

SOUTHERN  
MIDLANDS  
COUNCIL



# **PUBLIC COPY ATTACHMENTS ORDINARY COUNCIL MEETING**

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Wednesday, 19<sup>th</sup> February 2020  
Tunbridge Hall, 99 Main Road, Tunbridge  
10.00 a.m.

- |                    |  |
|--------------------|--|
| <b>Item 4.1</b>    | Draft Council Meeting Minutes (Open) – 22 <sup>nd</sup> January 2020   |
| <b>Item 4.2.1</b>  | Minutes – Woodsdale Hall Management Committee – 3 <sup>rd</sup> February 2020<br><br>Minutes – Parattah Railway Station Management Committee – 30 <sup>th</sup> January 2020 |
| <b>Item 11.1.2</b> | Development Application documents / EPA Permit / EPA Environmental Assessment Report / Representations<br><br>DA 209/87 - 1356 Tea Tree Road, Campania                       |
| <b>Item 11.2.1</b> | Development Application documents / TasWater SPAN / Representations<br><br>Subdivision SA 2019/13 – 31 Hall Lane, Bagdad   |

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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Wednesday, 22<sup>nd</sup> January 2020

Colebrook Memorial Hall  
45 Richmond Street, Colebrook

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# OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL  
HELD ON WEDNESDAY, 22<sup>nd</sup> JANUARY 2020 AT THE COLEBROOK MEMORIAL  
HALL, 45 RICHMOND STREET, COLEBROOK COMMENCING AT 10:00 A.M

## 1. PRAYERS

Rev Dennis Cousens recited prayers.

## 2. ATTENDANCE

Mayor A Green, Deputy Mayor E Batt, Cllr A Bantick, Cllr A Bisdee OAM, Cllr K Dudgeon, Cllr D Fish, Cllr R McDougall.

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Cundall (Manager, Development and Environmental Services), Mrs J Tyson (Senior Planning Officer), Mr J Lyall (Manager Infrastructure & Works), Mrs W Young (Corporate Compliance Officer), Miss E Lang (Executive Assistant).

## 3. APOLOGIES

Nil.

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, are submitted for confirmation.

### DECISION

*Moved by Cllr R McDougall, seconded by Cllr A Bisdee OAM*

**THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, be confirmed.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

## 4.2 ANNUAL GENERAL MEETING MINUTES

The Minutes of the Annual General Meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, are submitted for confirmation.

### DECISION

*Moved by Deputy Mayor E Batt, seconded by Cllr K Dudgeon*

**THAT the Minutes of the Annual General Meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, be confirmed.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

## 4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

### 4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

The Minutes of the following Special Committee of Council, as circulated, are submitted for receipt:

- Minutes – Parattah Progress Association – 10<sup>th</sup> December 2019.

#### RECOMMENDATION

THAT the minutes of the above Special Committees of Council be received.

#### DECISION

*Moved by Deputy Mayor E Batt, seconded by Clr A Bisdee OAM*

**THAT the minutes of the above Special Committees of Council be received.**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

### 4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

The recommendations contained within the minutes of the following Special Committee of Council are submitted for endorsement.

- Minutes – Parattah Progress Association – 10<sup>th</sup> December 2019.

#### RECOMMENDATION

THAT the recommendations contained within the minutes of the above Special Committees of Council be endorsed.

#### DECISION

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

**THAT the recommendations contained within the minutes of the above Special Committees of Council be endorsed.**

#### CARRIED

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

#### **4.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)**

##### **4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

The Minutes of the following Joint Authority Meetings, as circulated, are submitted for receipt:

- Southern Tasmanian Councils Authority – Minutes – Nil.
- Southern Tasmanian Councils Authority (Waste Strategy South) – Nil.

**DECISION NOT REQUIRED**

##### **4.3.2 JOINT AUTHORITIES - RECEIPT OF REPORTS (ANNUAL & QUARTERLY)**

Reports prepared by the following Joint Authorities, as circulated, are submitted for receipt:

- Southern Tasmanian Councils Authority – Nil.

**DECISION NOT REQUIRED**

## 5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Agenda is to include details of any Council workshop held since the last meeting.

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 14<sup>th</sup> January 2020 at the Council Chambers, Kempton commencing at 9.00 a.m.

Attendance: Mayor A O Green, Deputy Mayor E Batt, Clrs A Bantick, A E Bisdee OAM, K Dudgeon and D Fish.

