeting so the 2020-21 fees can be published by the end of May to enable Registration renewals to be issued in June.

The fees set by Council for the 2019-20 financial year are set out in the table below: (Note – license fees required by legislation do not include GST)

| Food Premises (Except for bona fide not for profit organisations) | Fees and Charges |
|--|-----------------------------|
| Annual Registration/renewal of Registration | |
| • P3 | \$58.00 |
| • P1 and P2 | \$173.00 |
| Late fee if application for renewal not received by 31 July | \$52.00 |
| Additional inspections due to non-compliance | \$117.00 incl. GST |
| Temporary Food Stall Registration (Except for bona fide not for profit organisations) | |
| One-off event | \$36.00 |
| 0 – 6 months | \$58.00 |
| 6 – 12 months | \$86.00 |
| Late fee if not received before event | \$41.00 |
| Public Health | |
| Place of Assembly Licence – Public events, 1 day | \$75.00 |
| Place of Assembly Licence – Public events, greater than 1 day | \$235.00 |
| Registration of Private Water Supplier | \$98.00 |
| Other premises requiring licensing under Public Health Act 1997 | \$98.00 |
| Request for inspection and written reports on food premises for prospective purchasers | \$117.00 incl. GST |
| Mobile Food Vehicles | |
| Vendor's Permit | \$173.00 |

At the Special Meeting of Council on 7 April 2020 Council approved the delivery of a 'Community Care and Recovery Package'. The aim of the Package is to assist the Meander Valley community to both manage and recover from the impacts of the COVID-19 Pandemic. The package included to *Deliver Budget estimates for the 2020-21 financial year based on a 0% increase in Fees and charges revenue*. In addition, the Package includes to *Waive fees for Food Business Registrations, Temporary Food Stall Registration and Food Vendors (mobile food vehicles)* for the 2020-21 financial year. Accordingly, the proposed fees and charges for 2020-21 reflect this direction.

3) Council Strategy and Policy

The Annual Plan provides for the review of fees and charges in the June quarter.

4) Legislation

Fees and charges are set in accordance with Section 205 of the Local Government Act 1993.

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Not applicable.

8) Financial Consideration

Environmental Health fees were budgeted to receive \$31,100 in revenue in 2019-20. The Council decision on 7 April 2020 to deliver a 'Community Care and Recovery Package' in response to the COVID-19 Pandemic will significantly reduce this in the 2020-21 financial year.

9) Alternative Recommendations

Council can elect to amend the proposed fee structure.

10) Voting Requirements

Simple majority

DECISION:

COMMUNITY AND DEVELOPMENT SERVICES 3

Reference No. 94/2020

2020-21 DOG REGISTRATION FEES

AUTHOR: Lynette While
Director Community and Development Services

1) Recommendation

It is recommended that Council, consistent with the Council direction for the Community Care and Recovery Package response to the COVID-19 pandemic adopt the following dog registration fees and charges for the 2020-21 financial year:

| Registration | Regular Fee | If paid by 31 July |
|--|--------------------|---------------------------|
| Domestic Dog not Desexed | \$65 | \$48 |
| Domestic Dog Desexed | \$22 | \$14 |
| Working Dog | \$22 | \$14 |
| Greyhound | \$22 | \$14 |
| Purebred (<i>for breeding</i>) | \$22 | \$14 |
| Pensioners Dog (<i>one per pension card</i>) | \$22 | \$14 |
| Guide Dog/Hearing Dog (<i>on production of suitable evidence by applicant</i>) | Nil | Nil |
| Dangerous Dog | \$568 | Not Applicable |
| Guard Dog | \$65 | \$48 |
| Other | | |
| Renewal of Kennel Licence | \$34 | Not Applicable |
| New Kennel Licence | \$127 | |
| Fee to make a nuisance dog complaint | \$22 | |
| Dangerous Dog Collars | Cost+GST | |
| Impounding Fee | \$34 | |
| Impounding Fee - Second Time | \$58 | |
| Daily Maintenance Fee | \$22+GST | |
| | | |

2) Officers Report

The purpose of this report is for Council to adopt dog registration fees and charges for 2020-21.

Dog registration fees and charges need to be set at the May meeting to ensure the new fees are published by the end of the first week of June.

The fees for the 2019–20 financial year were:

| | Regular Fee | If paid by 31 July |
|--|--------------------|---------------------------|
| Domestic Dog not Desexed | \$65 | \$48 |
| Domestic Dog Desexed | \$22 | \$14 |
| Working Dog | \$22 | \$14 |
| Greyhound | \$22 | \$14 |
| Purebred (<i>for breeding</i>) | \$22 | \$14 |
| Pensioners Dog (<i>one per pension card</i>) | \$22 | \$14 |
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| Daily Maintenance Fee | \$22+GST | |

At the Special Meeting of Council on 7 April 2020 Council approved the delivery of a 'Community Care and Recovery Package'. The aim of the Package is to assist the Meander Valley community to both manage and recover from the impacts of the COVID-19 Pandemic. The package included to *Deliver Budget estimates for the 2020-21 financial year based on a 0% increase in Fees and charges revenue*. Accordingly, the fees and charges for the 2020-21 dog registration fees are not proposed to increase from the current 2019-20 dog registration fees.

