



Meander Valley Council
Working Together

ORDINARY AGENDA

COUNCIL MEETING

Tuesday 9 March 2021

MEETING CONDUCT

- The conduct of Council Meetings is currently being undertaken in accordance with the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This has necessarily meant that public attendance at meetings has been restricted. Under these arrangements Council meetings have been undertaken remotely via online avenues.
- Given the current COVID-19 circumstance in Tasmania, Council has now resumed face to face meetings at the Council Chambers in Westbury.
- While COVID-19 restrictions remain in place, Council is mindful of the need to ensure community safety and compliance with regard to the number of people who may gather. This obligation is balanced with the need to minimise disruption to the business of Council. Considering this, Council has determined that limited public access to Council meetings will be permitted from the 11 August 2020.
- During this first phase priority will be given to those individuals making representations to planning applications which are subject to statutory timeframes. Any member of the public attending will be required to pre-register and attend the meeting for their relevant agenda item or question time. To ensure compliance with Council's COVID-19 Safety Plan, those intending to attend must register their interest with Council's Customer Service Centre by phoning 6393 5300. On arrival, attendees will be required to provide their name, address and contact number to support COVID-19 tracing in the event it is necessary.
- Overall numbers will be limited to **seven members** of the public in the Council Chambers at once. At the discretion of the Mayor, people may be asked to leave the meeting at the conclusion of an agenda item. Priority access will be afforded to those making representations to planning applications. The general public will be afforded priority over media representatives. If more than seven representors have an interest in an agenda item, people may be asked to leave the meeting room after their representation to allow others to make their representation to Council.
- Council will continue to ensure minutes and audio recordings of Council meetings are available on Council's website and will review access for other people and media in due course.

These arrangements are subject to review based on any changing circumstance relating to the COVID-19 Disease Emergency.

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 unlikelyhood of an emergency evacuation an alarm will sound and evacuation wardens will assist with the evacuation.
- When directed, everyone will be required to exit in an orderly fashion through the front doors and go directly to the evacuation point which is in the car park at the side of the Town Hall.



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 9 March 2021, commencing at 3.00pm.**

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 9 March 2021 at 3.00pm.

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

Reference No. 38/2021

Councillor xx moved and Councillor xx seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 9 February 2021, be received and confirmed.”***

COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Reference No. 39/2021

Date	Items discussed:
23 February 2021	<ul style="list-style-type: none">• Presentation – Simmons Wolfhagen• NTDC Update• Future of Meander Primary School• Communications Calendar• For Noting a) Vandalism Reduction Policy Review<ul style="list-style-type: none">b) Annual Plan update – Minor amendments to KPI'sc) Public Interest Disclosure Procedures

<p>2 March 2021</p>	<ul style="list-style-type: none"> • Introduction of new staff • Blackstone Heights/Prospect Vale – Structure Plan update current and future developments • Business & Economic Recovery – Business Engagement Program • Building Better Region Fund – Short Walks • Business & Economic Recovery • LGAT General Meeting • Revisiting Council Motion 16/2017 – “Removal of the ‘Mountain Man’ • Communications Calendar
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ANNOUNCEMENTS BY THE MAYOR

Reference No. 40/2021

Friday 19 February 2021

Regional Collaboration Framework - NTDC

Tuesday 23 February 2021

Council Workshop

Sunday 28 February 2021

Purple for Prostate – Opening of Happy Memories Garden

Monday 1 March 2021

Meeting with Deloraine Football Club

ANNOUNCEMENTS BY COUNCILLORS

Reference No. 41/2021

Councillor Susie Bower

2 February 2021

Council Workshop

Carrick Hall Committee Meeting

3 February 2021

Blackstone Heights Community Meeting

9 February 2021

Council Meeting

20 February 2021

Westbury Flower Show

23 February 2021

Council Workshop

28 February 2021

Purple for Prostate – Opening of Happy Memories Garden
Trusted Smiles Opening

2 March

Council Workshop
Carrick Hall Committee Meeting

Councillor Stephanie Cameron

2 February 2021

Council Workshop

9 February 2021

Council Meeting

10 February 2021

Chudleigh Hall Committee Meeting

23 February 2021

Council Workshop

28 February 2021

Purple for Prostate – Opening of Happy Memories Garden
Entally Gardenfest

2 March 2021

Council Workshop

DECLARATIONS OF INTEREST

Reference No. 42/2021

TABLING AND ACTION ON PETITIONS

Reference No. 43/2021

PUBLIC QUESTION TIME

General Rules for Question Time:

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

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

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

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

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

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

The Chairperson may 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

- Council officers may be called upon to provide assistance to those wishing to register a question, particularly those with a disability or from non-English speaking cultures, by typing their questions.
- The Chairperson may allocate a maximum time for each question, 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 documents produced are subject to the laws of defamation.

PUBLIC QUESTION TIME

Reference No. 44/2021

1. PUBLIC QUESTIONS TAKEN ON NOTICE – FEBRUARY 2021

Nil

2. PUBLIC QUESTIONS WITH NOTICE – MARCH 2021

2.1 Emma Hamilton, Westbury

With reference to the questions I asked last month about the "media release" that Council published about the Meander Valley Gazette, I note that accuracy in reporting has been identified as an issue that "Council" are concerned about. I also note that the General Manager acted without the knowledge of some, or all, of our elected representatives. Considering Council (and the General Manager) are concerned about accuracy in reporting, I bring to your attention that Mayor Johnston has never formally retracted his statement made in The Examiner, 30th September 2019, where he said he "believed about 70% of the local community was in favour of the prison being built while about 30% were opposed to the idea."

Given the Mayor has since acknowledged the majority of residents in Westbury are against a prison being built here (January 2020 MVC Ordinary Meeting), it seems that the only procedurally correct thing to do would be for a proper retraction to be issued immediately - particularly if Council is looking to take action against others for alleged inaccuracies.

My question is: When will the General Manager ask Mayor Johnston to properly and formally retract his inaccurate comments made about the Prison project?

Response by John Jordan, General Manager:

The language used by the Mayor is clearly identifiable as opinion and speculative as evidenced by terms including 'believes' and 'about'. The General Manager will not be requesting a retraction.

2.2 Sean Manners, Westbury

Marneys Hill Reserve is part of the National Reserve Estate. Under the Interim Planning Scheme 2013, it appropriately had a priority habitat overlay.

My understanding is that when the new Local Provisions Schedule comes into effect, the land will be zoned Agricultural and the Natural Assets Code will have no application, which seems to be an anomaly in the following circumstances.

Firstly, the land stands to be zoned as Agricultural despite being deliberately excluded from the Agricultural Land Mapping Project undertaken by the Department of Justice in 2017. It was excluded on the basis that it formed part of the Tasmanian Reserve Estate.

Secondly, the land enjoys a priority habitat overlay under the Interim Scheme partly because it is part of the Tasmanian Reserve Estate (which is in turn part of the National Reserve Estate administered by the Commonwealth Government).

Thirdly, the Commonwealth Government has only recently confirmed in writing its interest in the natural values of this land being protected in light of its inclusion in the National Reserve Estate. I understand that the Local Provisions Schedule will come into effect in coming months.

- a) In light of the above, will the Council through its Senior Strategic Planner take any steps (such as recommending an amendment of the LPS) to correct what is clearly a mistake in terms of the recognition of the importance of this land for its natural values and as habitat for threatened species?
- b) If such a recommendation is not thought appropriate, why not?

Response by Jo Oliver, Senior Strategic Planner:

- a) The land is classified as an 'Informal reserve under other public land' under the Tasmanian Reserve Estate. The reserve classification is not based on conservation and allows for primary or extractive industry to be undertaken.**

The Agriculture Zone does preclude application of the Natural Assets Code – Priority Vegetation Area under the Tasmanian Planning Scheme, however clearance of Threatened Native Vegetation Communities are still assessed under the Forest Practices Act 1985 as they defined as 'vulnerable land' and threatened species values are listed under the Federal Environment Protection and Biodiversity Conservation Act 1999,

which also requires a permit for land clearance if threatened species are impacted by land clearance.

- b) Given the site has been identified by the Tasmanian Government as the site of future application to establish a Northern Prison, it is not appropriate to commence a planning scheme amendment to rezone the land to an alternative zone at this stage. Qualified assessment and reporting on the natural values of the site will be undertaken for the Tasmanian Government application, which will provide appropriate detail and guidance on whether the land should be rezoned to a zone other than Agriculture Zone.***

2.3 Martin Hamilton, Westbury

In the public statement made by the Council on 8th February 2021, the Council states that Council is aware that "members of the community" have raised concerns around the "accuracy and apparent bias of the Gazette". This apparently formed the justification for the Council making its public statement.

Given her comments in support of the public statement on Facebook, could the General Manager advise whether Ms Sarah Crundall was one person whose concerns were taken into account in the General Manager deciding to take this course?

Response by John Jordan, General Manager:

Council's public statement was in response to long standing concerns about inaccurate reporting and the refusal by the Meander Valley Gazette to correct the public record. Ms Crundall was not involved or an influence on the decision to make the post.

2.4 Linda Poulton, Westbury

The State Government has publicly stated that it intends to submit its application for the prison in the form of a combined rezone/permit application.

- a) Could the Council, through its Senior Strategic Planner, advise whether in her view it would be possible to split the application process into a PPZ application followed by a development application later or whether this would be impractical from a planning perspective?
- b) Could the Council, through its Senior Strategic Planner, please provide a list of the types of reports/surveys etc. that it will require from the State Government in order for the Council to be in an informed position to consider the State Government's PPZ application?

Response by Jo Oliver, Senior Strategic Planner:

- a) ***Council's understanding is that it is the intention of the Tasmanian Government to apply for a rezoning of land only, to a Particular Purposes Zone to provide for the future development of a prison. The Particular Purposes Zone would provide for a future development application to be made for the use and development of the prison after the change of zoning is in place. This is normal practice for rezoning of land, despite the Land Use Planning & Approvals Act 1993 enabling a combined application to be made for a rezoning of land and a permit for development.***
- b) ***A comprehensive list of reports required for any future application for a planning scheme amendment cannot be given at this stage as no application has been submitted. The nature of supporting documentation required for any application for a planning scheme amendment is dependent upon the particular circumstances of that application which can only be determined once that application is received. However, the Land Use Planning & Approvals Act 1993 requires that an application for a planning scheme amendment must:***
 - ***describe the site and the surrounding uses;***
 - ***provide a full description of the proposed amendment and an analysis of the operational effect of any change in zoning and/or any provisions to be inserted into the planning scheme;***
 - ***be supported by strategy, particularly the Regional Land Use Strategy of Northern Tasmania;***
 - ***as far as practicable, avoid the potential for land use conflicts;***

- **have regard to the impacts of the proposal on the use and development of the region in environmental, economic and social terms;**
- **demonstrate that the amendment does not revoke or amend overriding local provisions or common provision of the Scheme;**
- **demonstrate that the proposal is in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993;**
- **demonstrate that the amendment furthers the objectives set out in Schedule 1 of the Act;**
- **have regard to the Council's strategic plan; and**
- **consider the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.**

The Planning Authority has 28 days following receipt of an application to request additional information that it considers is necessary to undertake an assessment.

2.4 Alex Gorman, Westbury

What is the legal and ethical position of a potential state political candidate voting on matters in council relating to the Northern Regional Prison. Would this be regarded as bias?

Response by John Jordan, General Manager:

The Local Government Act (1993) addresses conflict of interest and obligations of councillors. It is not Council's role to provide legal advice or speculate on the moral circumstance of a hypothetical circumstance.

2.5 Peter Wileman, Westbury

In the public statement made by the Council on 8th February 2021, the Council states that Council is aware that "members of the community" have raised concerns around the "accuracy and apparent bias of the Gazette". This apparently formed the justification for the Council making its public statement.

Could the General Manager please advise how many members of the community within the Meander Valley municipality had raised this as an issue with the Council in writing?

Response by John Jordan, General Manager:

Council 'awareness' is through other social media and mainstream press including the Meander Valley Gazette. Concerns regarding the accuracy and apparent bias of reporting were raised in a letter to the editor published in the February 2021 edition of the Gazette. Similar concerns were posted on a number of local social media sites including the Westbury Community Safety and Information and Northern Regional Prison Site Info pages.

3. PUBLIC QUESTIONS WITHOUT NOTICE – MARCH 2021

COUNCILLOR QUESTION TIME

Reference No. 45/2021

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – FEBRUARY 2021

Nil

2. COUNCILLOR QUESTIONS WITH NOTICE – MARCH 2021

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – MARCH 2021

DEPUTATIONS BY MEMBERS OF THE PUBLIC

Reference No. 46/2021

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. 47/2021

1184A MOLE CREEK ROAD NEEDLES WITH ACCESS VIA 1275 MOLE CREEK ROAD CHUDLEIGH

Planning Application: PA\21\0176

Proposal: Dwelling & Agricultural Buildings (x 5)

Author: Leanne Rabjohns
Town Planner

1) Proposal

Application

Council has received an application for a Dwelling & Agricultural Buildings (x 5) at 1184A Mole Creek Road, Needles with access via 1275 Mole Creek Road, Chudleigh.

Applicant:	6ty ^o Pty Ltd
Owner:	J Brooks and J & N Cramp
Property:	1184A Mole Creek Road, Needles (CT: 48432/1) with access via 1275 Mole Creek Road, Chudleigh (CT: 171573/1)
Zoning:	Rural Resource
Existing Land Use:	Vacant pasture and farming
Representations:	Three (3)
Decision Due:	10 March 2021
Planning Scheme:	Meander Valley Interim Planning Scheme 2013 (the Planning Scheme). Note: <i>Meander Valley Council has received the Notice of Decision from the Tasmanian Planning Commission for the Draft Meander Valley Local Provisions Schedule. The notice requires modifications to be made before Council returns the finalised Local Provisions Schedule to the Commission for approval, which will then activate the Tasmanian Planning Scheme in Meander</i>

	<p><i>Valley.</i></p> <p><i>Pursuant to Section 35K.(2)(d) of the Land Use Planning & Approvals Act (LUPAA) 1993, once the notice is issued by the Commission, Council cannot issue a permit, or make a decision on an application for a planning permit, that is in contravention of the Commission decision and the future provisions of the Local Provisions Schedule, irrespective of compliance with the Meander Valley Interim Planning Scheme 2013. This is discussed below in the Officer's comments.</i></p>
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If approved, the application will result in:

- a) A four (4) bedroom, single storey dwelling for employees.
- b) Five (5) agricultural buildings:
 - a. Drying Kiln - 12m x 4m x 3.1m (high).
 - b. Milling & Packing Shed – 9m x 8m x 3.6m (high).
 - c. Three (3) Greenhouses – each 20m x 6m x 4m (high).
- c) Landscape buffer along part of the western boundary.
- d) Modifications to the access junction onto Mole Creek Road.
- e) Access over 1275 Mole Creek Road, Chudleigh. Access is over a Right-of-Way in favour of the subject land which extends from Mole Creek Road to the south-western corner of the property. From that point, the access extends over private land.
- f) The harvesting, milling and packing processes will predominately occur between 6am to 7pm – 7 days per week.
- g) Employment of up to the equivalent of three (3) full time staff members.

NOTE: supporting documentation dated 17 December 2020 stated that the harvesting, milling and packing processes will predominately occur between 6am to 7pm – 7 days per week. Supporting documentation dated 2 December 2020 state that the agricultural operation will operate from 6am to 4pm – 7 days per week and which will be undertaken by the property owners.

An indicative locality plan is included below. Please refer to the attachment for the full application details and plans.



Photo 1: View of building site – looking south.



Photo 2: Showing proposed dwelling site and neighbouring land.

Standards Requiring Discretion

The standards of the Planning Scheme which require assessment of the Performance Criteria and the application of Council's discretion to approve or refuse the application are listed below and detailed in the Scheme Assessment in Section 6.

The application relies on the following Performance Criteria:

26.3.2	Dwellings	P1
26.4.1	Building Location and Appearance	P2
E4.6.1	Use and road or rail infrastructure	P3
E4.7.4	Sight Distance at Accesses, Junctions and Level Crossing	P1

2) Summary of Assessment

The application proposes the use and development of the land at the 1184A Mole Creek Road, Needles with access via 1275 Mole Creek Road, Chudleigh for a Dwelling & Agricultural Buildings (x 5).

Overview:

- The application is for a single dwelling and five (5) agricultural buildings (Drying Kiln, Milling & Packing Shed and three (3) Greenhouses).
- A Landscape Buffer is proposed along part of the western boundary.
- The use is classified as Permitted (with permit) use classes in the Rural Resource Zone.
- The proposal relies on assessment against the Performance Criteria in relation to the dwelling, setback to a boundary, vehicle traffic and sight distance.
- The proposed development does not comply with the Performance Criteria.
- Three (3) representations were received during the advertising period (refer to Section 4).
- A range of issues were raised in the representations, including the Agricultural Report being incorrect and lacking in detail, impact on lifestyle and weed management.

The proposed development is not considered consistent with the applicable provisions of the Planning Scheme and is recommended for refusal.

Background Information

Through the course of this assessment, there have been on-going discussions with the applicant regarding the setback of the dwelling and the proposed landscape buffer.

3) Recommendation

It is recommended that the application for Use and Development for Dwelling and Agricultural Buildings (x5) on land located at 1184A Mole Creek Road, Needles (CT:48432/1) with access via 1275 Mole Creek Road, Chudleigh (CT:171573/1) by 6ty Pty Ltd, be REFUSED, for the following reasons:

1. The proposal does not satisfy Clause 26.3.2 P1.1 (a) in that a dwelling is not integral and subservient to resource development, and (b) that the land could be used in conjunction with adjacent farming land; and
2. The proposal does not satisfy Clause 26.4.1 P2 as it is likely to constrain adjoining primary industry operations.

4) Representations

The application was advertised for the statutory 14 day period.

During the advertising period three (3) representations were received (attached documents). A summary of the concerns raised in the representations are 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.

Concern – Agricultural Report incorrect and lacking.

- Dwelling impact on adjoining farming land – prevent use of firearms.
- Dwelling will be impacted by spray drift, dust drift, noise.
- Considers land highly sought after by neighbouring farms.

Comment:

Use of fire arms

The use and/or restrictions of firearm usage are not matters that are considered within the planning scheme or the *Land Use Planning and Approvals Act 1993*.

Impacted by spray drift, dust drift, noise

The proposed dwelling is located 16.8m from the western side boundary. There is an existing farm building located between the proposed dwelling and the western side boundary. The site plan shows a 'Proposed Landscape Buffer' along part of the western side boundary.

The Agricultural Report states "*In this instance, the agricultural operation is a dairy farm where activities would be limited to occasional spraying and fertiliser*

spreading". The applicant provided an "Extension to Agricultural Report – 22.02.2021". The Extension to Agricultural Report states that "Modern farming operations adhere to stringent rules around the application of agricultural chemicals and fertilisers and such as operations are performed within the appropriate weather conditions to avoid drift and the loss of product onto non target areas (see Code of Practice for Ground Spraying, Dept of Primary Industry Tasmania; 2001)".

Council's Environmental Health Officer has provided the following information: *The use of chemicals and spray drift is controlled under the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 administered by the Product Integrity Branch (Agvet Chemicals Program) within Biosecurity Tasmania (DPIPWE). The Codes of Practice applicable under this legislation prescribe the responsibilities and standards to which users of agricultural chemical products are to adhere. Based on the information provided, any chemical spraying already being carried out on adjoining land should be being applied in accordance with the Code Of Practice, and therefore the potential for spray drift can be minimised through the implementation of appropriate management practices.*

The Agricultural Report and the Extension to Agricultural Report both make reference to the Karst Management Code and associated agriculture management (including setback distances). However, agriculture is exempt from the Karst Management Code.

The accompanying Agricultural Report considered the adjoining farming operation and stated that *"In addition, the ability to accommodate a lesser setback can be facilitated through additional landscaping at the site".* It is assumed that the *"lesser setback"* refers to the proposed 16.8m setback. The Extension to Agricultural Report states that *"...landscaping could be utilised as an option to help diminish noise and dust from both agricultural operations and the internal access road. Landscaping is optional and if considered could be planted between the dwelling and the side boundary (subject to Bush Fire Risk Assessment) the species contained in the buffer should be native to the area; as outlined in the Karst Management code and meet other provisions provided by Council surrounding revegetation in sensitive areas".* Neither report indicated the preferred location, width or detail of a landscape buffer, to be effective to diminish noise or dust. Furthermore, the Extension to Agricultural Report states that the landscape buffer is only an option, not a requirement. It is noted that landscaping or the use of trees as a buffer has very little to no effect on reducing noise impacts between properties.

As stated above, the proposed site plan shows two (2) landscape buffer areas. The site plan shows the landscape buffer area being located 4.1m from the proposed dwelling and 1.72m from the existing building. A Bushfire Hazard

Management Report was not submitted as part of the application, nor is one required at the planning assessment stage. As such, conditioning for a landscape buffer may impact the location of the dwelling and the Bushfire Hazard Management Area.

Council's Environmental Health Officer have provided the following: *One of the representations refers to concerns about existing activities on their own farm having the potential to cause concern to future occupants of the proposed dwelling. The activities mentioned in the representation include regular spraying, dust drift from cultivation, and noise from diesel pumps, pivot end guns and wheels. Another representation is concerned with the potential for impact from the proposed development in proximity to their dwelling, noting the proposed hours of operation, noise levels and potential for future expansion.*

Specific reference is made to the Primary Industry Activities Protection Act 1995 (PIAPA) in relation to noise nuisance in section 53 of Environmental Management and Pollution Control Act 1994 (EMPCA). The offence provisions of this section of EMPCA do not apply to noise that is emitted from or by a primary industry activity, within the meaning of PIAPA.

To summarise, the objective of PIAPA is to protect persons engaged in primary industry in respect of certain activities that are incidental to commercial viable primary production. PIAPA includes that a primary industry activity carried out on land does not constitute a nuisance if: the area of the land is on a farm; and the area of land is within a zone designated under LUPPA that enables the land to be used for the purpose of primary industry; and the land has been within that zone for a continuous period, beginning before the activity is carried out, for at least one year; and the activity is not being improperly or negligently carried out. Therefore, the activities noted in the representations do not constitute a nuisance if carried out in accordance with PIAPA, i.e. are genuinely associated with farming and primary production, regardless of whether the activities are carried out on the land to which this application is subject, or an adjoining area of land. As such, agricultural noise is to be expected beyond the title boundary. EMPCA cannot be used to manage noise from adjoining agricultural use. The planning scheme provides setbacks as a mechanism to manage potential impacts.

Council engaged a private agricultural consultant to provide comment on the application including the Agricultural Report and the Extension to Agricultural Report. The review (attached) considered pivot irrigator usage, elevation, location and prevailing wind direction. The review concluded that the proposed setback of 16.8m would likely result in the dwelling constraining adjoining primary industry operations as per Clause 26.4.1. The review stated that a minimum 200m separation distance would be recommended to reduce the risk of the constraining adjoining primary industry operations.

Land highly sought after by neighbouring farms

The report states that *"It is unlikely that neighbouring landowners would consider this block a useful addition to their agricultural enterprise, due to its size and slope"*. Figure 2 below shows the adjoining land uses. The private agricultural consultant stated that land could be utilised as pasture by the neighbouring dairy property. The opportunity was available for the neighbours to purchase the land, if they wished.

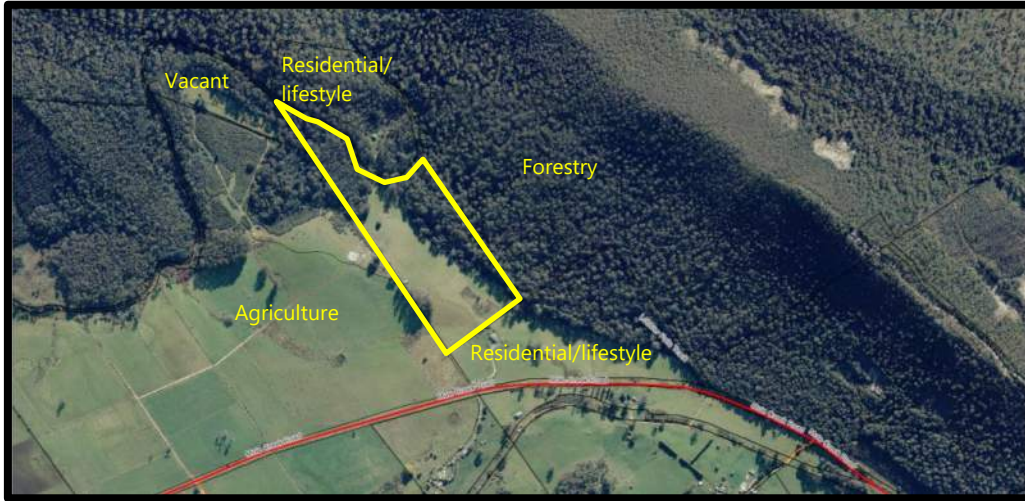


Figure 2: Adjoining use of land by property owners

Concern – Impact on lifestyle.

- Hours of operation are excessive and will impact on lifestyle.
- Noise level will impact on lifestyle.
- Potential increase in production will impact on lifestyle.

Comment:

The subject and immediately surrounding land are zoned Rural Resource. The purpose of this zone includes providing for the sustainable use or development of resources for agriculture. The proposed use is classified as Resource Development, which is a Permitted use class in that zone. The farm buildings (other than the Dry Kiln building) meet the Acceptable Solution setback of 50m from all boundaries. The Dry Kiln building is located greater than 50m from the boundaries with lifestyle lots to the north and south.

The supporting documentation states that the operation will not be mechanised and will therefore be labour intensive. As such, noise from machinery is not expected to create a nuisance.

The dwelling component is not expected to impact the amenity of surrounding lifestyle lots.

Concern – Weed management.

- Abundant gorse and blackberries, breeding ground for feral species and snakes, fire hazard.
- There is no mention of any gorse removal in the proposal.

Comment:

The matter of noxious weeds is not a matter dealt with under the *Land Use Planning and Approval Act 1993*.

5) Consultation with State Government and other Authorities

The application included 'Crown Landowner Consent' by State Growth, due to the proposed increase in traffic onto a State road (Mole Creek Road).

In addition, the application included written advice from State Growth stating that they have reviewed the application and that they were satisfied with the Traffic Impact Statement.

6) Scheme Assessment

Use Class: Resource Development.

Performance Criteria

Those aspects of the development which require Council to exercise discretion are outlined and addressed in the following tables. The Performance Criteria outlines the specific things that Council must consider in determining whether to approve or refuse the application.

26 Rural Resource Zone	
26.3.2	Dwellings
<p>Objective <i>To ensure that dwellings are:</i></p> <p><i>a) incidental to resource development; or</i></p> <p><i>b) located on land with limited rural potential where they do not constrain surrounding agricultural operations.</i></p>	
<p>Performance Criteria <i>P1.1</i> <i>A dwelling may be constructed where it is demonstrated that:</i></p> <p><i>a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to:</i></p> <p><i>i) scale; and</i></p>	

- ii) *complexity of operation; and*
 - iii) *requirement for personal attendance by the occupier; and*
 - iv) *proximity to the activity; and*
 - v) *any other matters as relevant to the particular activity; or*
- b) *the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:*
- i) *limitations created by any existing use and/or development surrounding the site; and*
 - ii) *topographical features; and*
 - iii) *poor capability of the land for primary industry operations (including a lack of capability or other impediments); and*

P1.2

A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling.

Response

The application included an Agricultural Report (and subsequent Extension to Agricultural Report) prepared by Michelle Hogarth, a Senior Agronomist with Nutrien Ag Solutions. Michelle has an honours degree in Agricultural Science.

The report states that a dwelling is considered integral to business management, important to tending of crops, monitoring water requirements/reticulated systems and to general site security.

As stated above, Council engaged a private agricultural consultant to review the application. The review stated that:

To be able to demonstrate 'integral and subservient' there are a number of measures that can be used. Our preference is to use the scale of the agricultural activity as measured by gross income. In the absence of further information, it is difficult to envisage this activity as achieving a gross income of \$200,000 which is what we use as an indicator of a 'commercial scale' agricultural activity. Alternatively, a high value, labour intensive activity could be used in combination with a business plan demonstrating the nature of the operation and anticipated returns...In the absence of further information about the proposed agricultural activity the agricultural activity is in my opinion more likely to be 'hobby' scale....Therefore, the dwelling is considered not integral and subservient to resource development.

The application shows an area dedicated to a wastewater system. Due to the amount of land available for this system, a wastewater report was not required.

In the absence of further detail regarding the business and anticipated returns, the proposed development is not considered in keeping with the Objective and Performance Criteria.

26 Rural Resource Zone

26.4.1 Building Location and Appearance

Objective

To ensure that the:

- a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and
- b) development of buildings is unobtrusive and complements the character of the landscape.

Performance Criteria

P2

Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:

- a) the topography of the land; and
- b) buffers created by natural or other features; and
- c) the location of development on adjoining lots; and
- d) the nature of existing and potential adjoining uses; and
- e) the ability to accommodate a lesser setback to the road having regard to:
 - i) the design of the development and landscaping; and
 - ii) the potential for future upgrading of the road; and
 - iii) potential traffic safety hazards; and
 - iv) appropriate noise attenuation.

Response

The submitted Agricultural Report states that "The construction of a dwelling will not constrain surrounding agricultural or primary production operations as there are other dwellings within the vicinity (located to the E)". Figure 3 shows the location of the proposed dwelling and the location of surrounding dwellings. The proposed dwelling is to be located 16.8m from boundary with 1275 Mole Creek Road. Other surrounding dwellings are located 111m and 164m from the boundary of 1275 Mole Creek Road. The site of the proposed dwelling is substantially closer to the boundary of 1275 Mole Creek Road than the surrounding houses. To condition the dwelling to be located at least 111m from the boundary with 1275 Mole Creek Road would be considered a substantial change to the application, and as such cannot be considered. In

addition, such a setback would reduce the setback to the eastern side boundary to less than 200m (which would trigger a discretion not previously considered).

Further to comments above, the private agriculture consultant's review states that a minimum 200m separation distance is recommended to reduce the risk of the dwelling constraining adjoining primary industry operations.

NOTE: The supporting documentation states that the dwelling is setback 13.65m from the south-west boundary (page 3); while the site plan shows the setback being 16.875m (Drawing Number: 40219, Page Number: A02).

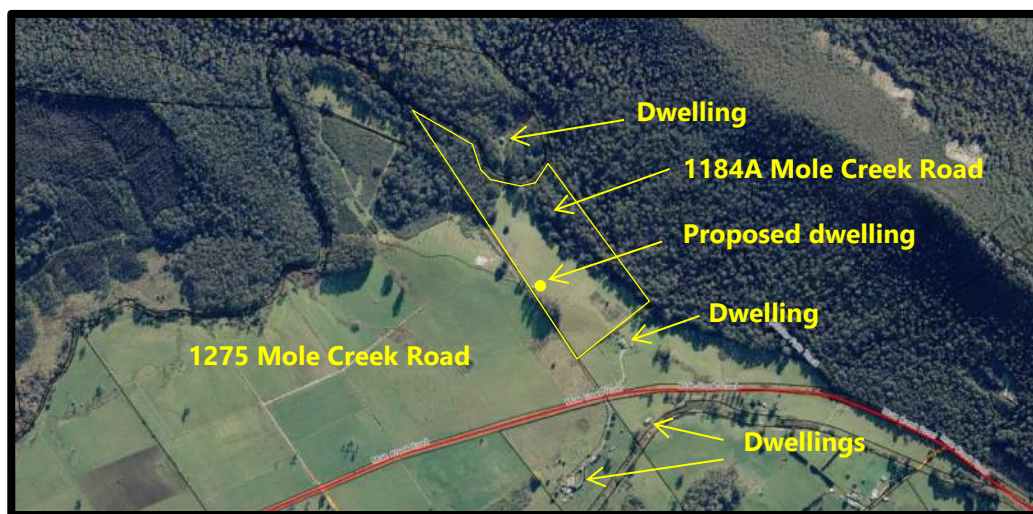


Figure 3: showing the location of the proposed dwelling and the surrounding existing dwellings.

As stated above, the Agricultural Report states *"In this instance, the agricultural operation is a dairy farm where activities would be limited to occasional spraying and fertiliser spreading"*. The applicant provided an "Extension to Agricultural Report – 22.02.2021". The Extension to Agricultural Report states that *"Modern farming operations adhere to stringent rules around the application of agricultural chemicals and fertilisers and such as operations are performed within the appropriate weather conditions to avoid drift on the loss of product onto non target areas (see Code of Practice for Ground Spraying, Dept of Primary Industry Tasmania; 2001)"*.

In addition, any chemical spraying already being carried out on adjoining land should be being applied in accordance with the Code Of Practice, and therefore the potential for spray drift can be minimised through the implementation of appropriate management practices.

Further to previous comments, Council's Environmental Health Officer had provided advice on *Primary Industry Activities Protection Act 1995 (PIAPA)* and *Environmental Management and Pollution Control Act 1994 (EMPCA)*. Based on

their advice the activities noted in the representations do not constitute a nuisance if carried out in accordance with PIAPA, i.e. are genuinely associated with farming and primary production, regardless of whether the activities are carried out on the land to which this application is subject, or an adjoining area of land. As such, agricultural noise is to be expected beyond the title boundary. EMPCA cannot be used to manage noise from adjoining agricultural use. Therefore, the mechanism to manage the impact of noise (and other potential impacts) on adjoining dwellings is by setback.

The development is located over 100m from Mole Creek Road and will be partially obscured by topography when viewed from Mole Creek Road. There are other visible buildings in the vicinity, and as such, the buildings would not appear out of character with the landscape.

As the proposed dwelling is likely to constrain adjoining agricultural use, the proposed development is not considered in keeping with the Objective and Performance Criteria.

E4 Road and Railway Assets Code

E4.6.1 Use and road or rail infrastructure

Objective

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

Performance Criteria

P3

For limited access roads and roads with a speed limit of more than 60km/h:

- a. access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and*
- b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and*
- c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.*

Response

Mole Creek Road is a category 4 road. The application included a Traffic Impact Statement by Traffic & Civil Services (dated June 2020). The report concluded that, with the recommendations below, *"the proposal is safe, will not create any traffic issues and is supported on traffic grounds"*.

The proposed recommendations are:

- *Setback the gate on the Row road 14m from the edge of seal on the Mole Creek Main Road.*
- *Provide a driveway culvert and driveable headwall.*
- *Pave and seal the driveway from the highway to the gate consistent with the DSG Driveway Access Standard attached in Appendix F.*
- *Install a Junction Warning sign and distance plate 200m in advance of the eastern approach to the junction as shown in figure 21.*

State Growth provided advice to the Traffic Impact Statement and suggested that the Concealed Entrance sign could be co-located with the existing school bus warning sign.

Noting that the Planning Authority can either approve or refuse an application, if the application was to be approved, State Growth has provided the following Condition and Note:

Condition:

Prior to the commencement of use, the following must be completed:

- a) **Written confirmation from the Department of State Growth that all works required by the endorsed Traffic Impact Statement (prepared by Traffic & Civil Services) have been completed, to the satisfaction of the Department of State Growth.**

Note:

Separate consent is required from the Department of State Growth prior to the commencement of any works within the State road reserve. Application requirements and forms can be found at www.transport.tas.gov.au/road/permits, applications should be submitted at least twenty (20) days prior to any scheduled works in accordance with the provisions of the Roads and Jetties Act 1935.

The proposed development is considered consistent with the Objective and Performance Criteria.

E4.7.4	Sight Distance at Accesses, Junctions and Level Crossing
Objective	
<i>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.</i>	
Performance Criteria	
P1	
<i>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.</i>	
Response	
<p>The Traffic Impact Statement considers that the 30m shortfall in sight distance to the east can be mitigated with the installation of a Junction warning sign and Distance plate.</p> <p>See comments above for recommended Condition and Note.</p> <p>The proposed development is considered consistent with the Objective and Performance Criteria.</p>	

Acceptable Solutions

The following tables include an assessment of compliance against all of the applicable Acceptable Solutions of the Planning Scheme.

ZONE STANDARDS

Scheme Standard	Comment	Assessment
26.3.1 Uses if not a single dwelling		
A1	Permitted use class.	Complies.
A2	Permitted use class.	Complies.
A3	Permitted use class.	Complies.
A4	Permitted use class.	Complies.
A5	Permitted use class.	Complies.
26.3.2 Dwellings		
A1.1	There is no existing dwelling on the site and the land does not have a capital value of more than 1 million dollars.	Relies on Performance Criteria.
A1.2		
A1.3		

26.3.3 Irrigation District		
A1	The land is not within a proclaimed irrigation district.	Not Applicable.
26.4.1 Building Location and Appearance		
A1	The proposed buildings all have a height less than 6m.	Complies.
A2.1	The dwelling is less than 200m from a boundary.	Relies on Performance Criteria.
13.4.2.1 General Suitability		
A1	No acceptable solution.	Not applicable.

CODES

E1 Bushfire-Prone Areas Code		
Scheme Standard	Comment	Assessment
E1.2 Application of this Code		
		Code not applicable.

E2 Potentially Contaminated Land Code		
Scheme Standard	Comment	Assessment
E2.2 Application of this Code		
		Code not applicable.

E3 Landslip Code		
Scheme Standard	Comment	Assessment
E3.2 Application of this Code		
		Code not applicable.

E4 Road and Railway Assets Code		
Scheme Standard	Comment	Assessment
E4.2 Application of this Code		
		Code applicable.
E4.6.1 Use and road or rail infrastructure		
A1		Not applicable.
A2		Not applicable.
A3	Proposal will increase the vehicle movements at the access by more than 10%.	Relies on Performance Criteria.
E4.7.1 Development on and adjacent to Existing and Future Arterial		

Roads and Railways		
A1		Not applicable.
E4.7.2 Management of Road and Accesses and Junctions		
A1		Not applicable.
A2	No additional access proposed.	Complies.
E4.7.3 Management of Rail Level Crossings		
A1		Not applicable.
E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings		
A1	Traffic Impact Statement states sight distances do not meet the minimum requirement.	Relies on Performance Criteria.
E5 Flood Prone Areas Code		
Scheme Standard	Comment	Assessment
E5.2 Application of this Code		
	All development is outside of the 2016 flood extents.	Code not applicable.

E6 Car Parking and Sustainable Transport Code		
Scheme Standard	Comment	Assessment
E6.2 Application of this Code		
E6.2.1		Code is applicable.
E6.6.1 Car Parking Numbers		
A1	Two (2) spaces accommodated in the driveway. Zero spaces associated for Agriculture.	Complies.
E6.6.3 Taxi Drop-off and Pickup		
A1	Sufficient space in the access.	Complies.
E6.6.4 Motorbike Parking Provisions		
A1	Sufficient space in the access.	Complies.
E6.7.1 Construction of Car Parking Spaces and Access Strips		
A1	Gravel and drained to pasture.	Complies.
E6.7.2 Design and Layout of Car Parking		
A1	Less than 4 spaces provided and not in the General Residential Zone.	Not applicable.
A2	Slope less than 10%. All vehicles can enter and exit in a forward direction. Access width as existing and complies with E6.2. No restriction on space adjacent to parking areas.	Complies.

	Complies with AS2890.1 so far as applicable to the dwelling.	
E6.7.3	Car Parking Access, Safety and Security	
A1		Not applicable.
E6.7.4	Parking for Persons with a Disability	
A1		Not applicable.
A2		Not applicable.
E6.7.6	Loading and Unloading of Vehicles, Drop-off and Pickup	
A1		Not applicable.
E6.8.1	Pedestrian Walkways	
A1		Not applicable.

E7	Scenic Management Code	
Scheme Standard	Comment	Assessment
E7.2	Application of this Code	
E7.2.1	All development is more than 100m from the scenic tourist corridor.	Code not applicable.

E8	Biodiversity Code	
Scheme Standard	Comment	Assessment
E8.2	Application of this Code	
	No vegetation removal proposed.	Code not applicable.

E9	Water Quality Code	
Scheme Standard	Comment	Assessment
E9.2	Application of this Code	
	Development is setback more than 40m from a watercourse.	Code not applicable.

E10	Recreation and Open Space Code	
Scheme Standard	Comment	Assessment
E10.2	Application of this Code	
E10.2.1	Not a subdivision.	Code not applicable.

E11 Environmental Impacts and Attenuation Code		
Scheme Standard	Comment	Assessment
E11.2 Application of this Code		
		Code not applicable.

E12 Airports Impact Management Code		
Scheme Standard	Comment	Assessment
E12.2 Application of this Code		
		Code not applicable.

E13 Local Historic Heritage Code		
Scheme Standard	Comment	Assessment
E13.2 Application of this Code		
E13.2.1	There are no local heritage precincts, places or archaeological significant sites within the planning scheme.	Code not applicable.

E14 Signage Code		
Scheme Standard	Comment	Assessment
E14.2 Application of this Code		
		Code not applicable.

E15 Karst Management Code		
Scheme Standard	Comment	Assessment
E15.2 Application of this Code		
	All buildings are located outside of the karst management area.	Code not applicable.

E16 Urban Salinity Code		
Scheme Standard	Comment	Assessment
E16.2 Application of this Code		
E16.2.1	Land not located within the Greater Launceston Urban Salinity Management Area shown on the planning scheme maps.	Code not applicable.

Conclusion

It is considered that the application for Use and Development of Dwelling & Agricultural Buildings (x 5) is not acceptable in the Rural Resource Zone, and is recommended for refusal.

DECISION:



Meander Valley Council
Working Together

PLANNING NOTICE

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

APPLICANT:	6ty Pty Ltd - PA\21\0176
PROPERTY ADDRESS:	1184 Mole Creek Road NEEDLES with access via 1275 Mole Creek Road, CHUDLEIGH (CT's: 48432/1 & 171573/1)
DEVELOPMENT:	Single dwelling & Agricultural buildings - setbacks, vehicle movements, sight distances.

The application can be inspected until **Tuesday, 9 February 2021**, 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 23 January 2021.

John Jordan
GENERAL MANAGER

APPLICATION FORM

PLANNING PERMIT

Land Use Planning and Approvals Act 1993

- Application form & details **MUST** be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

OFFICE USE ONLY

Property No: <input style="width:100%;" type="text"/>	Assessment No: <input style="width:100%;" type="text"/>
DA\ <input style="width:100%;" type="text"/>	PA\ <input style="width:100%;" type="text"/>
PC\ <input style="width:100%;" type="text"/>	

- Is your application the result of an illegal building work? Yes No Indicate by ✓ box
- Have you already received a Planning Review for this proposal? Yes No
- Is a new vehicle access or crossover required? Yes No

PROPERTY DETAILS:

Address:	<input style="width:95%;" type="text" value="Lot 1 Mole Creek Road"/>	Certificate of Title:	<input style="width:95%;" type="text" value="48432"/>
Suburb:	<input style="width:25%;" type="text" value="Needles"/> <input style="width:25%;" type="text" value="7304"/>	Lot No:	<input style="width:45%;" type="text" value="1"/>
Land area:	<input style="width:80%;" type="text" value="13.25ha"/> <i>m² / ha</i>		
Present use of land/building:	<input style="width:80%;" type="text" value="Vacant land"/> <small>(vacant, residential, rural, industrial, commercial or forestry)</small>		

- Does the application involve Crown Land or Private access via a Crown Access Licence: Yes No
- Heritage Listed Property: Yes No

DETAILS OF USE OR DEVELOPMENT:

Indicate by ✓ box

<input checked="" type="checkbox"/> Building work	<input type="checkbox"/> Change of use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Demolition
<input type="checkbox"/> Forestry	<input type="checkbox"/> Other		

Total cost of development (inclusive of GST): Includes total cost of building work, landscaping, road works and infrastructure

Description of work:

Use of building: (main use of proposed building – dwelling, garage, farm building, factory, office, shop)

New floor area: m² New building height: m

Materials:

External walls:	<input style="width:95%;" type="text"/>	Colour:	<input style="width:95%;" type="text"/>
Roof cladding:	<input style="width:250px;" type="text"/>	Colour:	<input style="width:150px;" type="text"/>

Salamanca Building Parliament Square
4 Salamanca Place, Hobart TAS
GPO Box 536, Hobart TAS 7001 Australia
Email permits@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Ref: SRA-20-315

George Walker
6ty Pty Ltd
By email: gwalker@6ty.com.au

Dear George

Crown Landowner Consent Granted – 1184 Mole Creek Road, Needles

I refer to your recent request for Crown landowner consent relating to the development application at 1184 Mole Creek Road, Needles for construction of a dwelling and greenhouse buildings and upgrade to existing access.

I, Fiona McLeod, Manager Asset Management, State Roads, the Department of State Growth, having been duly delegated by the Minister under Section 52 (1F) of the *Land Use Planning and Approvals Act 1993* (the Act), and in accordance with the provisions of Section 52 (1B) (b) of the Act, hereby give my consent to the making of the application, insofar as it affects the State road network and any Crown land under the jurisdiction of this Department.

The consent given by this letter is for the **making of the application only** insofar as that it impacts Department of State Growth administered Crown land and is with reference to your application dated 17 December 2020, and the documents approved, as follows:

Approved Document Name	Author	Date Received
Crown Landowner Consent Application Form – 1184 Mole Creek, Needles	George Walker (6ty°Pty Ltd)	17-12-2020
Planning Permit Application Form – Lot 1 Mole Creek Road, CT 48432/1, dated 02/12/2020	George Walker (6ty°Pty Ltd)	17-12-2020
Certificate of Title Documents – CT48432/1 – Folio Text – Folio Plan		17-12-2020
Supporting Planning Documentation – Letter – Development Application – Sing Dwelling, Greenhouses, Drying and Packing Buildings, Lot 1 Mole Creek Road, Needles [Ref:20.041], To: John Jordan (GM MVC), From: George Walker (6ty°Pty Ltd), dated 2 December 2020	George Walker (6ty°Pty Ltd)	17-12-2020
Traffic Impact Statement – Lot 1 Mole Creek Road, Needles, Draft, dated June 2020	Richard Burk (Traffic & Civil Services)	17-12-2020

In giving consent to lodge the subject development application, the Department notes the following applicable advice:

A. Access – construction or alteration (Access works permit required)

The consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* to undertake works within the State road reservation.

For further information please visit https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways or contact permits@stategrowth.tas.gov.au.

On sealed State roads all new accesses must be sealed from the road to the property boundary as a minimum.

Pursuant to Section 16 of the *Roads and Jetties Act 1935*, where a vehicle access has been constructed from land to a State highway or subsidiary road, the owner of that land is responsible for the maintenance and repair of the whole of the vehicular access.

B. Other types of works (pipeline, etc.) OR Construction of infrastructure in the road reserve/on Crown land (Works permit required)

The consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* to undertake works within the State road reservation.

For further information please visit <http://www.transport.tas.gov.au/road/permits> or contact permits@stategrowth.tas.gov.au.

The Department reserves the right to make a representation to the relevant Council in relation to any aspect of the proposed development relating to its road network and/or property.

Yours sincerely



Fiona McLeod
MANAGER ASSET MANAGEMENT

Delegate of
Minister for Infrastructure and Transport
Michael Ferguson MP

14 January 2021

cc: General Manager, Meander Valley Council

17 December 2020

Ms Leanne Rabjohns
Town Planner
Meander Valley Council
By email: leanne.rabjohns@mvc.tas.gov.au

6ty Pty Ltd
ABN 27 014 609 900

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Tamar Suite 103
The Charles
287 Charles Street
Launceston 7250
P (03) 6332 3300

57 Best Street
PO Box 1202
Devonport 7310
P (03) 6424 7161

Dear Leanne,

**DEVELOPMENT APPLICATION - RESPONSE TO FURTHER INFORMATION
REQUEST - PA\21\0176 - 1184 MOLE CREEK ROAD, NEEDLES**

I refer to Council's invalid application letter dated 9 December 2020. This letter provides information in response to the matters raised within the letter.

Requested Item 1

As the application includes driveway works and signage within the Mole Creek Road reserve which owned/administered by the Crown (as per the Crown Lands Act 1976) consent from the relevant Minister/delegate is required subject to Section 52(1B) of the Land Use Planning and Approvals Act 1993. Please provide the following:

- a. *The application form signed by the Minister/delegate responsible for the administration of the land;*
- b. *Written permission by the Minister/delegate to the making of the application.*

Response

Application for Crown Landowner Consent has been made to the Department of State Growth (DSG).

Requested Item 2

Written advice from the Department of State Growth, the Road Authority in regard to Mole Creek Road, regarding the adequacy of the Traffic Impact Assessment.

Response

Preliminary advice has been received from DSG indicating that they support the TIA. This advice is enclosed.

Requested Item 3

A full description of the proposed specialised agricultural enterprise, including details of:

- a. *activities undertaken in the kiln and milling building;*

- b. *types of machinery and equipment used;*
- c. *hours of operation and seasonality; and*
- d. *any resource processing activities.*

Response

The greenhouses will be used to grow organic produce such as herbs. The greenhouses will provide a climate controlled environment which will enable year-round growing conditions. As such, the operation will not be subject to seasonality.

Produce that is grown within the greenhouses will be harvested by hand and dried in the kiln building. Dehydrated produce will be milled within the milling building by a stone block mill (or similar). Milled and dehydrated produce will be hand packed. The operation will not be mechanised and will therefore be labour intensive. The harvesting, milling and packaging processes will predominately occur between the hours of 6:00am and 7:00pm up to 7 days per week (depending on the volume of produce harvested) The proposed dwelling will provide accommodation for employees to reduce the requirement to commute and to provide surveillance of the property.

The greenhouse activity is categorised into the Resource development use class which is defined in Table 8.2 of the *Meander Valley Interim Planning Scheme 2013* ("the Scheme") as follows:

use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

The use class includes handling, packaging and storage of produce for dispatch. Accordingly, the processes of dehydrating, milling and packaging are included within the Resource development use class. The proposed greenhouse operation will not involve any resource processing activities within the meaning of the definition provided in Table 8.2 of the Scheme as follows:

use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

Please do not hesitate to contact me should any additional information be required.

Yours faithfully
6ty° Pty Ltd



George Walker
Director/Planning Consultant

George Walker

From: Siale, Vili <Vili.Siale@stategrowth.tas.gov.au>
Sent: Wednesday, 16 December 2020 12:33 PM
To: George Walker; Richard Burk
Subject: RE: TIA Review and DSG Consent

Hi George,

I am happy with the TIA but this Council requires proponents to apply for the Crown Consent as per the link in the TIA.

I just got one suggestion for both you and Richard, there is an existing bus stop warning sign some 170m to the east and I'm thinking that instead of just dealing with the ROW we could also consider the opposite access to 1185 as well since it is Christmas – I suggest we could attach a Concealed Entrances sign under the existing school bus warning sign and be done with it. See what Richard has to say.

Cheers,
Vili.