Apologies: Clr R McDougall

Also in Attendance: T Kirkwood, A Benson, D Cundall and G Green

The purpose of the workshop was to consider and discuss the following items:

### a) St Mary's Church, Kempton

Mr John Hay, representing the Green Ponds Progress Association, and Mr John Jones, representing the group 'Save our Church Kempton' attended the meeting to discuss issues associated with the sale of St Mary's Church, Kempton.

Please refer to the full Agenda Item (Item 16.1.2) which provides the detail and outcome of the discussion.

### b) Oatlands Swimming Pool

The latest Project Management Plan, including key milestone dates, was presented to the workshop for information.

### c) Climate Change

The following documents were circulated in relation to this issue:

1. Southern Midlands Council - Climate Change Action Plan (draft January 2020); and
2. Southern Midlands Council – Climate Change Adaptation Plan 2020 Review

It was recognised that this was intended to be a preliminary discussion with further workshop sessions to be held to focus on identifying strategies and actions that can be progressed going forward.

In the first session, Mr Graham Green presented the Climate Change Action Plan, focussed on 'mitigation' with the intent of presenting the Adaptation Plan at the February 2020 workshop.

### d) Staffing Matter (Confidential)

The Deputy Manager General Manager (A Benson) briefed Council in relation to a staffing matter.

The Workshop concluded at approximately 12.40 p.m.

**RECOMMENDATION**

THAT the information be received.

**DECISION**

*Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon*

**THAT the information be received.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **6. COUNCILLORS – QUESTION TIME**

### **6.1 QUESTIONS (ON NOTICE)**

Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions on notice. It states:

- (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*
- (2) An answer to a question on notice must be in writing.*

Nil.



## 6.2 QUESTIONS WITHOUT NOTICE

An opportunity was provided for Councillors to ask questions relating to Council business, previous Agenda items or issues of a general nature.

Deputy Mayor E Batt – question regarding rates for a property at Mangalore (Mr Hobden) back payments/credits to be applied?

*The General Manager advised that all amounts have been processed to the correct valuation but will contact Mr Hobden to clarify the conflicting information being provided by the Valuer-General's office.*

Deputy Mayor E Batt – construction estimate for the footpath in Sophia Street, Kempton?

*The General Manager advised that this will be addressed through the budget process in March/April 2020.*

Clr A Bisdee OAM – following up on discussion regarding legal opinion on deconsecrated churches and their eligibility for rate exemptions.

*The General Manager advised that he has spoken to Council's legal representative and despite the church being deconsecrated, land or part of land that is occupied exclusively for charitable purposes is rate exempt (Section 87(1)(d). Cemetery is part of this land.*

Deputy Mayor E Batt – following from the above question, what action is being taken by the LGAT to address these rate exemption issues arising from recent purchase of property.

*Advised that the LGAT are presently focussed on the exemption provisions relating to independent living units and not the broader provisions. Draft motion to be prepared and submitted to a LGAT General Meeting.*

Clr K Dudgeon – question regarding new tourism brochures for Oatlands and when they will be available?

*The Deputy General Manager advised that the tear-off maps will be finalised within the next couple of days and will go to businesses with a covering letter. The 'Welcome to Oatlands' booklet is about to go to print.*

Clr R McDougall – question regarding progress on the Oatlands Bus Shelter.

*The General Manager advised that the final design will need to comply with new disability access standards. This will mean that the associated infrastructure (i.e. access points etc.) will encroach into the road pavement/verge. A plan will be circulated to Councillors for comment.*

Clr R McDougall – question regarding roadside stopover areas and the 48 hour maximum time limit and complaints received from residents that the 48 hour limit is not being enforced. Vans are filling up with water without charge and there appears to be a significant increase in numbers. Request for full costing of roadside stopover areas including power, donations, water etc. There have also been issues with people using the toilet when the facility is locked.

*The General Manager advised that notices have been placed on vehicles where they have overstayed the 48 hour time limit but it has been determined this is not the best system to deal with overstays. There has been a couple of cases of staff being abused when placing notices but Council staff are doing their best to monitor overnight stays. The toilet/shower facilities are locked to prevent free use of the showers. The Mayor requested that the operation of stopover areas be reviewed at the end of the season to look at service levels and systems to support it.*

Mayor A Green – request for update on Lake Dulverton foreshore and clearing of macrocarpa trees?