Council continues to run a comprehensive service in this program. Council is one of the few remaining local government authorities in the region that provide a 24/7 call out service.

3) Council Strategy and Policy

Policy No. 43 Dog Management provides for the setting of registration fees in May of each year. It also includes that dog owners will be encouraged to register their dogs early in the financial year by the way of a discount if registration fees are paid prior to 31 July each year.

4) Legislation

Section 80 of the Dog Control Act 2000 provides the legislative instrument for Council to set fees.

Fees and charges are set in accordance with section 205 of the Local Government Act 1993.

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Not applicable.

8) Financial Consideration

In the current financial year to date Council has collected approximately:

- \$52,852 in dog registration fees and kennel licenses
- \$12,289 from infringement notices and poundage fees

9) Alternative Recommendations

Council can elect to amend the proposed fee structure.

10) Voting Requirements

Simple majority

DECISION:

COMMUNITY AND DEVELOPMENT SERVICES 4

Reference No. 95/2020

SMALL BUSINESS - COMMUNITY CARE AND RECOVERY GRANT

AUTHOR: Lynette While
Director Community and Development Services

1) Recommendation

It is recommended that Council:

- 1. Approve a budget allocation of \$100,000 for the Small Business Community Care and Recovery Grants;***
- 2. Approve the release of the Small Business Grant package including promotion and release of the guidelines and application form, followed by the assessment of submitted applications by the Community Grants Panel.***
- 3. Notes recommendations on grants will be made to Council in July 2020.***

2) Officers Report

Introduction

At the Special Council meeting of 7 April 2020 Council determined to introduce a *Community Care and Recovery Package* as part of a response to assist our community to manage and recover from the impacts of the COVID-19 pandemic.

The package included a Small Business Grant Program (SBG). The SBG is to assist small business owners who have incurred losses to maintain or recommence operations after being closed due to emergency orders. The cost of this competitive grant program is estimated to be \$100,000.

The Small Business Grant Program

The guidelines and application form for the SBG are attached (Attachment 1). The guidelines detail the eligibility requirements, application and evaluation process for the grant. There will also be an online version of the application form.

Subject to Council approval, the grant applications will open in the week of 18 May 2020 and close 14 June 2020. These dates allow sufficient time for applications to be completed and also evaluated with the aim of making payment in July 2020 (after Council's 2020-21 budget is approved).

It is proposed that the Community Grants Committee will be convened to evaluate applications and recommend grant recipients. Council approval of the recommended grant recipients will be sought.

The grants will be advertised in the Examiner newspaper. Council will also directly promote the grants to businesses and community organisations using existing email contact lists, via direct contact and community radio (subject to confirmation).

3) Council Strategy and Policy

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

- Future Direction (3): Vibrant and engaged communities
- Future Direction (4): A healthy and safe community

4) Legislation

Local Government Act 1993: Section 77 Grants and Benefits

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Advice and assistance will be provided to applicants on request. The SBG will be promoted through community networks and the media. The guidelines and application information will be available from the Council website.

8) Financial Consideration

The awarding of the SBG will be made within the limits of the allocated \$100,000 budget.

9) Alternative Recommendations

Council can elect to approve with amendment.

10) Voting Requirements

Simple majority

DECISION:

This document outlines the application and evaluation approach that the Meander Valley Council (Council) will apply to determine applications for the Small Business Grant (SBG) Program.

Your application must be in accordance with all information specified in this document

What the SBG for?

- The recovery from COVID-19 impacts and re-establishing the long term viability of small businesses (less than 15 employees) in the Meander Valley local government area is a key priority for Council.
- The SBG grant is part of Council's COVID-19 Community Care and Recovery Package. An amount of \$100,000 has been allocated to support small business owners who can demonstrate an adverse financial impact from the COVID-19 Disease Emergency.
- The grants target businesses seeking to recommence normal operations after closing or reducing operations because of the COVID-19 Disease Emergency.

When can I apply?

- Applications for grants will be open from Monday 18 May 2020 until 5pm, Sunday 14 June 2020.
- Applications must be made on Council's Small Business Application Form, which can be downloaded from Council's website (see the *how to apply* section later in this document).
- Applications for the SBG will be competitively assessed and at the sole discretion of the Council.
- There is no advantage to rushing an application as all applications will be assessed after the closure date for applications.
- Applications should provide clear responses and supporting evidence. Council is not obligated to seek additional information before determining a grant application.