Vili Siale | Traffic Engineering Liaison Officer
Network Management | Department of State Growth
11A Goodman Court, INVERMAY TAS 7248 | GPO Box 536, Hobart TAS 7001
Ph. (03) 6777 1951 | Mb. 0439 101 614
www.stategrowth.tas.gov.au

DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



From: George Walker [mailto:gwalker@6ty.com.au]
Sent: Wednesday, 16 December 2020 9:57 AM
To: Siale, Vili <Vili.Siale@stategrowth.tas.gov.au>
Subject: TIA Review and DSG Consent

Good morning Vili,

I hope you are well.

We have submitted an application with Meander Valley Council for a single dwelling and buildings that will be used for greenhouse agricultural purposes. The site is identified by CT 48432/1 and is accessed off Mole Creek Road via a right of way which is located across the adjoining lot identified by CT 171573/1.

A TIA was obtained for the application which recommended driveway works and signage. Council have determined that DSG consent is required for the works which will require the application formed to be signed and a written statement consenting to the making of the application. I have attached the TIA and other application documents for consideration.

I was hoping that you might be able to review and arrange consent at relatively short notice given the minor nature of the proposal and works recommended by the TIA?

Please let me know if you require any further information or wish to discuss any aspect of the proposal.

Regards,

George



George Walker
Director | Planning Consultant

Measured form and function

Tamar Suite 103, The Charles
287 Charles Street, Launceston 7250
PO Box 63 Riverside 7250
P 03 6332 3300
E walker@6ty.com.au
W 6ty.com.au
ARCHITECTURE | SURVEYING | ENGINEERING



Merry Christmas and a Happy New Year

Our office will be closed from 12pm on Friday 18th December
and reopen at 8am on Monday 4th January.

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2 December 2020

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Meander Valley Council
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Dear John,

DEVELOPMENT APPLICATION - SINGLE DWELLING, GREENHOUSES, DRYING AND PACKAGING BUILDINGS - LOT 1 MOLE CREEK ROAD, NEEDLES

Please find enclosed a development application for the construction and use of a single dwelling and greenhouses on land located at Lot 1 Mole Creek Road, Needles (the site - refer to Figure 1). The development application includes the following documents:

1. completed permit application form
2. planning compliance letter detailing the proposed use and development
3. certificate of title for the site
4. development drawings
5. agricultural

Figure 1 - aerial image showing the boundary of the site.



Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

1 Planning Overview

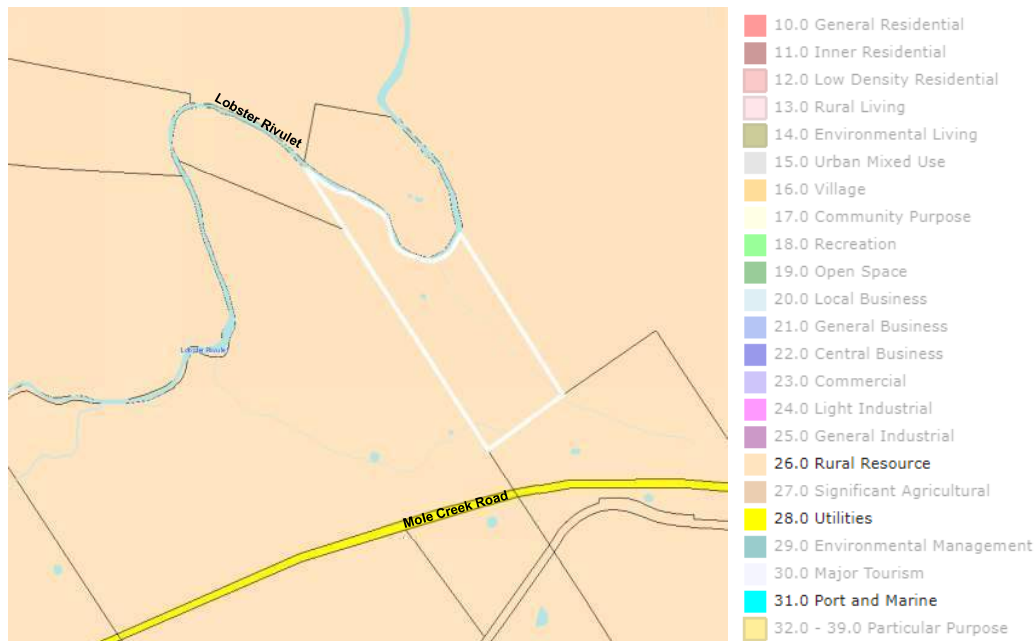
Location	Lot 1 Mole Creek Road, Needles
Title Information	Certificate of Title Volume 48432 Folio 1
Area	13.25ha
Planning Instrument	<i>Meander Valley Interim Planning Scheme 2013</i>
Zoning	D26.0 – Rural Resource Zone
Identified Codes	E4.0 - Road and Railway Assets E5.0 – Flood Prone Areas E6.0 – Car Parking and Sustainable Transport E7.0 – Scenic Management E8.0 – Biodiversity E15.0 – Karst Management
Use	1. Residential - single dwelling 2. Resource Development – agriculture
Development	1. Construction of a dwelling 2. Construction of three (3) greenhouses 3. Construction of a milling and packaging shed 4. Construction of a dry kiln shed 5. Installation of 1 x 20,000L and 1 x 80,000L water tanks 6. Installation of onsite wastewater management system
Status	Residential – Discretionary Resource Development – No Permit Required

2 Subject Site and Adjacent Land

The site has an area of 13.25ha and holds a partially rectangular shape with a north-western boundary that follows the shape of Lobster Rivulet. The site is mostly vacant with an existing outbuilding adjacent to its south-western boundary. The land contained within the site slopes steeply to the north and north-west and has an abundance of native vegetation at its northern and eastern borders. A Biodiversity Protection Overlay covers the portion of land with native vegetation and a Karst Catchment Area crosses the site in the south-western corner.

The site and adjacent land in all directions is zoned Rural Resource (refer to Figure 2). To the south of the subject site, a neighbouring dwelling exists and to the west, is pastureland that forms part of a dairy farm. There is a dwelling on the adjacent lot to the north on the opposing side of Lobster Rivulet. Otherwise, all areas to the immediate north and east comprise native vegetation.

Figure 2 - map identifying the zoning of the site and immediately adjacent area.



Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

3 Proposed Use and Development

The application seeks planning approval for the development of a single dwelling as well as development for agricultural use which will primarily involve greenhouse produce production, outdoor orchard, mixed cropping and mixed grazing.

Proposed development will involve a single dwelling including an associated wastewater treatment system, three (3) greenhouse buildings, a drying kiln building, a milling and packaging building and water storage tanks. Key elements of proposed buildings are detailed in Table 1 below.

Table 1 - Table identifying the area, height and boundary setbacks of each building.

Building	Area	Height	Boundary Setbacks			
			north-west	north-east	south-west	south-east
Dwelling	186m ²	3.9m	263.62m	203.21m	13.65m	218.39m
Greenhouse ¹	120m ²	3.6m	260.45m	112.61m	79.97m	175.14m
Drying Kiln	48m ²	3.1m	276.94m	188.54m	37.56m	200.18m
Packaging	72m ²	3.49m	285.70m	178.18m	47.87m	183.27m

The proposed greenhouses, drying kiln building and packaging building will be used for the growing, drying and packaging of a mixture of natural and organic products. All products will be reserved for a private third party merchant and there will be no public product sales from the site. The agricultural operation will employ up to 3 full time equivalent people and will operate within the hours of 6.00am to 4.00pm up to 7 days per week. The agricultural operation will be operated by the property owners. The proposed dwelling will support the agricultural operation.

¹ Boundary setbacks for the greenhouses are the minimum distances from each boundary measured as a collective.

The majority of development will be located on the flatter surfaces of the land towards the south-western boundary although the green houses and some associated development will graduate down the sloping section of the land. No vegetation is required to be removed to accommodate the use and development. All proposed use and development will also avoid the Karst Management Catchment overlay.

The proposed use and development will utilise an existing crossover which is located adjacent to the outbuilding. The crossover is reached by an access road from Mole Creek Road which is parallel to the south-west boundary of the site.

4 Planning Assessment

4.1 Application Status

For the purposes of Clause 8.2.5 of the Scheme, the proposed use and development is categorised within the Residential and Resource Development use classes, which are defined as follows in Clause 8.2 of the Scheme:

Residential

use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

Resource Development

use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

In accordance with Table 12.2 of the Scheme, the use of land for a single dwelling is identified as 'discretionary' and the use of land for resource development is identified as 'no permit required'.

The zone and code standards that apply to the proposed use and development are addressed in Sections 4.2 to 4.4 below. Assessment against relevant performance criteria is provided under Section 5.

4.2 Rural Resource Zone

26.3 Use Standards			
Standard/Requirement		Assessment	Compliance
26.3.2 Dwellings			
A1.1	Development must be for the alteration, extension or replacement of existing dwellings.	The proposed development is not for the alteration, extension or replacement of existing dwellings.	Relies on performance criteria.
A1.2	Ancillary dwellings must be located within the curtilage of the existing dwelling on the property.	The proposed development is not located within the curtilage of the existing dwelling on the property.	Relies on performance criteria.
A1.3	New dwellings must be within the resource development use class and on land that has a	The site does not have a minimum current capital value of \$1 million.	Relies on performance criteria.

26.3 Use Standards			
Standard/Requirement	Assessment	Compliance	
minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.			
26.3.3 Irrigation Districts			
A1	Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	Non-agricultural uses are not located within an irrigation district.	Complies with acceptable solution.

26.4 Development Standards			
Standard/Requirement	Assessment	Compliance	
26.4.1 Building Location and Appearance			
A1	Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	The proposed dwelling will have a building height of 3.9m. The proposed agricultural buildings will have building heights of less than 12m.	Complies with acceptable solution.
A2.1	Buildings must be set back a minimum of: a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or	The drying kiln building and packaging building will be setback 37.56 and 47.87 from the south-western boundary, respectively. The proposed dwelling will have a minimum setback of 13.65m from the south-western boundary.	Relies on compliance criteria.

26.4 Development Standards		
Standard/Requirement	Assessment	Compliance
c) the same as existing for replacement of an existing dwelling.	The proposed dwelling is not a replacement dwelling.	

4.3 Road and Railway Assets Code

The Code is applicable to the extent that the proposal will involve a uses that will increase AADT movements at the existing access onto Mole Creek Road by more than 10%. It has been determined that the proposal relies on two (2) performance criteria to demonstrate compliance with respective standards. In accordance with Clause E4.5.1 of the Scheme, a Traffic Impact Statement (TIS) has been prepared to assist with addressing applicable performance criteria. The proposal does not include a new access and the site is not located within 50m of a Utilities zone that is part of an existing or future railway network or a Category 1 of Category 2 Road.

E4.5 Use Standards			
Standard/Requirement	Assessment	Compliance	
E4.6.1 Use and Road or Railway Infrastructure			
A3	For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	According to the TIS, the proposal is expected to increase AADT vehicle movements by 36 vehicle movements per day which equates to a 180% increase.	Relies on performance criteria.
E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings			
A1	Sight distances at: a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and	The TIS has determined that the existing access onto Mole Creek Road does not comply with the SISD standards.	Relies on performance criteria.

E4.5 Use Standards		
Standard/Requirement	Assessment	Compliance
<p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or</p> <p>c) if the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>The proposal does not rely on direct access to or over a rail level crossing.</p> <p>A temporary access is not proposed.</p>	

4.4 Car Parking and Sustainable Transport Code

E6.5 Use Standards		
Standard/Requirement	Assessment	Compliance
E6.6.1 Car Parking Numbers		
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p>	<p>Table E6.1 requires car parking spaces for residential uses in the Rural Resource zone to be provided at a rate of 1 space per bedroom or 2 spaces per 3 bedrooms. In this instance, the dwelling will comprise 3 bedrooms. Therefore 2 car parking spaces are required to be provided. A minimum of 2 car parking spaces can be accommodated in the driveway that will be located to the west of the proposed dwelling.</p>	<p>Complies with acceptable solution.</p>

E6.5 Use Standards		
Standard/Requirement	Assessment	Compliance
<p>b) A parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>Table E6.1 does not specify car parking spaces for agricultural uses.</p> <p>The site is not subject to a parking precinct plan contained in Table E6.6.</p>	

5.0 Performance Criteria Assessment

5.1 Clause 26.3.2 Dwellings - Performance Criteria P1.1(b) and P1.2

The objective of the standard is:

To ensure that dwellings are:

- a) *incidental to resource development; or*
- b) *located on land with limited rural potential where they do not constrain surrounding agricultural operations.*

Performance criteria P1.1(b) requires:

A dwelling may be constructed where it is demonstrated that:

- b) *the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:*
 - i. *limitations created by any existing use and/or development surrounding the site; and*
 - ii. *topographical features; and*
 - iii. *poor capability of the land for primary industry operations (including a lack of capability or other impediments); and*

Performance criteria P1.2 requires:

A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling.

Planning Assessment

An Agricultural Site Assessment (“the assessment”) has been prepared for the proposal. It demonstrates that the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to the following:

- i. the ability for the site to be used for primary production is limited by size, topography, presence of natural values and adjoining residential uses.

The site has an area of 13.25ha. Of this area, 6.06ha (45.7%) is subject to the Priority Habitat overlay and 7,903m² (5.9%) is subject to the Karst Catchment Management overlay. It also shares a boundary with Lobster Rivulet which is identified as a major stream and a minor tributary dissects the site along the north-eastern boundary.

The Priority Habitat overlay occupies the northern and eastern portions of the site. The composition of vegetation communities contained within the overlay based on TASVEG 3.0 mapping is detailed in Table 2 below.

Table 2 - composition of vegetation communities within Priority Habitat overlay.

Vegetation community	Key	Area	Percentage of overlay
Eucalyptus ovata forest	DOV	2.87ha	44.49%
Eucalyptus amygdalina forest	DAS	2.85ha	44.18%
Acacia dealbata forest	NAD	498m ²	0.77%
Eucalyptus obliqua wet forest	WOU	2,947m ²	4.56%

The purpose of the Priority Habitat overlay is to protect, conserve and enhance the region's biodiversity by minimising vegetation and habitat loss or degradation, appropriately locating buildings and works and offsetting the loss of vegetation through the protection of other areas.

The Biodiversity Code applies to all use and development of land within the Rural Resource zone that is subject to the Priority Habitat overlay or that requires the removal of vegetation. The Biodiversity Code does not exempt use or development for primary industry purposes.

The agricultural assessment recognises that the size of the site would make it difficult to achieve useful agricultural pursuits that rely solely on the substrate as a growth medium. Accordingly, any meaningful agricultural pursuits that are suitable to the capacity of the land such as cropping or grazing would inherently require the removal of native vegetation for conversion into agricultural land which would be inconsistent with the purpose of the Biodiversity Code.

The purpose of the Karst Management Code is to ensure use and development minimises adverse impacts on groundwater dependant ecosystems and to minimise erosion of sediments within karst management areas.

Accordingly, use and development of the site, including use and development within the Resource development use category, is constrained by the presence of the Priority Habitat and Karst Catchment overlays which occupy to 51.6% of the area of the site.

In addition to being limited by natural values, the site adjoins a residential lot to the north and a residential lot to the south-east. The dwelling to the north is located 61m from the nearest boundary to the site and the dwelling to the south is located 27m from the nearest boundary to the site. Use of the site for primary production is therefore likely to be constrained by the proximity of existing sensitive uses to the boundaries of the site.

- ii. approximately 5.85ha (44.17%) of the site is located outside the Priority Habitat and Karst Catchment overlay and is identified as agricultural land in accordance with TASVEG 3.0 mapping. This area is considered to be the most practical for primary industry production. However, this area is severely constrained by steep slopes of up to between 16-22% which fall towards Lobster Rivulet to the north and a minor tributary to the north-east. The assessment identifies the degree of slope within this area of the site as an impediment to agricultural activities.

- iii. the agricultural assessment has determined that land within the site is classified as Class 4 agricultural land in accordance with the Tasmanian Land Capability System which is marginally suited for cropping and grazing activities. The assessment determined that slope was the primary limiting factor due to the risk of erosion associated with cropping activities and other tilling practices. In addition, the assessment identified the soil type to be sandy loam which is common for the locality and is susceptible to erosion.

In summary, the site is limited by size, topography, presence of natural values and adjoining residential uses. These factors make it less desirable for agricultural uses primarily due to potential adverse impacts on natural values. Approximately 45.7% of the site is occupied by native vegetation which is located within a Priority Habitat overlay. Any meaningful agricultural activity would likely require the removal of native vegetation. Agricultural uses have the potential to contaminate subsurface areas of land contained within the Karst Catchment Management overlay located in the southern corner of the site and contaminate watercourses through the application of fertilisers and leaching of effluent. Agricultural practices also have the potential to contribute to erosion of the steeper slopes within the site which can lead to contamination of the watercourses which are located downslope of the land.

In comparison, the proposal is consistent with the purpose of the Biodiversity Code and the Karst Management Code and has less likelihood to result in adverse impacts on the land and nearby watercourses. The proposal will be located outside the areas of the site that are subject to overlays and will seek to maintain vegetation cover. The proposed residential use would also be consistent with established residential uses on adjoining lots to the south-east and north-west.

With respect to Performance Criteria P1.2, the site has an area of 13.25ha and comprises sandy loam soils which are capable of accommodating an onsite wastewater management system. It is proposed to located the onsite wastewater management system to the north of the dwelling which is away from the Karst Catchment Management overlay and a minimum distance of 218m from Lobster Rivulet to the north.

5.2 Clause 26.4.1 Building Location and Appearances – P2

The objective of the standard is:

To ensure that the:

- a) *ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and*
- b) *development of buildings is unobtrusive and complements the character of the landscape.*

The performance criteria requires:

Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:

- a) *the topography of the land; and*

- b) *buffers created by natural or other features; and*
- c) *the location of development on adjoining lots; and*
- d) *the nature of existing and potential adjoining uses; and*
- e) *the ability to accommodate a lesser setback to the road having regard to:*
 - i. *the design of the development and landscaping; and*
 - ii. *the potential for future upgrading of the road; and*
 - iii. *potential traffic safety hazards; and*
 - iv. *appropriate noise attenuation.*

Planning Assessment

Adjoining land to the south-west comprises a single lot that has an area of 164.07ha. It has an irregular shape and stretches across Mole Creek Road. The land currently supports a dairy. Land on the northern side of Mole Creek Road contains irrigated pasture. Land on the southern side of Mole Creek Road contains irrigated and dryland pasture, dwelling and dairy. The setback of the proposed dwelling relative to the south-western property will not constrain the adjoining primary industry operation, having regard to the following:

- a) land contained within the adjoining lot immediately adjacent to the location of the proposed dwelling is situated on the 280m AHD contour. From this point land within the adjoining lot slopes downhill in a general westerly direction away from the location of the proposed dwelling to a large plain that sits between 260m and 250m AHD. The plain contains most of the irrigated pasture and is located approximately 300m horizontally and 20m vertically (above) from the main pastureland. The topographical separation between the pastureland and proposed dwelling will assist to minimise conflict between the residential and agricultural use.
- b) the hill located between the main pastureland and the proposed dwelling will provide a natural buffer between the residential and agricultural use. An additional landscape buffer is proposed to be planted along the south-western boundary of the site to the north and south of the driveway access to provide further buffering.
- c) the activity associated with the dairy that will have the potential to create the greatest degree of impact upon sensitive uses is the dairy itself due to early milking operations, odour, movement and noise created by dairy cows and movement of milk tankers to and from the dairy.

In this instance, the dairy is located on the southern side of Mole Creek Road and will be situated approximately 820m south-west of the proposed dwelling. This distance is sufficient to mitigate emissions being received by the proposed dwelling.

- d) land contained within the adjoining lot immediately adjacent to the location of the proposed dwelling predominantly contains dryland pasture and is

used for dairy cow grazing. The proposed residential use is not expected to constrain the grazing activity.

- e) the proposal does not seek a lesser setback to Mole Creek Road.

Finally, the setback of the proposed kiln and packaging building relative to the south-western property will not constrain the adjoining primary industry operation given that they will be compatible with the use class of the adjoining dairy.

5.3 Clause E4.6.1 Use and Road or Rail Infrastructure - Performance Criteria P3

The objective of the standard is:

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.

The performance criteria requires:

For limited access roads and roads with a speed limit of more than 60km/h:

- a) *access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and*
- b) *any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and*
- c) *an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.*

Planning Assessment

The use of the existing access onto Mole Creek Road will not reduce the safety or efficiency of the road infrastructure, having regard to the following:

- a) access to a Category 1 Road or a limited access road is not proposed.
- b) Mole Creek Road is not identified as a Category 1, 2 or 3 Road.
- c) According to the TIS the proposed use and development will maintain an adequate level of safety and efficiency for all road users given its low level of traffic activity the Mole Creek Road access. Adequate site distance has been achieved from the Mole Creek Road access with the implementation of a T junction warning sign and distance plate. This forms part of the recommendation.

5.4 Clause E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings - Performance Criteria P1

The objective of the standard is:

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.

The performance criteria requires:

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.

Planning Assessment

According to the TIS, adequate site distance has been achieved from the Mole Creek Road access with the implementation of a T junction warning sign and distance plate. This forms part of the recommendation.

6 Conclusion

The proposed development involves the construction and use of a single dwelling and agricultural resource developments including greenhouses, milling and packaging shed, dry kiln shed, water tanks and installation of onsite wastewater management system on land located at Lot 1 Mole Creek Road, Needles.

It has been determined that the proposal complies with relevant provisions of the Rural Resource zone and applicable Codes including the following performance criteria:

- **Clause 26.3.2 Dwellings - Performance Criteria P1.1(b)**
- **Clause 26.3.2 Dwellings - Performance Criteria P1.2**
- **Clause 26.4.1 Building Location and Appearances – P2**
- **Clause E4.6.1 Use and Road or Rail Infrastructure - Performance Criteria P3**
- **Clause E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings - Performance Criteria P1**

It is therefore submitted that a permitted permit can be issued in accordance with clause 8.8.1 of the Scheme and section 51 and 57 of the *Land Use Planning and Approvals Act 1993*.

Please do not hesitate to contact me should you have any queries on this application.

Yours faithfully

6ty° Pty Ltd



George Walker
Director/Planning Consultant

Agricultural Report

Jerry Brooks

Lot 1, 1188 Mole Creek Road

Needles, Tasmania

Pertaining to title; 48432/1

Michelle Hogarth *BAgrSci(HONS)*

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August 2020

This report has been prepared for Jerry Brooks, Mole Creek, Tasmania.

While the information contained here-in has been provided in good faith, Nutrien Ag Solutions makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability or suitability with respect to this report.



Michelle Hogarth

Background

The property (lot 1, 1188 Mole Creek Road, Needles) is approx. 13 ha in total as shown on the map attached (Google Earth) and further supported by title documentation (supplied by the client).

As a small block, with steep slopes, useful agricultural pursuits are difficult to achieve.

It is unlikely that neighbouring landowners would consider this block a useful addition to their agricultural enterprise, due to its size and slope.

Agricultural pursuits in the immediate proximity of the block include state forest to the N and NW and dairy pastures to the S.

A rural residential block is located to the E.

The site in question supports native pasture growth and slopes steeply toward Lobster Rivulet to the N and NW.

A Karst Catchment Area crosses the block in the SE corner as indicated on maps provided by Engineering Plus (and supported by conversation with Meander Valley Council Planning).

The land is classified as Class 4 – land that is marginally suited for cropping and grazing, with moderate limitations (in this instance slope); as per the land capability maps provided by the Department of Primary Industries, Tasmania

https://dpiwwe.tas.gov.au/Documents/Land_Cap_Meander_Map.pdf.

The soil type is a sandy loam; common to the area, as described in the Meander Soil Report, Department of Primary Industries, Tasmania

https://dpiwwe.tas.gov.au/Documents/Land_Cap_Report_Meander-part-2.pdf.

As per *Meander Valley Interim Planning Scheme 2013, clause 26.3.2 P1.1(b)*; the rural potential of this block is greatly limited in relation to its size and additional limitations posed by slope (including an increased risk of soil erosion and associated runoff to surrounding sensitive areas; namely Lobster Rivulet (to the N and NW) and the Karst Catchment Area in the SE corner). To this end the site is practically incapable of supporting an agricultural use.

Proposal

It is proposed that a residential dwelling be constructed in conjunction with greenhouses for a specialized agricultural enterprise (as outlined in diagrams provided by Engineering Plus). The details of the enterprise have not been disclosed, the client should be contacted directly should any additional information be required about the nature of the enterprise.

The construction of a dwelling will not constrain surrounding agricultural or primary production operations as there are other dwellings within the vicinity (located to the E).

The proposed site for the dwelling, is along the S boundary of the block, close to an existing shed, additional greenhouses and associated structures are planned across an elevated ridge, the flattest area of the block, best suited to construction works.

Building Location – set back distances and acceptable solutions

As per *Meander Valley Interim Planning Scheme 2013, clause 26.4.1*.

The proposed site for the dwelling has been selected considering Council regulations pertaining to set back distances.

State forest reserve and Lobster Rivulet exist to the N and NW of the site; sensitive use, 200m setback.

Existing dwellings, on small scale rural blocks are located to the E of the site.

The dwelling is proposed to be constructed near an already existing shed, close to the access road and where minimum disturbance will be required for construction.

Setback distances from the S boundary (as outlined in drawings provide by Engineering Plus) do not meet the allowable 200m from sensitive uses (agricultural operations).

In this instance, the agricultural operation is a dairy farm where activities would be limited to occasional spraying and fertiliser spreading.

The location of the dwelling would not impact on these operations, as it is close to other dwellings and the Karst Catchment Area, which itself limits excessive agricultural operations.

In addition, the ability to accommodate a lesser setback can be facilitated through additional landscaping at the site.

The access road along the S boundary is a no through road, which only facilitates the flow of local traffic, such that noise should not need to be considered.

Additional Information

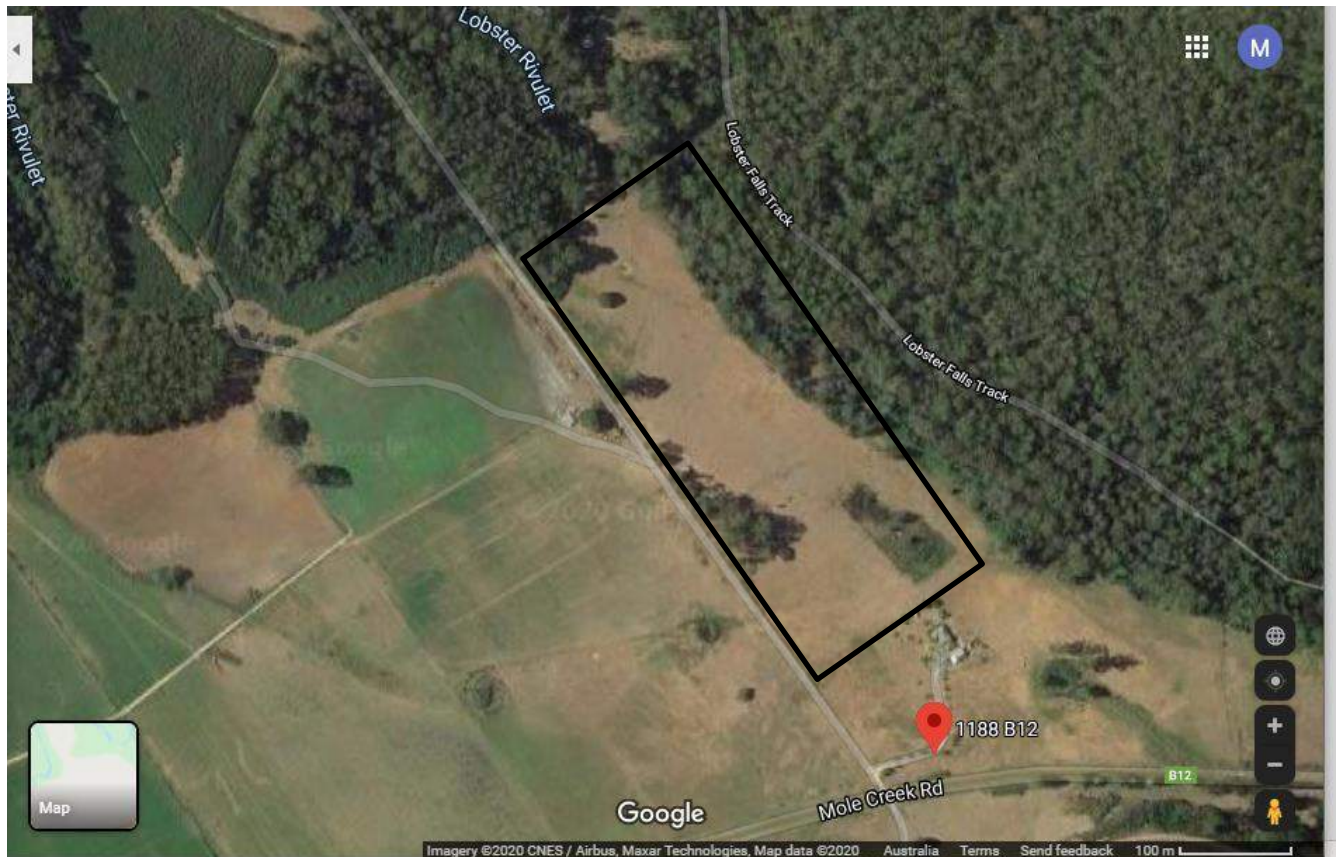
The property in question is unlikely to be considered useful for the pursuit of intensive primary production.

In addition, where greenhouse production is considered, a residential dwelling would be considered integral to business management; important for the tending of crops, monitoring water requirements and reticulated systems and for general site security reasons (*Meander Valley Interim Planning Report 2013, clause 26.3.2 P1.1(a)*).

It is imperative that storm water from the dwelling and proposed greenhouses be managed in such a way as to minimise impact on the surrounding natural resources, namely Lobster Rivulet (to the N and NW) and the Karst Catchment Area located to the SE (as per *Meander Valley Interim Planning Scheme 2013, E15 - Karst Management Code*).

It is advised that further consultation be undertaken to better understand the necessary regulations around wastewater management and mitigating any associated impacts on these catchments.

Site location – Lot 1, 1188 Mole Creek Road, Needles, TAS (source: google maps)



State Forest (located to the N and NW)

Dairy farming / grazing (located to the S)

Rural residential (located to E)

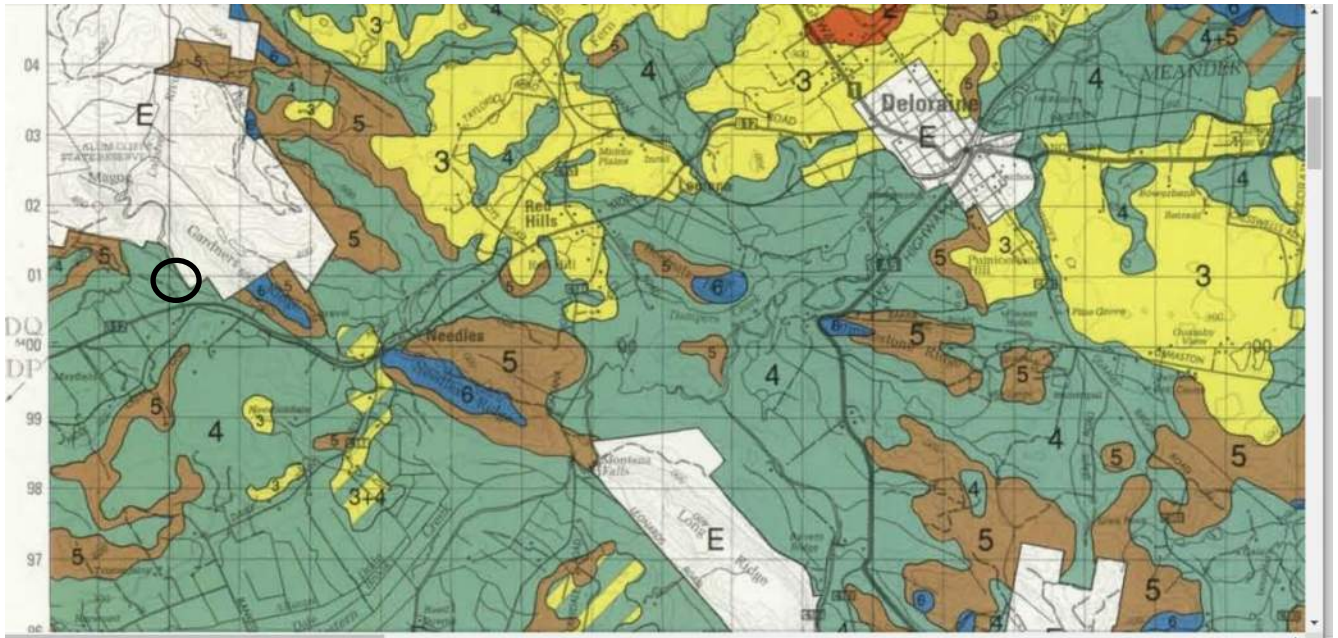
S boundary is an internal access road

N and NW boundary is Lobster Rivulet

Karst Catchment Area located in the SE corner (refer Engineering Plus drawings)

Land Capability Assessment Map – Meander Region (source: Department of Primary Industries TAS)

Please refer to website should closer detail of site be required



Class 4 land

Land suited to intermittent grazing; cropping and intensive agriculture greatly limited by slope and proximity to sensitive areas (Lobster Rivulet and Karst Catchment area).

Further Information:

Land Classification

Land Classification is determined by the Department of Primary Industry Tasmania for the purpose of planning and land use options; as outlined on reference maps specific to the area (http://dpiptwe.tas.gov.au/Documents/Land_Cap_Meander_Map.pdf).

The location of the site has been highlighted on the map and a site inspection confirms that the land in question is indeed class 4.

Class 4 land, as supported by the accompanying Land Capability Report, produced by the Department of Primary Industry Tasmania (https://dpiptwe.tas.gov.au/Documents/Land_Cap_Report_Meander-part-1.pdf and https://dpiptwe.tas.gov.au/Documents/Land_Cap_Report_Meander-part-2.pdf) is described as

Land marginally suitable for cropping because of limitations which restrict the range of crops that can be grown, and/or make major conservation treatment and careful management necessary. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent. This land is well suited to intensive grazing

The site visit further supports this classification, where slope was observed to be the major limiting factor to any cropping activities and the associated risks to erosion (see photos attached).

Further complications would arise from intensive agricultural pursuits (specifically cropping) in relation to the proximity to Lobsters Rivulet and the nearby Karst Catchment and the management of surface runoff.

Grazing would be possible, but the management of stock would be paramount in ensuring animals do not encroach on the rivulet and that their activities would not concentrate any additional runoff into the Karst Catchment area.

The soil type is a sandy loam, common to the area, which further increases the risk of erosion due to the slope of the site and facilitates the movement of water through the soil profile which could pose associated risks to sensitive areas; such as the rivulet and the Karst Catchment area.



Site at 1188 Mole Creek Road, Needles (with Lobster Rivulet straight ahead) – photo taken facing due NW



Evidence of slope of site, access road to the L of photo (note power pole) – photo taken facing due W



Existing shed and proposed construction site; note how site slopes away steeply to the R (towards Lobster Rivulet) – photo taken facing due W



Existing shed and proposed construction site from the other side – photo taken facing due NE

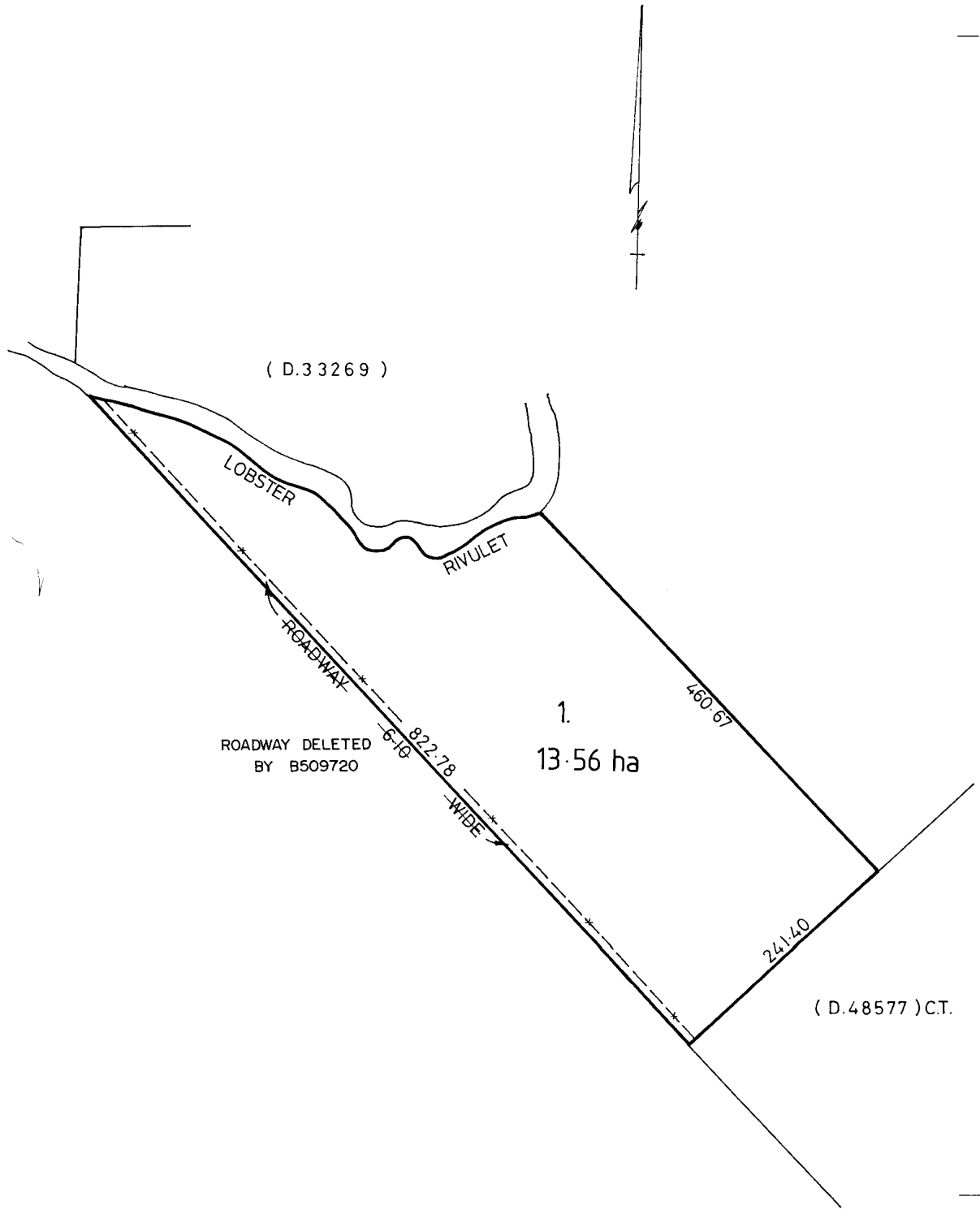


Proposed site for greenhouse construction – photo taken facing due N



Further evidence of slope – photo taken facing due N

Owner:	<p>PLAN OF TITLE of land situated in the DEVON MIDHURST</p> <p>COMPILED FROM D. 33270</p> <p>SCALE 1: 4000 MEASUREMENTS IN METRES</p>	Registered Number: D48432
Title Reference: C.T. 4412 - 89		Approved.....
Grantee:		Recorder of Titles



SEARCH OF TORRENS TITLE

VOLUME 48432	FOLIO 1
EDITION 4	DATE OF ISSUE 06-Feb-2017

SEARCH DATE : 02-Dec-2020

SEARCH TIME : 06.41 PM

DESCRIPTION OF LAND

Parish of MIDHURST, Land District of DEVON
 Lot 1 on Diagram 48432
 Derivation : Whole of Lot 5577 gtd to J.Ritchie
 Prior CT 4757/69

SCHEDULE 1

C188665 & M542717 JEROME GODLONTON BROOKS Registered
 01-Feb-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 67/9659 Grant Benefiting easement: Right of carriageway over
 the right of way 12.00 wide shown on D.100158

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



LOT 1 MOLE CREEK ROAD, NEEDLES

TRAFFIC IMPACT STATEMENT JUNE 2020





Lot 1 Mole Creek Road, Needles

TRAFFIC IMPACT STATEMENT

- Draft
- June 2020

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Document history and status

Revision	Date issued	Reviewed by	Approved by	Date approved	Revision type
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1. Introduction

1.1 Background

A dwelling and agricultural enterprise is proposed at Lot 1 Mole Creek Road, Needles. The title plan for Lot 1 Mole Creek Road property is attached in Appendix E. The property has access to Mole Creek Road via a 12m wide Right of Way over 1182 Mole Creek Road and 1275 Mole Creek Road.

1.2 Objectives

This TIS is prepared to assist in the planning and design of sustainable development that considers safety, capacity, equity and social justice, economic efficiency, the environment and future development.

1.3 Scope of Traffic Impact Statement

This TIS assesses the impact of the proposal on the state road network at the RoW road junction with Mole Creek Main Road and the access to Lot 1 Mole Creek Main Road.

1.4 References

- Australian Standard AS 1742.2 – 2014 – Manual of uniform traffic control devices Part 2: Traffic control devices for general use.
- Austroads Guide to Traffic Management – Part 6: Intersections, Interchanges and Crossings – 2013 –Section 2.3.6
- Australian Standard As/NZS 2890.1:2004 – Off Street car parking
- RTA Guide to Traffic Generating Developments 2002
- Meander Valley Interim Planning Scheme 2013.



1.5 Statement of Qualifications and Experience

This TIS has been prepared by Richard Burk, an experienced and qualified traffic engineer in accordance with the requirements of the Department of State Growth's guidelines and Council's requirements. Richard's experience and qualifications include:

- 32 years professional experience in road and traffic engineering industry
 - Director Traffic and Civil Services Pty Ltd since May 2017
 - Manager Traffic Engineering at the Depart. of State Growth until May 2017.
 - National committee membership with Austroads Traffic Management Working Group and State Road Auth. Pavement Marking Working Group
- Master of Traffic, Monash University, 2004
- Post Graduate Diploma in Management, Deakin University, 1995
- Bachelor of Civil Engineering, University of Tasmania, 1987

A handwritten signature in blue ink, appearing to read 'R Burk', is positioned above the printed name.

Richard Burk
BE (Civil) M Traffic Dip Man. MIE Aust CPEng



1.6 Glossary of Terms

AADT	Annual Average Daily Traffic - The total number of vehicles travelling in both directions passing a point in a year divided by the number of days in a year.
Acceleration Lane	An auxiliary lane used to allow vehicles to increase speed without interfering with the main traffic stream. It is often used on the departure side of intersections.
Access	The driveway by which vehicles and/or pedestrians enter and/or leave the property adjacent to a road.
ADT	Average Daily Traffic – The average 24-hour volume being the total number of vehicles travelling in both directions passing a point in a stated period divided by the stated number of days in that period.
Austroads	The Association of Australian and New Zealand road transport and traffic authorities and includes the Australian Local Government Association.
Delay	The additional travel time experienced by a vehicle or pedestrian with reference to a base travel time (e.g. the free flow travel time).
DSG	Department of State Growth – The Tasmanian Government Department which manages the State Road Network.
GFA	Gross Floor Area
Intersection Kerb	The place at which two or more roads meet or cross. A raised border of rigid material formed at the edge of a carriageway, pavement or bridge.
km/h	Kilometres per hour
Level of Service	An index of the operational performance of traffic on a given traffic lane, carriageway or road when accommodating various traffic volumes under different combinations of operating conditions. It is usually defined in terms of the convenience of travel and safety performance.
m	Metres
Median	A strip of road, not normally intended for use by traffic, which separates carriageways for traffic in opposite directions. Usually formed by painted lines, kerbed and paved areas grassed areas, etc.
Movement	A stream of vehicles that enters from the same approach and departs from the same exit (i.e. with the same origin and destination).
Phase	The part of a signal cycle during which one or more movements receive right-of-way subject to resolution of any vehicle or pedestrian conflicts by priority rules. A phase is identified by at least one movement gaining right-of-way at the start of it and at least one movement losing right-of-way at the end of it.



Sight Distance	The distance, measured along the road over which visibility occurs between a driver and an object or between two drivers at specific heights above the carriageway in their lane of travel.
Signal Phasing	Sequential arrangement of separately controlled groups of vehicle and pedestrian movements within a signal cycle to allow all vehicle and pedestrian movements to proceed.
SISD	Safe Intersection Sight Distance – The sight distance provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on a minor road approach moving into a collision situation and to decelerate to a stop before reaching the collision point.
Speed	Distance travelled per unit time.
85th Percentile	The speed at which 85% of car drivers will travel slower and 15% will travel faster. A control method that allows a variable sequence and variable duration of signal displays depending on vehicle and pedestrian traffic demands.
Traffic-actuated Control	A control method that allows a variable sequence and variable duration of signal displays depending on vehicle and pedestrian traffic demands.
Traffic Growth Factor	A factor used to estimate the percentage annual increase in traffic volume.
Trip	A one-way vehicular movement from one point to another excluding the return journey. Therefore, a vehicle entering and leaving a land use is counted as two trips. (RTA Guide to Traffic generating Developments).
Turning Movement	The number of vehicles observed to make a particular turning movement (left or right turn, or through movement) at an intersection over a specified period.
Turning Movement Count	A traffic count at an intersection during which all turning movements are recorded.
Vehicle Actuated Traffic Signals	Traffic signals in which the phasing varies in accordance with the detected presence of vehicles on the signal approaches.
vpd	vehicles per day – The number of vehicles travelling in both directions passing a point during a day from midnight to midnight.
vph	vehicles per hour – The number of vehicles travelling in both directions passing a point during an hour.

1.7 Site Specific Glossary of Terms

MVC	Meander Valley Council
SSA	Safe System Assessment
RoW	Right of Way



2. Site Description

The RoW road providing access to Lot 1 Mole Main Road is located some 11km west of Deloraine as shown in Figure 1. The lot borders Lobster Rivulet to the north, see figure 2.

The site involves partly cleared farmland, sloping steeply downhill towards the north.

Figure 1 - Location of the RoW road junction with Mole Main Creek Road





Figure 2 – Plan view of the Lot 1 Mole Creek Main Road property and RoW road

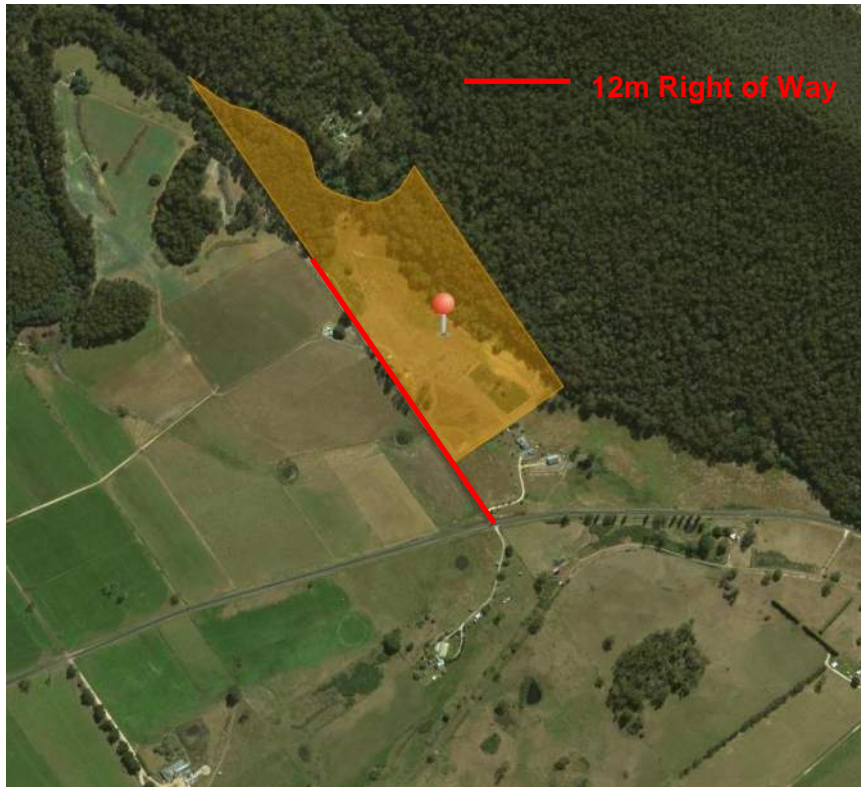


Figure 3 – Aerial View of the RoW road and access to Lot 1 Mole Creek Road, Needles



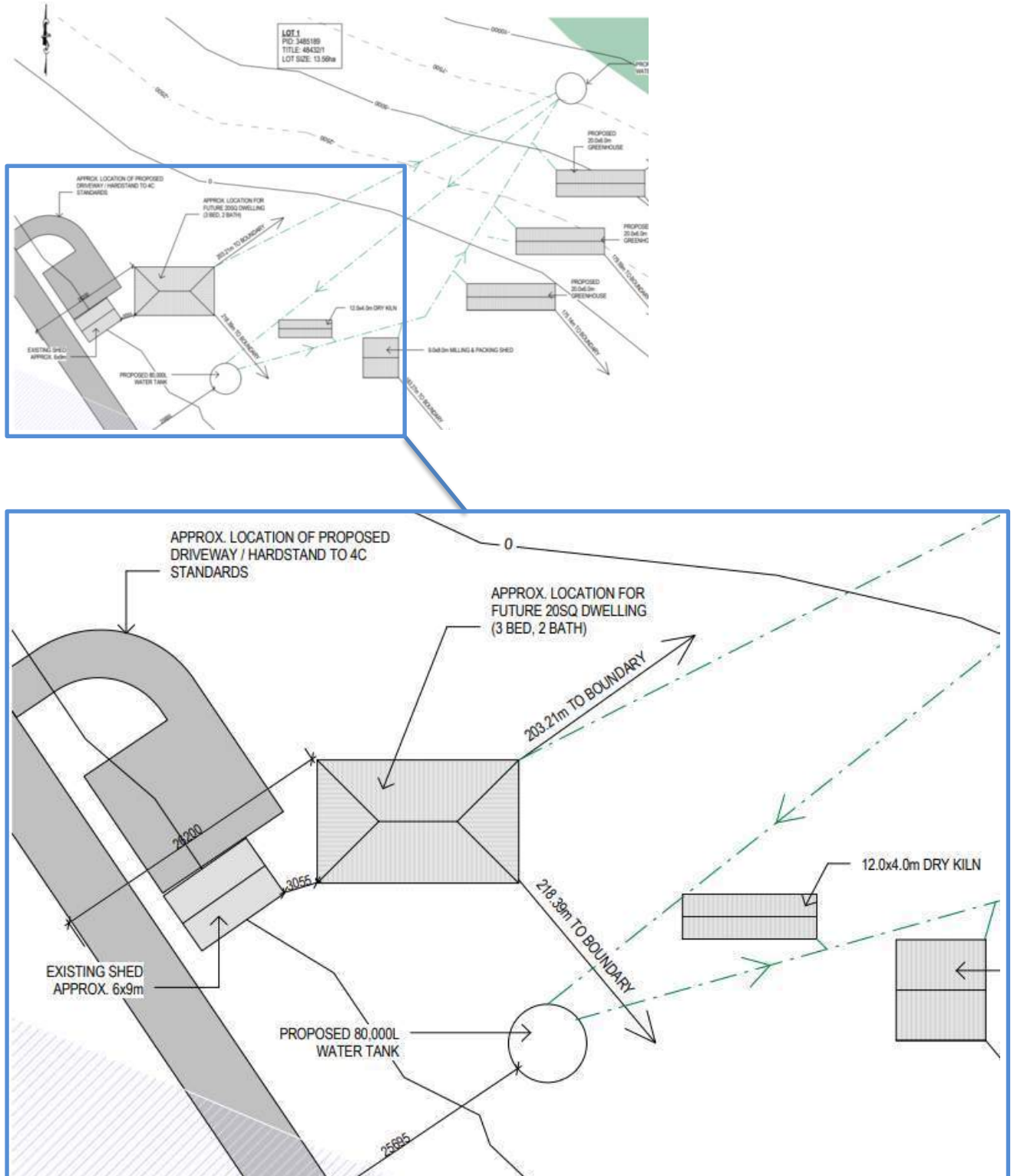


3. The Proposal

3.1 Description of Proposed Development

The proposed layout of the development is shown in figure 4.