*The General Manager advised that DPIPWE has now confirmed closure of the investigation. A meeting was held (20<sup>th</sup> January 2020) with representatives from PWS and Aboriginal Heritage and the outcome of that discussion was a requirement for SMC to seek a permit from the Aboriginal Heritage Council. Council are now going through the application process. The application will be considered by the Aboriginal Heritage Council at its meeting scheduled for 27<sup>th</sup> March 2020. (Note: Agenda is full for the February meeting).*

*Until the Aboriginal Heritage Council endorse the application no entry to the site is permitted (assuming that a permit is issued). Part of the amenity issue is the logs on the southern side of the unmade road which is outside of the area containing aboriginal artefacts so council can now go into this area to do initial clean up works. Until the permit is issued, no works can continue.*

Councillor's question time was then suspended at 10.30 a.m. for Public Question Time.

## **9. PUBLIC QUESTION TIME (10.30 A.M.)**

Councillors were advised that, at the time of issuing the Agenda, no questions on notice had been received from members of the public.

Mayor A O Green then invited questions from members of the public in attendance.

There were two (2) members of the public in attendance.

### **DANIELLE RYRIE – COLEBROOK**

Mrs Ryrie thanked Council for the recent newsletter which included an article on ‘securing your load’ when travelling to the waste transfer station. Hopefully this will result in less rubbish on the side of the road.

Question regarding the latest Central Highlands News which included an article titled ‘looking after your yard’. It was indicated that there are a number of properties in Colebrook that are untidy which reflects on Colebrook and tourists passing through. How can Council address this?

*The Mayor advised that representations have been received and there are a couple of properties within Colebrook requiring attention. The Manager, Development & Environmental Services advised that Council officers will attend to those matters as soon as possible and advise Mrs Ryrie of the outcome.*

Question regarding what is happening to the sale of the church in Colebrook?

*It was advised that unfortunately it will be sold by the Diocese of Tasmania. For information, the Mayor advised that Council has made a resolution that it would not be purchasing any church properties.*

### **JULIA JABOUR – SOUTHERN MIDLANDS REGIONAL NEWS**

Ms Jabour made comment on littering/nuisance issues and advised that a short article on the Litter Act and the powers Council have to issue an abatement notice will be included in the next edition of SMRN.

## QUESTIONS WITHOUT NOTICE (CONT.)

Councillors Question Time then resumed following Public Question Time.

Mayor A Green – is there any progress regarding a water point being installed by TasWater at Colebrook?

*The General Manager advised that he has spoken to a representative from TasWater who is the officer responsible for all filler stations in Tasmania. A forward works program is addressing issues with existing filler stations but TasWater have no plans to expand/install new filler stations at this stage. This item will need to be raised with the TasWater CEO, or alternatively, at the TasWater Owner/Rep quarterly meeting.*

Clr McDougall – question regarding the Oatlands water filling station.

*An upgrade of infrastructure is being planned by TasWater, which will also address issues with truck turning etc.*

Mayor A Green - question regarding the Tasmania Fire Service (TFS) change in policy regarding rehabilitation of private land following major bushfires.

*The General Manager advised that as a result of the recent Pelham fires, a meeting was held with TFS and other key stakeholders on Monday 20<sup>th</sup> January 2020.*

*During this meeting TFS advised that it will undertake the rehabilitation planning, but TFS are not involved in the recovery due to Section 1.9 of the Inter-Agency Protocol (2019/2020), this being a new protocol of which local government is not a signatory. This states that “Recovery arrangements are coordinated on a whole-of-Government basis by the Department of Premier and Cabinet (DPaC) in conjunction with local government and other recovery organisations. It is the responsibility of the signatories to this protocol to undertake the rehabilitation planning and prepare the transition to community recovery”. This is the first fire season that this rule has been put in place due to the review of the 2018/2019 fire season.*

*TFS have clear direction from Emergency Management arrangements and have been instructed to follow these by Chief Officer (TFS).*

*This issue has been referred to the Local Government Association for clarification as local government has not had any previous role in rehabilitation / recovery as it relates to private property.*

Deputy Mayor E Batt – request for an update on the walkway to Mood Food from Kempton.

*The General Manager advised that the 2019/20 budget allocated funds to construct a walkway outside the road reservation (i.e. private property) from Kempton to Mood Food. The Department of State Growth has been consulted on this issue and negotiations will be progressed as a priority.*

Clr Bisdee – advice that Hazell Bros are about to commence works on the Midland Highway (Melton Mowbray to Lovely Banks) and believed Council were promised revised plans for these works.