How much can I apply for?

- Small businesses may apply for a grant amount of between \$2,000 and \$5,000. Applicants are only entitled to receive one grant.
- Within the above range, the amount awarded will be at the sole discretion of Council, having regard to the total number of grant applications and the demonstrated hardship and benefit of the grant to a business
- Applicants seeking amounts over \$2,000 must demonstrate high need due to financial hardship AND high benefit in terms of direct links to the ongoing employment or re-employment of people
- Applicants must provide evidence they meet the Hardship Test as defined in this document

When will the grants be paid?

- Grants can be paid from mid July 2020 after approval of Council's 2020-21 Budget.
- Grants will be paid directly into the applicant's nominated bank account.

Who can get a grant?

The following eligibility requirements must be satisfied to be considered for a grant. The applicant must

- Be a small business. For this grant a small business is one that employed (before the impact of COVID-19) or employs up to 20 full-time equivalent staff
- Be a sole trader, partnership, company or trust registered in Australia for taxation purposes with an active ABN;
- Demonstrate that they operate "for profit" as an ongoing concern. Hobby or private not-for-profit business are not eligible;
- Be located and operating in the Meander Valley local government area;
- Meet the hardship test and provide evidence to support a loss in revenue of greater than 30 per cent as a consequence of the COVID-19 Disease Emergency;
- Not be subject to any legal impediment, including bankruptcy or liquidation, that would impact the continuance of the business or trade of the business; and
- As of 31 March 2020, have been operating a business for two months or greater.

Do I have to demonstrate financial impacts?

Yes. Applicants who meet the above eligibility criteria must also be able to demonstrate financial hardship. For the purposes of this program, financial hardship is defined as

1. *A small business whose gross revenue or turnover has been reduced by more than 30% relative to a comparable period before the impact of COVID-19; or*
 2. *A small business whose future gross revenue (as demonstrated by cancelled orders) is reduced by more than 50% for the period to 30 September 2020.*
- A business must provide evidence of a reduction in gross revenue by comparing turnover and revenue before the declaration of the COVID-19 Disease Emergency (March 2020) with the turnover or revenue after the declaration of the COVID-19 Emergency.
 - The above comparison must compare like periods to like periods, for example, comparing revenues from April 2019 with April 2020. Business Activity Statements (BAS), where completed, are considered acceptable.
 - Where the financial impact relates to the loss of future orders, evidence of orders previously confirmed and cancelled is to be provided.
 - Council is not obligated to request further information if the provided information is not sufficient. However Council may, at its discretion, seek additional information (such as BAS) or evidence to satisfy a determination of hardship.

What financial evidence of hardship do I need?

In preparing your application you should provide clear evidence of hardship. That said, the effort and cost of preparing this evidence is acknowledged as a factor. Without limiting the means by which hardship can be demonstrated, one or more of the following are considered acceptable:

- Business Activity Statements;
- Any relevant report from Accounting Software such as MYOB or Xero;
- A statement from a registered accountant;
- A statutory declaration from an appropriate and independent professional, who is familiar with the applicant's circumstances (for example a bank manager);
- A statutory declaration from the business owner detailing the nature and quantum of the hardship; and/or
- Documentation confirming receipt of a government subsidy related to hardship such as the Jobkeeper or Jobseeker benefit payments

Applicants should provide as much detail as they can reasonably present.

How are applications assessed?

Eligibility does not automatically mean a grant will be approved. Applicants will be comparatively assessed on their ability to demonstrate they:

- shut down their business; restricted trading or reduced their operations as a result of the COVID-19 Disease Emergency;
- the extent of financial hardship; and
- meet all of the 'business eligibility' requirements.

As part of the application process, applicants are required to declare on their application form that they have:

- a satisfactory credit history;
- met any statutory obligations that apply to their business, for example worker entitlements including superannuation; and
- maintained licence(s) and/or insurance(s) required to legally operate their small business.

Council's Community Grants Committee will evaluate applications and recommend grant recipients. Council will then approve the recommended grant recipients at a meeting of Council. The decisions of Council will be final and not subject to review or appeal. Applicants will be notified by email of the outcome of their application

Where do I lodge an application?

Applications for the SBG program can be made:

- Online via the Meander Valley Council website at www.meander.tas.gov.au
- By email to mail@mvc.tas.gov.au
- By mail to Attn: General Manager, PO Box 102, Westbury Tasmania 7303

All necessary supportive documentation must be uploaded online or attached to your application form for it to be considered (eg. any financial evidence of hardship)

If you need help completing your application online please contact Council on 6393 5300

Confidentiality

The Council may use and disclose the information provided by applicants for assessing applications under the program guidelines and decisions on successful applicants. Council is also required to report the name and dollar value of successful grant applications.