Figure 4 – Aerial view of the development at Lot 1 Mole Creek Main Road

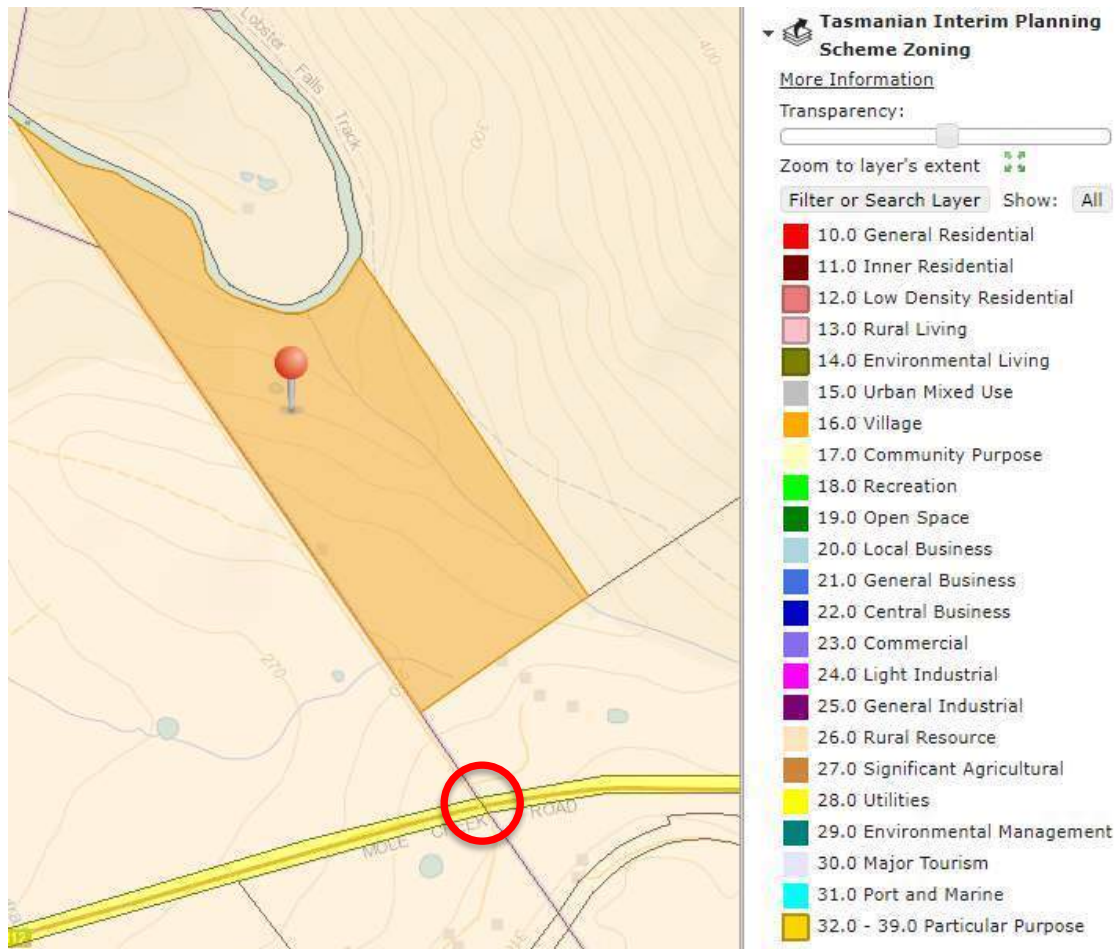




3.2 Council Planning Scheme

This TIS responds to Meander Valley Interim Planning Scheme 2013 traffic management requirements Code E4 – Road and Railway Assets. Zoning is shown in figure 5.

Figure 5 – Lot 1 Mole Creek Main Road Zoned Rural Resource



3.3 State Road Network Owner Objectives

The Department of State Growth (DSG) objective for Mole Creek Main Road is to maintain transport efficiency and safety.



4. Existing Conditions

4.1 Transport Network

The local transport system consists of the RoW road, Mole Creek Main Road and a few rural Council roads the nearest of which is Dairy Plains Road which is 3km east of the site.

Mole Creek Main Road is a Category 4 – Feeder Road in the State Road Hierarchy and not classified as a Limited Access road. The General Rural Speed Limit of 100km/h applies.

The road has a 6.1m seal width, no shoulders and minimal verge. Figures 6 - 11 show the features of the road. The road is surfaced with a 14mm seal, see figure 6. The seal appears to be in average condition.

Figure 6 – Seal on Mole Creek Main Road



The road is delineated with guideposts and the line marking in good condition.

Figure 7 – Looking right along Mole Creek Main Road from the RoW road



**Available sight
distance 900m**



Figure 8 – Looking left along Mole Creek Road from the RoW road



Available sight distance 180m

Figure 9 – Westbound on Mole Creek Main Road at the RoW road junction



Access point is near a blind crest on the main road

Figure10 – Westbound on Mole Creek Main Road approach to the RoW road



Available forward sight distance 160m



Figure 11 – RoW road approach to Mole Creek Main Road



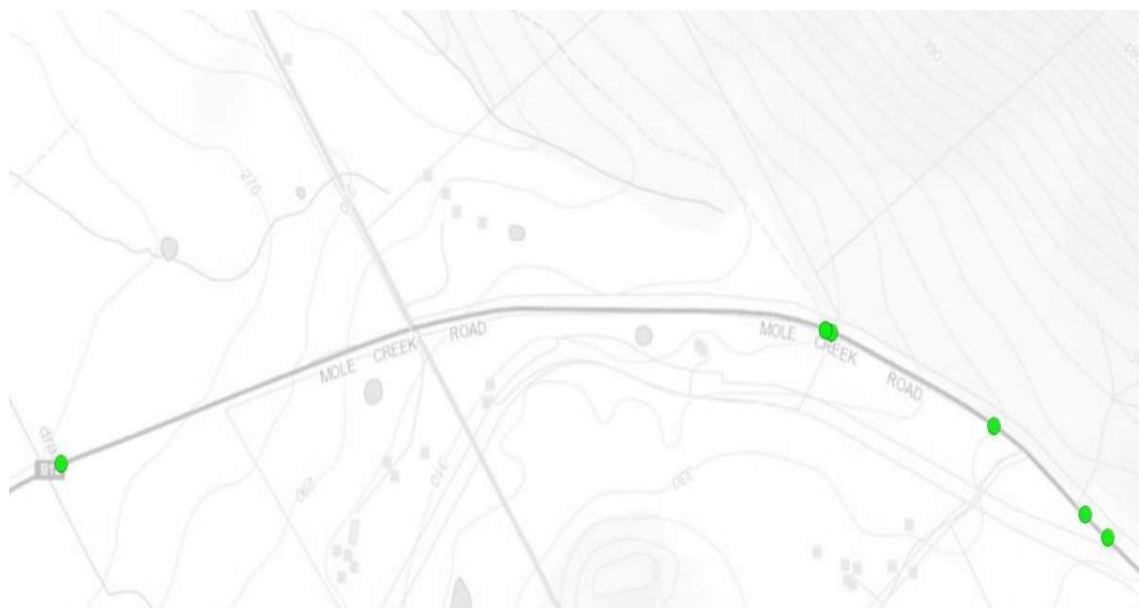
4.2 Traffic Activity

Mole Creek Main Road has estimated annual average daily traffic (AADT) of 1531vpd with 16% heavy vehicles based on DSG traffic counts taken in 2018 on link 51, 215m west of Montana Road, see Appendix B. The count site is 6.4km east of the proposed access. Mole Creek Main Road is a part of the Tasmanian 26m B Double Network, See Appendix C

4.3 Crash History

DSG is supplied with crash reports by Tasmania Police and maintains a crash database. The reported five-year crash history records no crashes within 300m of the Mole Creek Main Road / RoW road junction approaches as of the 19th May 2020, see figure 12.

Figure 12 - 5 Year reported crash history near the Mole Creek / RoW road junction





4.4 Services

Above ground power services are located on the proposed access (northern) side of Mole Creek Main Road and clear of the access.

4.5 Road Safety Review

Findings were as follows from site inspection held 19th May 2020:

The Mole Creek Main Road alignment either side of the ROW road junction has some geometric deficiencies for a 100km/hr speed limit:

- The horizontal alignment has unsigned curves
- The road surface is flushed and subject to wet and icy conditions during the winter
- The road is narrow with a 6.0m seal and no shoulders

The speed environment is estimated at 90km/hr on the Mole Creek Main Road approaches.

4.6 Austroads Safe System Assessment

A road safety review was undertaken using the Austroads Safe System Assessment Framework to assess the Mole Creek main Road in the vicinity of the RoW road junction.

Assessment has been made 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*.

From safe system assessment, the situation has been determined to be moderately aligned with the safe system objective with a crash risk score of 73/448 which indicates a low to moderate crash risk, see figures 13 and 14.



Figure 13 – Austroroads Safe System Assessment

Safe System Assessment Existing situation Mole Creek Main Road at RoW road junction

		Run-off-road	Head-on	Intersection	Other	Pedestrian	Cyclist	Motorcyclist	
Exposure	Justification (AADT 1,531vpd)	Low traffic volume, no reported crashes.	Low traffic volume, no reported crashes.	Low traffic volume, no reported crashes.	Truck route with trucks 16% of AADT .	Very low pedestrian activity with no pedestrians observed	Normal cyclist %	Normal motorcyclist %, no motorcycle crashes over 5 years	
	Score / 4	1	1	1	1	1	1	1	
Likelihood	Justification	Narrow road on horizonatl curve with no shoulders, reasonable delineation and 6.1m seal width. Road surface subject to wet, icy and slippery conditions	Narrow road on horizonatl curve with no shoulders, reasonable delineation and 6.1m seal width. Road surface subject to wet, icy and slippery conditions.	Marginal sight distance on eastern approach. Unsealed side road.	B Double Route	No footpaths or shoulders	Narrow road with no shoulders.	Narrow road on horizonatl curve with no shoulders, reasonable delineation and 6.1m seal width. Road surface subject to wet, icy and slippery conditions	
	Score / 4	3	3	3	2	3	3	4	
Severity	Justification (100km/h speed limit)	90km/h speed environment	90km/h speed environment	90km/h speed environment	90km/h speed environment	90km/h speed environment	90km/h speed environment	90km/h speed environment	
	Score / 4	3	3	3	3	4	4	4	Total /448
Product	Total Score /64	9	9	9	6	12	12	16	73



Figure 14 – Austroads Safe System Assessment alignment between crash score and risk

<40/448	Very low risk score
(40-80)/ 448	Low risk score
(80-180)/448	Moderate to high risk score
>180/448	High risk score
NS	Not suitable

The SSA score is elevated by pedestrian, cyclist and motorcyclist crash risk as they are vulnerable road users but these road users are very occasional, Figure 15 shows the general standard of the road at the subject junction which shows the roadsides are forgiving for vehicles leaving the road.

Figure 15 - Mole Creek Main Road standard at the RoW road junction





5. Traffic and Intersection warrants

This section of the report describes how traffic generated by the proposal is distributed within the adjacent road network as of 2020 and 2030.

5.1 Traffic Growth

Background annual compound traffic growth on Mole Creek Main Road is 1.3% , see Appendix B.

5.2 Trip Generation

Figure 16 summarises estimated traffic and parking demand generated by the proposal.

Figure 16 - Mole Creek Main Road standard at the ROW road junction

Proposed Facilities	Area (m ²)	Land Use	Traffic Generation				Parking Generation	
			Rates		Daily	Peak Hr	Rate	Spaces
			vpd/100m ²	vph/100m ²	vpd	vph		
Buildings								
Dwelling (3 Bed, 2 Bath)	na	Residential			9	0.85	2/dwell.	2
Dry Kiln (12m*4m)	48	Agricultural	3	0.5	1.5	0.25	1/200m ²	0.24
Milling & Packing Shed (9m*8m)	72		3	0.5	2	0.36	1/200m ²	0.36
6*Green Houses (20m*6m)	720		3	0.5	22	3.6	1/200m ²	3.6
Water Tank - 20,000 L	na							
Water Tank - 80,000 L	na							
Existing shed (6m*9m)	54		3	0.5	1.5	0.25	1/200m ²	0.27
Customer & Employee Parking								
5 spaces (12.5m*12.5m)	156	Parking						
Total					36	5.31		6.47

5.3 Trip Assignment

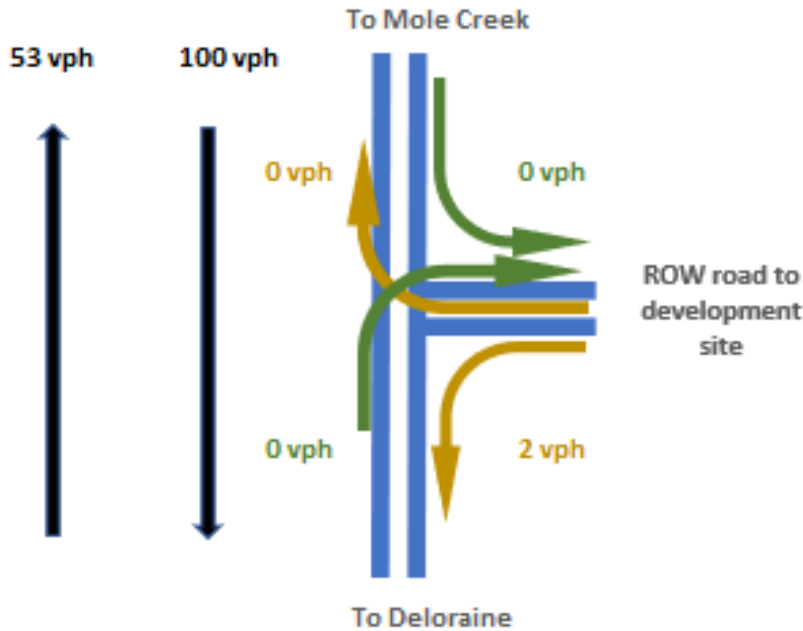
Trip assignments for 2020 and 2030 are shown in figures 17 and 18. It is estimated most of the traffic activity will be to and from Deloraine.



Figure 17 - Mole Creek Main Road / RoW road junction peak hour traffic activity 2020

2020 Traffic Activity

AM Peak



PM Peak

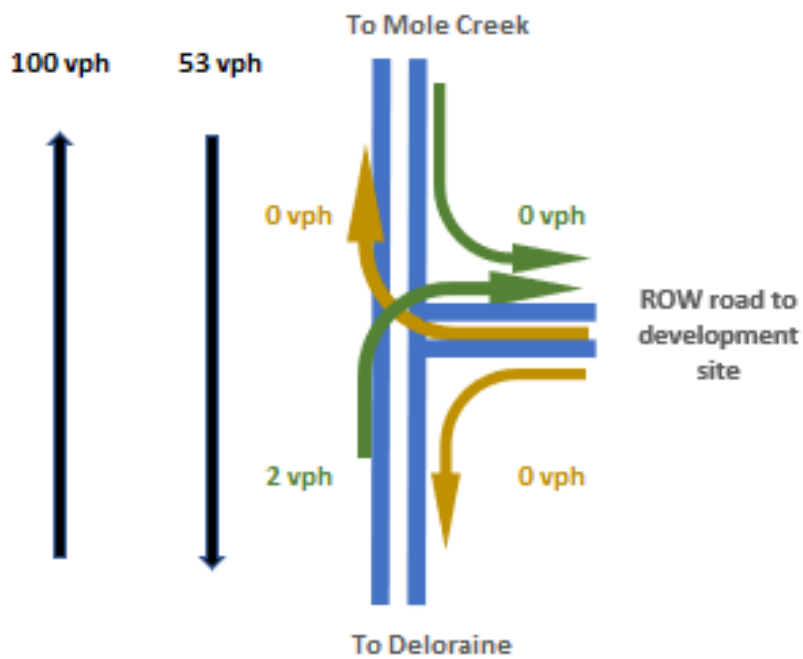
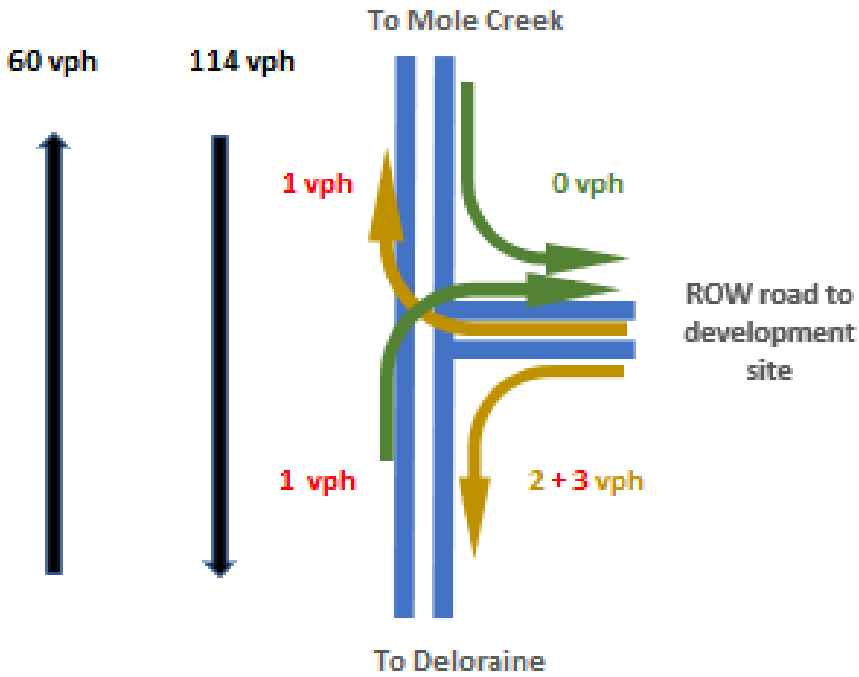




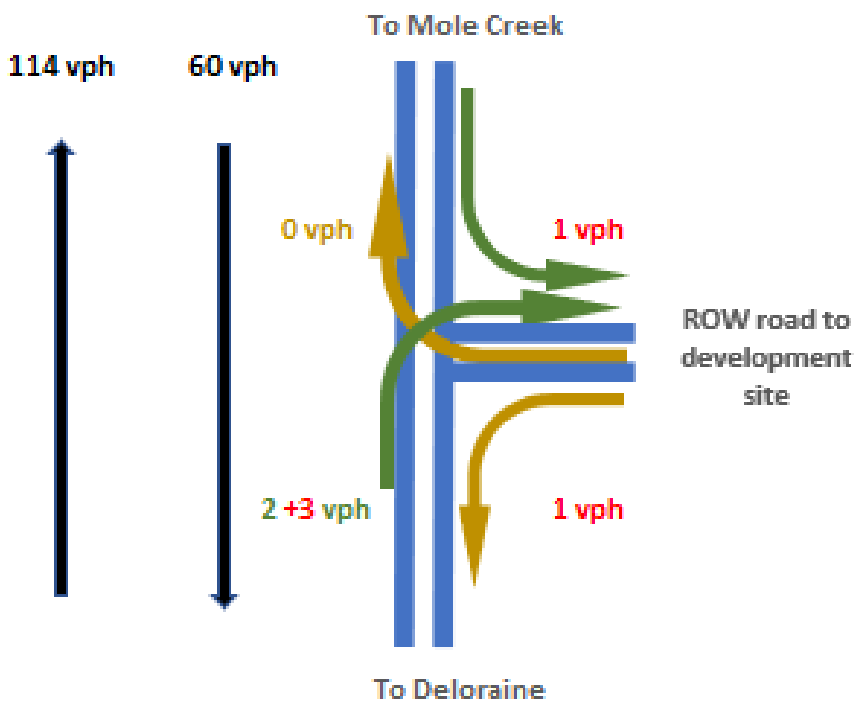
Figure 18 - Mole Creek Main Road / RoW road junction peak hour traffic activity 2030

2030 Traffic Activity

AM Peak



PM Peak

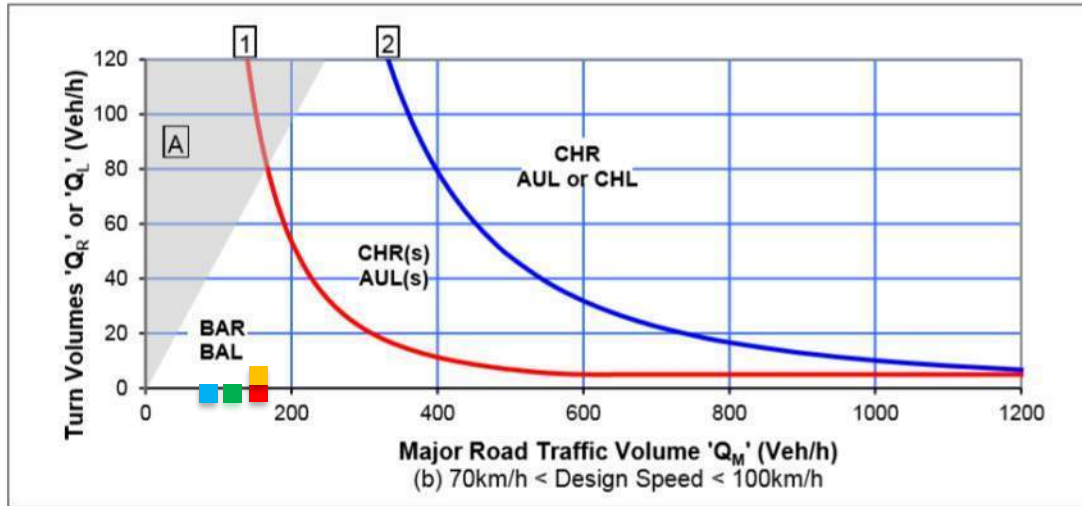




5.4 Junction warrant

The estimated traffic activity at the junction by 2030 is shown in figure 19.

Figure 19 – Austroads junction warrant



Peak Hour Movement Summary(vph)		
AM	Turns	Total Effected Flow
Left In	0	114
Right In	1	174

Peak Hour Movement Summary(vph)		
PM	Turns	Total Effected Flow
Left In	1	60
Right In	5	175

Based on figure 19, the existing Simple Left and Right junction layout is sufficient for the Mole Creek Main Road / RoW road junction by 2030.



5.5 Sight Distance

Available sight distances, the Acceptable Solution and Performance Criteria are summarised in Figure 20.

Figure 20 – Available sight distance summary

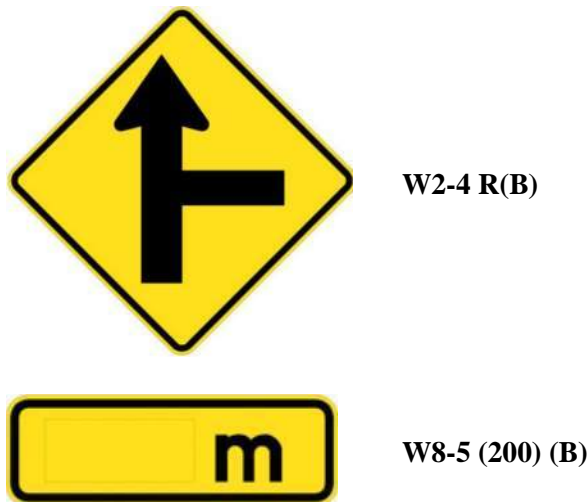
Junction or access Major Rd - Minor Rd	Speed Limit (km/h)	Speed Environment (km/h)	Acceptable Solution	Current Provision	Performance Criteria	Proposed Treatment
			Road frontage sight distance			Mitigation
			Table E4.7.4 SISD (m)	Available		
			Left(m)	Right(m)		
RoW - Lot 1 Mole Creek Main Rd access	80	50	90	50	50	45
Mole Creek Main Road / ROW road jcn	100	90	210	180	900	Signage

Compliant
 Non Compliant with Acceptable Solution
 Marginal
 Compliant with Performance Criteria

Mitigation is recommended to remedy the sight distance shortfall on the Mole Creek Main Road eastern approach to the RoW road junction.

Mitigation with a junction warning sign is recommended on the Mole Creek Main Road eastern approach 200m in advance of the junction with a 200m distance plate, see figure 21.

Figure 21 – Junction warning sign and distance plate





6. Meander Valley Int. Planning Scheme 2013

6.1 Road and Railway Code E4

- **Section E4.6.1 Use and road or rail infrastructure**

Acceptable solution A3: For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access of junction by more than 10%.

A3 is not satisfied as:

- the RoW road experiences an increase in traffic activity of 36vpd from 20 to 56 vpd i.e an increase of 180%.
- the access onto the RoW road experiences an increase in traffic activity of 36vpd from 2 to 38 vpd.

Performance Criteria P3: For limited access roads and roads with a speed limit of more than 60km/h:

- a) *An access or junction, which is increased in use or is a new access or junction, must be designed and located to maintain an adequate level of safety and efficiency for all road users.*

The RoW junction:

- is safe and efficient for the proposed level of traffic activity which is low
- has adequate sight distance with implementation of the T junction Warning sign and distance plate recommended in section 5.5 and shown in figure 21.
- will be sealed for 14m from edge of seal on Mole Creek Main Road.

The Lot 1 Mole Creek Main Road access:

- is safe and efficient for the proposed level of traffic activity which is low
- has adequate sight distance

Performance Criteria P3 is satisfied.

- **Section E4.7.2 – Management of Road Accesses and Junctions**

Acceptable solution A2: For roads with a speed limit of more than 60km/hr the development must not include a new access or junction.

A2 is satisfied as the proposal utilises an existing property access and road junction.



- **Section E4.7.4 – Sight Distance at Accesses, Junctions & Level Crossings**

Acceptable solution A1 (a): an access or junction must comply with the Safe Intersection Sight Distance (SISD) shown in Table E4.7.4.

Mole Creek Main Road / RoW road junction

The speed limit and speed environment on the Mole Creek Main Road eastern approach to the RoW junction are 100 and 90km/h respectively. Based on a 90km/hr speed environment the SISD requirement from Table E4.7.4. is 210m and available sight distance to the east is 180m.

RoW road / property access to Lot 1 Mole Creek Main Road

The speed limit and speed environment on the RoW road approaches to the access are 80 and 50km/h respectively. Based on a 50km/hr speed environment the SISD requirement from Table E4.7.4. is 90m and available sight distance is 50m.

Accordingly, A1 is not satisfied at the junction and the access.

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.

Mole Creek Main Road / RoW road junction

It is considered that the minor 30 m shortfall in sight distance to the east can be mitigated with installation of a Junction warning sign and Distance plate as shown in figure 21. With these signs installed 200m in advance of the eastern approach to the junction driver awareness and ability to respond will be significantly improved as the warning sign will be visible some 350m in advance of the junction.

RoW road / property access

Minimum sight distance requirements for private accesses are described in AS/NZS 2890.1:2004 Figure 3.2 Sight distance requirements at access driveways.

From Figure 3.2, for a 50km/h speed environment the minimum road frontage sight acceptable is 45m. The existing access has more than 50m of sight distance and the speed environment is estimated to be less than 50km/h.

Accordingly, the junction and access are considered to satisfy Performance Criteria P1.



7. Department of State Growth requirements

Proposals involving accesses with a State Road reservation require DSG consideration as the road owner. The following DSG involvements may be required:

7.1 DSG review of TIAs

These reviews are required to:

- consider proposals and whether the TIA prepared satisfies DSG requirements.
- resolve any issues so the TIA can be finalised
- enable the TIA endorsement provided by DSG to be communicated to Council as part of the Development application process.

These reviews are usually arranged by the TIA author. The email address for submissions is:

Development@stategrowth.tas.gov.au

7.2 Crown Landowner Consent

This is to provide DSG to opportunity to check alignment of proposals with DSG objectives for the road. If the proposal aligns with DSG objectives Crown Land Consent is issued by DSG. Crown Landowner Consent is required where there is a proposed change in use of property adjacent to a state road. The website for Crown Landowner Consent is:

https://www.transport.tas.gov.au/road/permits/crown_landowner_consent/

7.3 Access Works Permits

Developers must obtain an access works permit from DSG for proposed work within a state road reservation. Applications need to include:

- suitably design plans detailing the proposal and any services affected.
- relevant design calculations for stormwater management and pavement design
- a traffic impact assessment

The website for access works permit applications is:

<https://www.transport.tas.gov.au/road/permits/road-access>

7.4 DSG Driveway Access standard

The access should be constructed consistent with the DSG standard, see Appendix F.

7.5 Summary

For the proposal considered in this TIA the requirements are:

- DSG review of the TIA
- An Access Works Permit
- Access works in accordance with DSG driveway access standard, see Appendix F.



8. Impacts on the environment and road users

The proposal will have negligible impact on road users.

8.1 Environment

8.1.1 Environmental

No adverse environmental impact is anticipated.in terms of:

- Noise, Vibration, Visual Impact and Pedestrian Amenity
- Ecological Impacts, Heritage and Conservation

8.1.2 Street Lighting and Furniture

No need was identified for any street lighting or roadside furniture.

8.2 Road users

8.2.1 Public Transport

No impact.

8.2.2 Delivery Vehicles

No impact.

8.2.3 Pedestrians and Cyclists

No specific provisions are required on Mole Creek Road due to the remote rural environment.



9. Recommendations and Conclusions

This traffic impact statement (TIS) has been prepared to assess the impact of the proposed residential and agricultural development at 1 Mole Creek Main Road, Needles. The assessment includes consideration of the Mole Creek Main Road / RoW road junction and RoW road access to 1 Mole Creek Main Road.

Existing road conditions, crash history, the speed environment, and available sight distances have been assessed.

It was determined that sight distance to the Mole Creek Main Road / Row road junction was some 30m deficient on the eastern approach.

The 5-year reported crash history for Mole Creek Road shows no reported crashes on the approaches to the junction with the RoW junction.

From Austroads Safe System Assessment Methodology Mole Creek Main Road at the RoW road junction is assessed as having a low to moderate crash risk score.

From review of Austroads junction warrants the traffic activity generated by the proposal, estimated at 5 vph, was found to be minor and insufficient to warrant upgrading of the junction.

Recommendations:

Mole Creek Main Road / RoW road junction

- ***Setback the gate on the Row road 14m from the edge of seal on the Mole Creek Main Road.***
- ***Provide a driveway culvert and driveable culvert headwalls.***
- ***Pave and seal the driveway from the highway to the gate consistent with the DSG Driveway Access Standard attached in Appendix F***
- ***Install a Junction Warning sign and distance plate 200m in advance of the eastern approach to the junction as shown in figure 21.***

Suggestions:

RoW road access to Lot 1 Mole Creek Main Road

- ***Provide a typical rural road property access in keeping with LGAT standard drawing TSD-R03-v1. This standard is available at the following link.***
https://www.lgat.tas.gov.au/_data/assets/pdf_file/0021/321348/LGAT-Standard-Drawings-Release-Version-Dec-2013.pdf

Traffic Impact Statement



The developer will need to apply for an Access Works Permit from DSG before works on the access upgrade may proceed. The link for Access Works Permit applications is <https://www.transport.tas.gov.au/road/permits/road-access>

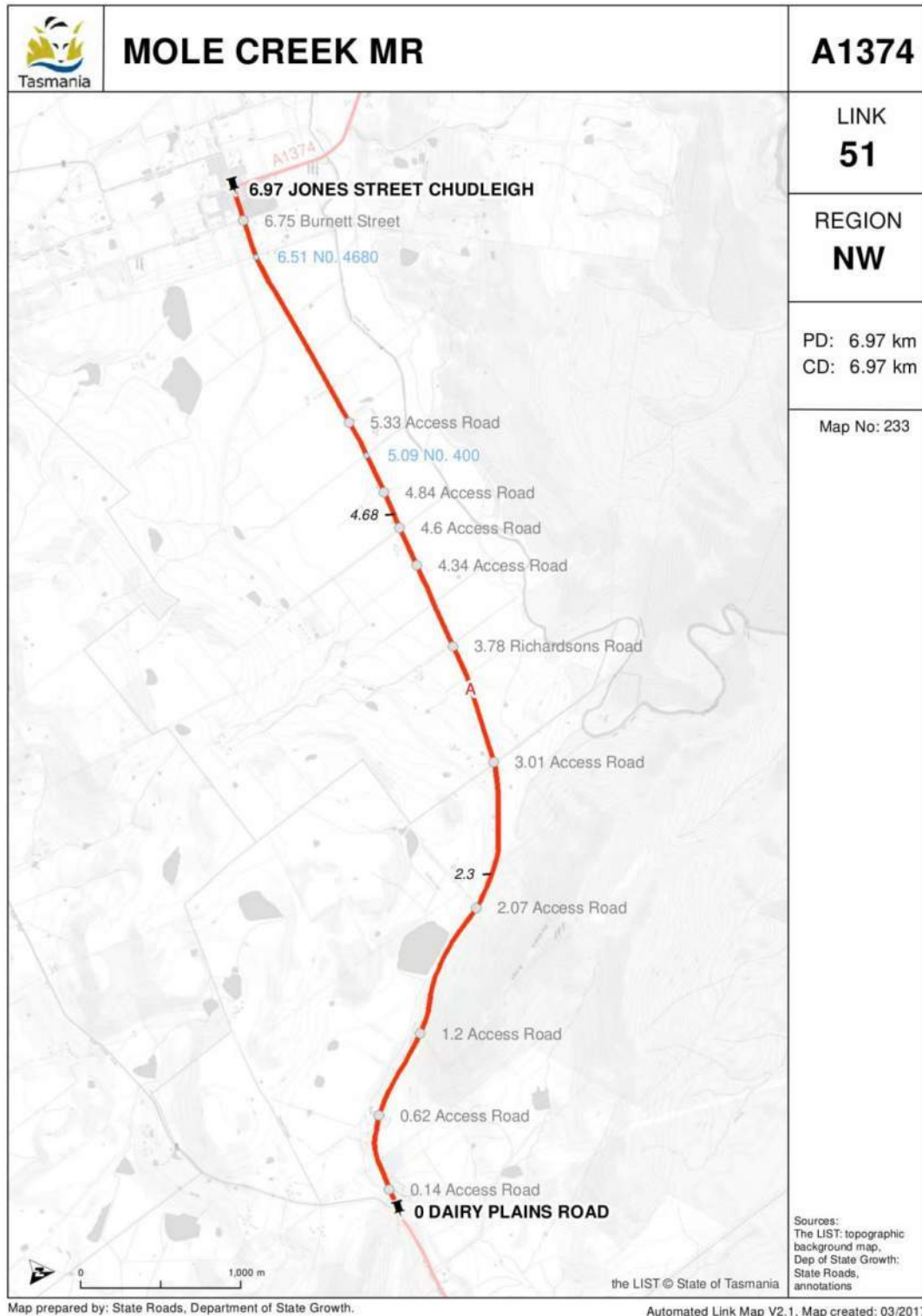
Overall, it has been concluded that subject to the above recommendations, the proposal is safe, will not create any traffic issues, and is supported on traffic grounds.



Appendices



Appendix A – DSG Link Map





Appendix B – DSG Traffic Data

A1374110

a short term counter located at a two way road [W/E] in **Red Hills**, **Meander Valley** on **A1374**, 215m W Of Montana Rd

Reports Spanning All Available Years

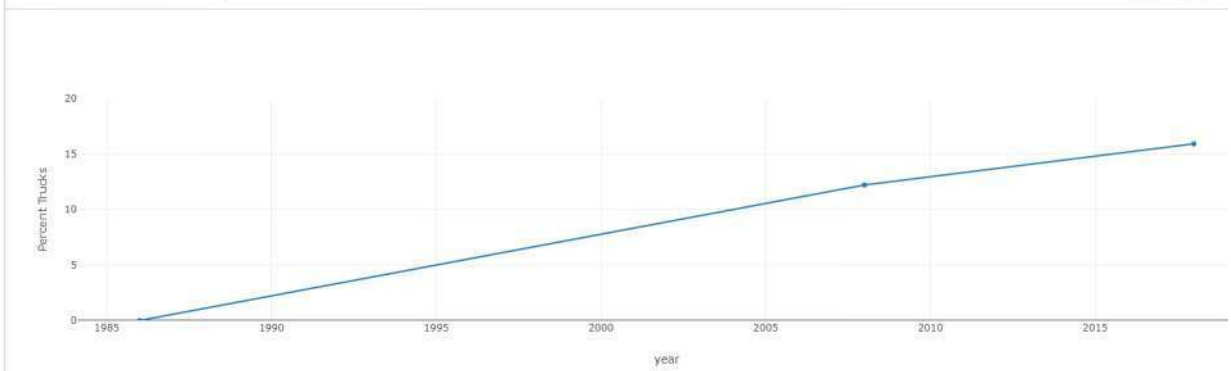
Report Fragments		
XAxis	Value	Series
Vehicle Trend Report		
Change in AADT over time		
HV pct x Hour Report		

AADT:

- 983 vpd (1986)
- 1531vpd (2018)
- Compound annual growth rate of 1.3%
- 16 % Trucks

year	AADT
1986	983
1987	
1988	
1989	
1990	
1991	
1992	
1993	
1994	
1995	
1996	
1997	
1998	
1999	
2000	
2001	
2002	
2003	
2004	
2005	
2006	
2007	
2008	1269
2009	
2010	
2011	
2012	
2013	
2014	
2015	
2016	
2017	
2018	1531

HV Pct X Hour Report - All Years



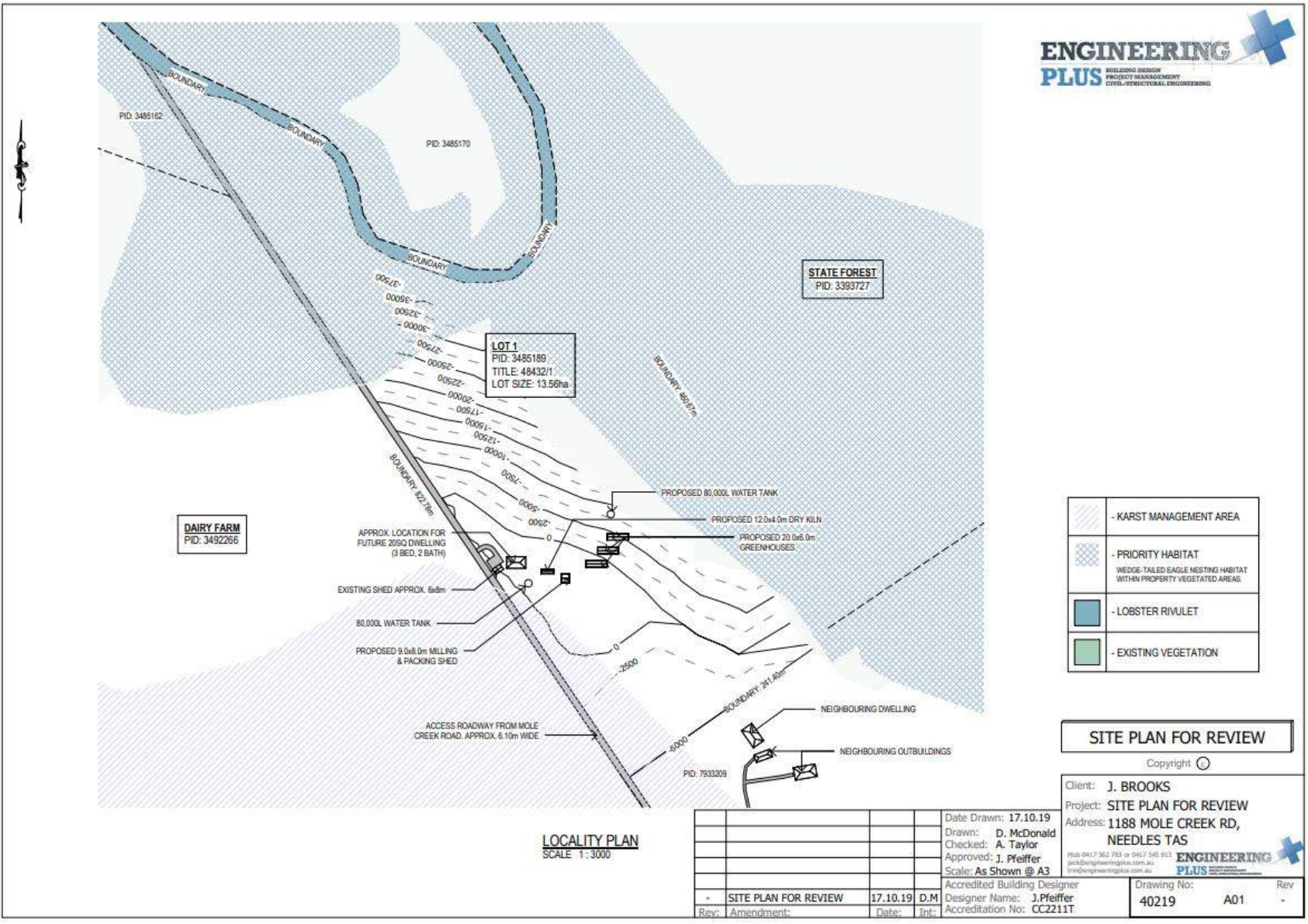


Appendix C - Tasmanian 26m B Double Network





Appendix D – Development Plans



	- KARST MANAGEMENT AREA
	- PRIORITY HABITAT WEDGE-TAILED EAGLE NESTING HABITAT WITHIN PROPERTY VEGETATED AREAS
	- LOBSTER RIVULET
	- EXISTING VEGETATION

SITE PLAN FOR REVIEW

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Client: **J. BROOKS**
 Project: **SITE PLAN FOR REVIEW**
 Address: **1188 MOLE CREEK RD,
 NEEDLES TAS**

Phone: 0417 362 783 or 0417 585 811
 Email: j.pfeiffer@engineeringplus.com.au
 Website: www.engineeringplus.com.au



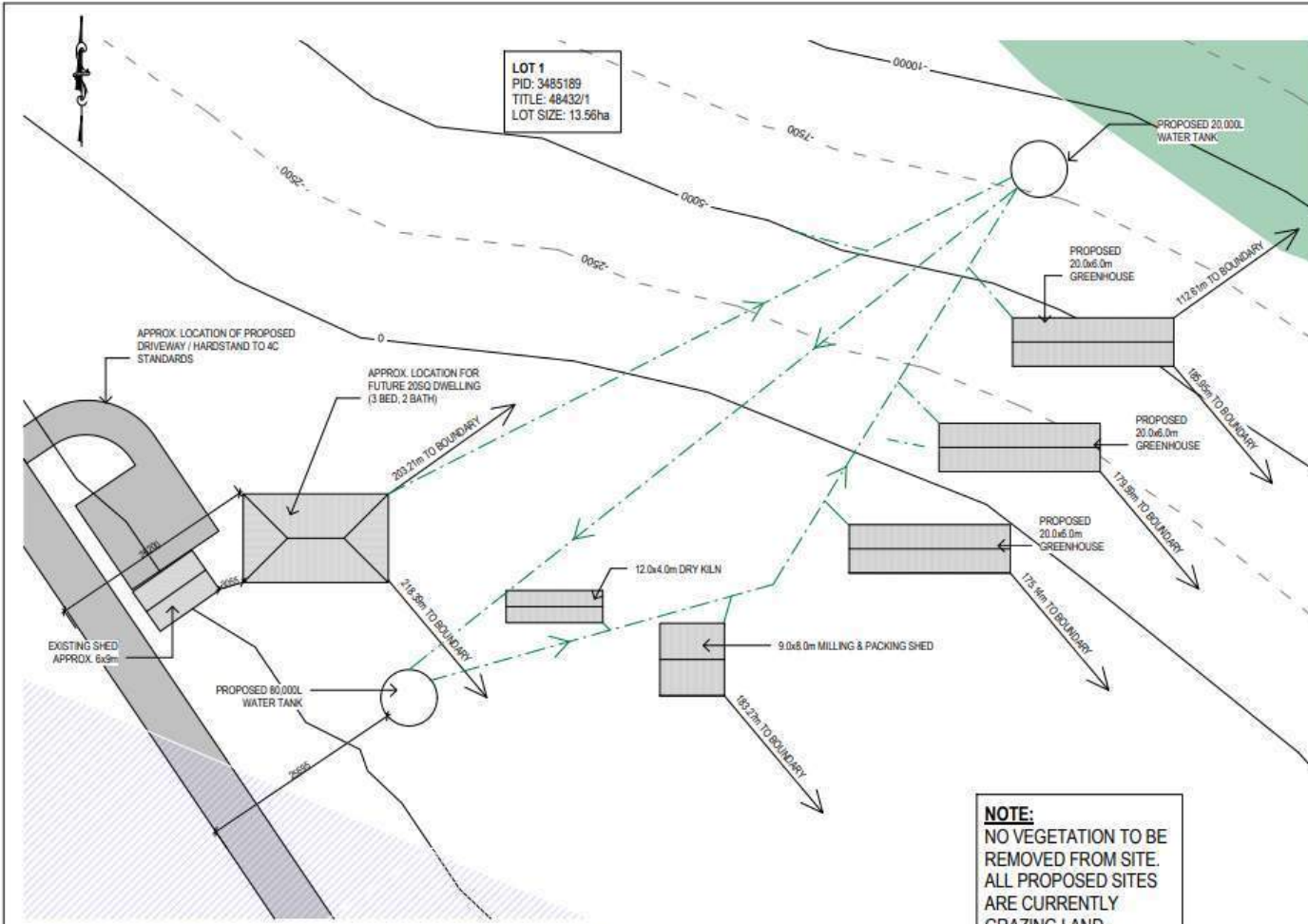
LOCALITY PLAN
SCALE: 1:3000

Rev:	Amendment:	Date:	Int:
-	SITE PLAN FOR REVIEW	17.10.19	D.M

Date Drawn: 17.10.19
 Drawn: **D. McDonald**
 Checked: **A. Taylor**
 Approved: **J. Pfeiffer**
 Scale: **As Shown @ A3**

Accredited Building Designer
 Designer Name: **J. Pfeiffer**
 Accreditation No: **CC2211T**

Drawing No:	Rev
40219	A01



NOTES
 THE FAMILY RUN AGRICULTURAL BUSINESS WILL PRODUCE A WIDE SPECTRUM OF NATURAL AND ORGANIC PRODUCTS RESERVED FOR A PRIVATE MERCHANT. NO PUBLIC SALE WILL OCCUR ON THE PROPERTY.
 APPROXIMATE NUMBER OF EMPLOYEES - 3
 HOURS OF OPERATION - APPROX. 6.00AM - 4.00PM / 5 - 7 DAYS A WEEK.
 THE BUSINESS IS OPERATED BY THE OWNERS FROM THE PROPERTY. TRAFFIC IS UNLIKELY TO BE GENERATED BY EMPLOYEES EXCEPT WHEN CASUAL STAFF MAY BE REQUIRED TO HARVEST DURING SEASONAL PERIODS OF THE YEAR.
TRAFFIC WILL HAVE A MINIMAL IMPACT ON LOCAL ROAD TRAFFIC
 DELIVERIES ESTIMATED TO BE BETWEEN 3 TO 4 TIMES PER WEEK.

- KARST MANAGEMENT AREA
- PRIORITY HABITAT
WEDGE-TAILED EAGLE NESTING HABITAT WITHIN PROPERTY VEGETATED AREAS.
- LOBSTER RIVULET
- EXISTING VEGETATION

NOTE:
 NO VEGETATION TO BE REMOVED FROM SITE. ALL PROPOSED SITES ARE CURRENTLY GRAZING LAND.

SITE PLAN FOR REVIEW
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Client: **J. BROOKS**
 Project: **SITE PLAN FOR REVIEW**
 Address: **1188 MOLE CREEK RD, NEEDLES TAS**
Mob: 0417 363 763 or 0417 546 613
 jack@engineeringplus.com.au
 trn@engineeringplus.com.au

Accredited Building Designer
 Designer Name: **J. Pfeiffer**
 Accreditation No: **CC2211T**
 Drawing No: **40219** Rev: **A02**

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NOTE
 SEWER & STORMWATER FROM PROPOSED OUTBUILDINGS TO BE DIRECTED INTO EXISTING SEWER & STORMWATER SYSTEM TO LOCAL COUNCIL REQUIREMENTS & AS1300

LEGEND	
	SEWER
	WATER
	STORMWATER

Date Drawn: 17.10.19	Drawn: D. McDonald	Checked: A. Taylor	Approved: J. Pfeiffer	Scale: As Shown @ A3
- SITE PLAN FOR REVIEW 17.10.19 D.M				
Rev: Amendment:	Date:	Int:	Accreditation No: CC2211T	

SITE PLAN
 SCALE 1:500



Appendix E – Property Title

MATHIAS Block

CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME		FOLIO	
48432		1	
EDITION		DATE OF ISSUE	
4		06-Feb-2017	
Page 1		of 1	

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.