*The Mayor advised that he will follow up with the new Minister once appointed.*

**DECISION**

*Moved by Clr K Dudgeon, seconded by Deputy Mayor E Batt*

**THAT the meeting be adjourned to conduct a Citizenship Ceremony for Ms Judith Engel at 10.58 a.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**DECISION**

*Moved by Deputy Mayor E Batt, seconded by Clr A Bisdee*

**THAT the meeting be reconvened at 11.34 a.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**DECISION**

*Moved by Clr D Fish, seconded by Clr R McDougall*

**THAT Agenda Item 12.1.1 be brought forward as the Property Owner(s) & their legal representative from Simmons Wolfhagen were in attendance.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PART ROAD CLOSURE**

**Author:** SPECIAL PROJECTS OFFICER (D MACKEY)

**Date:** 13 JANUARY 2020

**Enclosure(s):**

*F Miller – Email dated 9<sup>th</sup> December 2019*

*Simmons Wolfhagen – Letter dated 4<sup>th</sup> December 2019*

*F Miller – Email dated 1<sup>st</sup> December 2019*

*Extract from Council Minutes held 23<sup>rd</sup> January 2019 (includes extracts from the Council Meetings held 24<sup>th</sup> October 2018; Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018; and Extract from Council Minutes held 28<sup>th</sup> November 2018)*

*Survey Plans*

### **ISSUE**

Council to formally consider the submission received from Simmons Wolfhagen, acting on behalf of the property owners (F Miller and M Nardi), including associated Email correspondence received from Mr F Miller.

### **BACKGROUND**

Council is fully aware of the background associated with this issue.

Copies of previous Council Reports including other relevant documentation (listed above), are included as an enclosure.

In terms of Council's current position:

1. it has formed the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety; and
2. Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook).

Formal notice to remove the farm gate obstructing the use of Craighourne Road was given pursuant to section 49(3) of the *Roads and Jetties Act 1935* in June 2019, however this was subsequently challenged on the basis that the General Manager did not have the delegated authority to issue such a Notice. This has since been addressed by Council, but further Notice has been withheld pending consideration of these latest submissions.

### **DETAIL**

In summary, the intent of the letter received from Simmons Wolfhagen dated 4<sup>th</sup> December 2019 is to request Council to reconsider its position regarding the closure of the north-eastern section of Craighourne Road which passes through the land owned by F Miller and M Nardi.

The letter seeks to provide Council with a proper understanding of the impact that the decision not to close this section of Craighourne Road is having on their clients.

In reference to the letter, circumstances are detailed which relate to trespass on the property which adjoins the Craighourne Dam.

From a Council perspective, previous discussions relating to alleged trespassing can be addressed through fencing of the roadway and property boundary. In this regard, Council has already engaged (and funded) a Surveyor to 're-peg' the relevant boundaries between the public road; the Craighourne Dam; and private property. Mr Miller has been provided with a copy of the Survey Plan in an endeavour to address this very concern. The following comments are provided in response to other specific issues raised in the Letter:

- Page 1 – 4<sup>th</sup> Paragraph – the letter makes reference to the Craighourne Road which passes over their land. It is important to note that the Craighourne Road is a Council maintained Road, with a surveyed Road Reservation. Their private property adjoins the Road.

- At the base of Page 1 of the Letter, it makes reference to a Council concern relating to the cost of funding an application to the Magistrates Court if the Council decides to close Craighourne Road.

Whilst the issue of costs was raised in the report to the January 2019 Council Meeting, mainly in relation to the closure process (i.e. advertising etc.) and responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*, to the best of my knowledge, this has not been an influencing factor underlying Council's decision not to close the road.

- Background Section: - on the construction of the Craighourne Dam in 1986, the relevant Council was Richmond Council, which was mostly absorbed into Clarence Council. It is on the creation of the Southern Midlands Council in April 1993 that the area around Craighourne Dam fell within the municipal area of the Southern Midlands. Council has not taken any steps to close that part of the road that is unpassable. However, it can be assumed that this did occur following, or at the time, the Craighourne Dam was constructed although Council holds no record of this.

- Background Section – Public Access Point (north-eastern section of the Dam). The Southern Midlands did write to the Minister for Primary Industries and Water (Hon G Barnett MHA) as his portfolio includes responsibility for Inland Fisheries. The intent of that submission was to seek assistance from the State Government to construct some form of basic infrastructure (and installation of signage) which clearly identifies the property boundaries and provides an area whereby vehicles can park; turn around; and be directed to the Dam without trespassing. This action was consistent with Council's earlier decision to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

- Page 3 – final paragraph – Road reservation. It is acknowledged that the Survey Plan shows:

- a) that there are some minor deviations where the road, in its existing position, is not wholly within the surveyed road reservation; and
- b) That in some locations, the existing wire fence on the eastern side of the road encroaches into the road reserve.