Governance

As part of the Council's governance process, the Council may publicise the level of financial assistance and the identity of the business recipient from the grant program.

Right to Information

Information provided to the Council may be subject to disclosure in accordance with the Right to Information Act (2009).

Personal Information Protection

Personal information will be managed in accordance with the Personal Information Protection Act (2004) and the Council's Personal Information Protection Policy. This information may be accessed by the individual to whom it relates, on request to the Council.

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Small Business Grant

Application Form

Council has allocated grant funding to support small business to recommence operations after the COVID-19 Disease Emergency. Applications will be competitively assessed with \$2,000 - \$5,000 grants available as one-off payments to applicants who meet the eligibility criteria and can demonstrate an adverse financial impact from the COVID-19 Disease Emergency.

More information about eligibility and assessment criteria can be found in the *Small Business Grant Guidelines*.

Applications must be received by 5pm, Sunday 14 June 2020. All applications will be competitively assessed after this date.

Eligibility Criteria

To be eligible to apply for a Small Business Grant, applicants must:

- Be a small business with up to 20 full-time equivalent staff prior to 31 March 2020
- Be a sole trader, partnership, company or trust.
- Be registered in Australia for taxation purposes with an active ABN.
- Demonstrate that they were operating as a "for profit" small business (not a hobby or private not-for-profit)
- Be located and operating in the Meander Valley local government area.
- Can demonstrate hardship and provide evidence of a loss in current gross revenue of greater than 30% or future gross revenue by more than 50% as a consequence of the COVID-19 Disease Emergency.
- Not be subject to any legal impediment, including bankruptcy or liquidation that would impact the ability of the business to continue or to trade.
- As of 31 March 2020, been operating as a business for two months or greater.

I/we confirm that I/we meet ALL the eligibility criteria outlined above

I/we declare that my/our small business:

- Has a satisfactory credit history.
- Has met any statutory obligations that apply, for example worker entitlements including superannuation paid.
- Has maintained licence(s) and/or insurance(s) required to legally operate.

Business Owner Details

Business Owner Name/s:

If the business is owned by more than one person, please list all owners (first name then last name)

Contact Number: _____

Email: _____

Postal Address: _____

Business Details

Business Trading Name: _____

Australian Business Number (ABN): _____

Council will use your ABN to confirm your details. Please ensure your ABN is written correctly and the online information associated with your ABN is up to date. If you are unsure or need to update your details visit www.abr.business.gov.au

Place of Business Address: _____

Confidentiality

The Council may use and disclose the information provided by applicants for assessing applications under the program guidelines and decisions on successful applicants. Council is also required to report the name and dollar value of successful grant applications.

Governance

As part of the Council's governance process, the Council may publicise the level of financial assistance and the identity of the business recipient from the grant program.

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I/we confirm that this application has been completed accurately and is a true reflection of my/ou circumstances as at the date of submission


Signature of applicant/s:

| | | |
|-------|-------|-------------|
| _____ | _____ | Date: _____ |
| _____ | _____ | Date: _____ |
| _____ | _____ | Date: _____ |
| _____ | _____ | Date: _____ |

How to lodge your application

 **By mail:** Mail completed form and copies of any supporting documents to:
Attn: General Manager, PO Box 102, Westbury Tasmania 7303

 **By email:** Scan completed form and copies of any supporting documents and email to mail@mvc.tas.gov.au

 **Need help?** If you need help completing this application form, please phone Council on **6393 5300**

COMMUNITY AND DEVELOPMENT SERVICES 5

Reference No. 96/2020

EVENT RECOVERY - COMMUNITY CARE AND RECOVERY GRANT

AUTHOR: Lynette While
Director Community and Development Services

1) Recommendation

It is recommended that Council:

- 1. Approve a budget allocation of \$20,000 for the Event Recovery Community Care and Recovery Grants;***
- 2. Approve the release of the Event Recovery Grant package including promotion and release of the guidelines and application form, followed by the assessment of submitted applications by the Community Grants Panel.***
- 3. Notes recommendations on grants will be made to Council in July 2020.***

2) Officers Report

Introduction

At the Special Council meeting of 7 April 2020 Council determined to introduce a *Community Care and Recovery Package* as part of a response to assist our community to manage and recover from the impacts of the COVID-19 pandemic.

The package includes an Event Recovery Grant Program (ERG). The ERG is to assist not for profit community groups to recover losses from expenses incurred for advertised events cancelled due to Government orders. The cost of this competitive grant program is estimated to be \$20,000.

The Event Recovery Grant Program

The guidelines for the ERG are attached. The guidelines detail the eligibility requirements, application and evaluation process for the grant.