DESCRIPTION OF LAND

Parish of MIDHURST, Land District of DEVON
 Lot 1 on Diagram 48432
 Derivation : Whole of Lot 5577 gtd to J.Ritchie
 Prior CT 4757/69

SCHEDULE 1

C188665 & M542717 JEROME GODLONTON BROOKS Registered
 01-Feb-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 67/9659 Grant Benefiting easement: Right of carriageway over
 the right of way 12.00 wide shown on D.100158

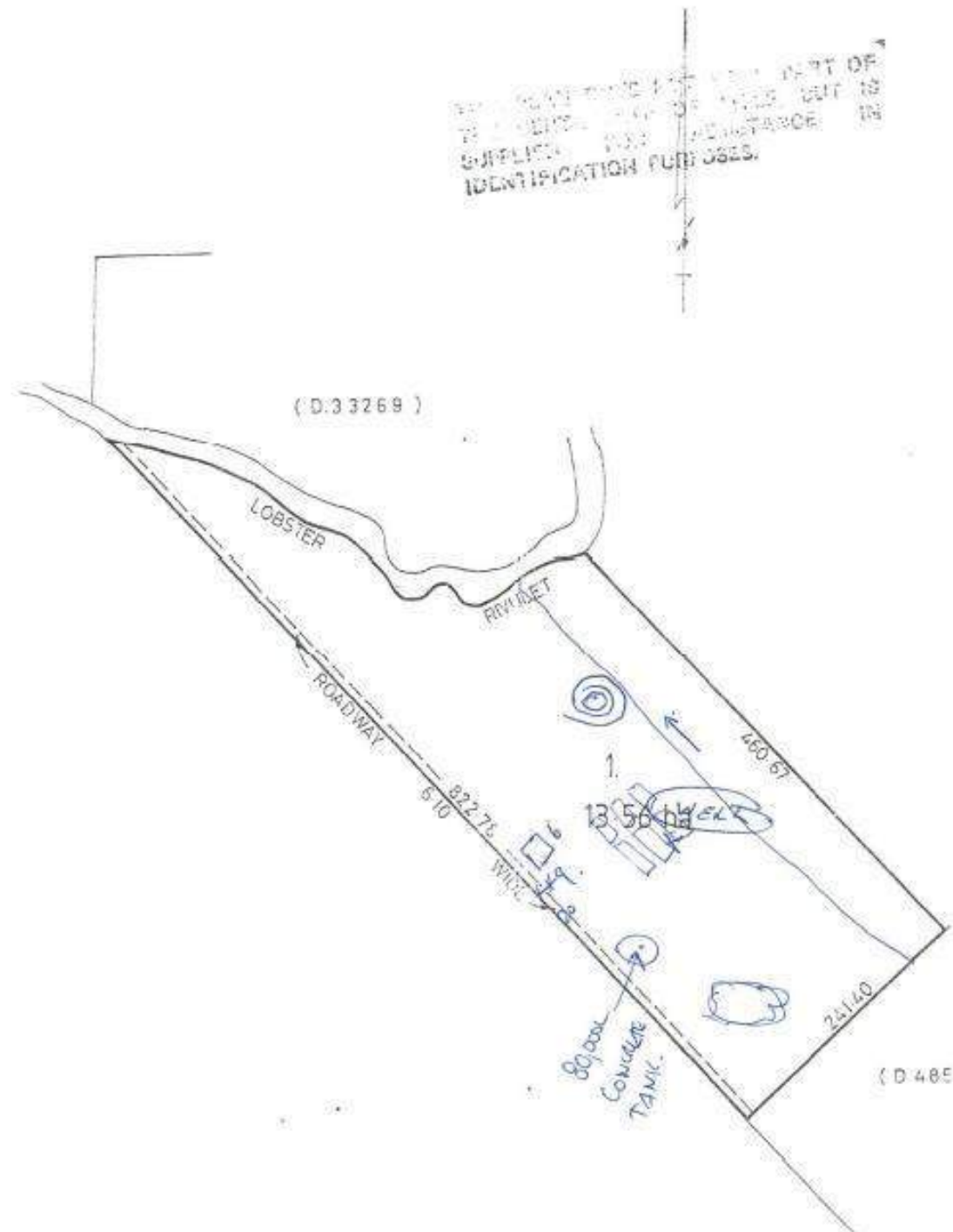
I, Julie Lynn Byrne, Solicitor,
 of 63 Emu Bay Road, Deloraine in Tasmania,
 hereby certify this document to be a true and
 complete copy of the original
 Dated:

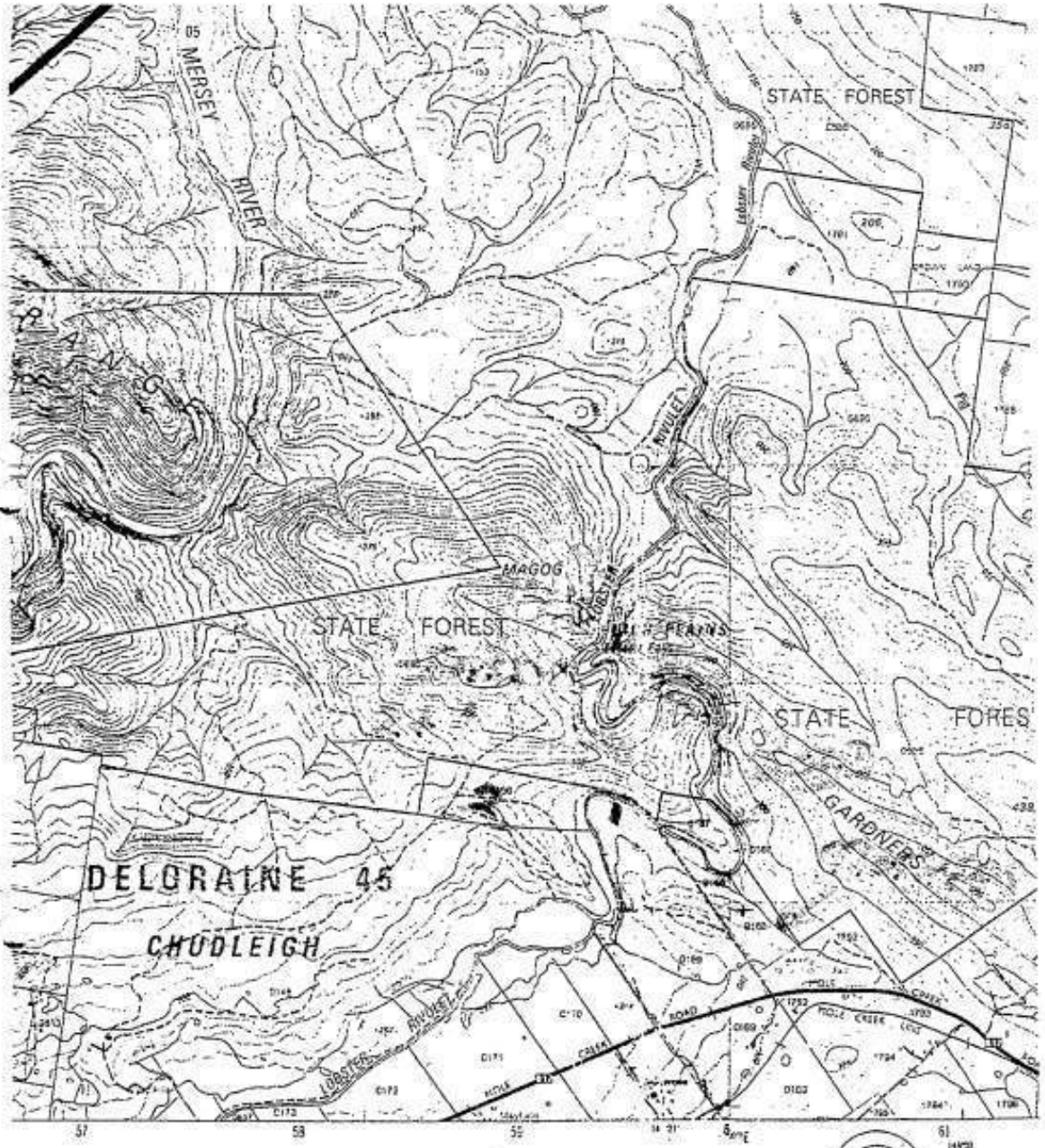
8.8.2017



at land situated in the	D48432
DEVON MIDHURST	Approved _____
COMPILED FROM: D.33270	Recorder _____
SCALE 1:4000 MEASUREMENTS IN METRES	

FOR IDENTIFICATION PURPOSES ONLY. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES.





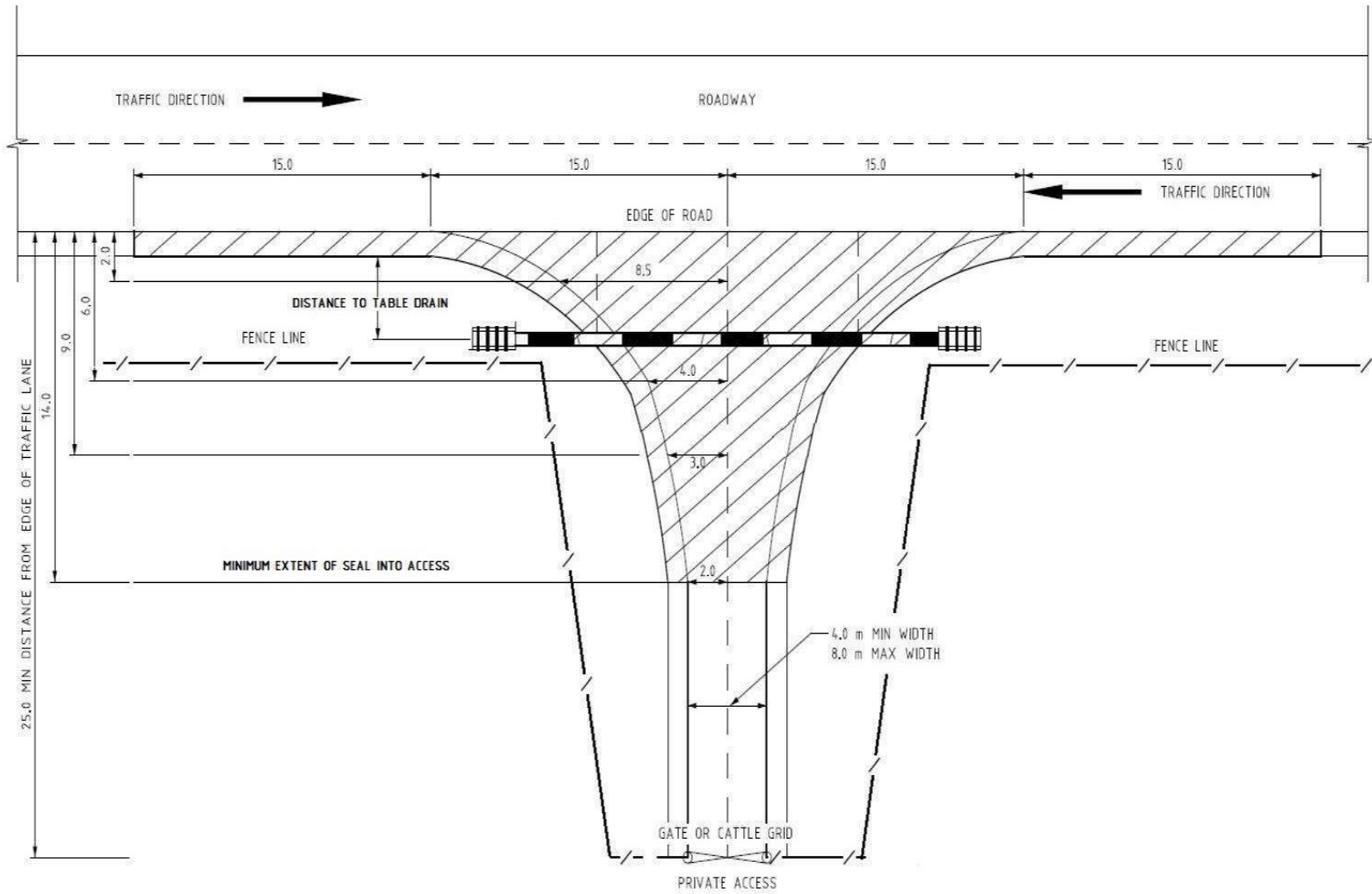
VERSAL GRID REFERENCE

STATION	850
SQUARE IDENTIFICATION	05
It refers to the upper 100 metres	
Number of this map	
* On grid line to the left of point and road	
* On road the 100 m before margin e.g.	41
* On grid line to the right e.g.	
IDENTA, grid line below the point and road	
* On road the left or right margin e.g.	07
* On grid line to the right e.g.	
* DOGS HEAD MILL	411025
Number points with Grid Zone Designation	
Square identification letters e.g.	95SD2413225



Handwritten notes:
 ONE SQUARE = 1 km x 1 km

Appendix F – DSG Driveway Access Standard



PLAN - DRIVEWAY ACCESS LAYOUT

DRAWING SCHEDULE

A00	COVER PAGE
A01	LOCALITY PLAN
A02	SITE PLAN
A03	CONSTRUCTION PLAN
A04	FLOOR PLAN
A05	SHED CONSTRUCTION PLAN
A06	ROOF PLAN
A07	SHED ROOF PLAN
A08	ELEVATIONS #1
A09	ELEVATIONS #2
A10	ELEVATIONS #3
A11	ELEVATIONS #4
A12	ELEVATIONS #5
A13	3D PERSPECTIVES #1
A14	3D PERSPECTIVES #2
A15	SUMMER SOLSTICE SHADOW PLAN #1
A16	SUMMER SOLSTICE SHADOW PLAN #2
A17	WINTER SOLSTICE SHADOW PLANS #1
A18	WINTER SOLSTICE SHADOW PLANS #2

PROJECT INFORMATION

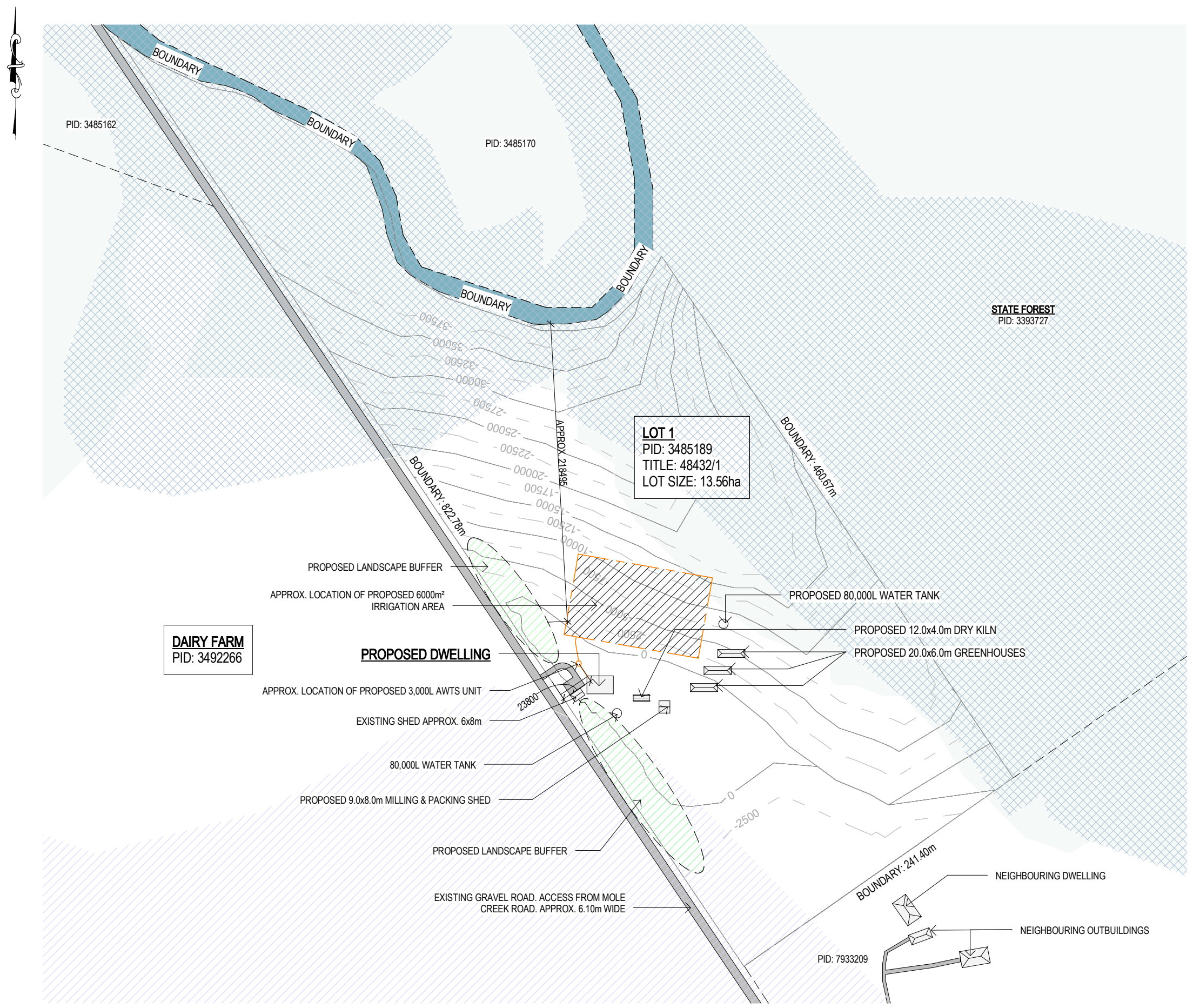
BUILDING DESIGNER:	GRANT JAMES PFEIFFER
ACCREDITATION No:	CC2211T
LAND TITLE REFERENCE NUMBER:	48432/1
APPROX. EXISTING SHED AREA:	48m ²
PROPOSED DWELLING AREA:	211.28m ²
PROPOSED ALFRESCO AREA:	18.00m ²
APPROX. PROPOSED IRRIGATION AREA:	6000m ²
APPROX. PROPOSED MILLING & PACKING SHED :	72m ²
APPROX. PROPOSED DRY KILN:	48m ²
APPROX. PROPOSED GREENHOUSES :	360m ²
DESIGN WIND SPEED:	N2
SOIL CLASSIFICATION:	T.B.C
CLIMATE ZONE:	7
BUSHFIRE-PRONE BAL RATING:	T.B.C
ALPINE AREA:	N/A
CORROSION ENVIRONMENT:	LOW
FLOODING:	NO
LANDSLIP:	LOW
DISPERSIVE SOILS:	UNKNOWN
SALINE SOILS:	UNKNOWN
SAND DUNES:	NO
MINE SUBSIDENCE:	NO
LANDFILL:	NO
GROUND LEVELS:	REFER PLAN
ORG LEVEL:	75mm ABOVE GROUND

PROPOSED DWELLING

J. BROOKS
 Lot 1 MOLE CREEK RD,
 NEEDLES TAS 7304

MEANDER VALLEY COUNCIL

ISSUED FOR APPROVAL



LOCALITY PLAN
 SCALE 1 : 3000

ISSUED FOR APPROVAL

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Client: J. BROOKS
 Project: PROPOSED DWELLING
 Address: 1188 MOLE CREEK RD,
 NEEDLES TAS 7304

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 jack@engineeringplus.com.au
 trin@engineeringplus.com.au

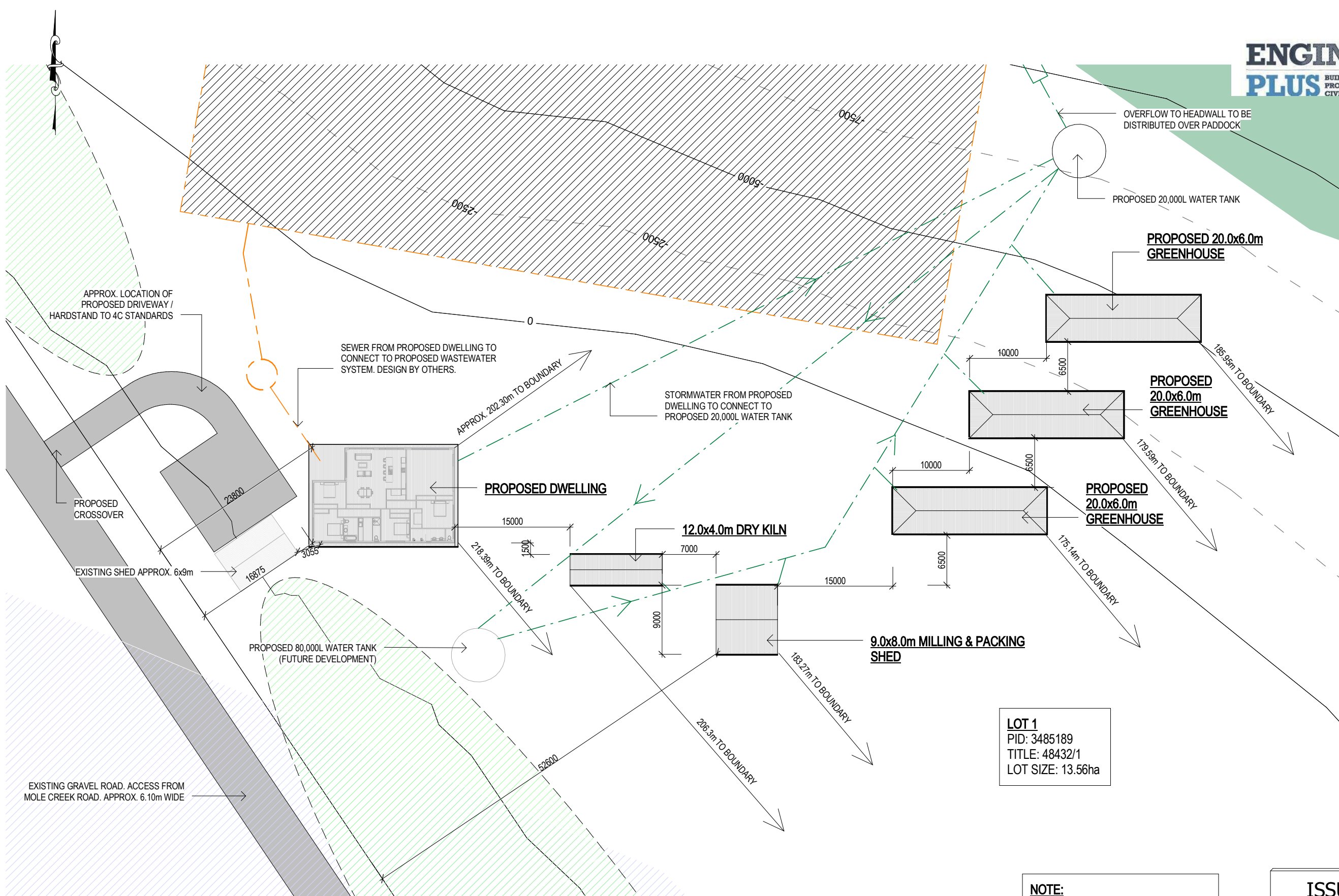
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A	ISSUED FOR APPROVAL	06.10.20	E.T
-	CONCEPT ISSUE	05.10.20	E.T
-	CONCEPT ISSUE	14.09.20	T.Y
Rev:	Amendment:	Date:	Int:

Date Drawn: 14.09.20
 Drawn: T.Y
 Checked: A. Taylor
 Approved: J. Pfeiffer
 Scale: As Shown @ A3

Accredited Building Designer
 Designer Name: J.Pfeiffer
 Accreditation No: CC2211T

Drawing No: 40219
 Page 115
 Rev A

PLANNING AUTHORITY 1



LOT 1
 PID: 3485189
 TITLE: 48432/1
 LOT SIZE: 13.56ha

NOTE:
 NO VEGETATION TO BE REMOVED FROM SITE. ALL PROPOSED SITES ARE CURRENTLY GRAZING LAND.

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NOTE
 SEWER & STORMWATER FROM PROPOSED OUTBUILDINGS TO BE DIRECTED INTO EXISTING SEWER & STORMWATER SYSTEM TO LOCAL COUNCIL REQUIREMENTS & AS3500
 Meander Valley Council Ordinary Meeting Agenda - 9 March 2021

LEGEND	
	SEWER
	WATER
	STORMWATER

A	ISSUED FOR APPROVAL	23.10.20	J.H
A	ISSUED FOR APPROVAL	06.10.20	E.T
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 Address: 1188 MOLE CREEK RD,
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Accredited Building Designer
 Designer Name: J.Pfeiffer
 Accreditation No: CC2211T

Drawing No: 40219
 Page 11 of 102
 Rev A

WINDOW SCHEDULE

MARK HEIGHT WIDTH TYPE U-VALUE SHGC

W1	2100	3200	DG	4.3	0.55
W2	2100	3200	DG	4.3	0.55
W3	500	4800	DG	4.3	0.55
W4	1800	2400	DG	4.3	0.55
W5	1200	900	DG	4.3	0.55
W6	2000	600	DG	4.3	0.55
W7	1800	2400	DG	4.3	0.55
W8	600	600	DG	4.3	0.55
W9	1200	1200	DG	4.3	0.55
W10	1800	2400	DG	4.3	0.55
W11	1800	2400	DG	4.3	0.55
*W12	900	3200	DG	4.3	0.55
*W13	900	3200	DG	4.3	0.55
*W14	600	3200	DG	4.3	0.55
D1	2100	820	DG	4.0	0.61
SD1	2100	3200	DG	4.0	0.61
GD1	2100	4800	DG	4.0	0.61

* HIGHLIGHT WINDOWS - REFER ELEVATIONS

Area Schedule (Gross Building)

Name	Area	Area (sq)
PROPOSED ALFRESCO	18.02 m ²	1.94
PROPOSED DWELLING	211.32 m ²	22.75
	229.34 m ²	24.69

ISSUED FOR APPROVAL

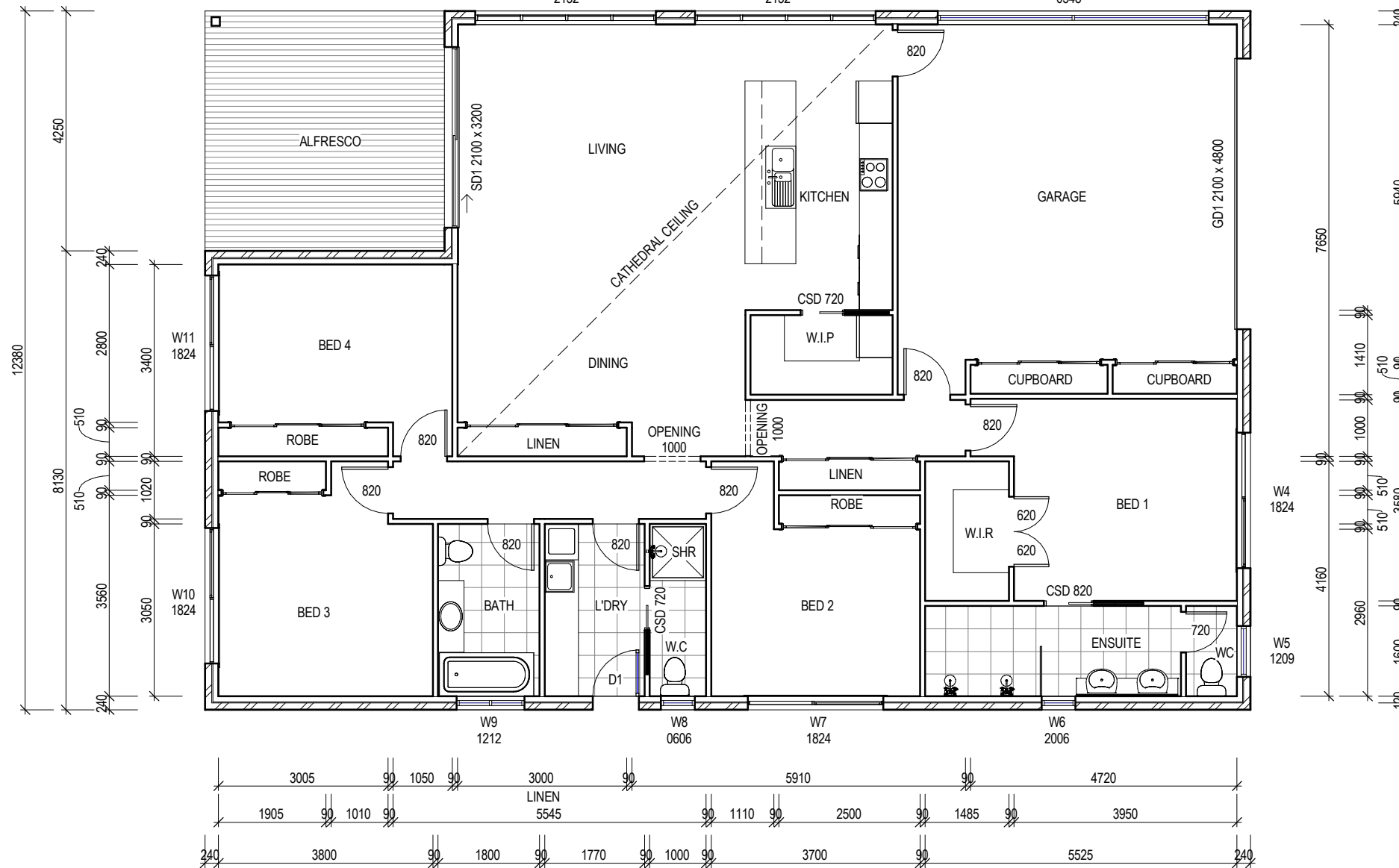
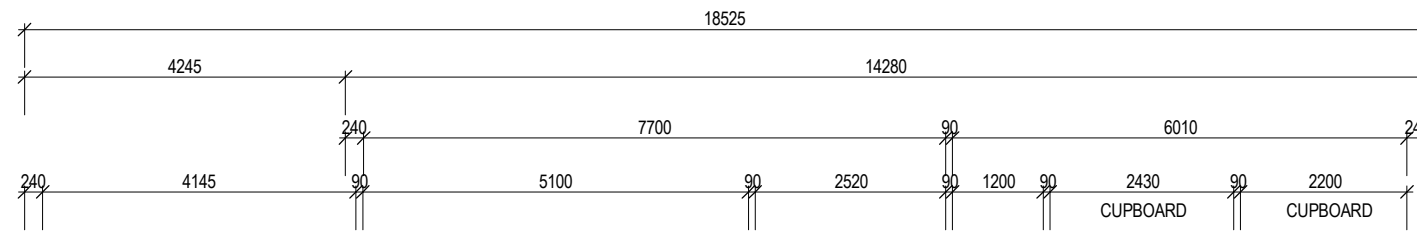
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 Project: **PROPOSED DWELLING**
 Address: **1188 MOLE CREEK RD,
 NEEDLES TAS 7304**

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 jack@engineeringplus.com.au
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Accredited Building Designer
 Designer Name: **J. Pfeiffer**
 Accreditation No: **CC2211T**

Drawing No: **40219** Page **117** of **A03** Rev **A**



CONSTRUCTION PLAN
 SCALE 1 : 100

PLANNING AUTHORITY 1

Rev:	Amendment:	Date:	Int:
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A	ISSUED FOR APPROVAL	06.10.20	E.T
-	CONCEPT ISSUE	05.10.20	E.T
-	CONCEPT ISSUE	14.09.20	T.Y
	SITE PLAN FOR REVIEW	17.10.19	D.M

Date Drawn: 14.09.20
 Drawn: T.Y
 Checked: A. Taylor
 Approved: J. Pfeiffer
 Scale: As Shown @ A3



FLOOR COVERINGS	
	CARPET
	CONCRETE
	TIMBER DECKING
	TILE
	VINYL TIMBER FLOORING

SMOKE ALARMS
 PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE TO BUILDING POWER SUPPLY TO AS 3786. CEILING MOUNTED WITH 9VDC ALKALINE BATTERY BACKUP TO LOCATIONS INDICATED ON PLAN AND IN ACCORDANCE WITH BCA PART 3.7.2

(S) - DENOTES INTERCONNECTED SMOKE DETECTORS

Area Schedule (Gross Building)		
Name	Area	Area (sq)
PROPOSED ALFRESCO	18.02 m ²	1.94
PROPOSED DWELLING	211.32 m ²	22.75
	229.34 m ²	24.69

FLOOR PLAN
 SCALE 1:100

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 Project: PROPOSED DWELLING
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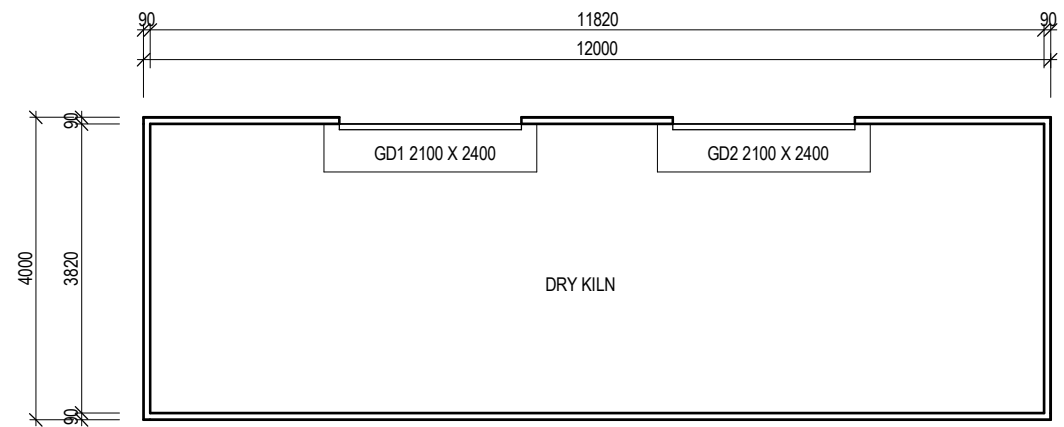
Mob 0417 362 783 or 0417 545 813
 jack@engineeringplus.com.au
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A	ISSUED FOR APPROVAL	23.10.20	J.H
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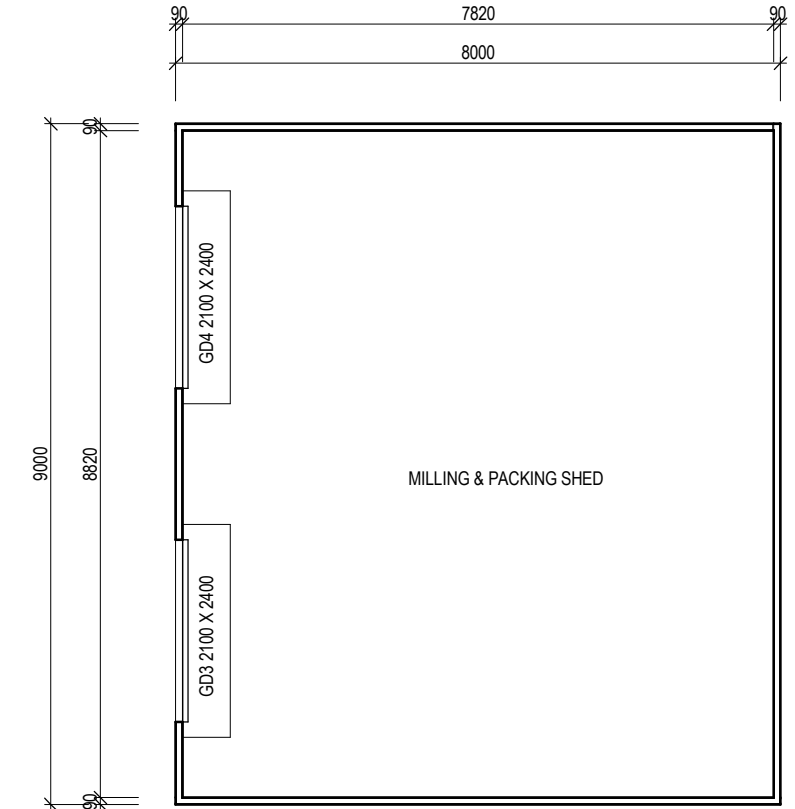
Date Drawn: 14.09.20
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 Scale: As Shown @ A3

Accredited Building Designer
 Designer Name: J.Pfeiffer
 Accreditation No: CC2211T

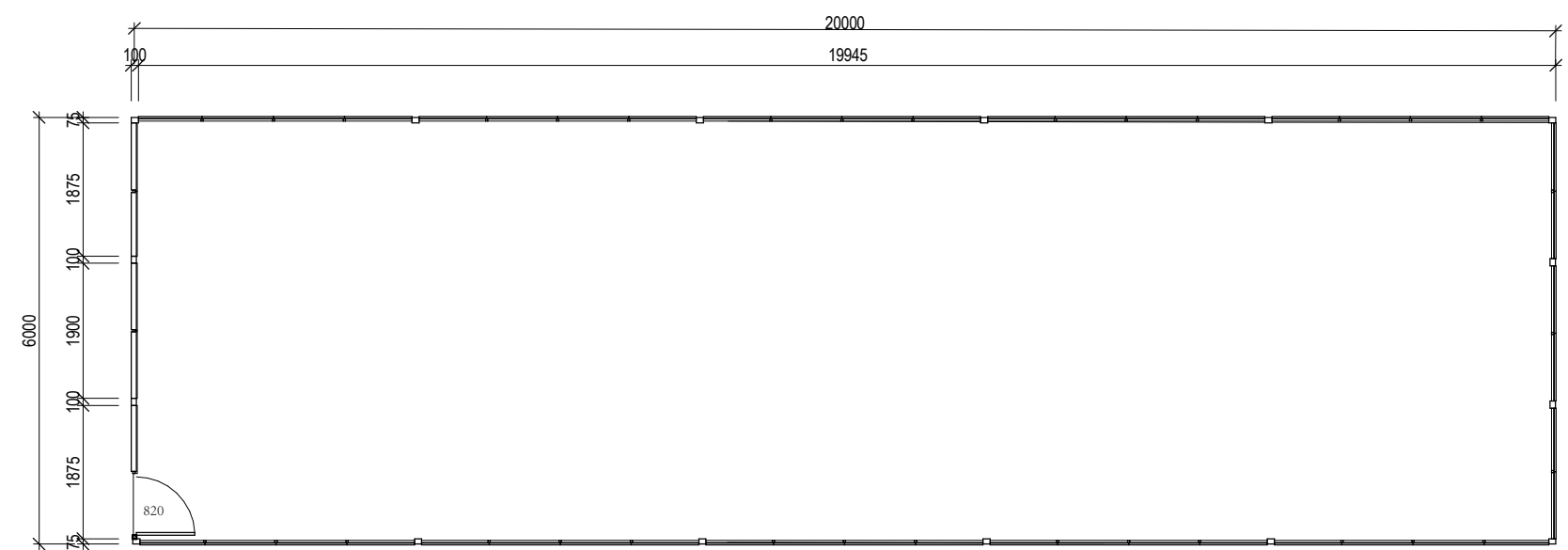
Drawing No: 40219
 Page 118 of 104
 Rev A



DRY KILN CONSTRUCTION PLAN
 SCALE 1:100



MILLING & PACKING SHED CONSTRUCTION PLAN
 SCALE 1:100



GREENHOUSE CONSTRUCTION PLAN
 SCALE 1:100

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 Project: PROPOSED DWELLING
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 NEEDLES TAS 7304

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				Date Drawn: 14.09.20
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	PLANNING AUTHORITY 1			Accredited Building Designer
	SITE PLAN FOR REVIEW	17.10.19	D.M	Designer Name: J.Pfeiffer
Rev:	Amendment:	Date:	Int:	Accreditation No: CC2211T

Drawing No: 40219
 Page 118 of 105
 Rev A

PLANNING AUTHORITY 1

ROOF CLADDING. BCA VOLUME 2 PART 3.5.1.3
 COLOURBOND 'CUSTOM ORB' METAL SHEETING INSTALLED IN
 ACCORDANCE WITH THIS PART, AS 1562.1 AND MANUFACTURERS
 RECOMMENDATIONS.

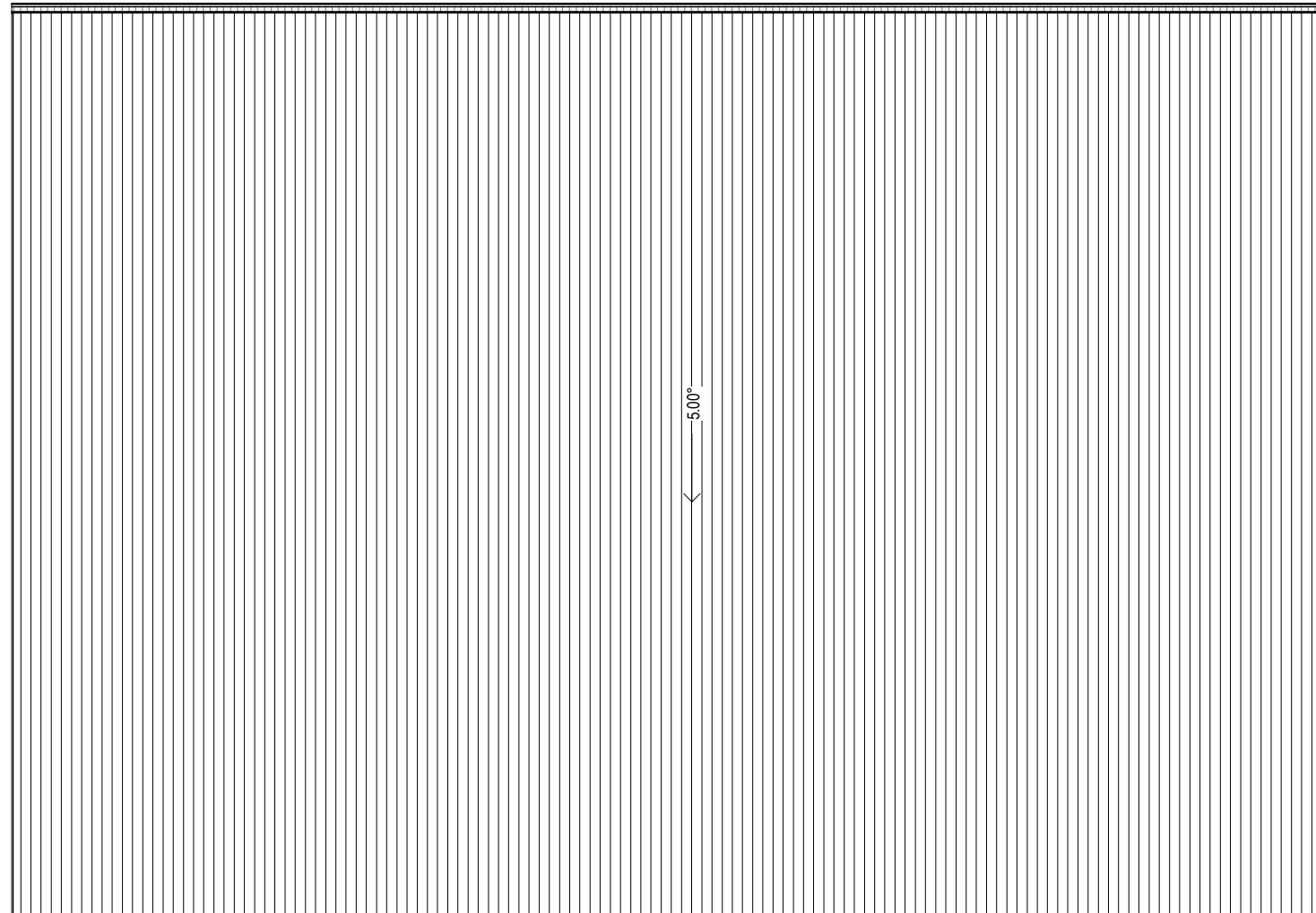
REFER TO LYSAGHT ROOFING & WALLING MANUAL FOR FULL DETAILS ON SHEET
 INSTALLATION, FIXINGS & FLASHINGS

- MINIMUM PITCH 5 DEGREES.
- CORROSION PROTECTION IN ACCORDANCE WITH BCA TABLE 3.5.1.1.
- END LAP OF SHEETS 5-15 DEGREES - MINIMUM 200 MM.
- ABOVE 15 DEGREES - MINIMUM 150 MM.
- RIDGE LINE VALLEY TO BE TURNED UP (STOP ENDED).
- FASTENERS TO BE MADE OF COMPATIBLE MATERIAL WITH ROOFING MATERIAL.
- CREST FIXINGS OF END SPANS @ EVERY SECOND RIB AND INTERNAL SPANS @ EVERY THIRD RIB.
- WHERE POSSIBLE SHEETS TO BE LAID WITH SIDE LAPS FACING AWAY FROM PREVAILING WEATHER.
- REFLECTIVE FOIL INSULATION TO BE FITTED TO UNDERSIDE OF SHEETS.

R3.8 INSULATION BATTS TO ROOF SPACE ABOVE CEILING LINING.

RECOMMENDED FIXINGS FOR SEVERE EXPOSURE CONDITIONS TO AS 3566

USE CLASS 4 MATERIALS FOR SEVERE EXPOSURE & STAINLESS STEEL FOR VERY SEVERE COASTAL ENVIRONMENTS.



ROOF PLAN
 SCALE 1 : 100

ISSUED FOR APPROVAL

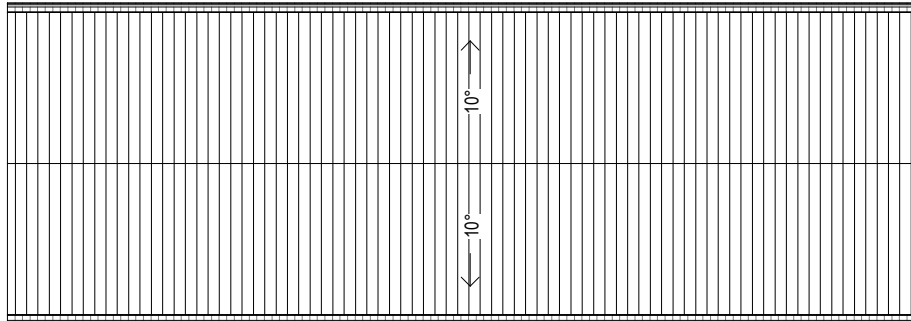
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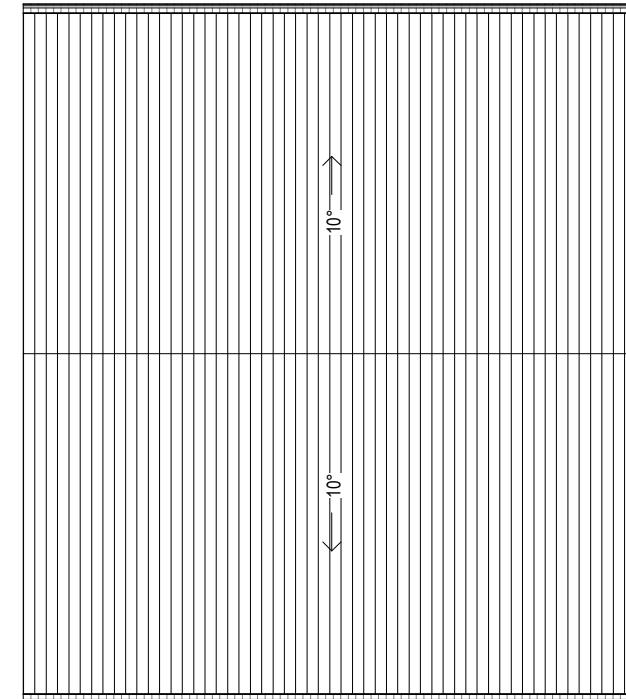
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	PLANNING AUTHORITY 1			Accredited Building Designer
	SITE PLAN FOR REVIEW	17.10.19	D.M	Designer Name: J.Pfeiffer
Rev:	Amendment:	Date:	Int:	Accreditation No: CC2211T

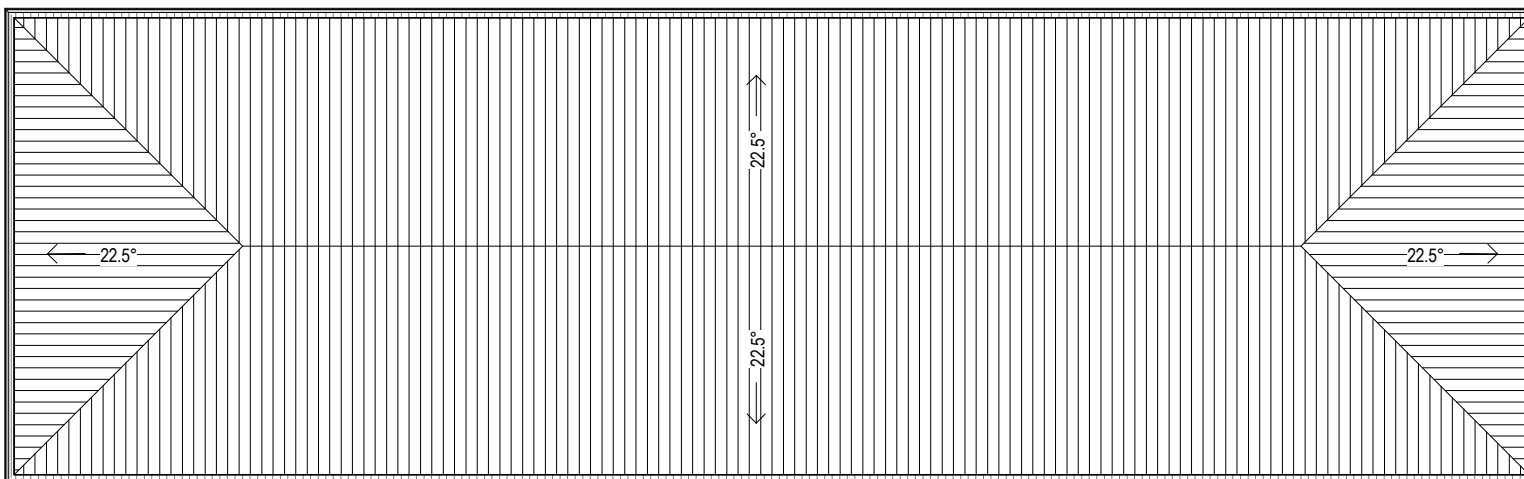
Drawing No: **40219** Page **120** Rev **A**
 A06



DRY KILN ROOF PLAN
 SCALE 1:100



MILLING & PACKING SHED ROOF PLAN
 SCALE 1:100



GREENHOUSE ROOF PLAN
 SCALE 1:100

ISSUED FOR APPROVAL

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Client: J. BROOKS
 Project: PROPOSED DWELLING
 Address: 1188 MOLE CREEK RD,
 NEEDLES TAS 7304

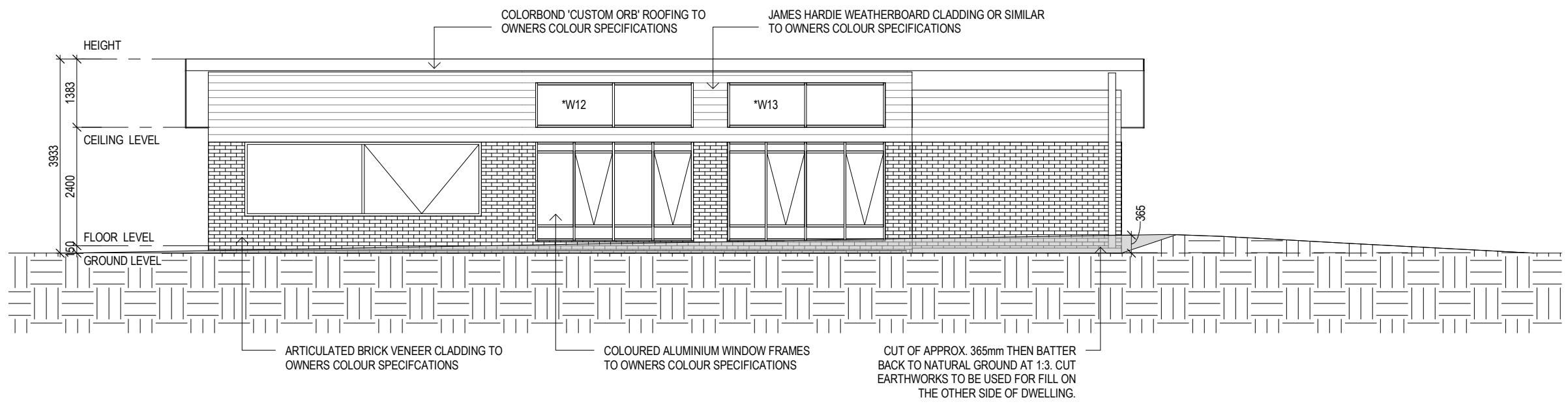
Mob 0417 362 783 or 0417 545 813
 jack@engineeringplus.com.au
 trin@engineeringplus.com.au

Rev:	Amendment:	Date:	Int:
A	ISSUED FOR APPROVAL	23.10.20	J.H
A	ISSUED FOR APPROVAL	06.10.20	E.T
-	CONCEPT ISSUE	05.10.20	E.T
-	CONCEPT ISSUE	14.09.20	T.Y
	PLANNING AUTHORITY 1	17.10.19	D.M

Date Drawn: 14.09.20
 Drawn: T.Y
 Checked: A. Taylor
 Approved: J. Pfeiffer
 Scale: As Shown @ A3

Accredited Building Designer
 Designer Name: J.Pfeiffer
 Accreditation No: CC2211T

Drawing No: 40219
 Page 121
 A07
 Rev A

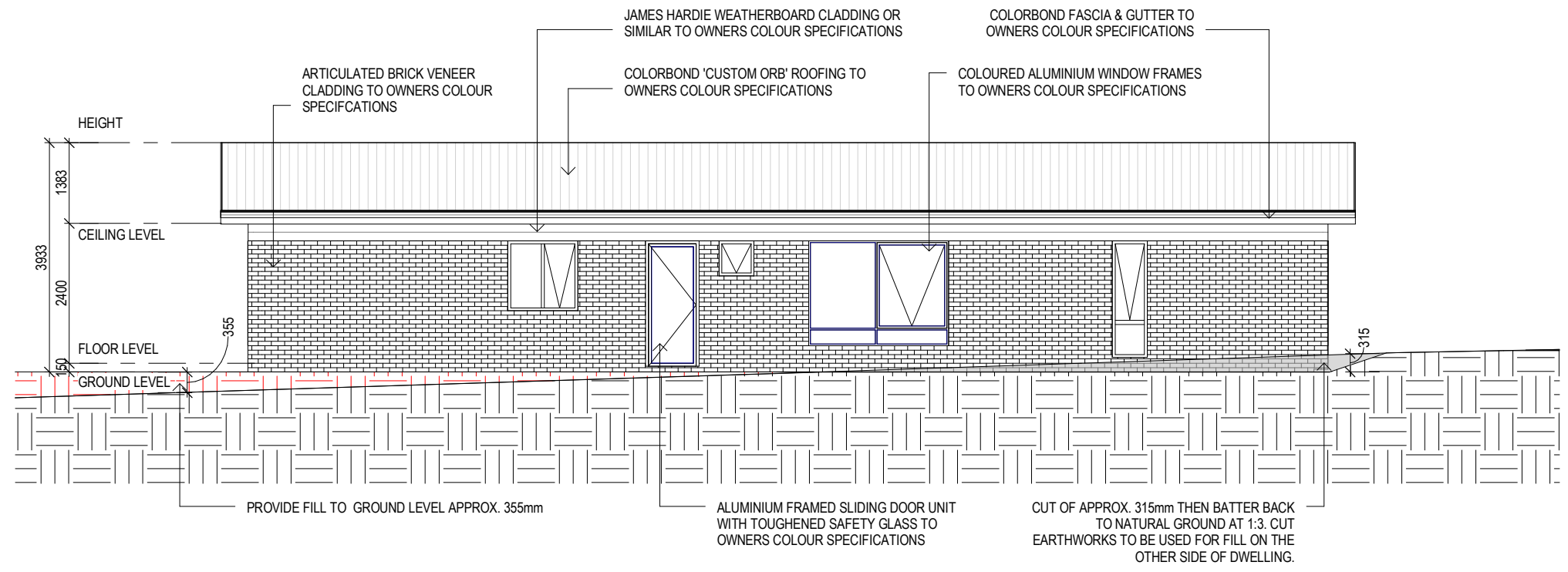


NORTH ELEVATION
 SCALE 1:100

SELECTED ALUMINIUM FRAMED WINDOWS - BCA VOLUME 2 PART 3.6
 POWDER COATED ALUMINIUM WINDOW & DOOR FRAMES, UNLESS OTHERWISE NOTED.
 TASMANIAN OAK REVEALS AND TRIMS. ALL FLASHING AND FIXINGS TO MANUFACTURERS SPECIFICATIONS.