Subject to Council approval, the grant applications will open in the week of 14 May 2020 and close 18 June 2020. These dates allow sufficient time for applications to be completed and also evaluated with the aim of making payment in July 2020 (after Council's 2020-21 budget is approved).

It is proposed that the Community Grants Committee will be convened to evaluate applications and recommend grant recipients. Council approval of the recommended grant recipients will be sought.

The grants will be advertised in the Examiner newspaper. Council will also directly promote the grants to community organisations using existing email contact lists, via direct contact and community radio (subject to confirmation).

3) Council Strategy and Policy

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

- Future Direction (3): Vibrant and engaged communities
- Future Direction (4): A healthy and safe community

4) Legislation

Local Government Act 1993: Section 77 Grants and Benefits

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Advice and assistance will be provided to applicants on request. The ERG will be promoted through community networks and the media. The guidelines and application information will be available from the Council website.

8) Financial Consideration

The awarding of the ERG will be made within the limits of the allocated \$20,000 budget.

9) Alternative Recommendations

Council can elect to approve with amendment.

10) Voting Requirements

Simple majority

DECISION:

Meander Valley Council

Event Recovery Grant Program (ERG)

COVID-19 Community Care and Recovery

2020/2021



IMPORTANT Information and Guidelines for Applicants

This document outlines the application and evaluation approach that the Meander Valley Council (Council) will apply to determine applications for the Event Recovery Grant (ERG) Program.

Your application must be in accordance with all information specified in this document.

What are the grants for?

- The recovery from COVID-19 impacts and re-establishing community relationships in the Meander Valley local government area is a key priority for Council.
- The ERG program is part of Council's COVID-19 Community Care and Recovery Package. An amount of \$20,000 has been allocated to support not for profit community groups in recovering losses for advertised events that were cancelled due to the COVID-19 Disease Emergency.

When can I apply?

- Applications for grants will be open from 18 May 2020 until close of business on 14 June 2020.
- Applications must be made on Council's Event Recovery Grant Application Form, which can be downloaded from Council's website (see the how to apply section later in this document).
- Applications for the ERG will be competitively assessed and at the sole discretion of the Council.
- There is no advantage to rushing an application as all applications will be assessed after the closure date for applications.
- Applications should provide clear responses and supporting evidence. Council is not obligated to seek additional information before determining a grant application.

How much can I apply for?

- Not for profit community groups may apply for a grant amount up to a maximum of \$2,500. Council retains discretion to approve a higher allocation in exceptional circumstances. Applicants are only entitled to receive one grant.
- The amount awarded will be at the sole discretion of Council, having regard to the total number of grant applications and subject to sufficient funds being available.
- Grants apply for reimbursement of money already spent and for which recovery via insurance is not available. Evidence of the expenditure is required to be supplied.

When will the grants be paid?

- Grants can be paid from mid July 2020 after approval of Council's 2020-21 Budget.
- Grants will be paid directly into the applicant's nominated bank account.

Who can get a grant?

The following eligibility requirements must be satisfied to be considered for a grant. The applicant must:

- Be legally incorporated or operating under the auspices of an incorporated body;
- Be a 'not for profit' organisation with an active management committee;
- Inclusive in its membership and support of the broader community;
- Be located and operating in the Meander Valley local government area; and
- Not subject to any legal impediment or adverse circumstances.

What are eligible events?

To be considered an applicant must demonstrate that the proposed event:

- Had in place a clearly stated purpose and event plan (dates, location, etc);
- Was to occur in the Meander Valley local government area;
- Was open to the general community; and
- Has documentation quantifying that a financial expense or loss has been incurred and is not otherwise recoverable e.g. via insurance.

Applicants should provide as much detail as they can reasonably present.

How are applications assessed?

Eligibility does not automatically mean a grant will be approved. Applicants will be assessed on their ability to demonstrate the following:

- The event could not proceed due to the COVID-19 Disease Emergency;
- Evidence that the event had been promoted and advertised;
- Advanced planning and commitment to the event;
- Evidence which verifies an expense or loss that cannot be recovered via other means;
- The stated capacity of the event organiser/organisation to recover from the loss; and
- Demonstrated commitment to re-schedule the event.

Council's Community Grants Committee will evaluate applications and recommend grant recipients. Council will then approve the recommended grant recipients at a meeting of Council.

The decisions of Council will be final and not subject to review or appeal.

Applicants will be notified by email of the outcome of their application.

What evidence of loss or expense is needed?

Applicants must be able to demonstrate that an expense or loss has occurred. Without limiting the means by which this can be demonstrated, one or more of the following are considered acceptable:

- Receipts of expenditure and a statement from the supplier that this is non-refundable;
- A statement from a registered accountant; and/or
- A statutory declaration from an appropriate and independent professional who is familiar with the applicants circumstances (for example a bank manager);

Where do I lodge an application?