GLAZING & FRAME CONSTRUCTION TO AS 2047 & AS 1288
 ALL FIXINGS AND FLASHINGS TO MANUFACTURERS REQUIREMENTS

- WIND CLASSIFICATION AS4055 WIND DESIGN: N2 33M/s
- TERRAIN CATEGORY: T2.5 (PS)
- SERVICEABILITY DESIGN & WIND PRESSURE: 1000
- WATER RESISTANCE: 150



SOUTH ELEVATION
 SCALE 1:100

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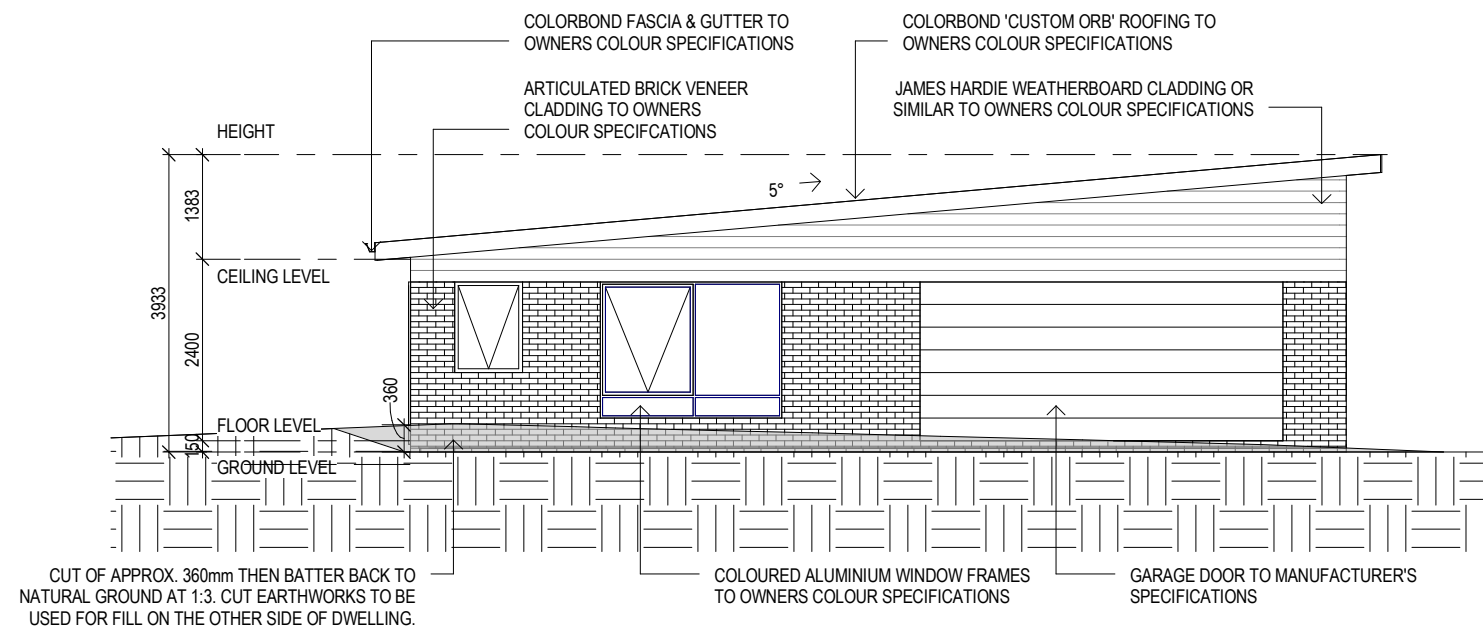
Client: J. BROOKS
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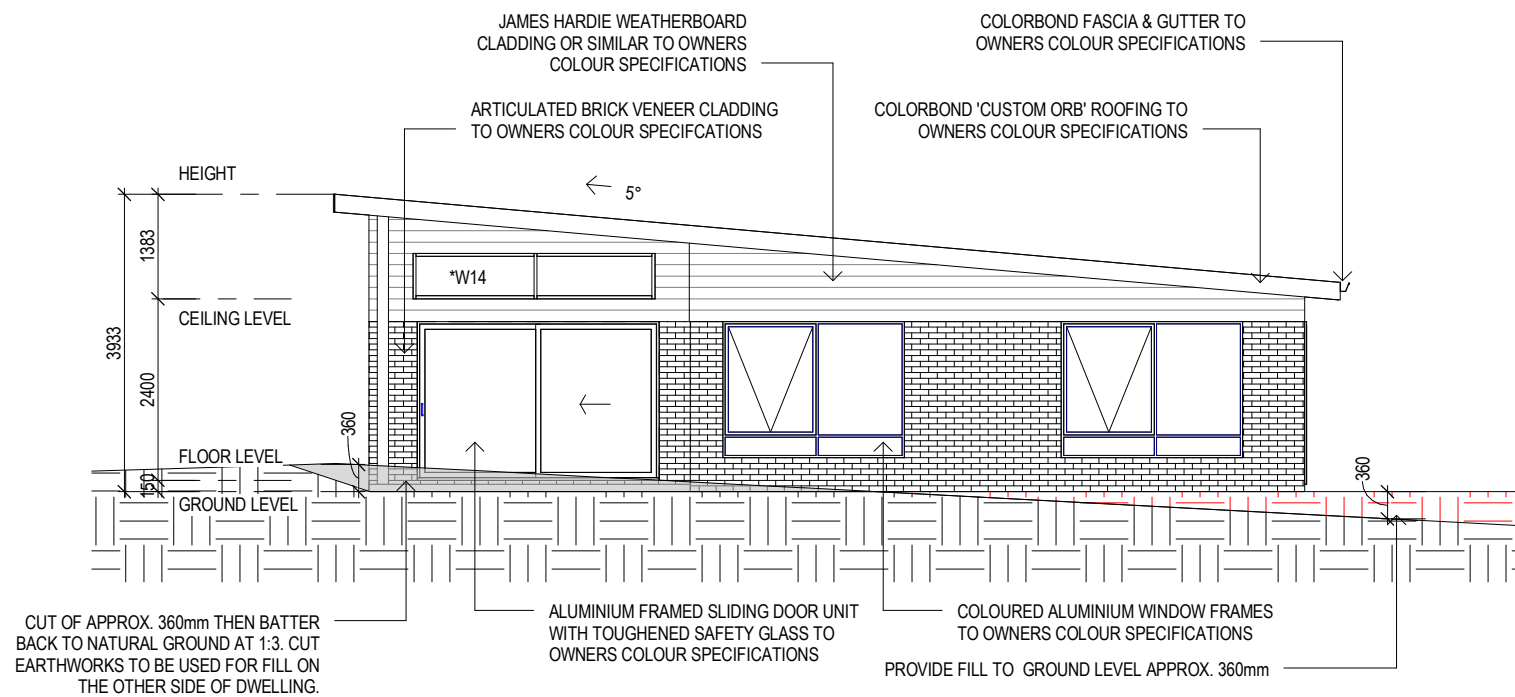
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				Accreditation No: CC2211T

Accredited Building Designer
 Designer Name: J.Pfeiffer
 Accreditation No: CC2211T

Drawing No: 40219
 Page 122
 A08
 Rev A



EAST ELEVATION
 SCALE 1:100



WEST ELEVATION
 SCALE 1:100

EAVE & SOFFIT CONSTRUCTION BCA VOLUME 2 PART 3.5.3.5
 EAVE WIDTH - 450MM DESIGN WIND SPEED NI

- SOFFIT / EAVE LINED WITH 'HARDIFLEX' CEMENT SHEETING
- TRIMMERS LOCATED WITHIN 1200 MM OF EXTERNAL CORNERS TO BE SPACED @ 500 MM CENTERS, REMAINDER OF SHEET - 700 MM CENTERS
 - FASTENER / FIXINGS WITHIN 1200 MM OF EXTERNAL CORNERS @ 200 MM CENTERS, REMAINDER OF SHEET - 300 MM CENTERS

Meander Valley Council Ordinary Meeting Agenda - 9 March 2021

PLANNING AUTHORITY

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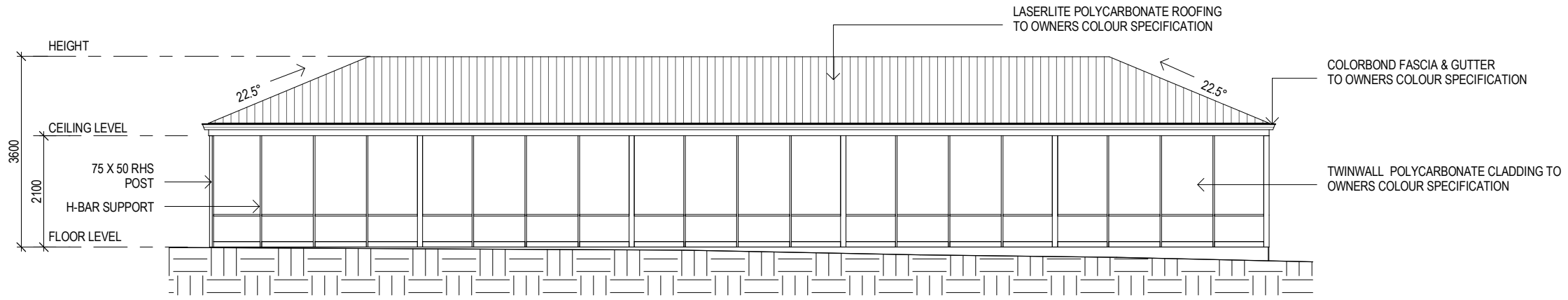
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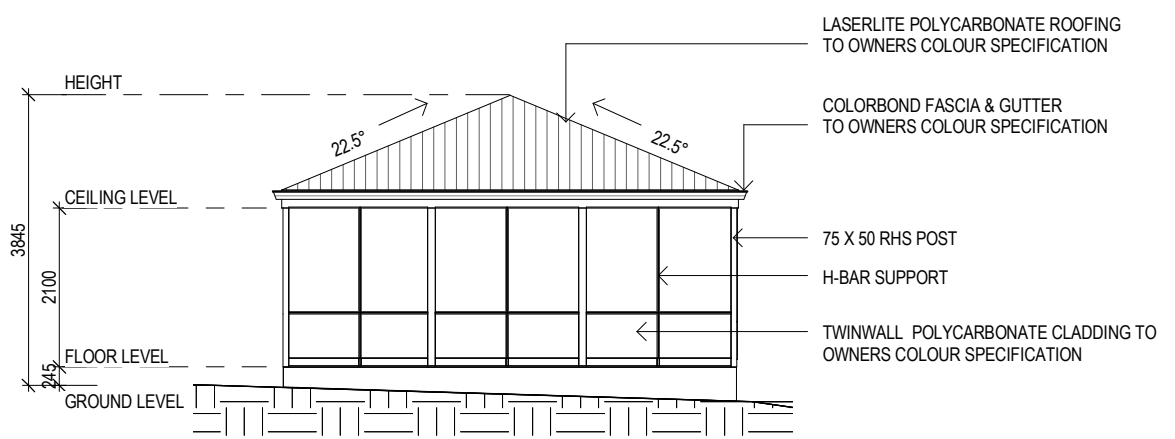
Client: J. BROOKS
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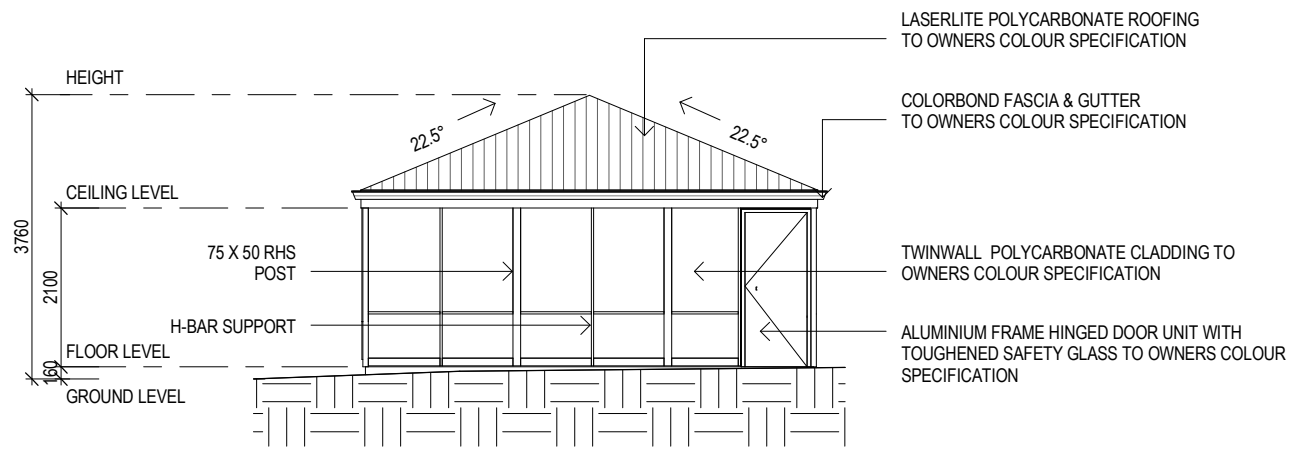
Drawing No: 40219
 Page 122 of 129
 Rev A



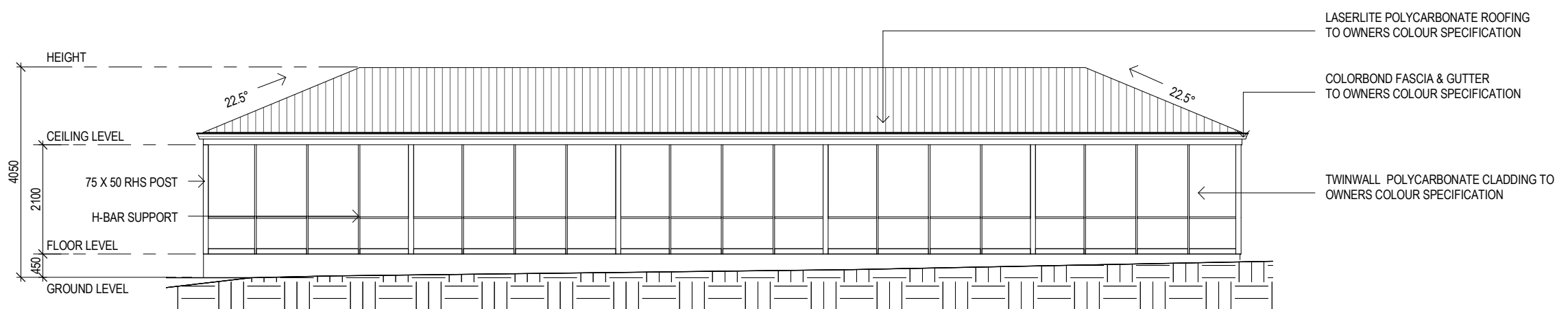
GREENHOUSE SOUTH ELEVATION
 SCALE 1 : 100



GREENHOUSE EAST ELEVATION
 SCALE 1 : 100



GREENHOUSE WEST ELEVATION
 SCALE 1 : 100



GREENHOUSE NORTH ELEVATION
 SCALE 1 : 100

EAVE & SOFFIT CONSTRUCTION BCA VOLUME 2 PART 3.5.3.5
 EAVE WIDTH - 450MM DESIGN WIND SPEED NI

SOFFIT / EAVE LINED WITH 'HARDIFLEX' CEMENT SHEETING

- TRIMMERS LOCATED WITHIN 1200 MM OF EXTERNAL CORNERS TO BE SPACED @ 500 MM CENTERS, REMAINDER OF SHEET - 700 MM CENTERS
 - FASTENER / FIXINGS WITHIN 1200 MM OF EXTERNAL CORNERS @ 200 MM CENTERS, REMAINDER OF SHEET - 300 MM CENTERS
- Meander Valley Council Ordinary Meeting Agenda - 9 March 2021

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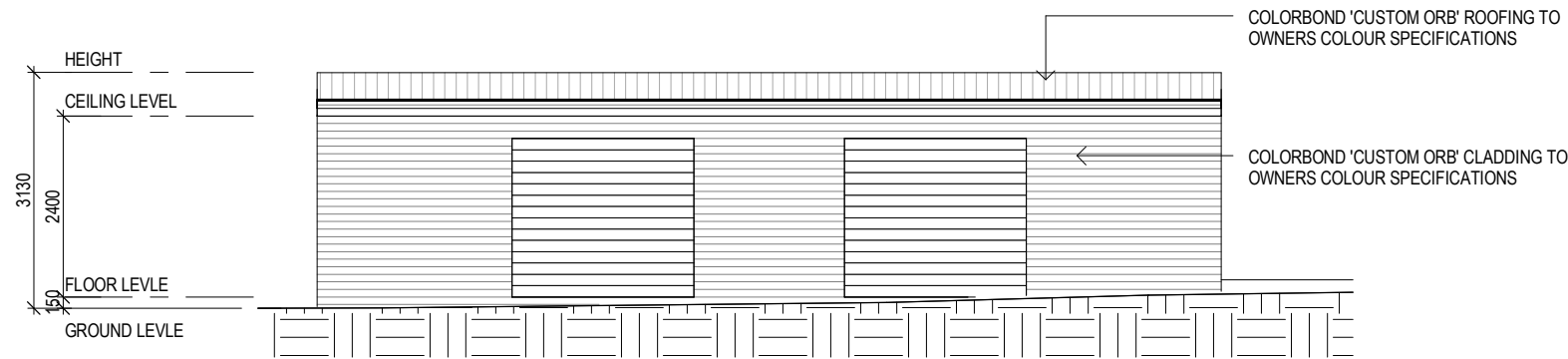
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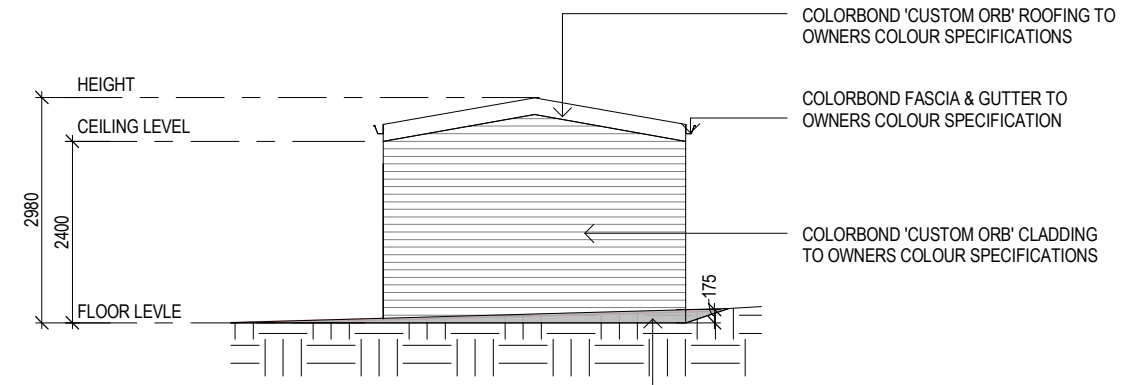
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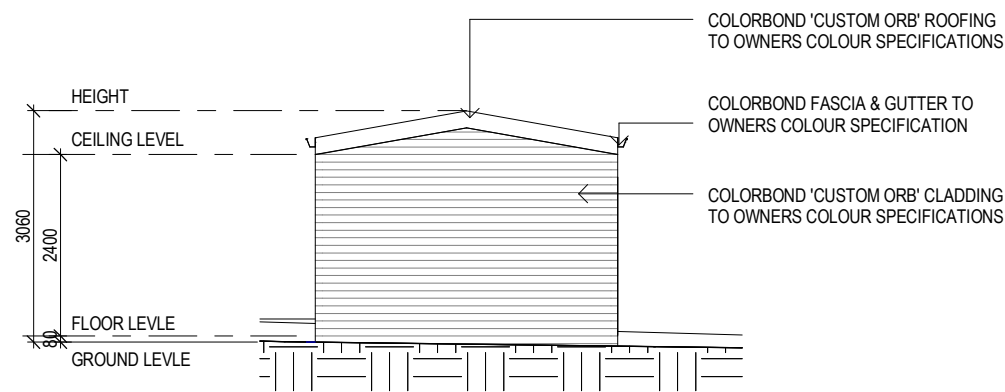
Drawing No: 40219 Page 10 of 10 Rev A



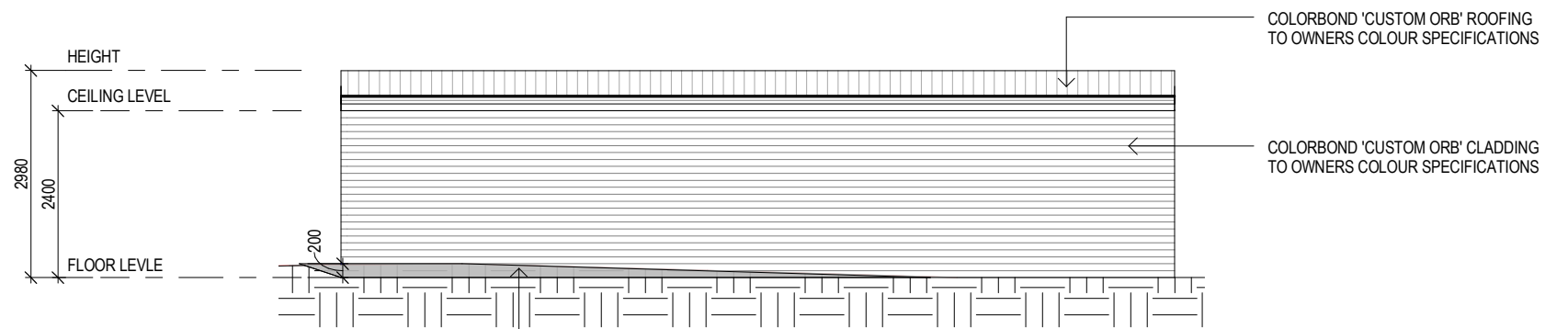
DRY KILN NORTH ELEVATION
 SCALE 1:100



DRY KILN WEST ELEVATION
 SCALE 1:100



DRY KILN EAST ELEVATION
 SCALE 1:100



DRY KILN SOUTH ELEVATION
 SCALE 1:100

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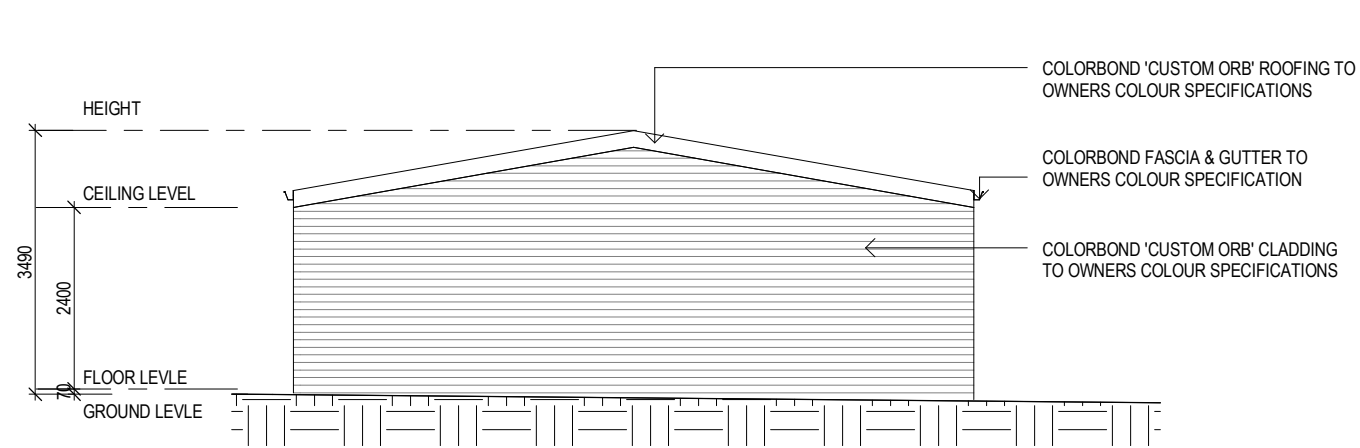
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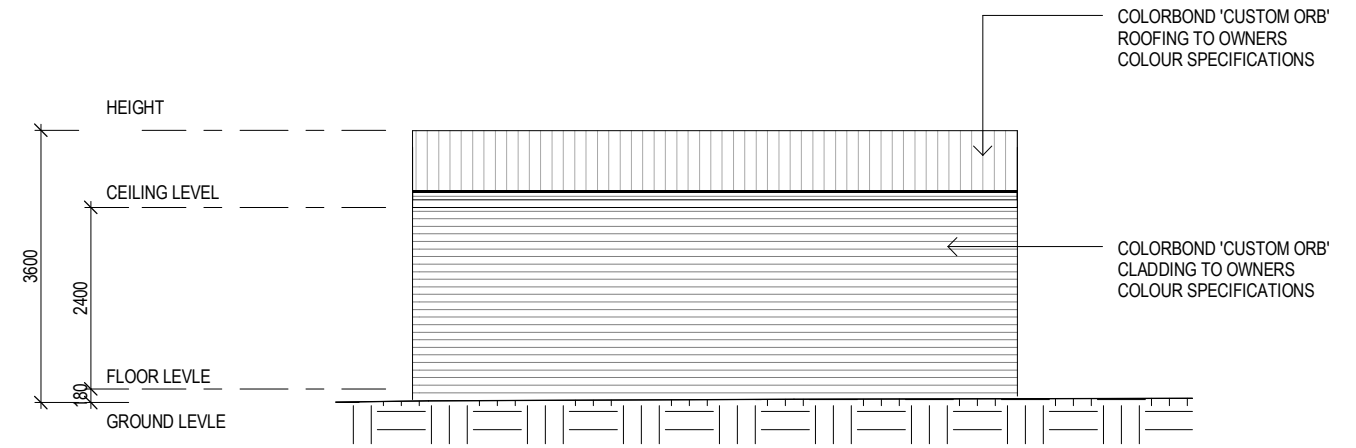
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 Accreditation No: CC2211T

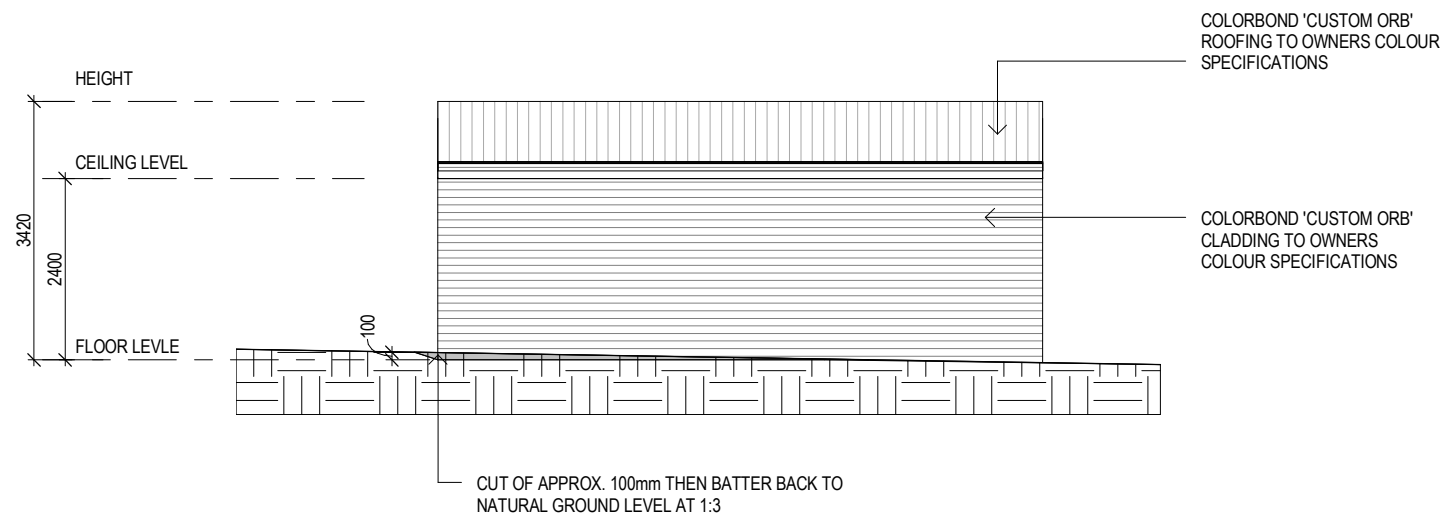
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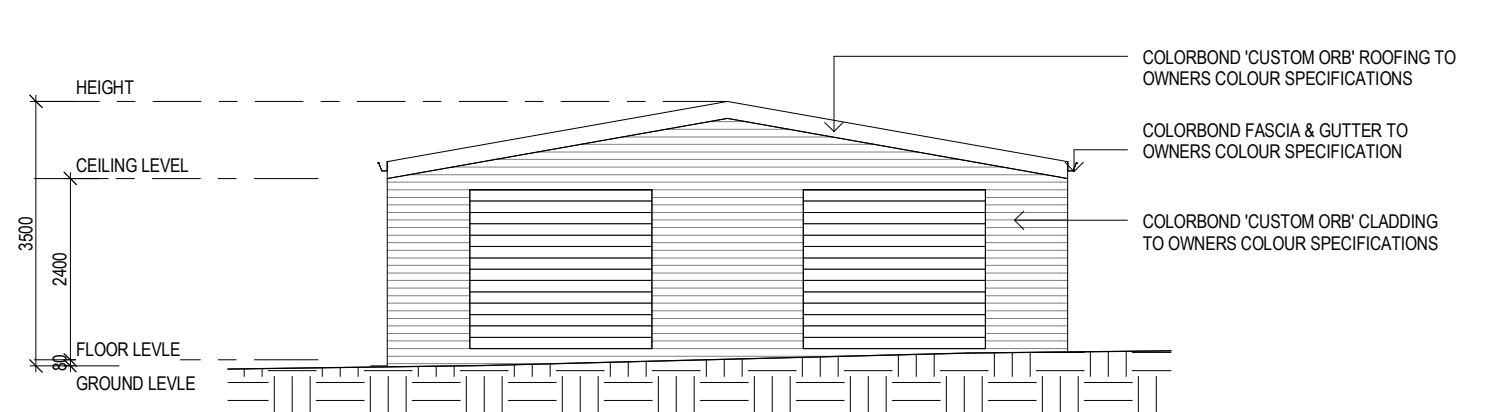
MILLING & PACKING SHED EAST ELEVATION
 SCALE 1:100



MILLING & PACKING SHED NORTH ELEVATION
 SCALE 1:100



MILLING & PACKING SHED SOUTH ELEVATION
 SCALE 1:100



MILLING & PACKING SHED WEST ELEVATION
 SCALE 1:100

ISSUED FOR APPROVAL

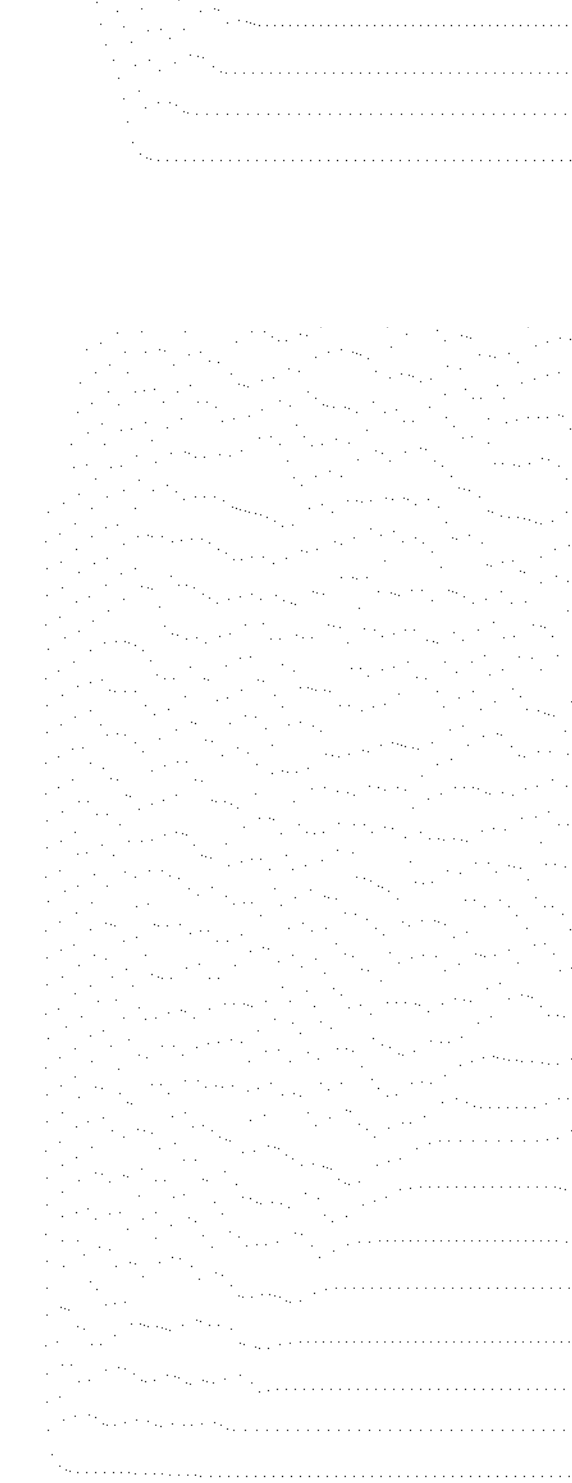
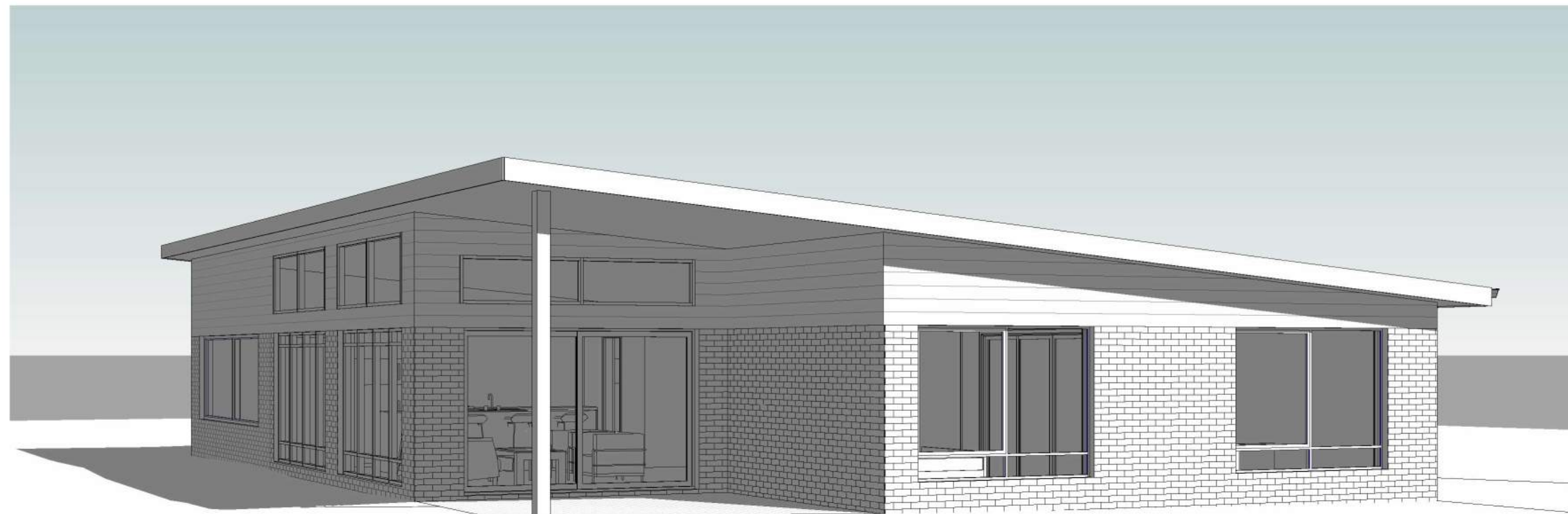
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				Accreditation No: CC2211T

Drawing No: **40219** Page **12** Rev **A**



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Rev:	Amendment:	Date:	Int:

Date Drawn: 14.09.20
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 Scale: As Shown @ A3

Accredited Building Designer
 Designer Name: **J.Pfeiffer**
 Accreditation No: **CC2211T**

Drawing No: **40219** Page **13** Rev **A**



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Client: **J. BROOKS**
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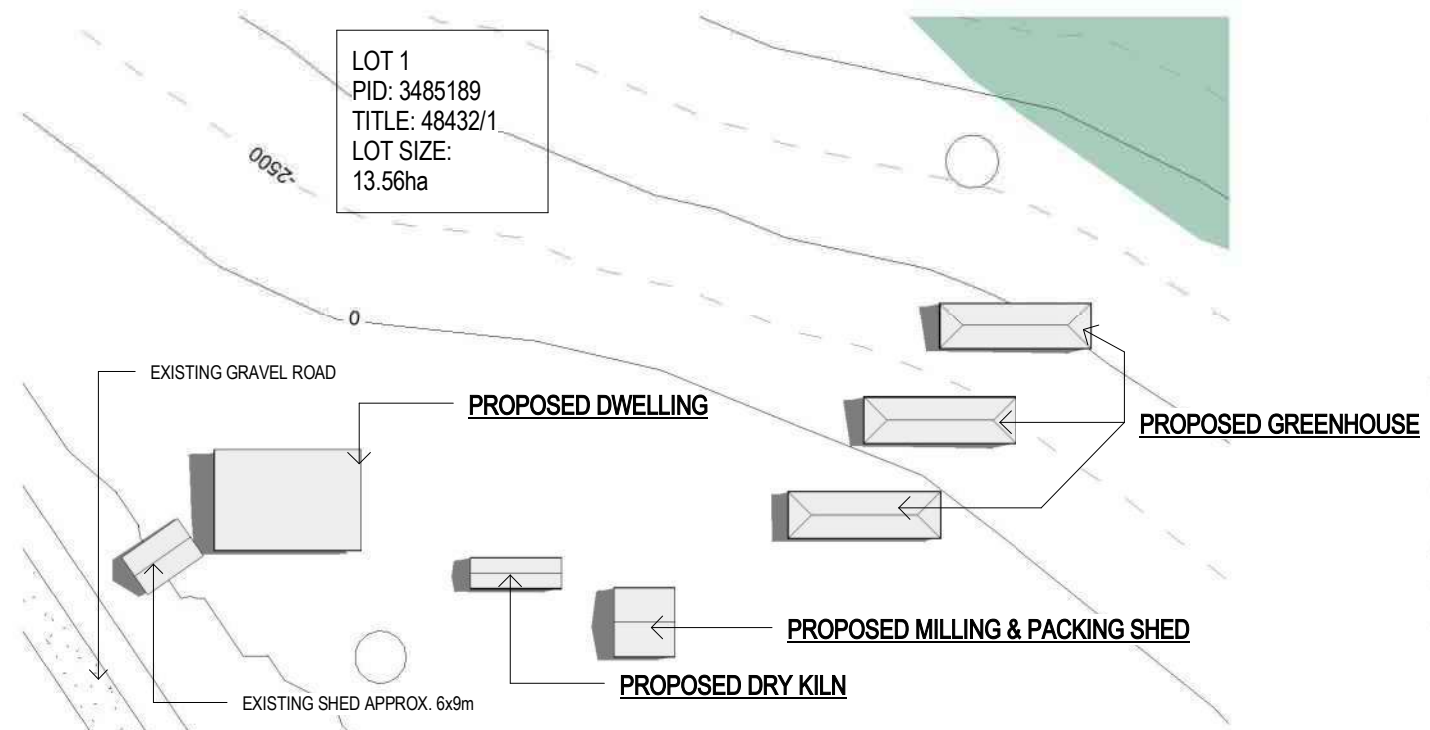
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			D.M

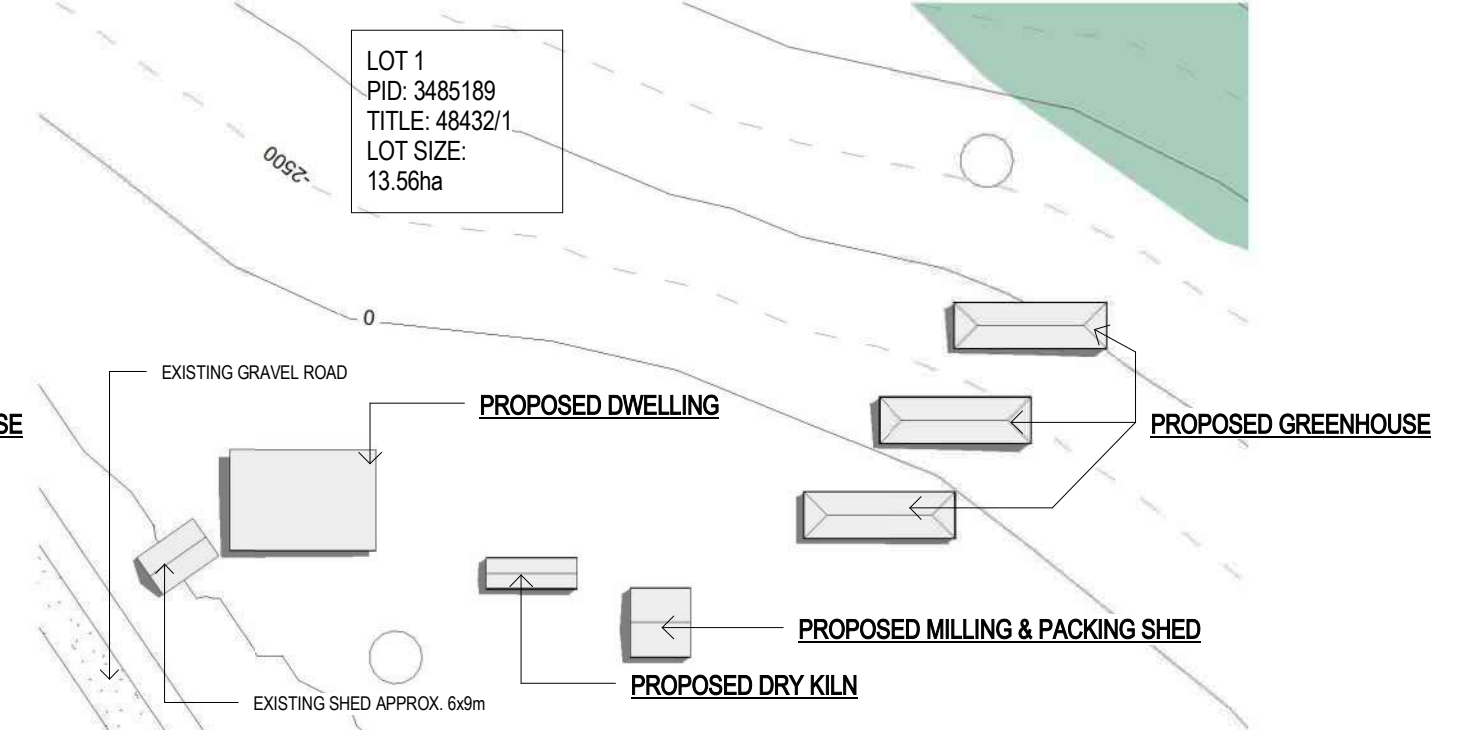
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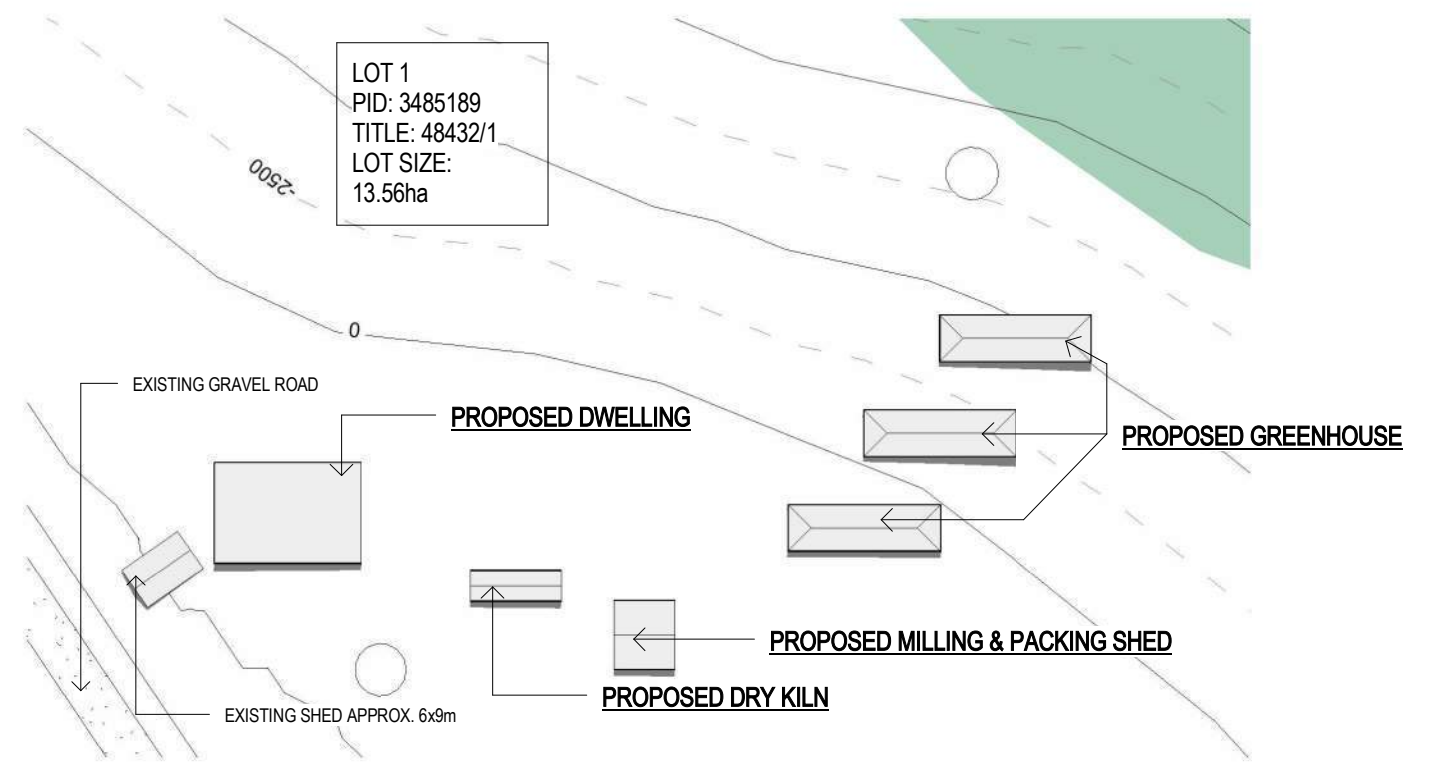
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 Rev **A**



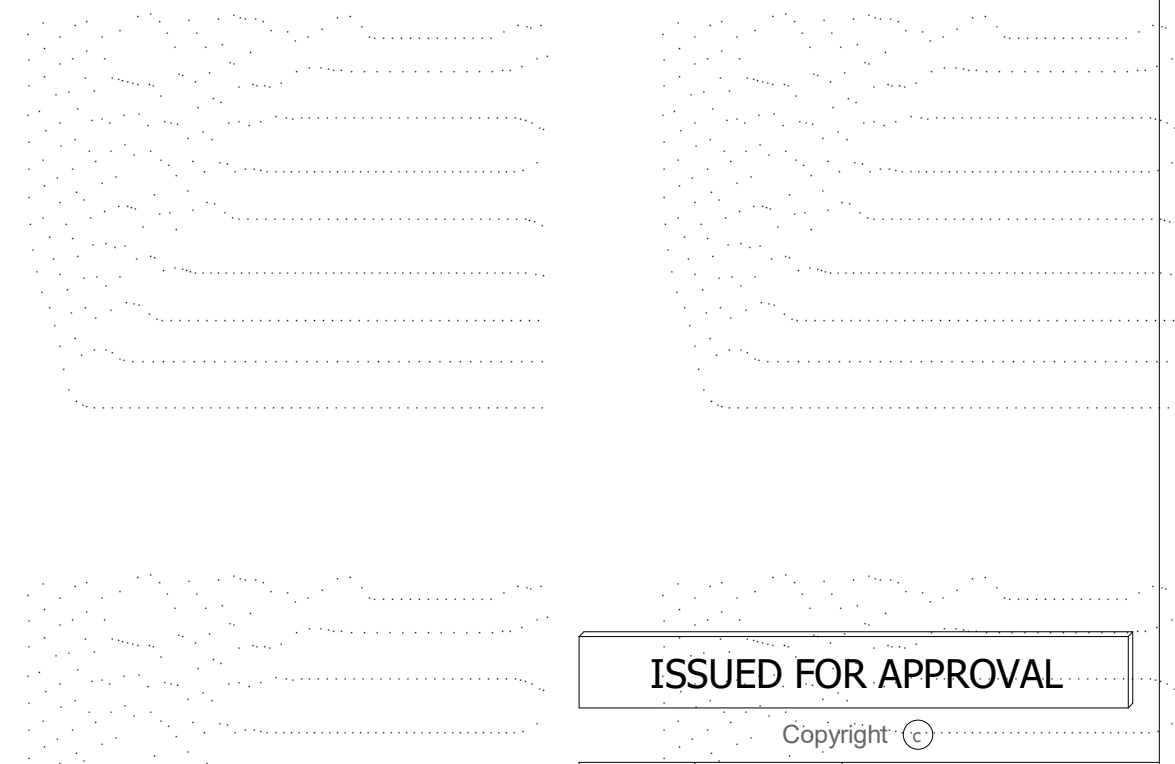
21/12 9AM SHADOW PLAN
 SCALE 1:1000



21/12 10.30AM SHADOW PLAN
 SCALE 1:1000



21/12 12PM SHADOW PLAN
 SCALE 1:1000



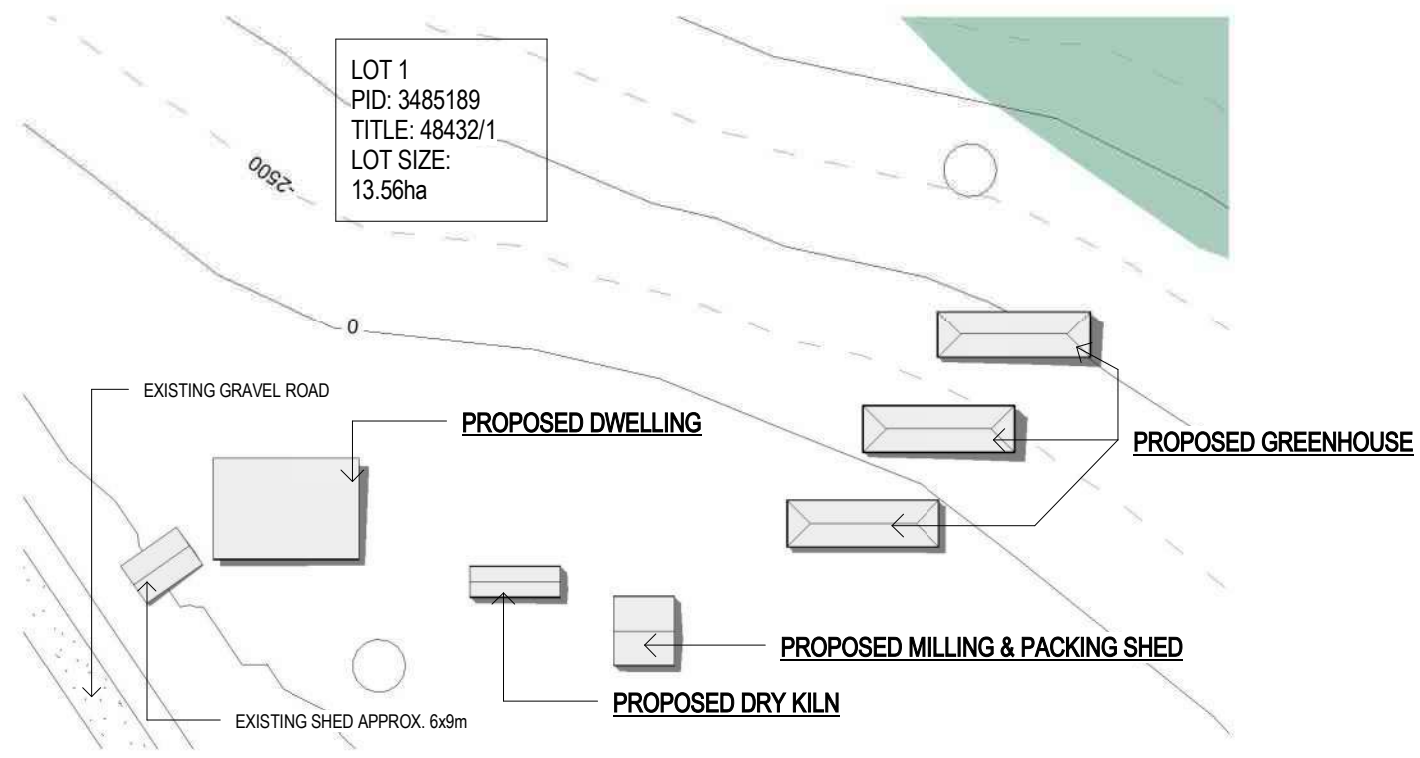
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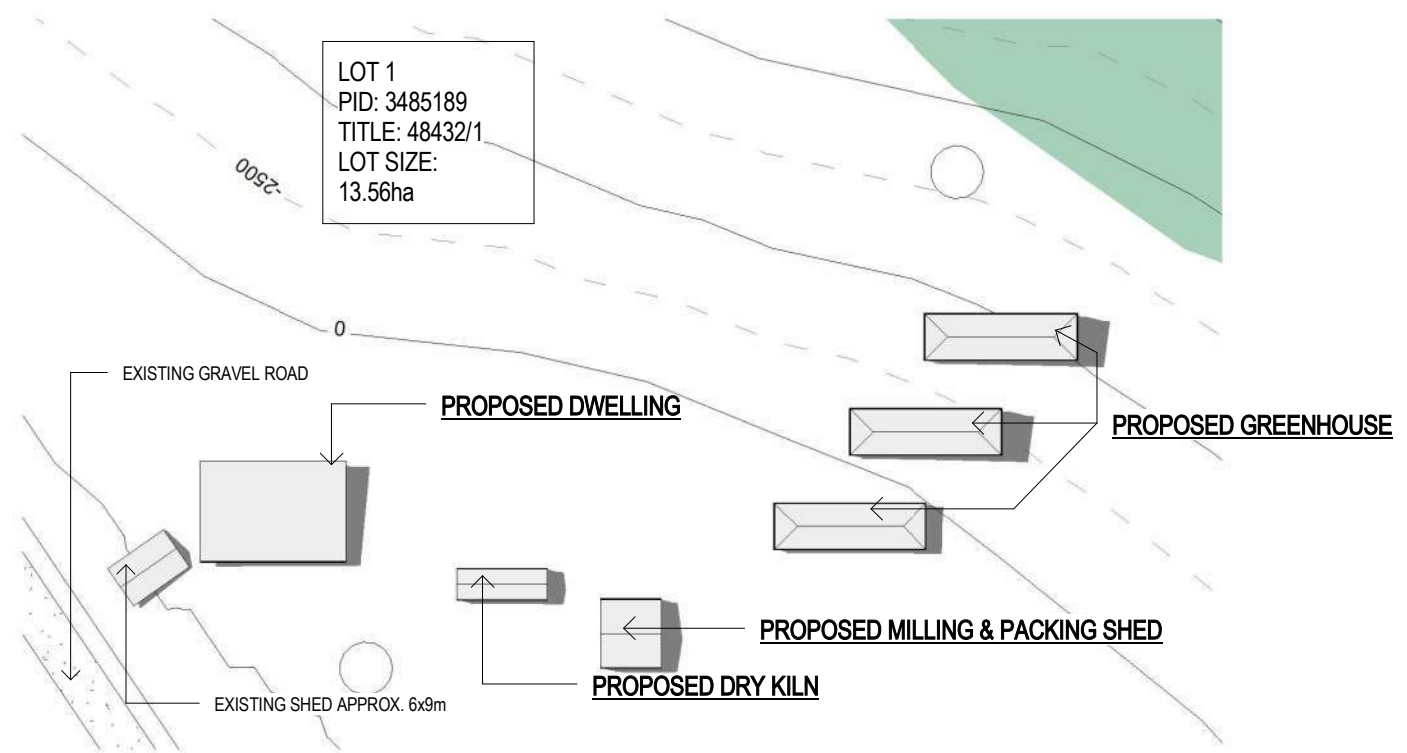
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				Designer Name: J.Pfeiffer
				Accreditation No: CC2211T

Drawing No: 40219 Page 129
 Rev A



21/12 1.30PM SHADOW PLAN
 SCALE 1:1000



21/12 3PM SHADOW PLAN
 SCALE 1:1000

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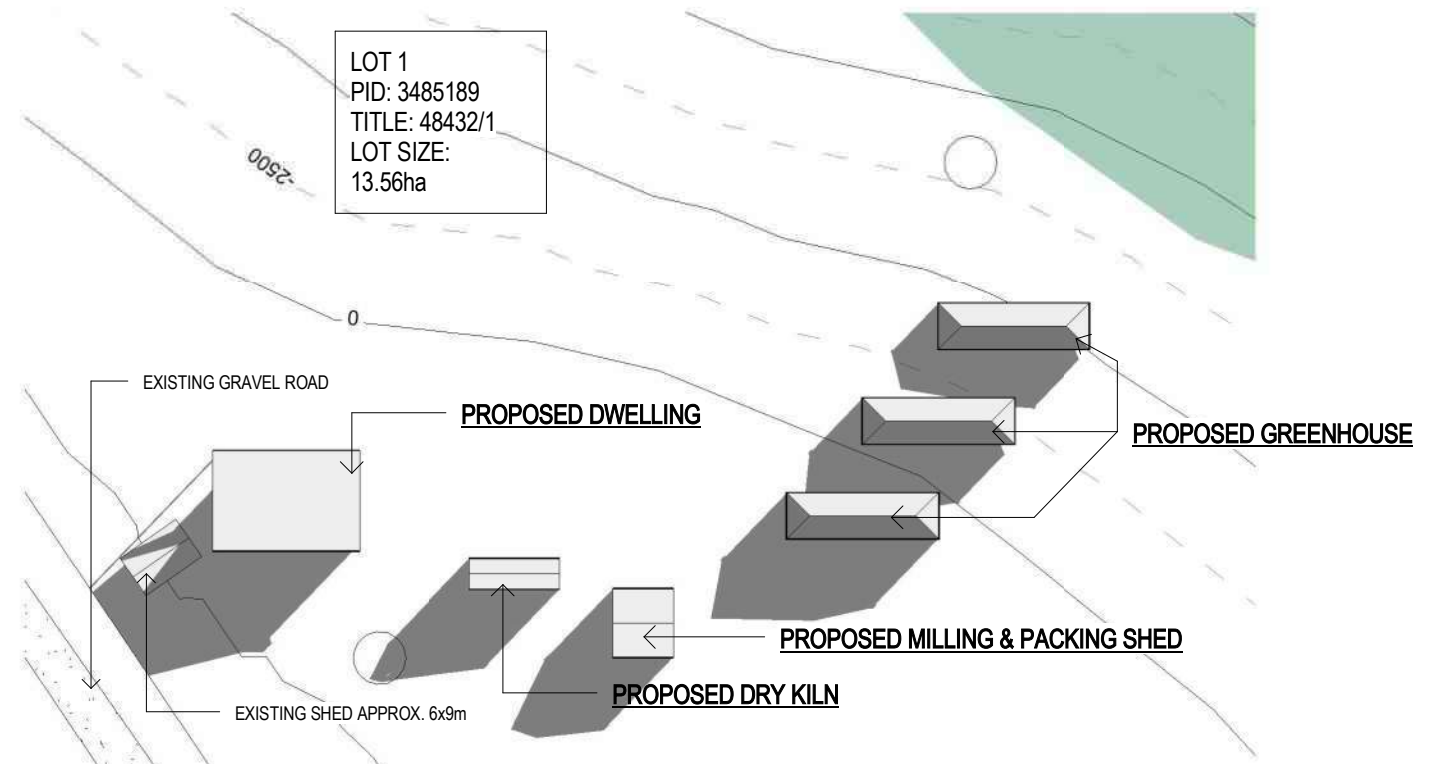
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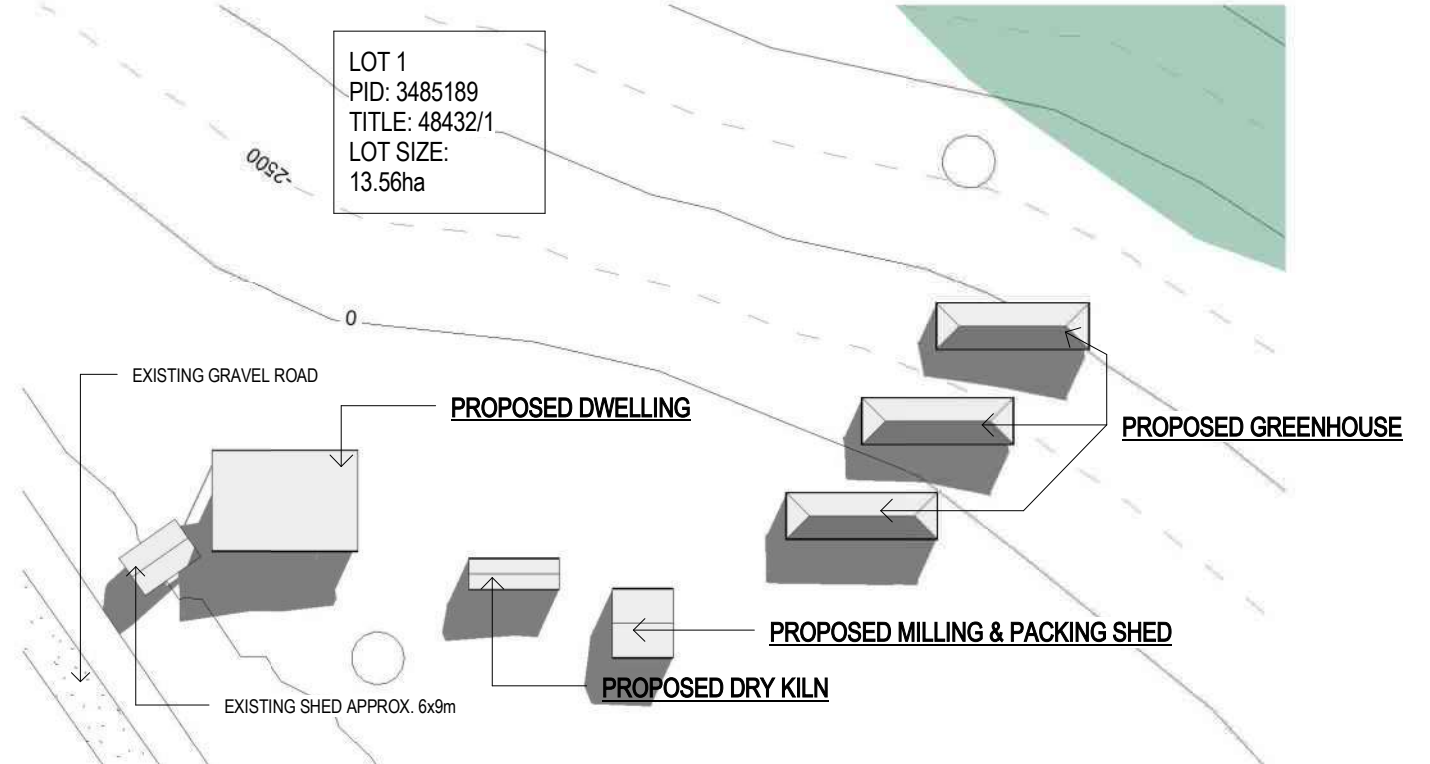
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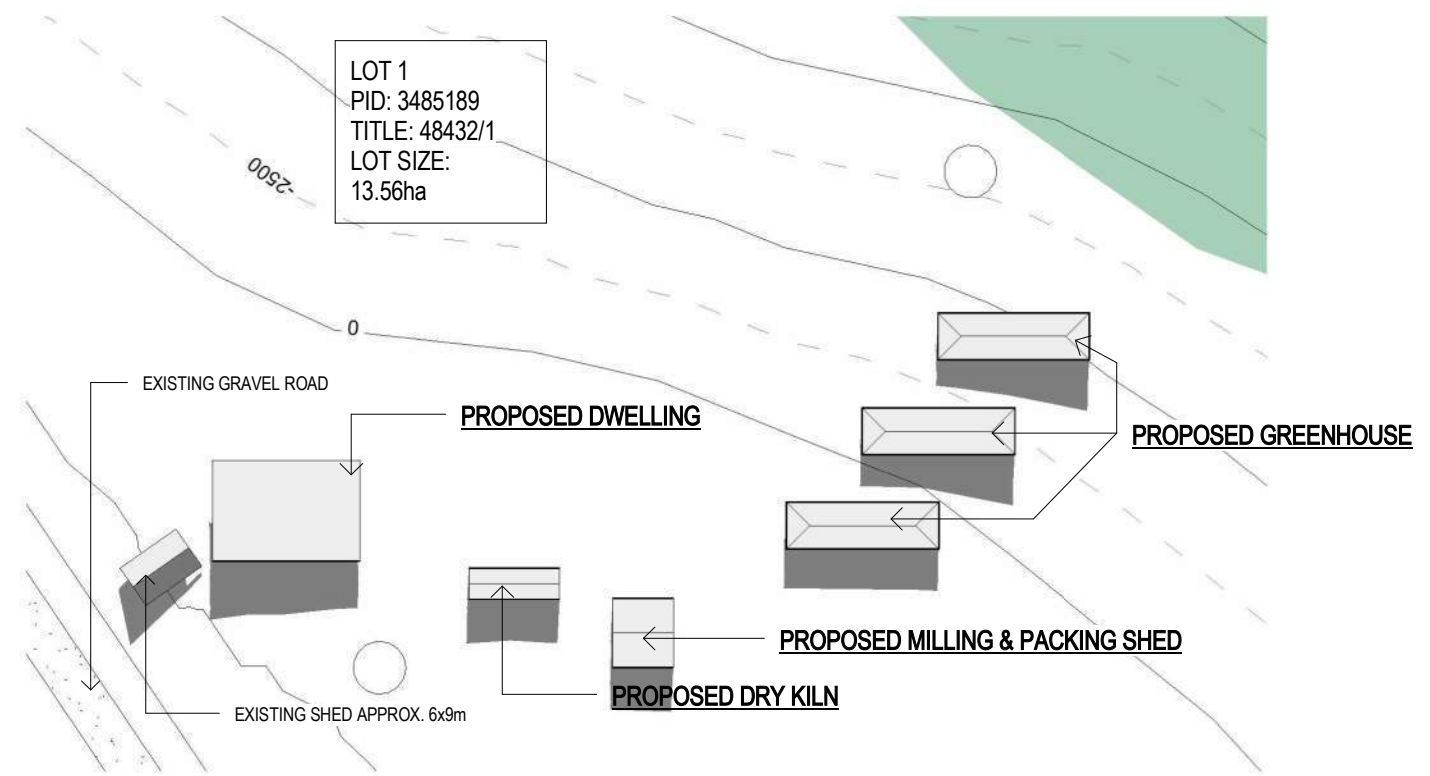
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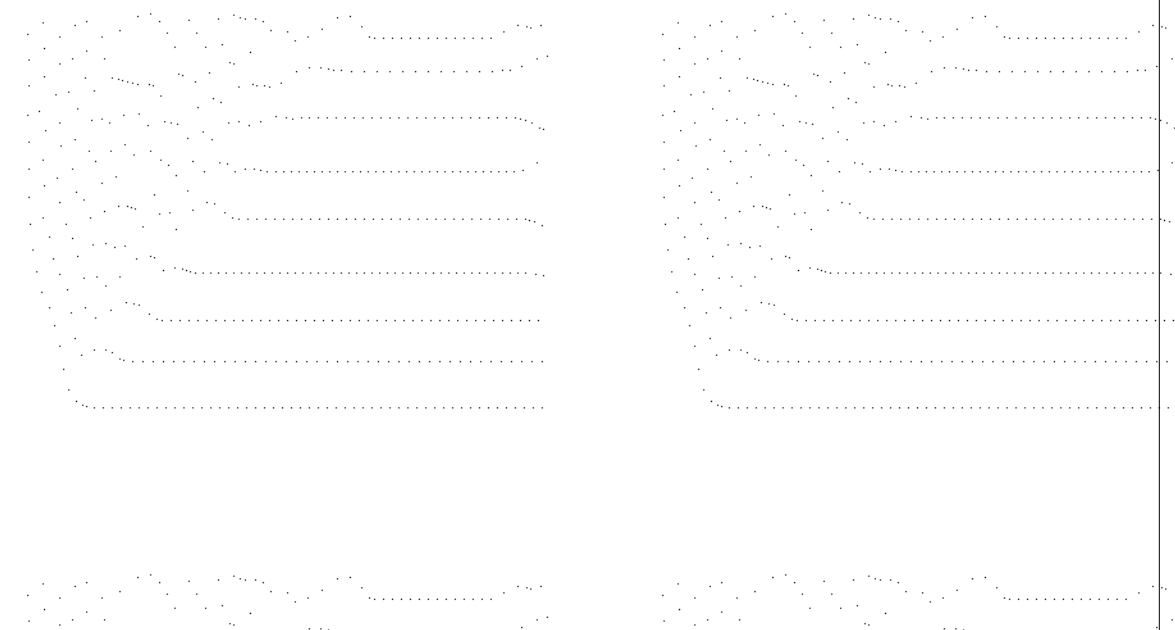
21/6 9AM SHADOW PLAN
 SCALE 1:1000



21/6 10.30AM SHADOW PLAN
 SCALE 1:1000



21/6 12PM SHADOW PLAN
 SCALE 1:1000



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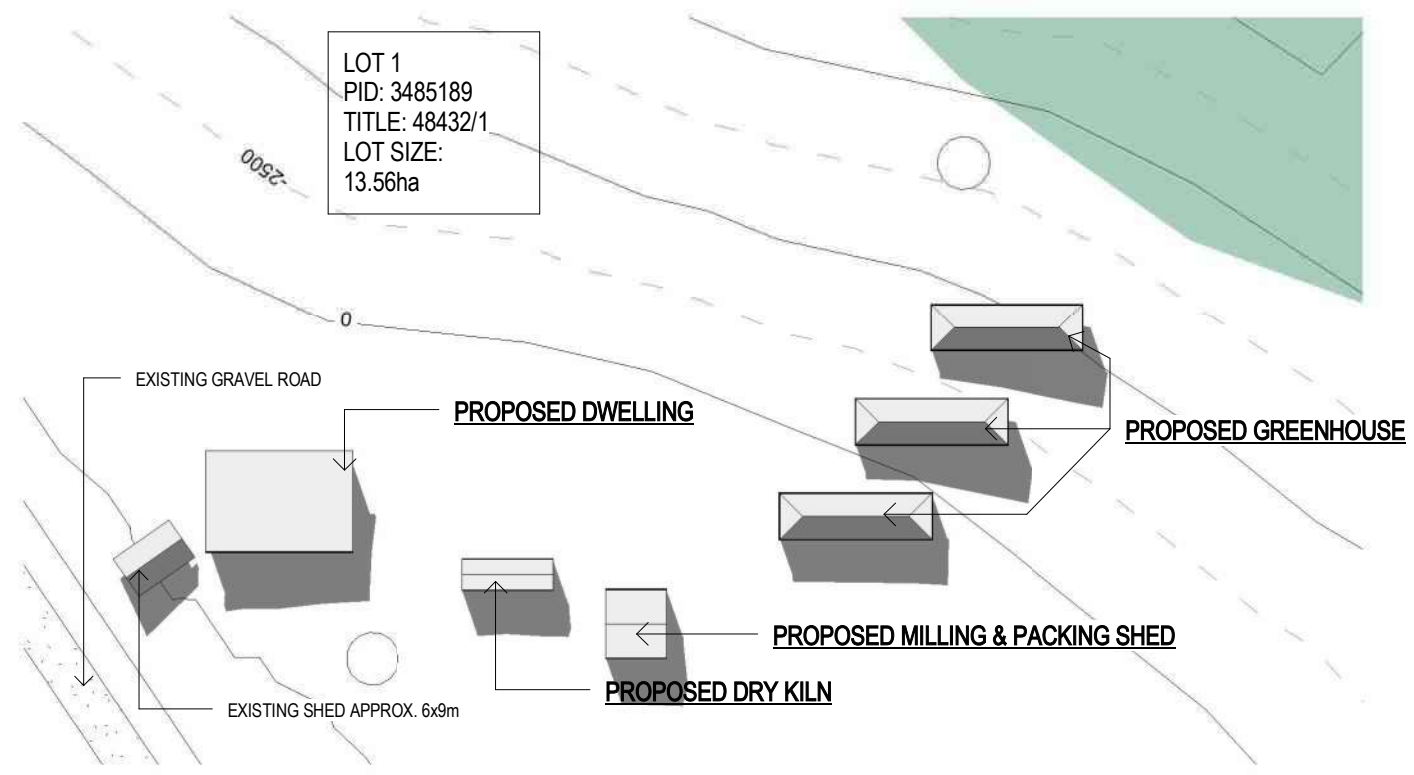
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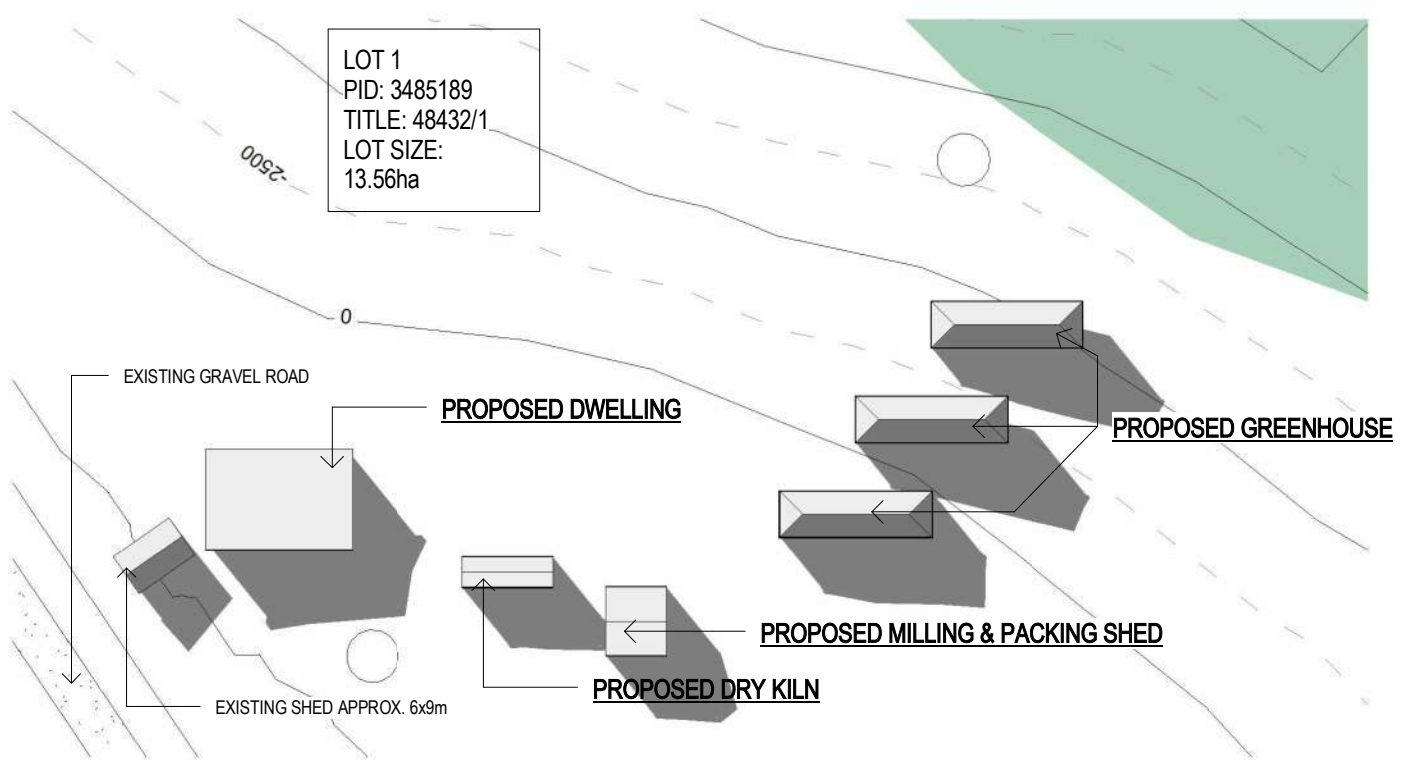
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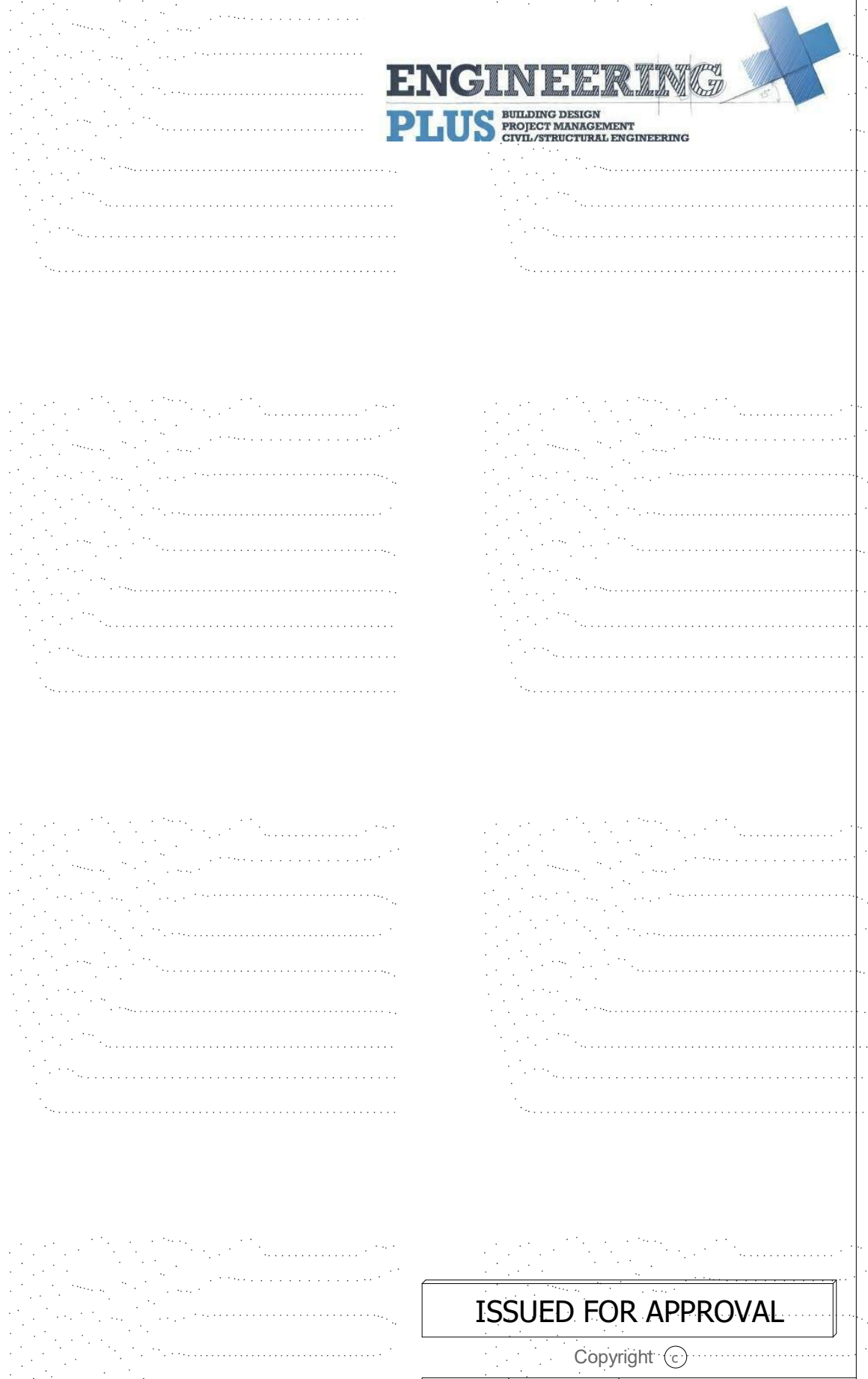
PLANNING AUTHORITY 1



21/6 1.30PM SHADOW PLAN
 SCALE 1 : 1000



21/6 3PM SHADOW PLAN
 SCALE 1 : 1000



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Rev:	Amendment:	Date:	Int:	Accreditation No: CC2211T

Drawing No: 40219
 Page 132
 Rev A

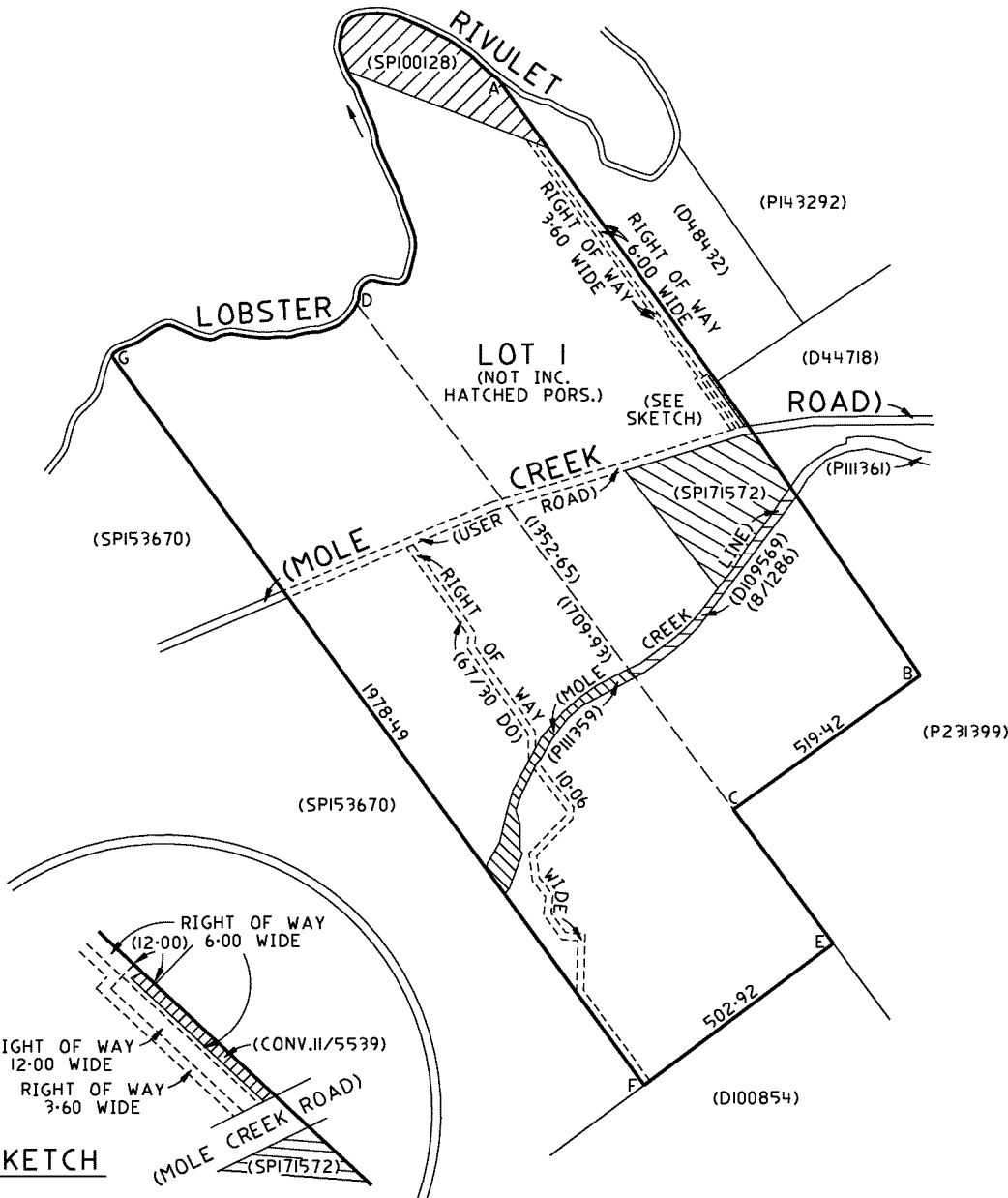
OWNER AO E54574	<p>PLAN OF TITLE</p> <p>LOCATION WESTMORLAND - WOODBRIDGE & DEVON - MIDHURST</p> <p>CONVERTED BY PLAN No. DI00667, DI00158</p> <p>COMPILED BY LTO</p> <p>NOT TO SCALE LENGTHS IN METRES</p>	Registered Number P.171573
<p>FOLIO REFERENCE CT.100350/1 CT.100667/1</p> <p>GRANTEE PART OF 640 ACRES GTD TO THOMAS RITCHIE & WILLIAM HENTY PART OF 200 ACERS GTD TO CHARLES ROSS MACKENZIE</p>		APPROVED 1 FEB 2017 <i>Alice Kawa</i> Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 121 (4440, 4640 4439, 4639)	LAST UPI No	LAST PLAN No. DI00350, DI00667	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN
---	-------------	--------------------------------	---

SKETCH BY WAY OF ILLUSTRATION ONLY "EXCEPTED LANDS" A.B.C.D RELATES TO CONV.43/4884 D.C.E.F.G RELATES TO CONV.60/3049

(FROM A.B.C.D)
LOT 1, (5.012ha), SPI00128
LOT 1, (6.287ha), SPI71572

(FROM D.C.E.F.G)
PART LOT 1, PI09660 (LOT 1 PIII359)



NC

SEARCH OF TORRENS TITLE

VOLUME 171573	FOLIO 1
EDITION 2	DATE OF ISSUE 27-Mar-2017

SEARCH DATE : 21-Jan-2021

SEARCH TIME : 02.28 PM

DESCRIPTION OF LAND

Parish of WOODBRIDGE Land District of WESTMORLAND
 Parish of MIDHURST Land District of DEVON
 Lot 1 on Plan 171573
 Being the land described in Conveyance 60/3049 & Being the land described in Conveyance 43/4884
 Excepting thereout Lot 1 (SP100128) 5.012ha, Lot 1 (SP171572) 6.287ha and Part of Lot 1, (Plan 109660)
 Derivation : Part of 640 Acres Gtd. to Thomas Ritchie & Anor and Part of 200 Acres Gtd. to Charles Ross Mackenzie
 Prior CTs 100667/1 and 100350/1

SCHEDULE 1

C205833 & E3065 TRANSFER to NICHOLAS JAMES CRAMP and JOANNE MAREE CRAMP Registered 01-Feb-2017 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 33/3299 GRANT BURDENING EASEMENT: a Right to pass & Repass (For Harold Isaac George Richardson as appurtenant to 102 Acres abutting in part the said Lot 1) over the Right of Way 10.06 wide shown on Plan 171573
 33/3300 GRANT BURDENING EASEMENT: a Right to Pass & Repass (For Harold Isaac George Richardson & Ors. as appurtenant to 105A-0R-33.9P) over the Right of Way 10.06 wide shown on Plan 171573
 67/9659 GRANT OF EASEMENT: BURDENING EASEMENT: a Right of Carriageway (appurtenant to Lot 1 on Diagram 33269) over the Right of Way 6.00 wide shown on Plan 171573
 67/9659 GRANT OF EASEMENT: BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 1 on Diagram 48432) over the Right of Way 12.00 wide shown on Plan 171573
 SP100128 BURDENING EASEMENT: a Right of Carriageway (appurtenant to Lots 1 and 2 on Sealed Plan 100128) over the Right of Way 3.60 wide shown on Plan 171573
 C667659 MORTGAGE to Elders Rural Bank Limited (as relates to the land marked DCEFG on Plan 171573) Registered

30-Sep-2005 at 12.01 PM

E54574 ADHESION ORDER under Section 110 of the Local
Government (Building and Miscellaneous Provisions)
Act 1993 Registered 01-Feb-2017 at 12.03 PM

E75397 MORTGAGE to Rural Bank Limited Registered
27-Mar-2017 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Extension to Agricultural Report – 22.02.2021

1184a Mole Creek Road, Needles

PA\21\0176

Additional Information as requested by Meander Valley Council

1. Addressing reduced set back from side boundary

It is proposed that the dwelling at 1184a Mole Creek Road be constructed within the recommended setback allowance, namely 16.8m of the side boundary.

The neighbouring property is currently a working dairy and although intensive in nature, dairy activities are limited to annual spraying and frequent fertilizer and water applications.

Modern farming operations adhere to stringent rules around the application of agricultural chemicals and fertilisers such that operations are performed within the appropriate weather conditions to avoid drift and the loss of product onto non target areas (see Code of Practice for Ground Spraying, Dept of Primary Industry Tasmania; 2001).

Agricultural operators keep records around application of chemicals and weather conditions at times of application and adhere to environmental buffers to avoid the risk of off-target contamination.

In addition to this, a KARST catchment area is highlighted in the SE portion of the side boundary. Being an environmentally sensitive area, chemical and fertilizer applications around this area need to be performed outside of an additional buffer area of 40m (as outlined in the KARST Management Code, Meander Valley Interim Planning Scheme 2013).

The buffer required for the KARST, included with the reduced setback of the proposed dwelling would help in achieving a more desirable setback distance from the side boundary (56.8m).

In addition to this, landscaping could be utilised as an option to help diminish noise and dust from both agricultural operations and the internal access road. Landscaping is optional and if considered could be planted between the dwelling and the side boundary (subject to Bush Fire Risk Assessment) the species contained in the buffer should be native to the area; as outlined in the KARST Management Code and meet other provisions provided by council surrounding revegetation in sensitive areas.

Should agricultural operations change on the neighbouring property – such as sale of the land to another person who may undertake different agricultural operations; the location of the KARST Catchment would still provide additional setback allowance, as any agricultural operation (intensive cropping, forestry etc) would need to adhere to environmental legislation regarding setbacks and the risks associated with the potential contamination of environmentally sensitive areas.

It is unlikely that the paddocks adjacent to the side boundary in question would be intensively cropped as this involves frequent working of ground and would subject the KARST Catchment to unnecessary risk of contamination through the movement of soil and excess water – permanent pasture, and associated grazing, is by far the safest operation to carry out on these paddocks with consideration to the environmental limitations.

As per the KARST Management Code, activities on land surrounding KARST sensitive areas should be carried out with consideration to buffer / exclusion zones (increasing with slope) and soil disturbances should be minimized to reduce the risk of pollutants entering the environmentally sensitive area.

Comment pertaining to other houses in the area are made to support the construction of a dwelling where there is existing road access and existing services to support the construction of a dwelling.

2. Correction of compass points

I could see no incorrect compass points as noted

3. Comments supporting the agricultural use of the property are presented in point 1 above

Should you require any additional information or clarification on the points outlined herein, please feel free to contact me.

Regards

Michelle Hogarth

0428 679 981

michelle.hogarth@nutrien.com.au

References:

DPIPWE Website – www.dpipwe.tas.gov.au

DPIPWE Code of Practice for Ground Spraying (2001)

DPIPWE AgVet Chemical Act (Control of Use) 1995

Meander Valley Regional Profile (2012)

Meander Valley Agricultural Study – Davey and Maynard (2010)

KARST Management Code – Meander Valley Interim Planning Scheme 2013

1165

26 February 2021

Leanne Rabjohns
Town Planner
Meander Valley Council
Via email: Leanne.Rabjohns@mvc.tas.gov.au

Dear Leanne,

Review of PA\21\0176 – 1184a Mole Creek Road, Needles – dwelling and farm sheds

The contents of this summary are based on information provided via dropbox on 25/02/21 by the Meander Valley Council planning department.

I understand the brief is to provide comment on:

- (1) is the dwelling integral and subservient to resource development – as per Clause 26.3.2;
- (2) is the proposed setback of the dwelling being (16.8m¹) not likely to constrain adjoining primary industry operations as per Clause 26.4.1.

The following comments are provided in relation to these two questions:

1. The proposed agricultural activity is described as three green houses, a drying kiln and a milling and packing shed. The produce to be grown is organic produce such as herbs on a year-round basis. No mechanisation is proposed and all work will be undertaken by hand. This includes, drying milling and packing. All products will be sold to a single private 3rd party merchant. It is anticipated that the operation will employ three Full Time Equivalents (FTEs). There is no information provided on the methods to be used for temperature control or irrigation within the green houses or organic certification time frames. There is no information provided on anticipated returns or forward contracts.
2. To be able to demonstrate 'integral and subservient' there are a number of measures that can be used. Our preference is to use the scale of the agricultural activity as measured by gross income². In the absence of further information, it is difficult to envisage this activity as achieving a gross income of \$200 000 which is what we use

¹ Note - Table 1 on Page 3 of the 6ty⁰ Planning Application states 13.65m

² In our opinion a viable farm is one producing sufficient income to provide for a family and provide full time employment for one person. On this basis the long-term viability of farms producing less than \$200,000 Gross Income is questionable.

as an indicator of a 'commercial scale' agricultural activity. Alternatively, a high value, labour intensive activity could be used in combination with a business plan demonstrating the nature of the operation and anticipated returns.

3. The dwelling will be placed on the flatter elevated portion of the land and the greenhouses will be located on the sloping land. There is no information provided about the infrastructure location.
4. In the absence of further information about the proposed agricultural activity the agricultural activity is in my opinion more likely to be 'hobby' scale.
5. The characteristics of the title indicate 'hobby' or 'lifestyle' scale agricultural activity is more likely³. Therefore, the dwelling is considered not integral and subservient to resource development.
6. The initial Planning Application seeks to demonstrate compliance with P1.1(b) ie *the site is practically incapable of supporting an agricultural use or being included with other land for agriculture or primary industry purposes*. However, the additional information (17th December 2020) provides information on the 'specialised agricultural enterprise' and states that the proposed dwelling is to provide accommodation for the three FTE employees and surveillance. This appears to contradict the initial planning application.
7. The adjacent title to the south west (CT 171573/1) is an approximately 164ha title that is utilised as a dairy farm, with irrigated pasture. Approximately half the title is within the Greater Meander (Caveside – Dairy Plains) Irrigation Scheme District. The title fronts on to Lobster Rivulet and also has both summer and winter surface water allocations from Lobster Rivulet.
8. There is a 250m span pivot irrigator with an end gun which allows for irrigating a 270m radius immediately west of the proposed development. Irrigation extends to the north-eastern of the pasture on CT 171573/1 within 31m of the proposed dwelling (assuming 14m setback for the dwelling and 17m width for the access road and verges).
9. Based on the 10m contours the proposed dwelling is on the same elevation as the northern and eastern portions of the pivot circle. The prevailing wind is from the north west. There is an existing shed between the proposed dwelling and the boundary to the south west on the subject title. The shed is approximately one third the size of the proposed dwelling. The driveway for the proposed dwelling is to the north west of the proposed dwelling. The proposed dwelling is within 31m and directly exposed to

³ As defined by AK Consultants (now RMCG) in Ketelaar, A and Armstrong, D. 2012, *Discussions paper – Clarification of the Tools and Methodologies and Their Limitations for Understanding the Use of Agricultural Land in the Northern Region*, paper written for Northern Tasmania Development.

irrigation and associated activities on the adjacent title and in the path of the prevailing wind direction.

- The frequency and intensity of adjacent activities associated with irrigated dairy pastures and the associated issues likely to constrain this use are provided as a broad guide in Table 1 below.

Table 1: Activities associated with pastures for dairy

MANAGEMENT ACTIVITY	ISSUES LIKELY TO CONSTRAIN THE ACTIVITY	COMMENT
Pasture sowing Herbicide spraying Cultivation Drilling	Spray drift, noise Noise, dust Noise, dust	Ground based or aerial – often very early in the morning
Graze	Noise at certain time eg weaning calves Livestock trespass	Tractor
Forage conservation Mow, Rake, Bale, Cart bales	Noise, dust	Tractor
Fertiliser spreading	Noise	Tractor
Insecticide spraying	Spray drift Noise	Ground based or aerial – often very early in the morning

- Although the adjacent dairy title (CT 171573/1) currently supports a dairy enterprise, alternative enterprises which involve higher intensity use may be suitable on this land. This potentially includes the use of fungicides.
- Under these circumstances a minimum 200m separation distance is recommended to reduce the risk of the dwelling constraining adjoining primary industry operations. The proposed setback of the dwelling being (16.8m) is likely to result in the dwelling constraining adjoining primary industry operations as per Clause 26.4.1.
- The dairy title (CT 171573/1) extends to the north outside of the pivot area, where a small area (approximately 5ha) of improved pasture extending to the northern

boundary, has been recently (approximately 2016 based on imagery) developed. Published information shows the Land Capability of this title including the recently improved area and the subject title is Class 4. The planning application states there is approximately 5ha of utilisable pasture on the subject title. The subject title is separated from the dairy title by a low use gravel road. Based on these observations, it is considered that the subject title could be farmed in conjunction with the adjacent dairy farm. This comment, whilst not directly relevant to the two specific questions in the brief, is relevant if the Planning Application seeks to demonstrate compliance with P1.1(b).