- Applications for the ERG program must be made online via the Meander Valley Council website. <https://www.meander.tas.gov.au/>
- Applicants are required to complete an online Application Form. All necessary supportive documentation must be uploaded online with the Application Form for it to be considered, i.e. financial evidence of hardship.
- If you need help completing your application online please contact Council's Community service team:

Telephone 6393 5300 or Email: mail@mvc.tas.gov.au

Confidentiality

- The Council may use and disclose the information provided by applicants for assessing applications under the program guidelines and decisions on successful applicants. Council is also required to report the name and dollar value of successful grant applications.

Governance

- As part of the Council's governance process, the Council may publicise the level of financial assistance and the identity of the business recipient from the grant program.

Right to information

- Information provided to the Council may be subject to disclosure in accordance with the requirements of the *Right to Information Act (2009)*.

Personal information protection

- Personal information will be managed in accordance with the *Personal Information Protection Act (2004)* and the Council's Personal Information Protection Policy.
- This information may be accessed by the individual to whom it relates, on request to the Council.

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COMMUNITY AND DEVELOPMENT SERVICES 6

Reference No. 97/2020

LIFESTYLE RECOVERY - COMMUNITY CARE AND RECOVERY GRANT

AUTHOR: Lynette While
Director Community and Development Services

1) Recommendation

It is recommended that Council:

- 1. Approve a budget allocation of \$20,000 for the Lifestyle Recovery Community Care and Recovery Grants;***
- 2. Approve the release of the Lifestyle Recovery Grant package including promotion and release of the guidelines and application form, followed by the assessment of submitted applications by the Community Grants Panel.***
- 3. Notes recommendations on grants will be made to Council in July 2020.***

2) Officers Report

Introduction

At the Special Council meeting of 7 April 2020 Council determined to introduce a *Community Care and Recovery Package* as part of a response to assist our community to manage and recover from the impacts of the COVID-19 pandemic.

The package includes a Lifestyle Recovery Grant Program (LRG). The LRG is to assist not for profit community groups in developing community events that engage the community when emergency orders are lifted. The cost of this competitive grant program is estimated to be \$20,000.

The Lifestyle Recovery Grant Program

The guidelines for the LRG are attached. The guidelines detail the eligibility requirements, application and evaluation process for the grant.

Subject to Council approval, the grant applications will open in the week of 18 May 2020 and close 14 June 2020. These dates allow sufficient time for applications to be completed and also evaluated with the aim of making payment in July 2020 (after Council's 2020-21 budget is approved).

It is proposed that the Community Grants Committee will be convened to evaluate applications and recommend grant recipients. Council approval of the recommended grant recipients will be sought.

The grants will be advertised in the Examiner newspaper. Council will also directly promote the grants to community organisations using existing email contact lists, via direct contact and community radio (subject to confirmation).

3) Council Strategy and Policy

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

- Future Direction (3): Vibrant and engaged communities
- Future Direction (4): A healthy and safe community

4) Legislation

Local Government Act 1993: Section 77 Grants and Benefits

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Advice and assistance will be provided to applicants on request. The LRG will be promoted through community networks and the media. The guidelines and application information will be available from the Council website.

8) Financial Consideration

The awarding of the LRG will be made within the limits of the allocated \$20,000 budget.

9) Alternative Recommendations

Council can elect to approve with amendment.

10) Voting Requirements

Simple majority

DECISION:

Meander Valley Council

Lifestyle Recovery Grant Program (LRG)

COVID-19 Community Care and Recovery

2020/2021



IMPORTANT Information and Guidelines for Applicants

This document outlines the application and evaluation approach that the Meander Valley Council (Council) will apply to determine applications for the Lifestyle Recovery Grant (LRG) Program.

Your application must be in accordance with all information specified in this document.

What are the grants for?

- The recovery from COVID-19 impacts through re-establishing community relationships and rebuilding community connection through engaging in enjoyable public events in the Meander Valley local government area is a key priority for Council.
- The LRG program is part of Council's COVID-19 Community Care and Recovery Package. An amount of \$20,000 has been allocated to support not for profit community groups in developing community events that engage the community when the COVID-19 emergency orders are lifted.

When can I apply?

- Applications for grants will be open from 18 May 2020 until close of business on 14 June 2020.
- Applications must be made on Council's Lifestyle Recovery Grant Application Form, which can be downloaded from Council's website (see the how to apply section later in this document).
- Applications for the LRG will be competitively assessed and at the sole discretion of the Council.
- There is no advantage to rushing an application as all applications will be assessed after the closure date for applications.
- Applications should provide clear responses and supporting evidence. Council is not obligated to seek additional information before determining a grant application.

How much can I apply for?