Please do not hesitate to contact me if you require further clarification.

Kind regards

Astrid Ketelaar

ASSOCIATE

From: Basil Brush
Sent: 2 Feb 2021 20:09:36 +1100
To: Planning @ Meander Valley Council
Subject: Planning Approval Representation
Attachments: To The General Manager.docx

The General Manager

Please find attached representation regarding PA\21\0176
Can you please acknowledge receipt of this email.

Regards
Nick Cramp

To The General Manager
MVC
2/2/21

Dear Sir/Madam

I am writing in response to Planning Application PA\21\0176 for 1184 Mole Creek Rd Needles.

As an adjoining property owner I note that the proposed dwellings location does not comply with the Rural Resource Zone and codes in relation to clause 26.4.1 Building Location and Appearance.

I request that council require the full set back for this zoning to be applied, to ensure that current and future primary production on my property is not constrained or impeded by the current or future owners of the dwelling.

I note the Agricultural Report attached in support of the application. This document is shallow, inconsistent and appears to be a letter of support for the proposal rather than an objective, informed analysis of facts and local knowledge. I will address this in the following points.

1. The consultant suggests that the block (1184 Mole Creek Rd) is not suitable for general primary production due to the proximity of other existing dwellings. Yet the application proposes the new dwelling be even closer to my boundary than the houses are to the block. So by the consultants own admission, it follows that the proposed dwelling would constrain my primary production.
2. The consultant states that 'it is unlikely that neighbouring land owners would consider the block useful to their enterprise'. This comment highlights the bias and lack of knowledge of the consultant. The sloping loamy soil is in fact a rare commodity on the heavy clay Chudleigh plain. It would in fact be highly sort after by neighbouring farmers as well drained grazing land. The report mentions potential impact of conventional agriculture on threatened plant communities but makes no mention of the fact that they are infested with impenetrable gorse that will most likely result in their total destruction when the next bush fire strikes.
3. The report suggests there are no activities undertaken on my farm that would cause concern to future occupants of the proposed dwelling. This highlights the lack of understanding and research of my operation and lack of understanding of city dwellers relocating to the country. Our land immediately adjacent to the proposed dwelling is our best cropping land which in future will be more intensively farmed. We are currently constructing a dam to fully irrigate this land. From previous experience I know that future neighbours will have concerns about regular spraying, dust drift from cultivation (prevailing wind will blow directly into

the proposed dwelling), noise from diesel pumps running at night, noise at night from pivot end gun and wheels which would be only 40m from the dwelling.

4. A further issue not considered was the need to use firearms to control wallabies and possums that breach our boundary wallaby fence. They are particularly a problem along our closest boundary with the proposed dwelling and as per DPIPWE guidelines shooting is needed in conjunction with a wallaby proof fence. As a resident can prevent shooting within 250m of their house, the power of a future resident of the proposed dwelling to prevent us from managing wildlife on a large proportion of our most productive land, would seriously impact the viability of our business.

In conclusion, I would ask that council remember that these planning codes are in place for good reason, to protect the viability and sustainability of agricultural enterprises like mine that deliver jobs and prosperity to our district. While I fully support the proponents right to develop their property as they see fit, I do not believe in this situation a case has been made to compromise the requirements of Rural Resources Zone and code.

Regards

Nick Cramp

1265 Mole Creek Rd

Chudleigh 7304

Ph 0409676219

From: Felicity Kerr
Sent: 9 Feb 2021 14:28:12 +1100
To: Planning @ Meander Valley Council
Subject: Pa/21/0176

To the general manager,

We are writing to express our concern and therefore make a representation in regards to the proposed development of 1184 mole Creek road (6ty Pty Ltd, PA/21/0176).

In essence our concerns are as follows:

1. The commercial nature of the proposal and any future expansion of the initial proposal including, hours of operation, noise levels, expansion of the processing facility and increased numbers of buildings encroaching on the boundary.

What future expansions will be tolerated? The current proposal is for 3 greenhouses, we are concerned that this may increase in the future if the venture proves successful and turn in to a large scale operation adjacent to our dwelling. Is this a possibility based on the current proposal?

2. The hours of operation, the proposal states 6am to 7pm, 7 days per week. We feel this is excessive and will impact on our lifestyle and enjoyment of our own property if the production noise is audible from our house.

3. Noise levels from the mill, drying kiln, farm machinery etc. Has there been any testing to prove potential noise impacts or decibel levels?

4. Apparent lack of concern or failure to address the maintenance, control and/or eradication of the abundant noxious weeds on the property (gorse and blackberries), which act as breeding ground for feral species (cats and rabbits) as well as snakes and represent a considerable fire hazard. Will there be any requirement or standard to which these will need to be controlled along our boundary as part of the proposal? There is no mention of any gorse removal in the proposal.

Yours sincerely
Felicity and Mitchell Crowden
1182 Mole Creek Road, needles.

From: Jay de Gier

Sent: Monday, 8 February 2021 6:36 PM

Subject: 6ty Pty Ltd - PA.21.0176

The General Manager, Meander Valley Council

Please find listed below our response to the above planning application regarding the property situated at Lot 1 Mole Creek Road, Needles Tas 7304.

We are the current owners of the property situated at 1184 Mole Creek Road, Needles. We reside at this address on a fulltime basis.

After careful consideration regarding the Application, we feel that no mention has been made with regard to the current state of the land on title 48432. The land is heavily covered in Gorse which is impacting not only on neighbouring properties but the State forest as well, All occupants are trying to control the Gorse on their properties. Gorse is highly flammable and is a significant fire hazard. The current owner has done nothing to contain and eradicate the Gorse from his property, and we feel that that MVC should address this matter with the current owner before any new Application could be considered.

The proposed Application identifies matters that we would like noted, these being:

The gravel road that is utilised by five different landowners, there are 2 properties to the N and NW they will be impacted by the increased traffic.

There is no mention as to who is responsible for the maintenance of the road leading in to all these properties.

The hours of operation of the proposed agricultural operation being from 6:00am to 4pm seven days a week is unacceptable.

If the Application was to be approved, there needs to be provision that in the event of the current owners selling the business, that there is no room for the Operation to increase in size at a later date.

The minor tributary that is identified on the north eastern boundary of the property is not to be redirected from its natural water course in any way.

The natural vegetation on the block is to be maintained and nil clearing and also a natural buffer zone created between the residences on the Southern and the Northern boundaries to minimise the noise and visual impact that the proposed agricultural operation will create.

It states on the application that there is access to the property via 1275 Mole creek Road, 1275 Mole Creek Road finishes at the track up to the phone towers and the area next to the property is state forest so unless there is access granted from the relevant department the only access is via the road on the southern side, plus it would mean access would be over or thru the minor tributary impacting on the natural flow of the water.

We look forward to hearing from you regarding our concerns as to the proposed application.
Coen and Jay de Gier

INFRASTRUCTURE 1

Reference No. 48/2021

URBAN STORMWATER SYSTEM ACTION PLAN

AUTHOR: Jarred Allen
Team Leader, Engineering

1) Recommendation

It is recommended that Council endorse the Urban Stormwater System Action Plan.

2) Officers Report

Introduction

Council's Urban Stormwater System Action Plan (USSAP) has been developed to understand and identify the key stormwater drainage issues in the urban areas of the Municipality. The USSAP provides an order of priority for recommended stormwater system improvement actions for Council consideration in forward capital works programs and operational works programs.

The key issues and action lists have been prioritised based on risks from flooding, the cost to rectify the issue, and expected future growth in the respective catchment areas.

Background

In 2018, Council engaged consultant Hydrodynamica to develop Stormwater System Flood and Risk Studies (SSFRS) for the urban areas of the Municipality. A Stormwater System Management Plan (SSMP) has been developed from the SSFRS as required under the *Urban Drainage Act 2013*.

The SSFRS were developed using asset data available at the time. Council officers will continue to review the adequacy of the SSFRS and the SSMP as additional asset data is surveyed and new developments occur.

A flood risk assessment was prepared for each key urban area. Each area comprises multiple stormwater systems as listed in Table 1. For each stormwater system, the potential risks from flooding to the public, private property and infrastructure have been listed. Risks range in severity from minor

to medium to high for both 10% annual exceedance probability (AEP) storm events (1 in 10 years) and 1% AEP storm events (1 in 100 years). The studies also propose improvement actions that Council should consider to mitigate the risks of flooding. These actions have been prioritised as low, moderate or high based on the level of risk.

List of Urban Stormwater Systems

A list of the SSFRS is presented in Table 1 below.

Urban Area	Stormwater System
Blackstone Heights	Longvista Drive Columbus Drive Bayview Drive (east) Baker Court Bayview Drive (west) Lakeview Court Blackstone Road (north) Blackstone Road (south) Blackstone Road (east) Neptune Drive Glover Avenue Panorama Road (south) Panorama Road (north)
Bracknell	Jane Street Elizabeth Street Louisa Street Western System
Carrick	Simmons Street Meander Valley Road (east) Meander Valley Road (west) Percy Street (east)
Chudleigh	Sorell Street Burnett Street Jones Street Gardner Street
North East Deloraine	Emu Bay Road West Parade Winter Street (east) Weston Street (east) Winter Street (west) Weston Street (west) West Barrack Street (large) Tower Hill Street

Urban Area	Stormwater System
	West Barrack Street (small) Parsonage Street Westbury Place
North West Deloraine	West Church Street West Goderich Street West Parade Street Stagg Court Tower Hill Street Beefeater Street Weston Street Johnstone Lane Jordan Place Nutt Street
South Deloraine	Railway Street Grigg Street East Westbury Place East Barrack Street East Church Street East Goderich Street Pultney Street Meander Valley Road
North East Hadspen	Winton Fields Court Bowdens Road Meander Valley Road South Esk Drive Main Street
South West Hadspen	Roebourne Avenue Cook Street Main Street Reibey Street Browne Street Foote Street Scott Street
Hagley	Western Channel Northern Channel Meander Valley Road
East Prospect Vale	Kate Reed Drive Lomond View Drive Mountain View Court Hutton Court Chris Street Donalds Avenue

Urban Area	Stormwater System
North Prospect Vale	Mount Leslie Road Holyman Drive Wakefield Place Willow Lane
North West Prospect Vale	Country Club Avenue Cheltenham Way Somerset Place Molecombe Drive Nicole Court Mount Leslie Road McRae Place Gordon Place Casino Rise (south) Casino Rise (north)
South West Prospect Vale	Sherwood Close Country Club Avenue Andrews Circle Oakmont Way Harley Parade (east) Harley Parade (west)
East & South Westbury	East Westbury South Westbury
North Westbury	North Westbury Quamby Street William Street Franklin Street Alison Court Jones Street Meander Valley Road King Street Marriott Street Taylor Street (south)
North West Westbury	King Street Mary Street Meander Valley Road George Street

Table 1: List of Urban Stormwater Systems

Council Priority Actions

Council Officers have reviewed the recommended actions in each of the above stormwater systems, classified works requirements as operational or capital works, and assigned an indicative cost comparison to each action. Each stormwater system has been assessed against known or potential future development within the catchment area. These criteria, as well as the severity of risk, were used to determine the priority of actions. These will be used to determine which actions will be recommended to Council for consideration in the 2021-22 Capital Works Program, and which should be considered for future works programs.

The list of priority actions for each catchment is summarised in Attachment A to this report, together with a preliminary schedule for recommended capital works.

Conclusion

The stormwater system actions identified are an indication of priority items that should be undertaken based on risk of flooding, cost and the increase in runoff due to future development. The very high priority actions will be costed for consideration in the 2021-22 draft Capital Works Program, as these items will address issues that Officers believe are of highest risk to Council. An allowance for lower priority actions should be considered for future works programs.

Although future development has been predicted in some areas, it should be noted that re-evaluation of the stormwater system action plan should be undertaken periodically in consideration of unexpected development, climate change and changes to risk.

3) Council Strategy and Policy

Council's Annual Plan requires Council officers to seek endorsement for the Urban System Stormwater Action Plan.

4) Legislation

Section 10 of the *Urban Drainage Act 2013* requires councils to develop a stormwater system management plan (SSMP). As part of the SSMP, an action plan needs to be developed to improve the stormwater systems to mitigate the risk of flooding.

5) Risk Management

The implementation of an action plan will assist Council in mitigating risks from flooding in urban catchments.

6) Government and Agency Consultation

Not applicable

7) Community Consultation

Not applicable

8) Financial Consideration

Budgets for action plan projects will be presented to Council for approval as part of the 2021/22 Capital Works Program and future capital and operational works.

9) Alternative Recommendations

Not applicable.

10) Voting Requirements

Simple Majority

DECISION:

**URBAN STORMWATER SYSTEM ACTION PLAN
ATTACHMENT A : PRIORITY ACTIONS**

1. Urban Stormwater Systems

Urban Area	Stormwater System
Blackstone Heights	Longvista Drive Columbus Drive Bayview Drive (east) Baker Court Bayview Drive (west) Lakeview Court Blackstone Road (north) Blackstone Road (south) Blackstone Road (east) Neptune Drive Glover Avenue Panorama Road (south) Panorama Road (north)
Bracknell	Jane Street Elizabeth Street Louisa Street Western System
Carrick	Simmons Street Meander Valley Road (east) Meander Valley Road (west) Percy Street (east)
Chudleigh	Sorell Street Burnett Street Jones Street Gardner Street
North East Deloraine	Emu Bay Road West Parade Winter Street (east) Weston Street (east) Winter Street (west) Weston Street (west) West Barrack Street (large) Tower Hill Street West Barrack Street (small) Parsonage Street Westbury Place

Urban Area	Stormwater System
North West Deloraine	West Church Street West Goderich Street West Parade Street Stagg Court Tower Hill Street Beefeater Street Weston Street Johnstone Lane Jordan Place Nutt Street
South Deloraine	Railway Street Grigg Street East Westbury Place East Barrack Street East Church Street East Goderich Street Pultney Street Meander Valley Road
North East Hadspen	Winton Fields Court Bowdens Road Meander Valley Road South Esk Drive Main Street
South West Hadspen	Roebourne Avenue Cook Street Main Street Reibey Street Browne Street Foote Street Scott Street
Hagley	Western Channel Northern Channel Meander Valley Road
East Prospect Vale	Kate Reed Drive Lomond View Drive Mountain View Court Hutton Court Chris Street Donalds Avenue
North Prospect Vale	Mount Leslie Road Holyman Drive Wakefield Place

Urban Area	Stormwater System
	Willow Lane
North West Prospect Vale	Country Club Avenue Cheltenham Way Somerset Place Molecombe Drive Nicole Court Mount Leslie Road McRae Place Gordon Place Casino Rise (south) Casino Rise (north)
South West Prospect Vale	Sherwood Close Country Club Avenue Andrews Circle Oakmont Way Harley Parade (east) Harley Parade (west)
East & South Westbury	East Westbury South Westbury
North Westbury	North Westbury Quamby Street William Street Franklin Street Alison Court Jones Street Meander Valley Road King Street Marriott Street Taylor Street (south)
North West Westbury	King Street Mary Street Meander Valley Road George Street

Table 1: List of Urban Stormwater Systems

2. **Council Priority Actions**

2.1 **Council Priority – Very High**

2.1.1 North Westbury – North Westbury

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
01	Ensure the flood footprint is incorporated into MVCs Flood Prone Area mapping and considered in planning decisions.	High	OPEX	Very Low
02	Survey the channel crossings and culverts between Meander Valley Road and William Street. Incorporate them into the model.	High	OPEX	Low
03	Remodel the catchment with changes to the drainage channel in Lot 1 William Street.	High	OPEX	Low
04	Consider upgrading the main drainage channel; create floodway, detention and upgrade of open drain up and downstream of Marriot Street.	High	CAPEX + Land Acquisition	High

Table 2. Very High Priority Actions for North Westbury in the North Westbury Stormwater System.

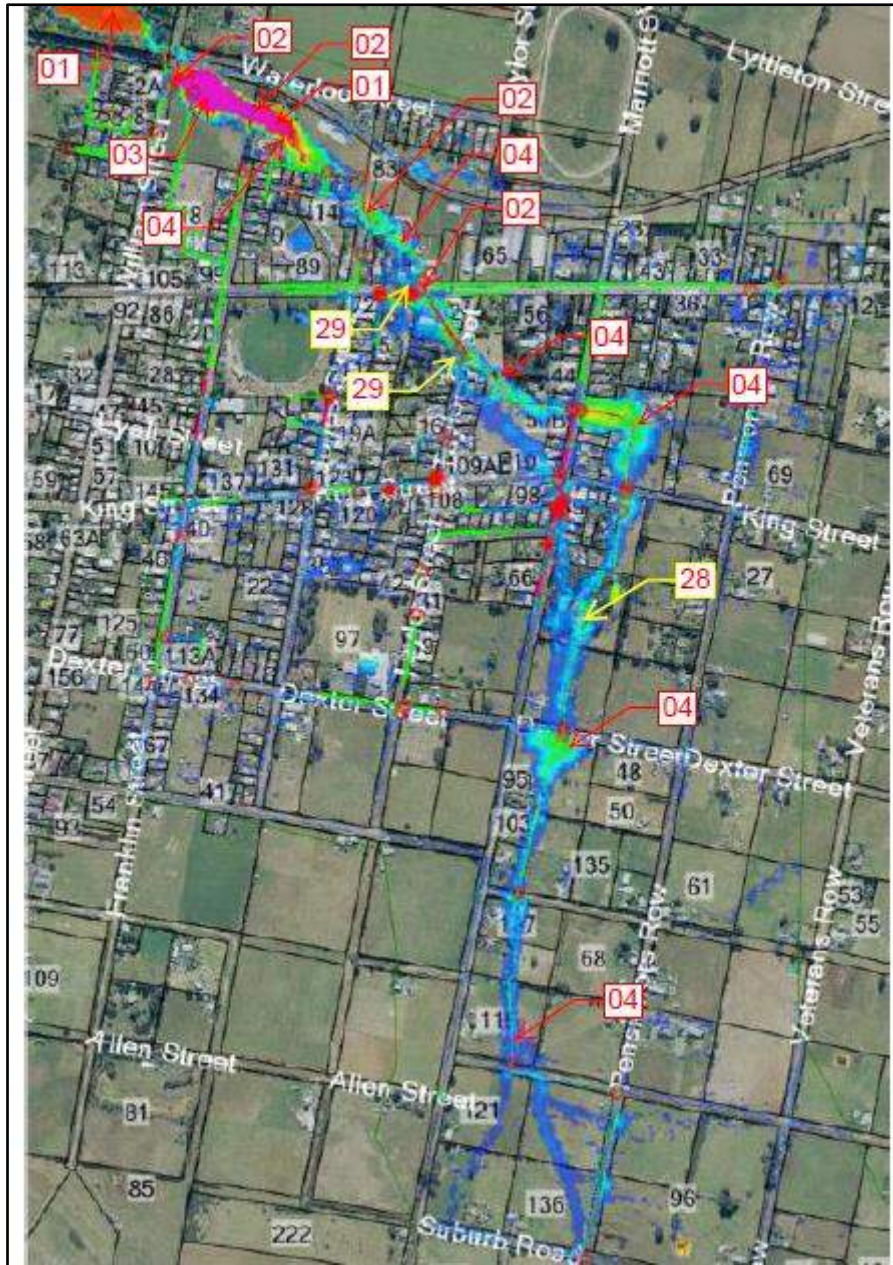


Figure 1. North Westbury – North Westbury Stormwater System 1% AEP.

2.1.2 North East Deloraine – West Parade

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
05	Undertake inspections of the culvert inlets and outlets at Beefeater Street, Tower Hill Street, No. 7 West Parade, and the river. Undertake works as required to ensure hydraulic efficiency and	High	OPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	reduce the risk of blockage. Consider upgrades, such as the installation of headwalls as required.			
06	Consider the installation of a detention basin upstream of the Beefeater and West Barrack Street intersections.	High	CAPEX + Land Acquisition	High
07	Consider upgrades to the stormwater network and open drain downstream of the Beefeater and West Barrack Street intersection.	High	CAPEX	High
08	Review property connectivity with the stormwater system. Connect Properties directly to the network to reduce the amount of road flooding.	Moderate	CAPEX	Low / Moderate
09	Consider the realignment of the open drain or create a training levee/diversion wall north of the dwelling at No. 7 West Parade to prevent flooding of the dwelling.	Moderate	CAPEX	Low / Moderate

Table 3. Very High Priority Actions for North East Deloraine in the West Parade Stormwater System.

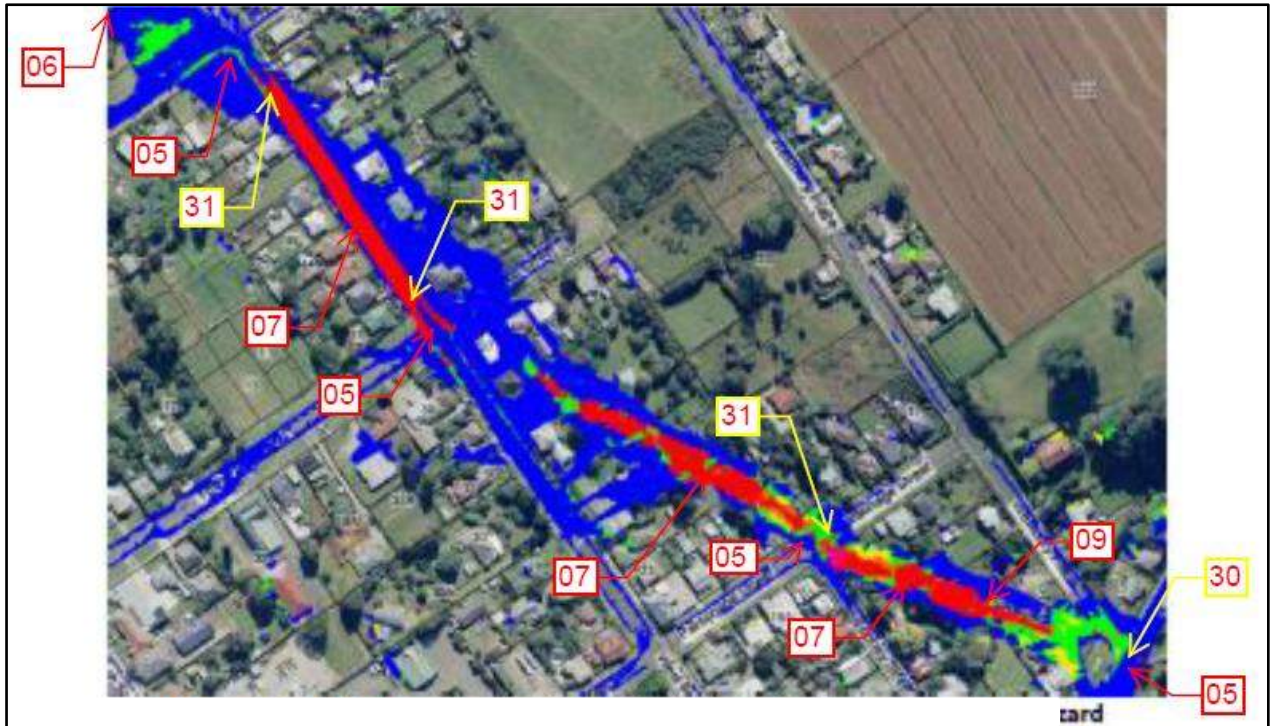


Figure 2. North East Deloraine – West Parade Stormwater System 1% AEP.

2.1.3 South Deloraine – Meander Valley Road

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
10	Undertake flood study of Bonneys Creek catchment to determine impacts on Tahara Corner, Meander Valley Road, and adjacent properties. This will enable flood plans to be generated for the extent of Bonneys Creek through Deloraine and consider influences on the creek from the Meander River.	High	OPEX	Low
11	Undertake investigations to confirm whether an outgoing pipe from the Meander Valley Road pipeline (model node No. 69) exists through to the lake on the northern side of the road. Update the model to reflect any	Medium	OPEX	Very Low / Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	changes.			

Table 4. Very High Priority Actions for South Deloraine in the Meander Valley Road Stormwater System.

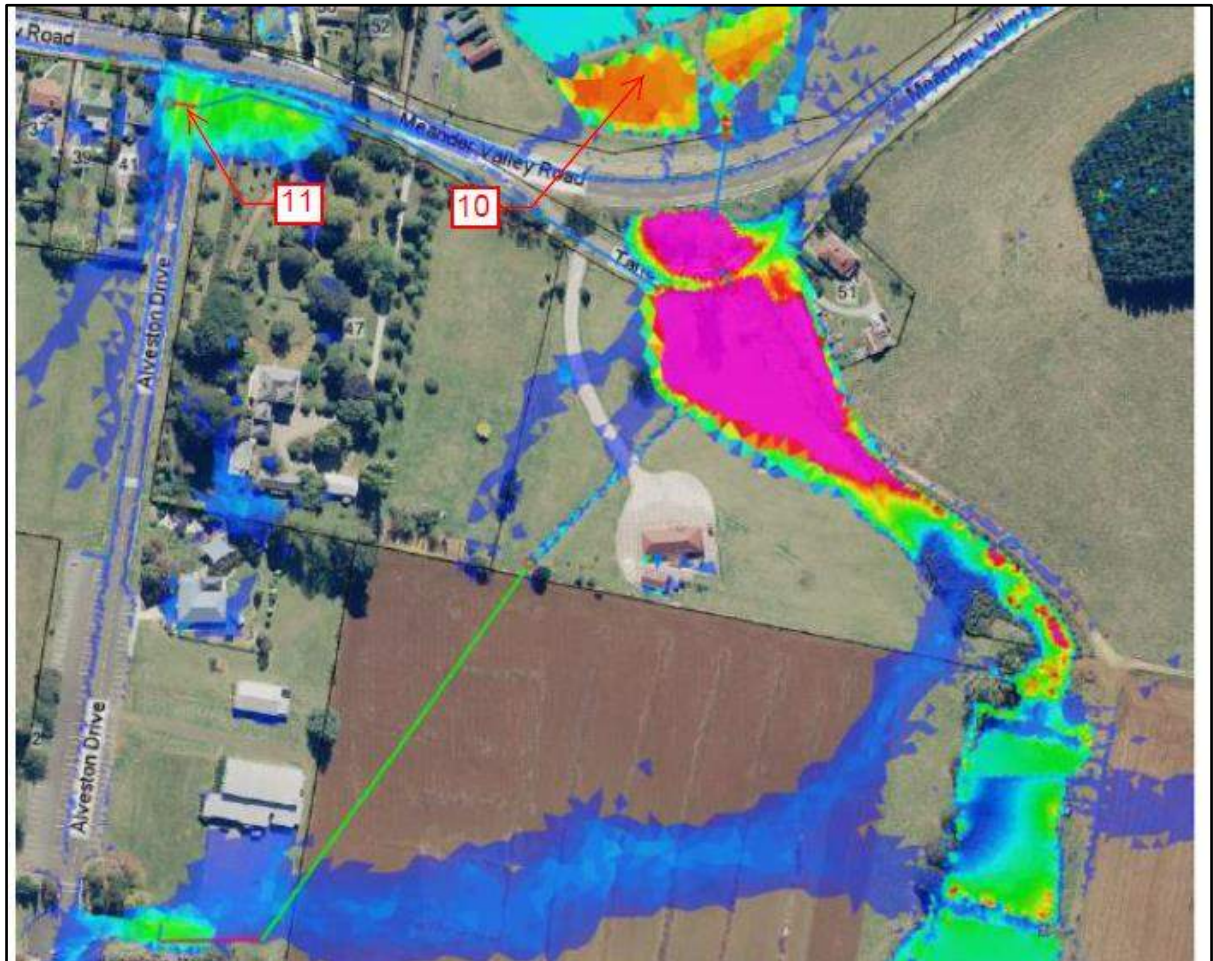


Figure 3. South Deloraine – Meander Valley Road Stormwater System 1% AEP.

4.1.4 North West Prospect Vale – Country Club Avenue

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
12	Add the missing road pit/pipe data to model to determine if a reduction in road flooding is expected.	High	OPEX	Low
13	Consider upgrading road pits and pipework to Council Standards.	High	CAPEX	Moderate
14	Undertake additional modelling to determine	Moderate	OPEX	Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	the effects of the catchment upstream of the golf course dam.			

Table 5. Very High Priority Actions for North West Prospect Vale in the Country Club Avenue Stormwater System.



Figure 4. North West Prospect Vale – Country Club Avenue Stormwater System 1% AEP.

2.2 Council Priority – High

2.2.1 Blackstone Heights – Columbus Drive

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
15	Consider upgrading the un-grated SEP in the Bayview Drive cul-de-sac to Council standards. Also consider upgrading the DN225 and raising the driveway crossovers.	High	CAPEX	Moderate / High

Table 6. High Priority Actions for Blackstone Heights in the Columbus Drive Stormwater System.

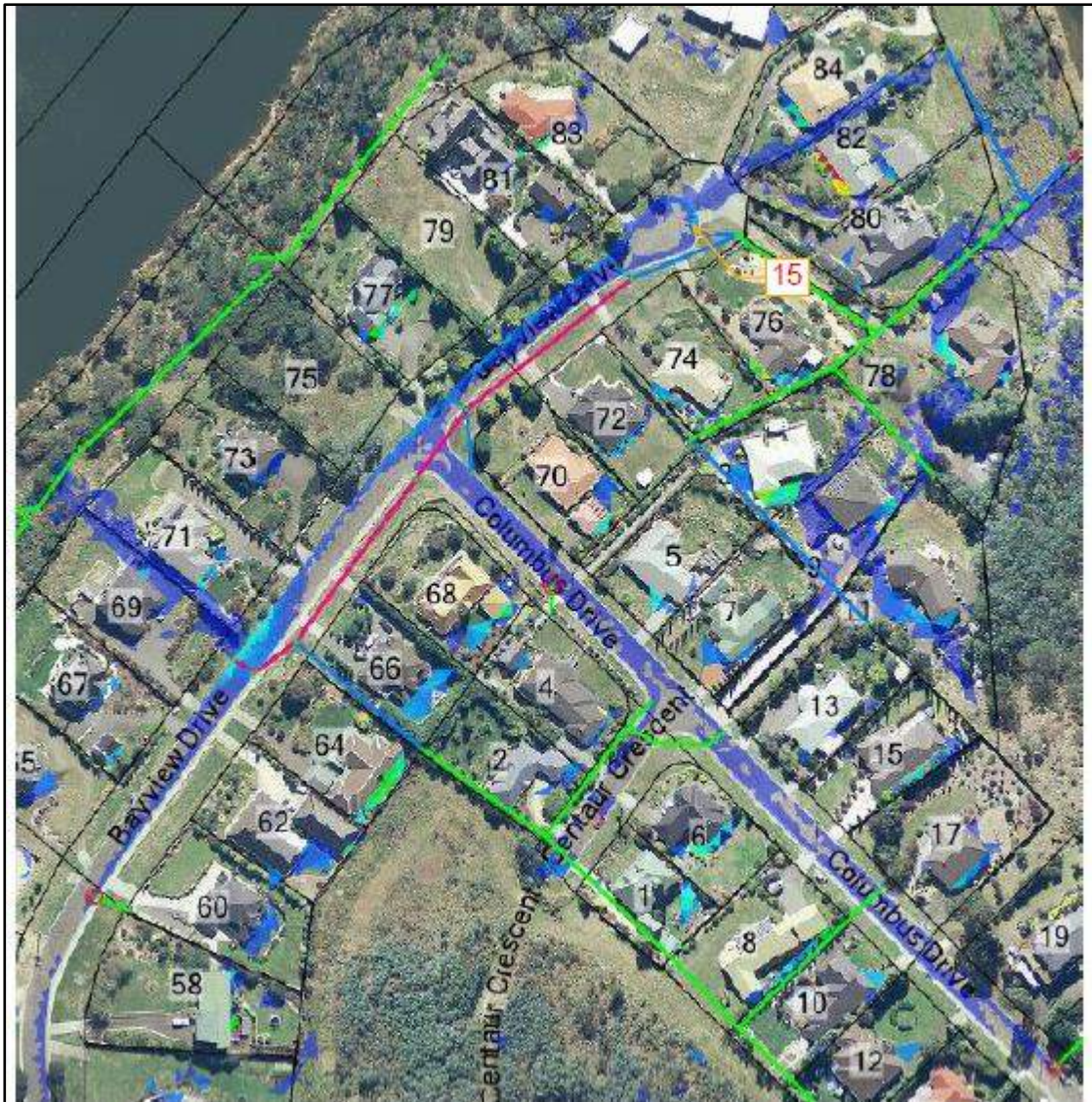


Figure 5. Blackstone Heights – Columbus Drive Stormwater System 1% AEP.

2.2.2 Blackstone Heights – Blackstone Road (south)

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
16	Inspect the inlet arrangement and open drain above No. 25 Blackstone Road. Update the model to accurately reflect arrangement. Ensure overflows from the drain and inlet are directed to Blackstone Road and not to the adjacent dwellings.	High	OPEX	Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
17	Consider upgrades to the DN450 culvert and the downstream open drain to ensure stormwater in the open drains is contained during 1% AEP.	High	CAPEX	Moderate

Table 7. High Priority Actions for Blackstone Heights in the Blackstone Road (south) Stormwater System.

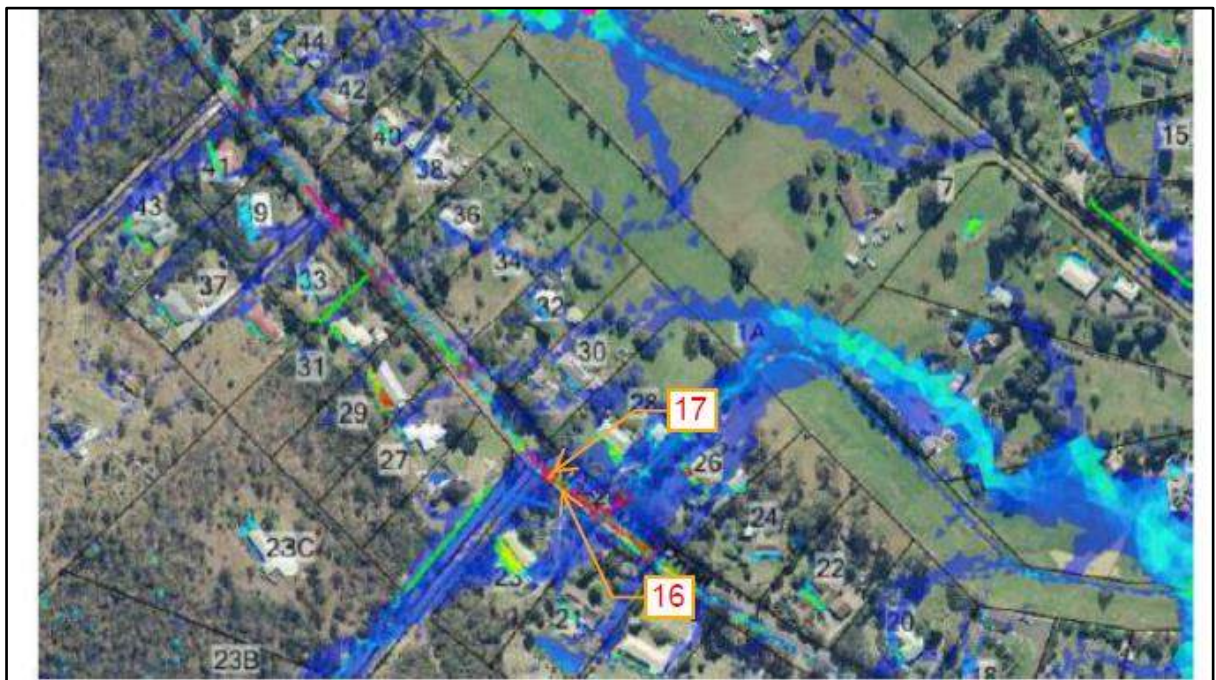


Figure 6. Blackstone Heights – Blackstone Road (south) Stormwater System 1% AEP.

4.2.3 North East Deloraine – West Barrack Street (large)

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
18	Consider upgrading road pits to Council standard SEPs. Also consider upsizing the outlet to open drain.	High	CAPEX	Moderate
19	Update model to include the recent unit development at No. 9 Tower Hill Street, rerun and update risks and actions as	Medium	OPEX	Very Low / Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	required.			

Table 8. High Priority Actions for North East Deloraine in the West Barrack Street (large) Stormwater System.

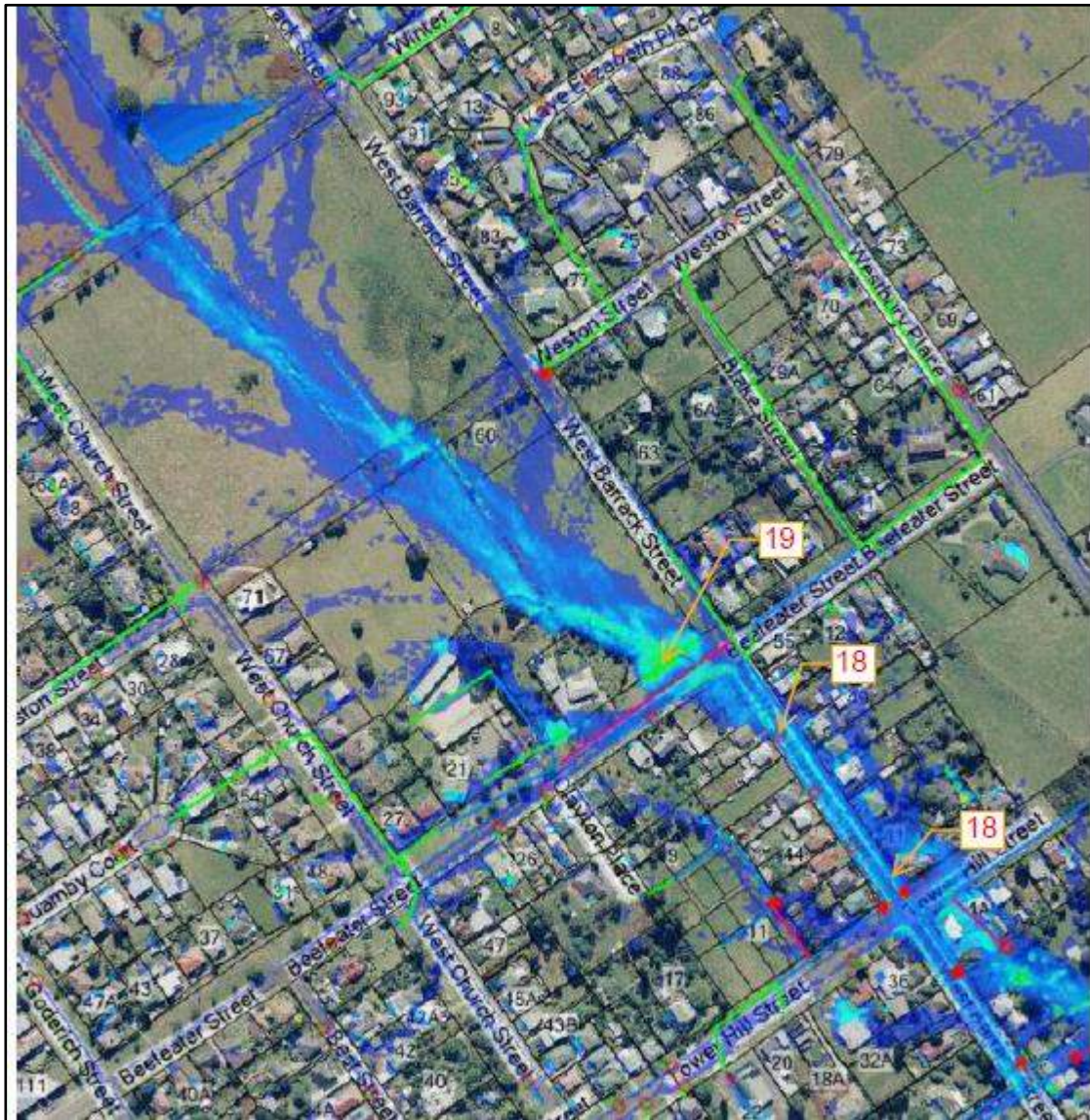


Figure 7. North East Deloraine – West Barrack Street (large) Stormwater System 1% AEP.

2.2.3 North West Deloraine – West Goderich Street

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
20	Investigate the history of flooding at Nos. 30 Parsonage Street and Nos. 12 and 14 West Goderich	High	OPEX – possible CAPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	Street. Consider raising kerb/crossovers, or installation of additional system capacity as required.			

Table 9. High Priority Actions for North West Deloraine in the West Goderich Street Stormwater System.

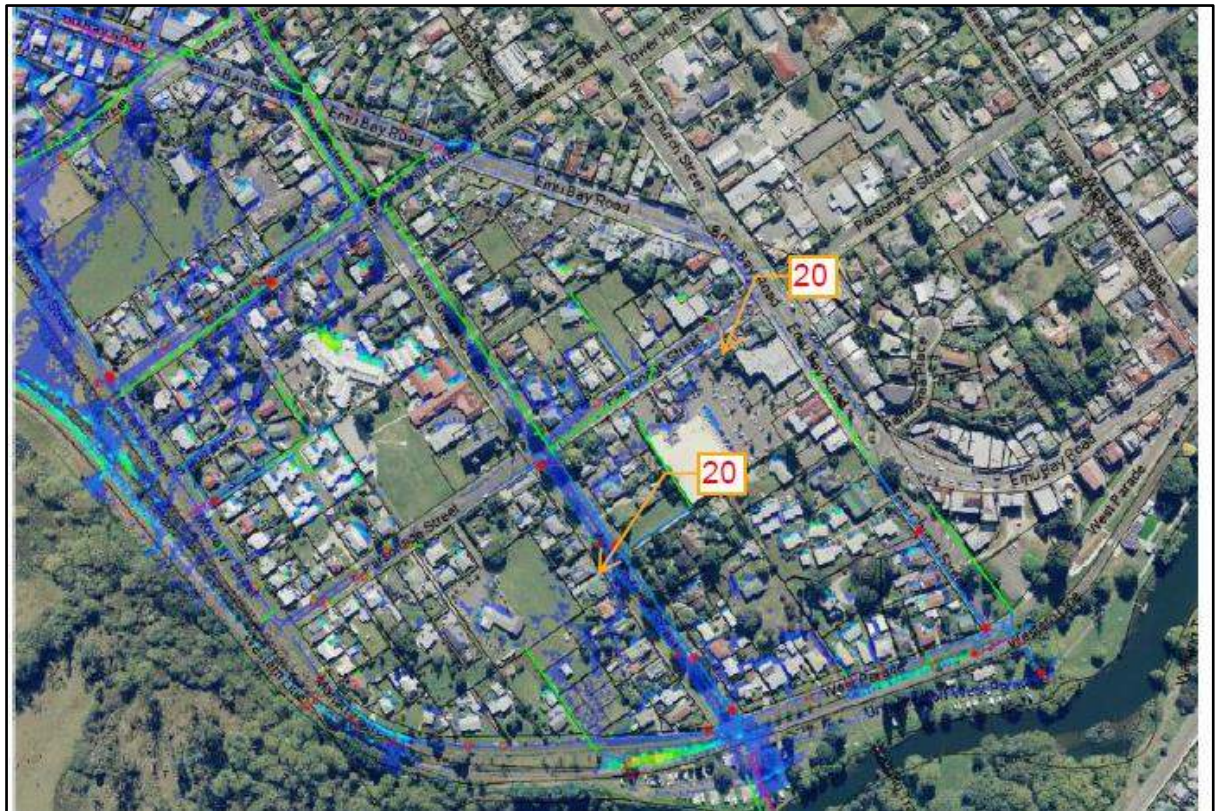


Figure 8. North West Deloraine – West Goderich Street Stormwater System 1% AEP.

2.2.4 South Deloraine – Pultney Street

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
21	Inspect the southern end of the Deloraine Sports Centre to determine the risks of internal flooding from open drain breakout.	High	OPEX	Very Low / Low
22	Inspect the open drain downstream of the DN450 outlet to the north of the	High	OPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	Deloraine Primary School oval. Determine capacity and capability of the drain to pass design flows.			
23	Inspect the sag pits in Alveston Drive, check if inlet capacity improvements and/or pipeline upgrades are necessary.	Medium	OPEX	Low / Moderate
24	Collect additional data for incorporation into the model for suspected additional network pipes between Vista Court and Youd Court.	Low	OPEX	Very Low / Low

Table 10. High Priority Actions for South Deloraine in the Pultney Street Stormwater System.



Figure 9. South Deloraine – Pultney Street Stormwater System 1% AEP.

2.2.5 North Prospect Vale – Willow Lane

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
25	Consider the safety of flooding across Willow Lane adjacent to the reserve. Consider upgrade of culverts and/or creation of a floodway.	High	CAPEX	Moderate

Table 11. High Priority Actions for North Prospect Vale in the Willow Lane Stormwater System.



Figure 10. North Prospect Vale – Willow Lane Stormwater System 1% AEP.

2.2.6 North East Hadspen – Bowdens Road

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
26	Consider the flood area upstream of the Meander Valley Road DN975 culvert, particularly in the context of the proposed development within its vicinity. Also consider the impacts of the new developed upon the Bowdens Road trunk main and greater stormwater system.	High	OPEX - possible CAPEX	Low

Table 12. High Priority Actions for North East Hadspen in the Bowdens Stormwater System.

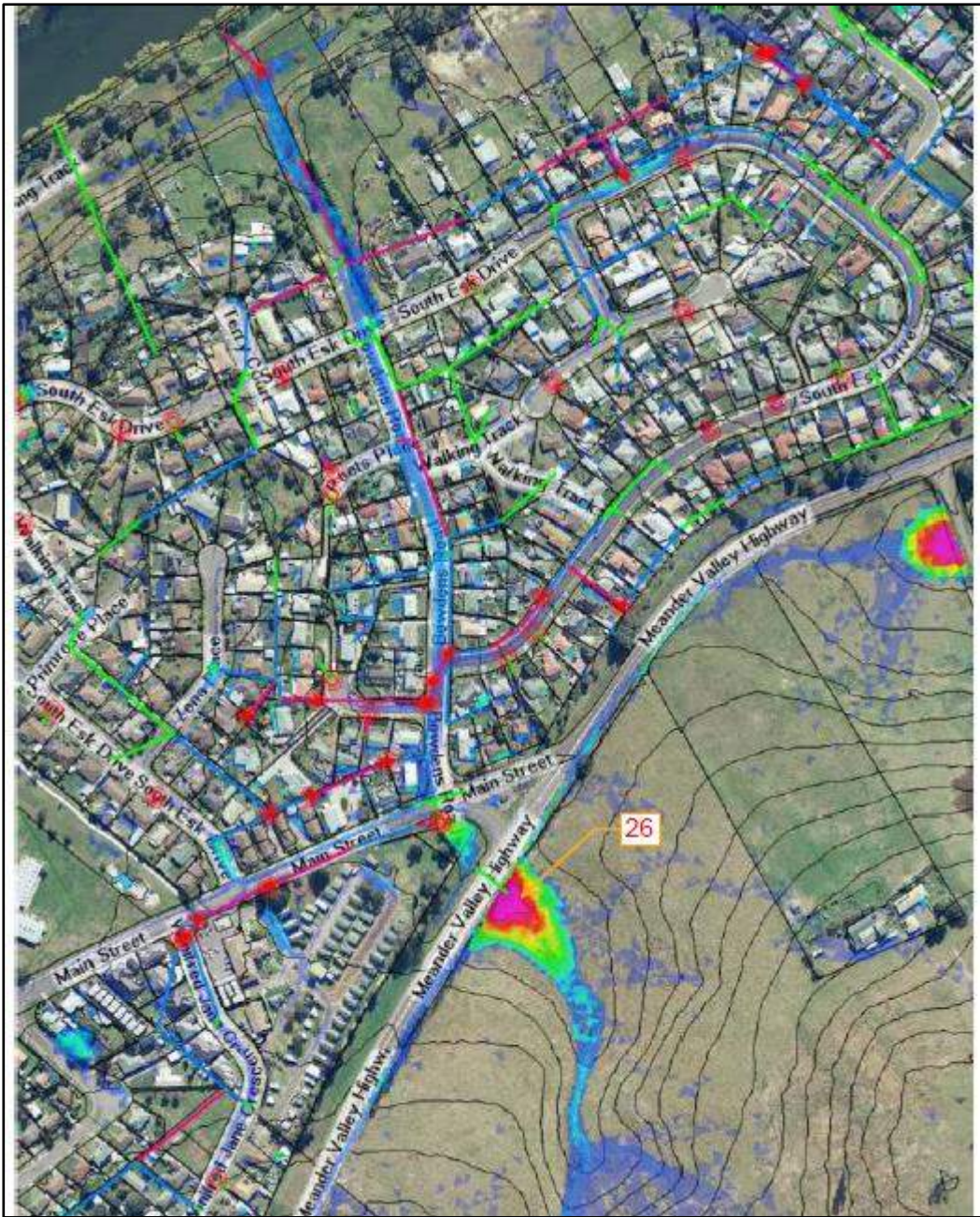


Figure 11. North East Hadspen – Bowdens Road Stormwater System 1% AEP.

2.2.7 North East Hadspen – South Esk Drive

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
27	Consider upgrading the network pipes and pits in the vicinity of Nos. 40 and 45 South Esk Drive.	High	CAPEX	Moderate

Table 13. High Priority Actions for North East Hadspen in the South Esk Drive Stormwater System.