- Not for profit community groups may apply for a grant amount up to a maximum of \$2,500. Council retains discretion to approve a higher allocation in exceptional circumstances. Applicants are only entitled to receive one grant.
- The amount awarded will be at the sole discretion of Council, having regard to the total number of grant applications and subject to sufficient funds available.

When will the grants be paid?

- Grants can be paid from 31 July 2020 after approval of Council's 2020-21 Budget.
- Grants will be paid directly into the applicant's nominated bank account.

Who can get a grant?

The following eligibility requirements must be satisfied to be considered for a grant. The applicant must:

- Be legally incorporated or operating under the auspices of an incorporated body;
- Be a 'not for profit' organisation;
- Demonstrate an appropriate level of self-help and/or making reasonable attempts to obtain additional or alternative funding sources;
- Be inclusive in its membership and support of the broader community;
- Be located and operating in the Meander Valley local government area.

What are eligible events?

To be considered it should be demonstrated that the proposed event:

- Will be held before 31 December 2020 unless otherwise justified and subject to COVID-19 disease emergency restrictions;
- Is open to the general community and activates community through maximising community inclusion, encouraging volunteer involvement and social benefit;
- Has in place a clearly stated purpose and a practical and viable plan;
- Will occur in the Meander Valley local government area;
- Will have appropriate insurance cover taken out and maintained for the life of the event and will indemnify Council against any action which might be brought against the funded event.

Applicants should provide as much detail as they can reasonably present.

How are applications assessed?

Eligibility does not automatically mean a grant will be approved. Partnered applications are permitted and encouraged, providing there is a clear specification describing the lead partner and accountabilities.

Applicants will be comparatively assessed on their ability to demonstrate the following:

- Potential to bring the community together and to re-engage community post COVID-19;
- The extent of benefit to the community e.g. township or regional event;
- The level of volunteer/in-kind and financial input from the group;
- Demonstrated level of community acceptance and support e.g. letters, partnering organisations;
- Clearly articulated plan for the event;
- Previous event management experience (if applicable);
- A statement, from a senior office holder or board member of the organisation, to the effect that the applicant has met all applicable statutory payment and reporting obligations that applies to their organisation;
- Completion of a Council event notification form.

Council's Community Grants Committee will evaluate applications and recommend grant recipients. Council will then approve the recommended grant recipients at a meeting of Council.

The decisions of Council will be final and not subject to review or appeal.

Applicants will be notified by email of the outcome of their application.

Where do I lodge an application?

- Applications for the LRG program must be made online via the Meander Valley Council website. <https://www.meander.tas.gov.au/>
- Applicants are required to complete an online Application Form. All necessary supportive documentation must be uploaded online with the Application Form for it to be considered, i.e. quotations, financial details, incorporation certificates, insurance etc.
- If you need help completing your application online please contact Council's Community Service team:

Telephone 6393 5300 or Email: mail@mvc.tas.gov.au

Confidentiality

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Governance

- As part of the Council's governance process, the Council may publicise the level of financial assistance and the identity of the business recipient from the grant program.

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CORPORATE SERVICES 1

Reference No. 98/2020

COUNCIL AUDIT PANEL RECEIPT OF MINUTES

AUTHOR: Jonathan Harmey
Director Corporate Services

1) Recommendation

It is recommended that Council receive the minutes of the Council Audit Panel meeting held on 21 April 2020.

2) Officers Report

Council's Audit Panel met on 21 April 2020 with the minutes attached for Council's information and receipt. The attached minutes have been endorsed by the Audit Panel Chairman and are provided for Council's information as is required following each Audit Panel meeting in line with Council's Audit Panel Charter.

3) Council Strategy and Policy

The recommendation fulfils the requirements outlined in Council's Audit Panel Charter confirmed at the October 2018 Council Meeting.

The recommendation furthers the objectives of Council's Community Strategic Plan 2014 to 2024:

- Future direction (5) - Innovative leadership and community governance

4) Legislation

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

5) Risk Management

Not applicable.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Not applicable.

8) Financial Consideration

Not applicable.

9) Alternative Recommendations

Council can approve the recommendation with amendment.

10) Voting Requirements

Simple majority.

DECISION:

Meeting Time & Date: 10:00am 21 April 2020

Venue: Meander Valley Council – Council Chambers

Present:

Chairman Steven Heryk

Councillor Frank Nott (*via Zoom*)

Mr Chris Lyall (*via Zoom*)

In Attendance:

John Jordan, General Manager

Dino De Paoli, Director Infrastructure Services

Jon Harmey, Director Corporate Services

Susan Ellston, Finance Officer

Lynette While, Director Community & Development Services

Apologies:

Councillor Susie Bower

Justin Marshall, Senior Accountant

Sam Bailey, Risk & Safety Officer

Matthew Millwood, Director Works

ORDER OF BUSINESS

ITEM

1. Declaration of Pecuniary Interests/conflict of interest

Nil.

2. Adoption of Previous Minutes

It was resolved that the minutes of the meeting held on 17 December 2019 be received and confirmed.

3. Outstanding from previous meeting - Action Sheet

3.1.1 Review management's implementation of audit recommendations in the Corrective Actions Register for outstanding implementations with a view to close out o/s items before EOFY - Retain on Action Sheet for next meeting.

3.1.2 Distribute copy of the JLT Waste Audit Report when it becomes available.

3.2 Distribute report to Parliament from Tasmanian Audit Office on Local Government when it becomes available. - Retain on Action Sheet for next meeting.

3.3 Risk Management Policy & Framework to be reviewed for presentation at June 2020 meeting.

3.4 Results of the Business Continuity Plan from December testing outcomes to be circulated to Panel Members outside the meeting.

4. Review Annual Meeting Schedule and Work Plan

No matters for discussion.

Governance and Strategy

5. Review 10-Year Financial Plan

Due to COVID-19 cash balance are expected to change. Budget estimates and Planning are not yet finalised.

Received and Noted.

6. Review Financial Management Strategy (Sustainability)

The strategy is as it was adopted, however, financials are expected to change due to COVID-19 implications.

Received and Noted.

7. Review preliminary Budget parameters and assumptions

During a special meeting of Council on 7 April 2020 Council approved a 1.7 million community and business support package due to the implications from COVID-19. Repercussions from the package will not have a huge impact due to the current strong financial position of the Council.

Received and Noted.

8. Review policies and procedures

The following policies were noted for review -

Policy No. 49 – Media Communications

Further review required

Policy No. 73 – Managing Public Appeals

Further review required

Policy No. 87 – Hadspen Urban Growth Area

Accepted with Minor Changes noted as part of the review

Financial and Management Reporting

9. Review most current results and report any relevant findings to Council

The following reports were tabled-
Capital Works Program Update March 2020
Financial Reports February 2020

Councillor Nott enquired to the status of the Prospect Vale roundabout with Director of Infrastructure. Verbal report was given.

Reports were received and Noted

10. Review any business unit or special financial reports

No matters to report

| Internal Audit | |
|---|--|
| 11. Consider any available audit reports | Defer to next meeting. |
| 12. Review management's implementation of audit recommendations | Defer to next meeting. |
| 13. Review the adequacy of internal audit resources for consideration in Council's annual budget and review performance of internal auditors | Defer to next meeting. |
| External Audit | |
| 14. Consider any available audit reports | Received and noted two grant acquittal reports |
| 15. Consider any performance audit reports that will be undertaken by the Tas Audit Office and address implications for the Council | No matters to report |
| Risk Management and Compliance | |
| 16. Monitor ethical standards and any related party transactions to determine the systems of control are adequate and review how ethical and lawful behaviour and culture is promoted within the Council | Defer to next meeting. |
| 17. Review the procedures for Council's compliance with relevant laws, legislation and Council policies | Defer to next meeting. |
| 18. Review internal and fraud management controls | Fraud Training is conducted bi-annually. Internal audit from an external provider will be conducted next financial year. Received and Noted. |
| 19. Review delegation process and exercise of these | Delegations have been revised and updated. Received and Noted. |
| 20. Review tendering arrangements and advise Council | Defer to next meeting. |

21. Monitor any major claims or lawsuits by or against the Council and complaints against the Council

- Planning appeal. Appealed to Supreme Court and hearing date set for 24 April 2020.
- Disputing non-payment of rates for religious reasons. Determination received and found in favour of Council for one property and second claim dismissed due to a perceived error in correspondence.
- Failure to comply with an Emergency Order is listed for 28 May 2020
- Failure to comply with a Building Order – General Order from courts was issued 4 February 2020.

Received and Noted.

22. Oversee the investigation of any instances of suspected cases of fraud or other illegal and unethical behaviour

No matters to report

Other Business

23. Review issues relating to National competition policy

No matters to report

Meeting close

This meeting closed at 11:11 am

Next Meeting

The next meeting is to be held on Tuesday 23 June 2020 at 10:00 am

ITEMS FOR CLOSED SECTION OF THE MEETING:

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

Voting Requirements

Absolute Majority

Council moved to Closed Session at x.xxpm

GOVERNANCE 1 CONFIRMATION OF MINUTES

(Reference Part 2 Regulation 34(2) Local Government (Meeting Procedures) Regulations 2015)

GOVERNANCE 2 LEAVE OF ABSENCE

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

INFRASTRUCTURE 1 2020-21 CAPITAL WORKS PROGRAM

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

Council returned to Open Session 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

.....
Wayne Johnston
Mayor