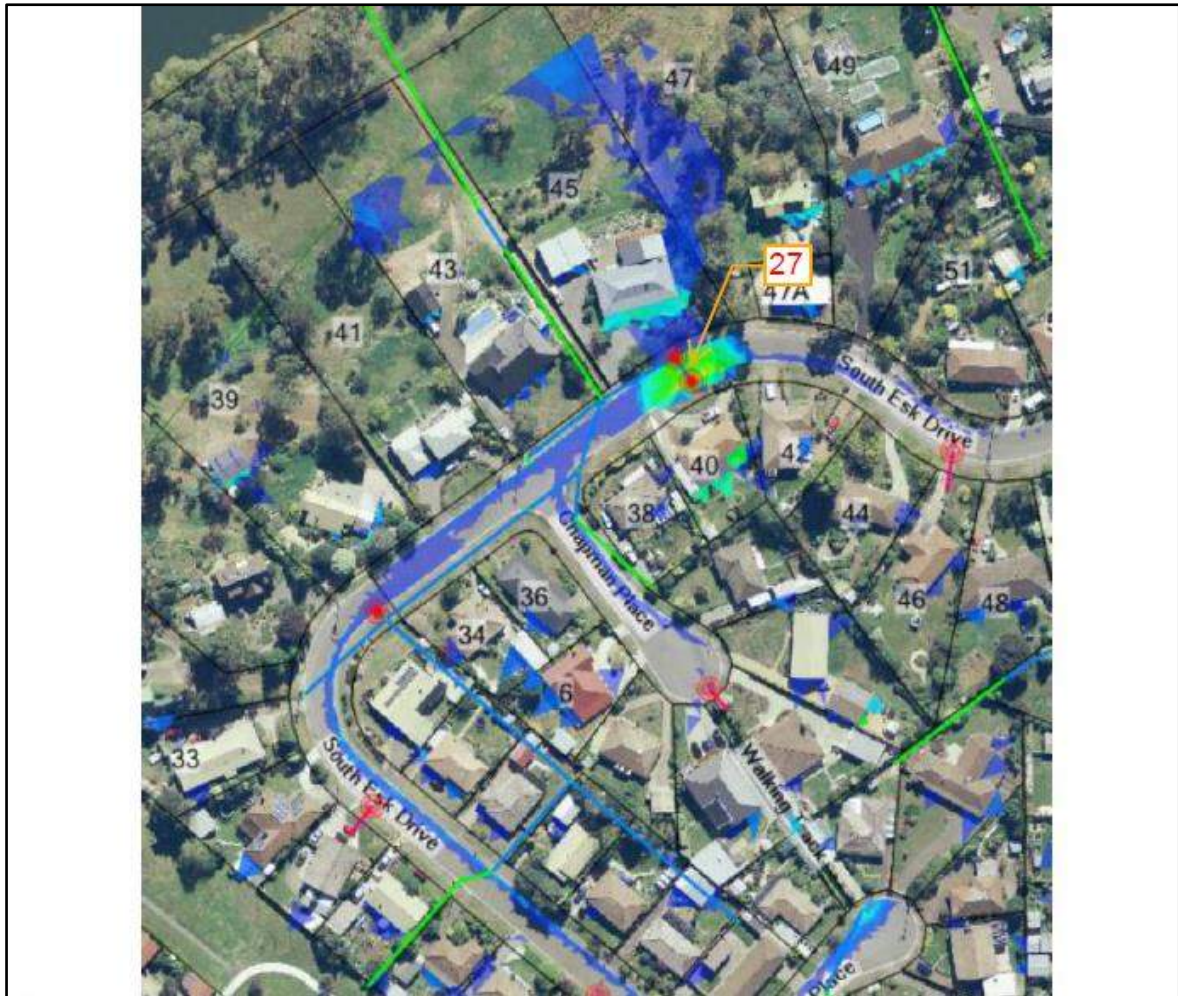


Figure 12. North East Hadspen – South Esk Drive Stormwater System 1% AEP.

2.3 Preliminary Schedule for Capital Works Projects

The below table provides a schedule for capital works over the next four years to address the recommended actions.

Action ID	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)
<i>Note: Action ID's 04 to 13 are considered very high priorities.</i>				
04	High Level Design	Detailed Design	Construction	
06	Design	Construction		
07	Design	Construction		
08	Design / Construction			
09	Design / Construction			
13	Design /Construction			
<i>Note: Action ID's 15 to 27 are considered high priorities.</i>				

Action ID	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)
15		Design / Construction		
18		Design / Construction		
20		Design	Construction	
25		Design	Construction	
26		Design	Construction	
27		Design / Construction		
<i>Note: Action ID's 29 to 40 are considered medium priorities.</i>				
29			Design / Construction	
30			Design / Construction	
32			Design	Construction
34			Design / Construction	
36				Design
37			Design	Construction
38			Design / Construction	
40			Design	Construction

Table 14. Recommended capital works projects.

GOVERNANCE 1

Reference No. 49/2021

2020-21 ANNUAL PLAN – DEPARTMENT UPDATES

AUTHOR: Jacqui Parker
Governance Coordinator

1) Recommendation

It is recommended that Council receives and endorses updates to its Annual Plan, as highlighted in the attachment.

2) Officer's Report

In late 2020, an organisational review of Council resulted in renaming and transfer of responsibilities between some of Council's departments.

As a result, Council's endorsed Annual Plan no longer accurately matches its reporting lines.

All proposed changes are highlighted on the attached Annual Plan.

3) Council Strategy and Policy

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

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

4) Legislation

The *Local Government Act 1993* (Tas) requires Council to prepare an Annual Plan pursuant to s.71.

Annual reporting of Council's performance against the Annual Plan is required under s.72.

Council also provides interim reporting to Councillors on a quarterly basis in satisfaction of its Annual Plan KPIs (see Future Direction 5(1)).

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

Not applicable

10) Voting Requirements

Simple Majority

DECISION:

Strategic Plan Future Direction 1

A sustainable natural and built environment

1.1 Contemporary planning supports and guides growth and development across Meander Valley.

1.2 Liveable townships, urban and rural areas across the local government area with individual character.

1.3 The natural, cultural and built heritage of Meander Valley is protected and maintained.

1.4 Meander Valley is environmentally sustainable.

1.5 Public health and the environment is protected by the responsible management of liquid and solid waste at a local and regional level.

1.6 Participate and support programs that improve water quality in our waterways.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Renew NRM Strategy.	1.3, 1.4, 1.6	Community & Development Services Works	Nil.	NRM review scheduled.	NRM strategy draft.	NRM strategy endorsed by Council.	NRM strategy renewed within timeframes.
2	Monitor and assess implementation of the Westbury Town Common Management Plan.	1.3, 1.4, 1.6	Community & Development Services Works	No breaches of permit conditions and condition of common maintained.	No breaches of permit conditions and condition of common maintained.	No breaches of permit conditions and condition of common maintained.	DPIPWE permit renewed and management plan requirements confirmed.	Practices consistent with management plan and condition of Common is stable or improved.
3	Design and implement initiatives from the NRM Strategy.	1.3, 1.4, 1.6	Community & Development Services Works	Nil.	Actions from current NRM strategy progressed and reported.	2017 NRM strategy close out report finalised.	New NRM strategy initiatives planned and costed for budget.	Completed within timeframes.
4	Westbury residential rezoning.	1.1	Governance	Progress rezoning.	Progress rezoning.	Progress rezoning.	Progress rezoning and report to Council.	Complete rezoning submission to the TPC and report to Council Workshop.
5	Undertake projects to support implementation of the Prospect Vale - Blackstone Heights Structure Plan including the Regional Land Use Strategy and planning scheme amendments.	1.1	Governance	Amendments progressed and reported to Council.	Amendments progressed and reported to Council.	Amendments progressed and reported to Council.	Amendments progressed and reported to Council.	Report to Council workshop at key stages of RLUS and planning scheme amendment work.
6	Assess individual planning scheme amendment applications as they arise.	1.1	Governance	Amendments assessed and managed within statutory timeframes.	Amendments assessed and managed within statutory timeframes.	Amendments assessed and managed within statutory timeframes.	Amendments assessed and managed within statutory timeframes.	Assess individual planning scheme amendment applications within statutory timeframes.
7	Process development applications in accordance with delegated authority.	1.1, 1.2, 1.3	Community & Development & Regulatory Services	100% of applications completed on time.	100% of applications completed on time.	100% of applications completed on time.	100% of applications completed on time.	Completed within statutory timeframes with 100% conformance.
8	Permit Authority – issue permits for Building Works (Category 4).	1.1, 1.2, 1.3 (primary) 4.3 (secondary)	Community & Development & Regulatory Services	100% of applications completed within 7 days.	100% of applications completed within 7 days.	100% of applications completed within 7 days.	100% of applications completed within 7 days.	Issue building permits within 7 days from the date all other permits and documents are received as required by the Building Act.
9	Permit Authority – process Notifiable Building Works (Category 3).	1.1, 1.2, 1.3	Community & Development & Regulatory Services	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	Notifiable Building Works processed in a timely manner.

Strategic Plan Future Direction 1

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
10	Permit Authority – manage outstanding building completions and illegal works.	1.1, 1.2, 1.3	Community & Development & Regulatory Services	Baseline determined and reduction of numbers.	Baseline determined and reduction of numbers.	Baseline determined and reduction of numbers.	Baseline determined and reduction of numbers.	Outstanding building completions reduced by 10%.
11	Permit Authority – issue permits for Plumbing Works (Category 4).	1.4	Community & Development & Regulatory Services	100% of applications completed within 21 days.	100% of applications completed within 21 days.	100% of applications completed within 21 days.	100% of applications completed within 21 days.	Process plumbing permit applications within 21 days of receipt of all information.
12	Waste Management Strategy review and implementation.	1.5 (primary) 6.6 (secondary)	Infrastructure Services	Undertake options analysis and feasibility.	Strategy presented to Council.	Council approval of waste strategy.	Budget and implementation planning in place.	Present strategy to Council at December workshop.
13	Permit Authority – issue Notifiable Plumbing Works (Category 3).	1.4	Community & Development & Regulatory Services	100% of applications completed within 14 days.	100% of applications completed within 14 days.	100% of applications completed within 14 days.	100% of applications completed within 14 days.	Process Notifiable Plumbing Works within 14 days of receipt of all information.
14	Manage Land Information Certificates.	1.1,1.2,1.3	Community & Development & Regulatory Services	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	Issue certificates within 10 working days.

Strategic Plan Future Direction 2

A thriving local economy

2.1 The strengths of Meander Valley attract investment and provide opportunities for employment.

2.2 Economic development in Meander Valley is planned, maximising existing assets and investment in infrastructure.

2.3 People are attracted to live in the townships, rural and urban areas of Meander Valley.

2.4 A high level of recognition and demand for Great Western Tiers products and experiences.

2.5 Current and emerging technology is available to benefit both business and the community.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Promote investment in Meander Valley to support the growth of identified industry sectors.	2.2	Governance	Identify opportunities and report on progress.	Brand strategy developed and approved by Council.	Prospectus developed and marketing for specific industry sectors in place.	Brand strategy and prospectus approved and budget submitted.	Meander Valley 'Brand' and regional prospectus developed.
2	Develop economic recovery pathways and establish industry-specific priority actions.	2.1, 2.3, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Industry support for at least two action plans.	Industry support for at least two action plans.	Industry support for at least two action plans.	Economic recovery action plans in place for key industries/sectors.
3	Establish economic development structure plans for each population centre.	2.1, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Deloraine economic and placemaking plan ready for consultation .	Deloraine economic and placemaking plan in place.	Westbury economic and placemaking plan ready for consultation .	Plans and community consultation in place.
4	Establish a structured list of investment vehicles and investment attraction policies.	2.1, 2.2, 2.3, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Investment support package policy approved by Council.	Nil	Nil	Investment vehicles assessed and policies in place.
5	Establish a business media and communications plan.	2.1, 2.3, 2.4, 2.5	Governance	Nil.	Nil.	Draft plan and costing ready.	Plan approved by Council.	Plan in place.
6	Support the progress of land developments including Valley Central and the Hadspen Urban Growth Area.	2.2	Governance	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly review, actions and reports.
7	Monitor and report monthly visitation statistics.	2.4	Corporate Services Governance	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Reports produced.

Strategic Plan Future Direction 3 Vibrant and engaged communities

3.1 Creativity and learning are part of daily life across the communities of Meander Valley.

3.2 Successful local events enhance community life.

3.3 Education and training opportunities are available to everyone across the local government area.

3.4 Meander Valley communities have the resilience and capacity to address and overcome life's challenges and emergencies.

3.5 Young people have the opportunity to be engaged in community life.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Facilitate the operation of Council pop up meetings.	3.4 (primary) 4.1 (secondary)	Community & Development Services Governance	Nil, due to COVID-19.	Council 'pop ups' scheduled and delivered. 100% of actions from pop ups resolved.	Council 'pop ups' scheduled and delivered. 100% of actions from pop ups resolved.	Council 'pop ups' scheduled and delivered. 100% of actions from pop ups resolved.	Pop up meetings held and documented.
2	Deliver the Community Grants Program.	3.1, 3.2, 3.4 (primary) 4.1 (secondary)	Community & Development Services Governance	Grants policy updated and approved by Council. Grants round completed and funds distributed. Number of applications received.	Grants round completed and funds distributed. Number of applications received.	Grants round completed and funds distributed. Number of applications received.	Grants round completed and funds distributed. Number of applications received.	Number and range of grant applications.
3	Renew the events program responsive to COVID-19.	3.1, 3.2	Community & Development Services Governance	Nil, due to COVID-19.	Nil, due to COVID-19. Events sponsorship opportunity promoted.	Events strategy developed. Events scheduled for quarter delivered.	Events scheduled for quarter delivered.	Events program approved and implemented.
4	Conduct GWTA Exhibition.	3.1, 3.2	Community & Development Services Governance	Nil.	Exhibition promoted.	Exhibition delivered.	Nil.	Number of artists participating.
5	Conduct a Festival of Small Halls concert.	3.1, 3.2	Community & Development Services Governance	Nil.	Nil.	Nil.	Festival of small halls delivered within budget.	Audience number and event finances.
6	Produce a user-friendly Event Management Guide.	3.2 (primary) 4.1, 4.3 (secondary)	Community & Development Services Governance	Nil.	Nil.	Nil.	Guide drafted.	Guide approved.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
8	Coordinate major event applications.	3.2	Community & Development Services Regulatory Services	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	Respond to applications within 10 days.
9	Conduct youth liaison workshop with Council.	3.4, 3.5	Community & Development Services Governance	Nil	Nil	Nil	Youth liaison workshop conducted.	Workshop conducted and evaluated.
10	Prepare Volunteer Management Policy and Procedures.	3.1, 3.2, 3.3, 3.4 & 3.5 (primary) 4.1, 4.2 (secondary)	Community & Development Services Governance	Nil	Nil	Policy and procedures approved.	Percentage of volunteer groups provided with training on policy and procedures.	Policy and procedures adopted. Number of volunteers trained.

Strategic Plan Future Direction 4

A healthy and safe community

4.1 The health and wellbeing needs of all sectors in the community are planned, met and managed.

4.2 Infrastructure, facilities and programs encourage increased participation in all forms of active and passive recreation.

4.3 Public health and safety standards are regulated, managed and maintained.

4.4 Prepare and maintain emergency management plans and documents and work with our communities to educate and plan for emergencies.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Coordinate the Municipal Emergency Management & Recovery Committee (MEMRC).	4.4	Infrastructure Services	Nil.	Chair six-monthly meeting.	Nil.	Chair six-monthly meeting.	Meetings held.
2	Support the operation of the Meander Valley SES unit through ongoing management of the Memorandum of Understanding (MOU).	4.4	Infrastructure Services	Annual report received from SES.	Six month report on activities reported in Briefing Report.	Nil.	Six month report on activities reported in Briefing Report.	Obtain activities report from Deloraine SES and provide information to Council on a six monthly basis in Briefing Report.
3	Conduct emergency management training exercise for Council staff, facilitated by Red Cross.	4.4	Infrastructure Services	Conduct training.	Nil.	Nil.	Nil.	Training for Council staff completed.
4	Develop and action a plan to promote indoor recreational facilities to current and prospective users to increase patronage and participation.	4.2	Infrastructure Services	Draft the plan.	Finalise plan and present to Workshop. Benchmark current usage.	Promote facilities. Report on usage trends.	Promote facilities. Report on usage trends.	Present plan to Council Workshop. Review promotion outcomes and report to management team.
5	Manage public health risk through monitoring and sampling of recreational water.	4.1 (primary) 1.5 (secondary)	Community & Development & Regulatory Services	Record results. 100% of public safety notification achieved in 48 hours.	Record results. 100% of public safety notification achieved in 48 hours.	Record results. 100% of public safety notification achieved in 48 hours.	Record results. 100% of public safety notification achieved in 48 hours.	Quarterly monitoring and testing completed for all sample sites. Non-conformances responded to within 48 hours.
6	Undertake annual/periodic inspections of food premises consistent with Food Act Requirements.	4.1, 4.3	Community & Development & Regulatory Services	Issue annual registration for all premises. Outcomes reported.	Inspections as per annual program. Outcomes reported.	Inspections as per annual program. Outcomes reported.	Inspections as per annual program. Outcomes reported.	Conduct inspections as per program and report on results each quarter.
7	Coordinate immunisation clinics for Meander Valley Schools.	4.1, 4.3	Community & Development & Regulatory Services	Nil.	Complete annual immunisation program.	Nil.	Nil.	Provide school based immunisations as per program (usually March and September) and provide quarterly report.
8	Audit microchipping of registered dogs.	4.3	Community & Development & Regulatory Services	Undertake audit and close out actions arising.	Undertake audit and close out actions arising.	Undertake audit and close out actions arising.	Undertake audit and close out actions arising.	Audit conducted and reported each quarter.
9	Prepare and implement annual Fire Abatement Management Program.	4.3	Community & Development & Regulatory Services	Nil.	Inspect and issue notices and arrange work as required.	Inspect and issue notices and arrange work as required.	Inspect and issue notices and arrange work as required.	Program in place by December. All previous properties inspected. All additional identified properties inspected. Notices issued as required and relevant follow up work arranged.

10	Investigate incidents and complaints regarding animal control.	4.3	Community & Development & Regulatory Services	100% of cases responded to within 10 days. Prepare monthly summary report.	100% of cases responded to within 10 days. Prepare monthly summary report.	100% of cases responded to within 10 days. Prepare monthly summary report.	100% of cases responded to within 10 days. Prepare monthly summary report.	Investigate all cases and complaints within 10 days and provide quarterly reports.
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Strategic Plan Future Direction 5

Innovative leadership and community governance

5.1 Meander Valley Council programs are regularly reviewed to support the achievement of the Community Strategic Plan.

5.2 Long term financial planning and asset management underpins the ongoing viability of Meander Valley.

5.3 Evidence based decision-making engages the community and is honest, open and transparent.

5.4 Meander Valley councillors and employees have the knowledge, skills and attitude to responsibly undertake community governance and operational responsibilities.

5.5 Councils in the region collaborate and share resources for the collective good of their communities.

5.6 Meander Valley Council is recognised as a responsibly managed organisation.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Deliver Annual Plan.	5.1	Governance	Prepare quarterly review.	Prepare quarterly review.	Prepare quarterly review.	Prepare quarterly review. Prepare 2021-22 Annual Plan.	Plan adopted by Council, compliant with statutory requirements.
2	Prepare Annual Report and conduct Annual General Meeting (AGM).	5.6	Governance	Complete draft for printing.	Complete report and present at AGM. Advertise and conduct AGM	Nil.	Nil.	AGM held and Annual Report adopted by Council.
3	Review the Community Strategic Plan 2014-2024.	5.1	Community & Development Services Governance	Nil.	Project established.	Consultation with stakeholders.	Community Strategic Plan drafted.	Community Strategic Plan reviewed and updated.
4	Develop community consultation policy.	5.1	Governance	Nil.	Workshop with Council.	Nil.	Adopted by Council.	Council decision on development of policy.
5	Update risk management framework.	5.6	Governance	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risk review completed, updated and endorsed by Audit Panel. Actions progressed and reported on quarterly.
6	Deliver the Internal Audit Program.	5.4	Governance Corporate Services	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	Audit recommendations implemented and audits conducted.
7	Health & Safety Committee.	5.6	Governance Corporate Services	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct meetings, implement improvement initiatives and produce quarterly reports.
8	Raise rates and sundry debtor (other Council debts) accounts.	5.2	Corporate Services	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Reconcile rates debtor, sundry debtor and creditors control accounts within 10 days of the working month.
9	Reconcile financial control accounts.	5.2	Corporate Services	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Reconcile payroll clearing account within 5 days of processing fortnightly pay.

10	Complete State Government Authority returns.	5.6	Corporate Services	Submit initial State Fire and Treasury pensioner claims, and Annual State Fire Levy data return	Nil.	Nil.	Submit final State Fire and Treasury pensioner claims.	Submit State Fire and Treasury pensioner claims.
11	Complete Section 132 Certificates (property rates).	5.6	Corporate Services	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of certificates within 3 working days.
12	Complete annual insurance renewals.	5.6	Corporate Services	Nil.	Complete crime insurance renewal.	Nil.	Insurance policies completed.	Insurance policies completed.
13	Update Long Term Financial Plan (LTFP)	5.2	Corporate Services	Nil.	Review and adopt LTFP.	Nil.	Nil.	Review and adopt LTFP.
14	Develop budget estimates and rating recommendations in accordance with statutory timeframes.	5.2	Corporate Services	Nil.	Determine budget estimates preparation plan.	Nil.	Review and adopt annual budget estimates.	Review and adopt annual budget estimates.
15	Annual external financial reporting.	5.6	Corporate Services	Submit financial statements to Tasmanian Audit Office.	Submit key performance indicator (KPI) consolidated data sheets.	Present budget estimates, fees and charges to Council Workshop.	Prepare financial statements and State government financial reporting.	Prepare financial statements and State Government financial reporting.
16	Submit Business Activity Statement (BAS), Fringe Benefits Tax (FBT) and payroll tax returns.	5.6	Corporate Services	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Complete statutory reporting.
17	Review and submit internal financial management reports.	5.3	Corporate Services	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Produce and distribute monthly management reports. Produce and distribute monthly project expenditure reports. Provide financial reports for September, December and March quarters to Council in October, January and April respectively.
18	Review structure of internal financial management reports.	5.3	Corporate Services	Nil.	Provide recommended revised format.	Implement changes to financial management reports	Complete review of report structure.	Complete review of report structure.
19	Monitor Council's short-term expenditure commitments and invest funds in accordance with Council's Investment Policy.	5.2	Corporate Services	Review cash flow at least weekly.	Review cash flow at least weekly.	Review cash flow at least weekly.	Review cash flow at least weekly.	Weekly monitoring of cash flow.
20	Facilitate Council Audit Panel meetings.	5.6	Corporate Services	Meetings conducted as per work plan.	Conduct meeting as per work Plan.	Conduct meeting as per work plan.	Conduct meeting as per work plan.	Meetings conducted as per work plan.
21	Maintain efficient desktop IT equipment.	5.6	Corporate Services	Commence rolling replacement of computers.	Complete rolling replacement of computers.	Nil.	Nil.	Rolling replacement of computer equipment.

22	Review server structure and system requirements to ensure a stable IT architecture.	5.6	Corporate Services	Nil.	Nil.	Nil.	Review server structure and associated software replacement.	Review server structure and associated software replacement.
23	Maintain cemetery records in accordance with the Cemeteries Act.	5.6	Corporate Services	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Maintain new and existing burial information.
24	Maintain records management processes in line with requirements of the Archives Act.	5.6	Corporate Services	Induct new system users Arrange for removal of documents due for disposal.	Induct new system users. Conduct audit of user security rights.	Induct new system users.	Induct new system users.	Induct new users and maintain information management system.
25	Comply with requirements of 2019 Enterprise Agreement.	5.6	Corporate Services	Apply required salary increase changes to pay and allowance rates.	Nil.	Nil.	Review required salary increase and advise employees.	Maintain salary, allowances and clause application.
26	Employee performance reviews.	5.4	Corporate Services	Coordinate office employee performance review completion.	Nil.	Coordinate office employee mini review & salary review completion.	Performance reviews completed for works staff.	Performance and salary reviews completed for all employees.
27	Review employee information manual.	5.6	Corporate Services	Nil.	Nil.	Review and update draft employee information manual.	Adopt revised employee information manual.	Review and update manual.
28	Review Business Continuity Plan and conduct training scenario.	5.6	Infrastructure Corporate Services	Review and update plan.	Prepare training scenario.	Conduct training.	Report on improvement opportunities.	Review and update plan for management team approval. Complete training for MVC officers and report on improvement opportunities.
29	Engage with community sport and recreation organisations to ascertain future needs and venue planning.	5.3	Infrastructure	Nil.	Present forum information to Council Workshop.	Conduct forums and report on participation and feedback from clubs.	Conduct forums and report on participation and feedback from clubs.	Quarterly report presented to Council Workshop.

Strategic Plan Future Direction 6 Planned Infrastructure Services

6.1 The future of Meander Valley's infrastructure assets is assured through affordable, planned maintenance and renewal strategies.

6.2 Regional infrastructure and transport is collaboratively planned and managed by all levels of government.

6.3 The Meander Valley transport network meets the present and future needs of the community and business.

6.4 Open space, parklands, recreation facilities, cemeteries and public buildings are well utilised and maintained.

6.5 Stormwater and flooding cause no adverse impacts.

6.6 Infrastructure services are affordable and meet the community's needs into the future.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Undertake maintenance works to ensure safe and fit for purpose assets.	6.1, 6.3, 6.6	Works	Report to Annual Plan review.	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Provide Customer Service Request statistics and budget updates in Briefing Reports.
2	Plan and deliver capital work projects.	6.3, 6.6	Works	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Provide program, project and budget updates in Briefing Report.
3	Manage plant to achieve effective and efficient use that minimises ownership costs.	6.1, 6.6	Works			Complete major plant review		Review plant utilisation and hire rates and update 10 year Plant Replacement Program.
4	Undertake plant purchases in accordance with approved budget.	6.1, 6.6	Works	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Provide program, project and budget updates in Briefing Report.
5	Co-ordinate Asset Management Group and Strategic Asset Management Plan Improvement Plan actions. Review Strategic Asset Management Plan and Review Asset Management Plans.	6.1 (primary) 5.2 (secondary)	Infrastructure Services	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Meetings held. Strategic Asset Management Plan and Asset Management Plans updated.
6	Prepare 2021-22 Capital Works Program and Forward Works Program.	6.1, 6.6	Infrastructure Services	Nil.	Update Proposed Projects list	Prioritise and undertake further design and cost estimation	Annual program prepared for approval by Council	Prepare annual Capital Works Program for approval in June quarter.
7	Design, procurement and contract management for projects listed in the 2020-21 Capital Works Program.	6.1	Infrastructure Services	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Undertake projects in line with project plan requirements and completion of all non-provisional projects.
8	Update asset information including capitalisation of assets in Conquest and undertake bridge asset revaluation.	6.1	Infrastructure Services	Capitalisation of assets and recording in Conquest and GIS, prior to finalisation of 2019-20 statutory reporting.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets prior to finalisation of 2019-20 statutory reporting.
9	Undertake required proactive footpath defect inspections, parks and recreation asset inspections and condition assessments.	6.1	Infrastructure Services	Undertake required inspections.	Undertake required inspections and comprehensive inspection of playgrounds.	Undertake required inspections.	Undertake required inspections and comprehensive inspection of playgrounds for 2021-22 maintenance schedule.	Meet timeframes set out by Conquest. Annual comprehensive inspection of playgrounds completed by December 31.

Strategic Plan Future Direction 6

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
10	Development of stormwater system improvement plan and present to Council.	6.1	Infrastructure Services	Review Flood and Risk Study documents.	Storm water Improvement plan presented to Council Workshop.	STormwater improvement plan endorsed by Council. Prepare project budget items for 2021-22 Capital Works Program.	Nil	Workshop presentation to Council in December quarter.
11	Coordinate reactive and programmed maintenance of building assets.	6.1	Infrastructure Services	Undertake required maintenance.	Undertake required maintenance and fire equipment testing.	Undertake required maintenance.	Undertake required maintenance, fire equipment testing and annual testing and tagging.	Meet timeframes set out by Conquest.
12	Deliver the bridge inspection and maintenance program.	6.1, 6.3	Infrastructure Services	Nil.	Quarterly performance review outcomes reported. Contractors engaged for maintenance works, and for inspection program.	Quarterly performance review outcomes reported and prepare maintenance budget items for 2021-22.	Quarterly performance review outcomes reported Maintenance works completed.	Review and document contractor compliance with the contract.
13	Operate Deloraine Swimming Pool and provide support to community swimming pool at Caveside.	6.4, 6.6	Infrastructure Services	Commence review and extension of existing contract.	Contract executed. Undertake pre-opening inspection and required maintenance. Open pool 1 December.	Operate pool to 1 March	Report on contract performance.	Document contract extension and contractor performance.
14	Provision of kerbside collection contracts to existing urban areas for waste, recyclables and organics.	6.6	Infrastructure Services	Manage contract.	Manage contract.	Manage contract.	Manage contract.	Supervise and review contract.
15	Provision of landfill, waste transfer stations and resource recovery operations contract.	6.6	Infrastructure Services	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Supervise and review contract.
16	Provision of hard waste collection.	6.6	Infrastructure Services	Nil.	Undertake collection.	Report to Council in Annual Plan review.	Nil.	Report to Council by March 31 on collection results.
17	Operational compliance with Environment Protection Notice for Westbury and Deloraine landfill sites.	6.6	Infrastructure Services	Undertake ground and surface water monitoring. Annual Report submission to EPA.	Nil.	Undertake ground and surface water monitoring.	Nil.	Complete reporting requirements for EPA in line with license requirements.
18	Review and update User Guides for indoor facilities.	6.4	Infrastructure Services		Review and update Guides			Complete review and distribute guides to user groups.

GOVERNANCE 2

Reference No. 50/2021

PUBLIC INTEREST DISCLOSURE PROCEDURE

AUTHOR: Jacqui Parker
Governance Coordinator

1) Recommendation

It is recommended that Council:

- 1. Receives and endorses the attached draft procedure titled 'Meander Valley Public Interest Disclosure Procedure'; and***
- 2. Approves the issue and implementation of the above procedure by Council, subject to formal approval from the Tasmanian Ombudsman (pursuant to s60(3) of the Public Interest Disclosures Act 2002 (Tas)).***

2) Officer's Report

Overview

In late 2020, Tasmanian Ombudsman Richard Connock informed Council of updated public interest disclosure guidelines.

The Ombudsman supplied a set of model procedures and recommended they be adjusted to suit Council's business needs, and substantially adopted.

The attached procedure, if endorsed by Council, reflects an overall acceptance of the Ombudsman's recommendation. Only minor adjustments have been made, to more accurately reflect the language and governance structure of a local government body.

The proposed procedure will increase the degree of formality and structure for public interest disclosures at Council, and supersede certain aspects of the existing policy framework (e.g. Council's Policy 83: *Fraud & Corruption Control*).

Attachments

Proposed New Council Policy: Public Interest Disclosure Policy

3) Council Strategy and Policy

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

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

4) Legislation

Section 60 of the *Public Interest Disclosures Act 2002* (Tas) provides that Council is to maintain procedures for handling disclosures of this nature, that comply with all relevant guidelines and standards, and which are to be submitted to the Ombudsman for approval.

5) Risk Management

Council Risk Register

6) Government and Agency Consultation

Tasmanian Ombudsman

7) Community Consultation

Not applicable

8) Financial Consideration

Not applicable

9) Alternative Recommendations

Not applicable

10) Voting Requirements

Simple Majority

DECISION:



Meander Valley Council
Working Together

Meander Valley Council
Public Interest Disclosures Act 2002 (Tas)

Public Interest Disclosure Procedure

Issued: [Date of approval]

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1. Statement of Support

Meander Valley Council is committed to achieving the purposes of the *Public Interest Disclosures Act 2002* (the *Act*), which are primarily:

- to encourage and facilitate disclosures of improper conduct by public officers;
- to protect persons making those disclosures and others from reprisals;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved with those disclosures with procedural fairness (referred to as natural justice in the *Act*).

Council recognises the value of internal reporting as one of the main ways in which improper conduct is uncovered. Employees and other public officials should feel safe to report improper conduct and be confident that it will be dealt with appropriately. Meander Valley Council is committed to transparency and accountability in all aspects of its operations.

2. Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Meander Valley Council protects disclosers and affords procedural fairness¹ to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance

¹ Referred to as natural justice in the *Act*.

procedures within the organisation where appropriate, including:

- For employees:
 - Code Of Conduct Policy
 - Communications Policy
 - Disciplinary Policy & Procedure
 - Issue Resolution Policy & Procedure
 - Performance Management Policy & Procedure
 - Work Health Safety Policy
 - Workplace Behaviour Policy
- For Councillors
 - Code of Conduct Policy

This procedure for public interest disclosures has been prepared in accordance with the Ombudsman's *Guideline One: Procedures for Public Bodies*. The Guideline is available on the Ombudsman's website at www.ombudsman.tas.gov.au.

3. How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);²
- it provides certain statutory protections for *protected disclosures*, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8); it treats the Ombudsman as the oversight agency in relation to the operation of

² Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.

the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;

- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

4. Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within Meander Valley Council.

4.1. Members, officers and employees

Members, officers and employees (public officers) of Meander Valley Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of Meander Valley Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

4.2. Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Meander Valley Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Meander Valley Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

4.3. Public Interest Disclosure Officer

A Public Interest Disclosure Officer is appointed by the Principal Officer under s62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receiving any disclosure from a public officer made orally or in writing;
- recording in writing the details of any disclosure which is made orally;
- impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");

- impartially assessing under s 33 of the Act whether a disclosure is a “public interest disclosure”;
- taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and
- administrative functions to support the role under the Act, as required.

See the cover page for a list of Meander Valley Council’s Public Interest Disclosure officers.

4.4. Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Meander Valley Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within Meander Valley Council or a consultant engaged for that purpose.

4.5. Welfare Manager

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;
- advise the discloser of the legislative and administrative protections available to them;³
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

³ See [Protection](#) below for details of the legislative protections.

A welfare manager may be a person employed by Meander Valley Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

5. Who can make a disclosure?

5.1. Public officers

Any current public officer⁴ can make a disclosure to Meander Valley Council under the *Act*. This includes all employees and Councillors of Meander Valley Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.'

5.2. Contractors

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to Meander Valley Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

5.3. Members of the public

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public interest disclosure officers should refer any members of the public wanting to make a disclosure to either of these bodies.

5.4. Anonymous persons

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

⁴ This can include a public officer from another public body

6. What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Meander Valley Council as a whole or the Principal Officer of Meander Valley Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

6.1. Improper conduct

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

- a. conduct that constitutes an illegal or unlawful activity; or
- b. corrupt conduct; or
- c. conduct that constitutes maladministration; or
- d. conduct that constitutes professional misconduct; or
- e. conduct that constitutes a waste of public resources; or
- f. conduct that constitutes a danger to public health or safety or to both public health and safety; or
- g. conduct that constitutes a danger to the environment; or
- h. misconduct, including breaches of applicable codes of conduct; or
- i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.⁵

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;

⁵ See Public Interest Disclosure Guideline Two: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au

- a machine operator conducts grading work on a private road or driveway;
- cash payments at a Council-owned facility are not properly receipted or banked and are instead placed directly ;
- a staff member approves expenditure of funds on personal items
- a principal officer spends \$15,000 of public money on a staff Christmas party.

6.2. Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

- a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or
- c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

[Note: You may wish to replace with or include an example/s of relevance to your public body.]

6.3. Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

- a. action causing injury, loss or damage; and
- b. intimidation or harassment; and
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

7. Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
A member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
The principal officer of a public body or State Service Agency	the Ombudsman; or the Integrity Commission
A member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
The Commissioner of Police	the Ombudsman
A member of the Legislative Council	the President of the Legislative Council
A member of the House of Assembly	the Speaker of the House
A councilor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
A person employed under the provisions of the <i>Parliamentary Privilege Act 1898</i>	the Ombudsman; or the Integrity Commission
The Auditor-General	the chairman of the Public Accounts Committee.
The Ombudsman	the Joint Standing Committee on Integrity
A person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman
In any other case, including if the	the Ombudsman; or

Officer or public body to which the disclosure relates	Where the disclosure may be made
disclosure is about a public body as opposed to an individual public officer	the Integrity Commission

[The above table may be summarised or made specific to your public body, if preferred, such as in the following example for a state government department:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of Meander Valley Council	Meander Valley Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of Meander Valley Council or Meander Valley Council as a whole	the Ombudsman; or the Integrity Commission
The relevant minister for Meander Valley Council, a member of the House of Assembly	the Speaker of the House
A person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman

8. How to make a disclosure

Public officers can make a disclosure about other public officers of Meander Valley Council orally or in writing to the following officers:

- the General Manager – who is the Principal Officer of the public body, for the purposes of the Act; or
- a Public Interest Disclosure Officer.

8.1. Public Interest Disclosure Officers

The following staff are public interest disclosure officers and can receive disclosures:

- *Governance Coordinator*

If someone wants to make a disclosure about the Principal Officer or Meander Valley Council, they should be referred to the Ombudsman or the Integrity Commission.

8.2. Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at:

26 Lyall Street, Westbury Tasmania 7303,

PO 102, Westbury Tasmania 7303

mail@mvc.tas.gov.au

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

8.3. Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or at

Level 6, 86 Collins Street
HOBART TAS 7000

Website: www.ombudsman.tas.gov.au

Email: ombudsman@ombudsman.tas.gov.au

Phone: 1800 001 170

8.4. Disclosure to the Integrity Commission

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission
GPO Box 822
HOBART TAS 7001

or at

Level 2
Surrey House
199 Macquarie Street
HOBART TAS 7000

Website: www.integrity.tas.gov.au
Email: contact@integrity.tas.gov.au
Phone: 1300 720 289

9. Confidentiality

Meander Valley Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;

- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The Meander Valley Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or

- information that is likely to lead to the identification of the person who:
 - made the disclosure; or
 - the person who is the subject of the disclosure.

10. Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to Meander Valley Council;
 - has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
 - is it about the conduct of a public officer;
 - does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
 - is it about conduct that could objectively fall within the definition of improper conduct; and
 - does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

10.1. What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or

record of the disclosure, and any accompanying documents.⁶ If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

10.2. Is it a protected disclosure?

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at Assessing the disclosure, and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

10.3. Mixed content disclosures

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on Meander Valley Council to identify whether or not the Act applies. Consider

⁶ Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per [Who can make a disclosure?](#)

discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

10.4. Risk Assessment

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 3 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or Meander Valley Council.

The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

10.5. Referral of a protected disclosure to the Integrity Commission

Meander Valley Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

Meander Valley Council] must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

10.6. Is the disclosure a public interest disclosure?

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

10.7. Referral of criminal conduct to the Commissioner of Police

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, Meander Valley Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, Meander Valley Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of Meander Valley Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

11. Protection

11.1. When does protection commence?

Where Meander Valley Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see s19 of the Act.

11.2. What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

12. Investigation

12.1. Introduction

Any disclosure Meander Valley Council determines to be a public interest disclosure under s 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

Meander Valley Council must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

12.2. Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

12.3. Appointment of investigator and framing of terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, Meander Valley Council may apply to the Ombudsman for an extension of up to a further six months.

12.4. Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

12.5. Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

Meander Valley Council] will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or
- against whom there are reasonable grounds for apprehending or suspecting bias.⁷

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

⁷ The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

12.6. Conduct of the investigation

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector⁸ is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

12.7. Referral of an investigation to the Ombudsman

Under s 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see Referral of criminal conduct to the Commissioner of Police above for more detail).

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

12.8. Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

⁸ Accessible at <https://www.integrity.tas.gov.au/publications/prevention-resources/guides>.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

13. Action taken after an investigation

13.1. Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Meander Valley Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Meander Valley Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

13.2. Action to be taken

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, Meander Valley Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to the Minister for Local Government, to Councillors, and to the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

14. Managing the welfare of the discloser

14.1. Support for the discloser

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Meander Valley Council, they may report the matter to the Ombudsman.

14.2. Keeping the discloser informed

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by Meander Valley Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Meander Valley Council in relation to a disclosure. All communication with the discloser must be in plain English.

14.3. Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

14.4. Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in improper conduct, Meander Valley Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time Meander Valley Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

15. Management of the person against whom a disclosure has been made

Meander Valley Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to

whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

Meander Valley Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Meander Valley Council is afforded procedural fairness in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Meander Valley Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of Meander Valley Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

16. Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on **[date of approval]**.

The procedures will be reviewed at least once every four years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

Any substantial changes to this policy upon review will be submitted to the Ombudsman for further approval prior to implementation.

Assessment of disclosure form (Attachment 1)

Public Interest Disclosures Act 2002

Date of assessment:

Name of Public Interest Disclosure Officer / Principal Officer:

Summary of disclosure:

Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

Part 1: Is the disclosure a protected disclosure?

Question 1: Is the discloser a public officer?

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

Yes No

Please provide details if relevant:

Question 2: Is the disclosure about a public officer?

A disclosure can be made even if the discloser cannot identify the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

Yes No

Question 3: Has the disclosure been made to the right person or body?

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

Yes No

Please provide details:

Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?

Yes No

If no, provide details:

Question 5: Does the disclosure relate to improper conduct?

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

Yes No

Please provide details:

Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

Yes No

Assessment of Answers to Part 1 Questions

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

Part 2: Should the protected disclosure be referred to the Integrity Commission?

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

Yes No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

Yes No

If yes, please provide details

If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.

Part 3: Is the protected disclosure a public interest disclosure?

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

- a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or
- b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.

This determination under s33 of the Act must be made within 45 days of the disclosure being received.

Yes No

Provide reasons for your decision and attach evidence if available

Next steps

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?

Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?

Yes No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?

Yes No

If yes, please provide details

Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?

Yes No

If yes, please provide details

Question 4: Did the discloser:

- **have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and**
- **fail to give a satisfactory explanation for the delay in making the disclosure?**

Yes No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?

Yes No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

Question 6: Is the public interest disclosure based on false or misleading information?

Yes No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?

Yes No

If yes, please provide details

Assessment of Answers to Part 4 Questions

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?

Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

Yes No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

Summary

Part	Question	Answer
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

Approval

Approved by:

Name of Public Interest Disclosure Officer or Principal Officer:

Date of approval:

Risk assessment template (Attachment 2)

Public Interest Disclosures Act 2002

Date of assessment:

Name of Public Interest Disclosure Officer / Principal o

Risk assessed to:

Please select all relevant options

- Discloser Other employees including potential witnesses
- Your public body (the general public) Other (e.g. Tasmanian Government,
- The subject of the disclosure

Type of risk / possible harm

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

Please provide details:

Likelihood risk/s will occur

Unlikely

Possible

Likely

Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

Please provide your reasons:

Seriousness of consequences if risk/s occurs

Minor

Moderate

Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

Please provide your reasons:

Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Determine your level of risk:

Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser
- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

Please provide details:

Action to be taken

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

Please provide details of your risk action plan:

Approval

Approved by:

Date of approval

Public Interest Disclosure Officer or Principal Officer – Type Name

Risk assessment review

Risk assessment to be reviewed on (date) or when (event) occurs.

Name of reviewing officer:

Date of assessment:

Notes on changes to risk since last assessment

Review outcome

No change to action plan

Further action required

Please provide details:

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name:

Date of disclosure:

Contact person: *(include telephone and email contact details)*

Date of s 33 determination: *(to be made within 45 days of date of disclosure)*

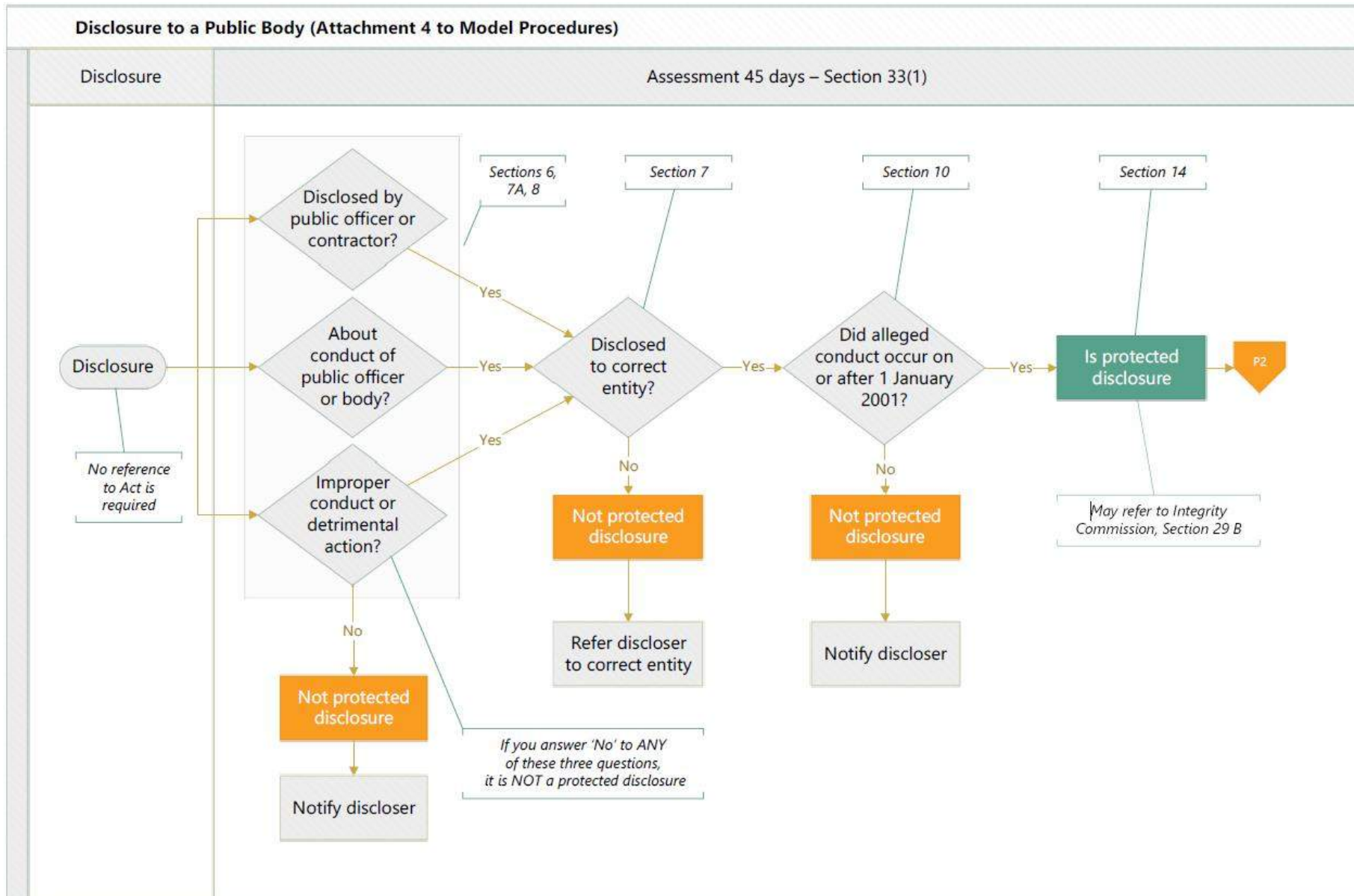
Date of notification:

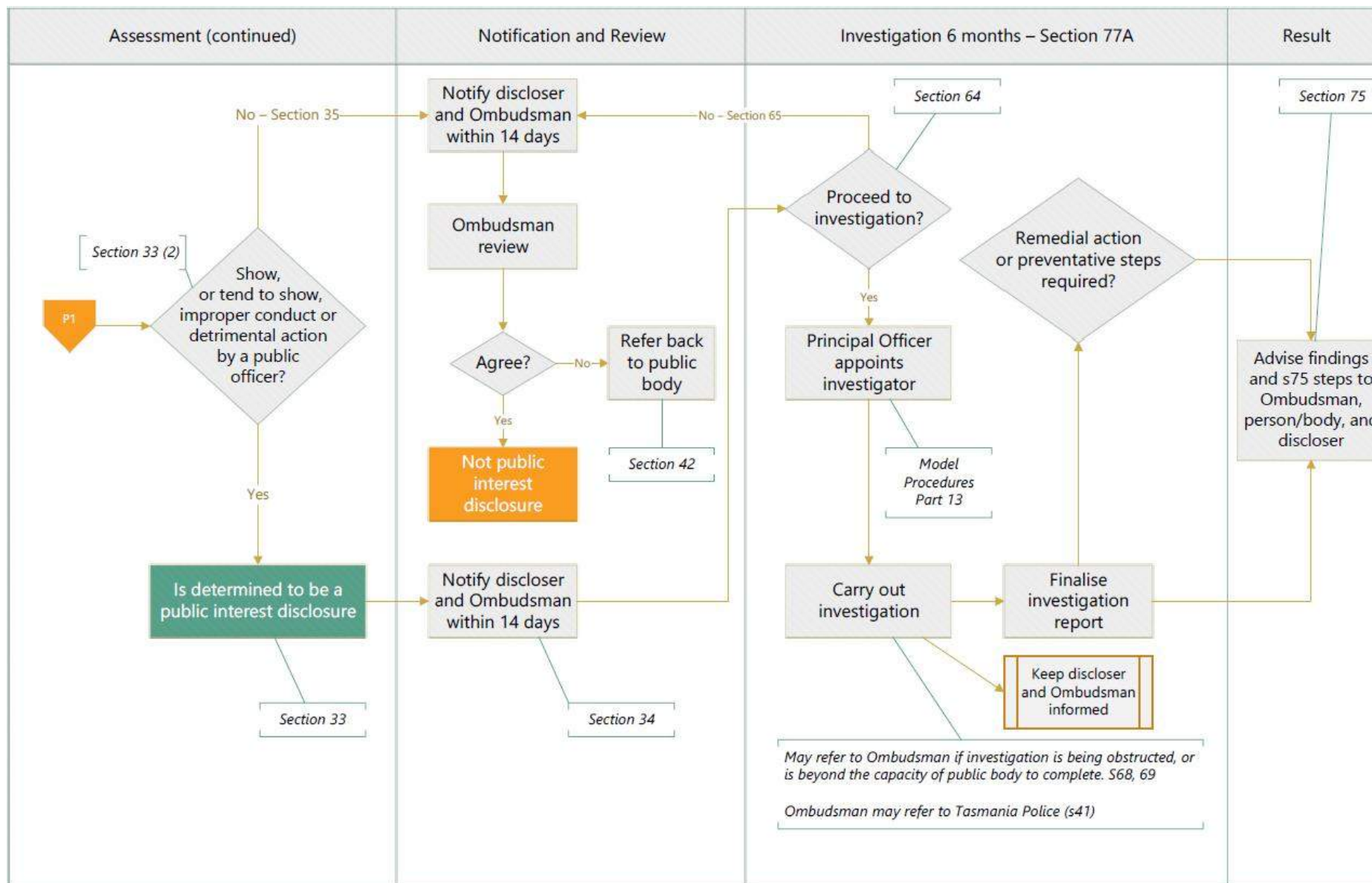
Notification type

- Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- Section 65 – Decision not to investigate public interest disclosure under s 64
Notification to be made within 14 days of decision
- Section 76 – Findings of investigation and steps taken under s 75
Investigation to be completed within 6 months unless Ombudsman extension granted

Evidence attached

- Copy of original disclosure or record of oral disclosure
- Disclosure assessment
- Risk assessment/s
- Investigation report including:
 - the transcript or other record of any oral evidence taken, including audio or video recordings; and
 - all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.
- Any other material used to make determination (list):





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 3 CONFIRMATION OF MINUTES

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

GOVERNANCE 4 LEAVE OF ABSENCE

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

GOVERNANCE 5 GENERAL MANAGER'S PERFORMANCE REVIEW

(Reference Part 2 Regulation 15(2)(a) 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

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Wayne Johnston

Mayor