This was highlighted in a letter dated 8<sup>th</sup> March 2019 to F Miller and M Nardi, which included a comment that the most practical solution is to simply erect a fence on the western side of the road in its present location and avoid the need to relocate any fences on the eastern side. Whilst this was put forward as a possible solution, the letter advised that it was the property owner's decision as to the preferred course of action.

A copy of the Survey Plan is included as an enclosure to this Report.

To conclude, reference is made to past Council Reports, including the Report (and attachments) submitted to the Council Meeting held in January 2019. This was the basis for determining Council's current position.

**Human Resources & Financial Implications** – Refer comment above.

**Community Consultation & Public Relations Implications** – Reference is made to the Council Report dated 15<sup>th</sup> January 2019 which detailed the outcomes of the public consultation process which was initiated in December 2018.

The consultation process included publishing a Notice in the Mercury Newspaper on 1<sup>st</sup> December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.

For information, the following is an extract from the Minutes of the Council Meeting held in January 2019:

*In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:*

- *Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;*
- *Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;*
- *Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;*
- *This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;*
- *Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;*
- *Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;*
- *Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;*

- *Dam used to access water for firefighting purposes;*
- *Craigbourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.*

*It was also noted that among the submissions against closure the following were received:*

- *Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;*
- *Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;*
- *Submission from ‘change.org’ which includes the names and addresses of 200 individuals;*
- *Petition letter containing 577 signatories.*

*In terms of support for the permanent closure, the following comments capture the sentiments contained therein:*

- *Express support for the permanent closure of Craigbourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craigbourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;*
- *Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine’s property);*
- *Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.*
- *Person has lived in close proximity for some years and has had nothing but concern for their property’s safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is case for concern or all.*
- *Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.*
- *Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.*

**Policy Implications – Policy position.**

**Priority - Implementation Time Frame – N/A.**

## RECOMMENDATION

THAT the information be received and Council determine its position following the presentations(s) made.

*Note: Should any legal argument be submitted during the presentation(s), it may be necessary for Council to defer any decision pending receipt of qualified advice in response to any issue raised.*

### Permission to Address Council

Permission was granted for the following person(s) to address Council:

- Mr Fraser Miller and his legal representative.

Mr Miller addressed Council advising that no progress has been made and no solution has been provided. Mr Miller highlighted ongoing cases of vandalism, trespass, illegal hunting, stock losses and illegal 'rave parties' on his property.

He is concerned that Craighourne Road is not being used responsibly and he is being denied lawful use of a significant part of his land. He believes that now is the time to act and resolve the ongoing issues that have been occurring for many years for this section of the road.

Mr Miller's legal representative then addressed Council. It was requested that Council reconsider its decision not to close this section of the road. He understands the public benefit in access to the dam but there is an escalation of problems being experienced on his client's property. Police are unable to help in this situation due to lengthy response times given the remote location of the road. Fencing is not a realistic option as the length is approximately 2.4 klms, and there is an alternative access to the Dam.

It was commented that the best way forward is for council to have an independent third party resolve the matter (i.e. Magistrate) noting that to go down this pathway Council would need to decide to close the road. Any objections can then be referred to the Court to decide. Mr Miller has offered to make a contribution for Councils reasonable legal fees if this course of action is undertaken.

Reference was also made to Section 42 of the *Local Government (Highways) Act 1982* which enables Council to close a 'dangerous highway' following report by an engineer or an officer authorised to prepare a report as provided in section 41 of that Act.

**DECISION**

*Moved by Cllr A E Bisdee OAM, seconded by Cllr R McDougall*

**THAT, in light of the issues raised during the presentation by the property owner and the representative from Simmons Wolfhagen, Council defer a decision at this meeting pending receipt of further qualified advice.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

**ENCLOSURE**

*Agenda Item 12.1.1*

**Timothy Kirkwood**

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**From:** Alexander Green  
**Sent:** Monday, 9 December 2019 9:26 AM  
**To:** Timothy Kirkwood  
**Subject:** Fwd: Trespass and Vandalism w/e 8th December 2019

Sent from my iPhone

Begin forwarded message:

**From:** "Fraser Miller" <fraser@mtbaines.com>  
**To:** "Alexander Green" <agreen@southernmidlands.tas.gov.au>  
**Subject:** Trespass and Vandalism w/e 8th December 2019

Alex,

Further to our conversation this afternoon please see attached a picture of the dead calf which has a broken neck. This has occurred as a vehicle has driven close by and causing the calf to fall down the embankment. The tracks of the vehicle are clearly evident in the pasture which are well within our property. The picture obviously does not take into account the distress caused to the calves mother who is pining for her lost calf.

This is the second cow we have lost in as many weeks again at a substantial cost of \$3,000 bringing out livestock losses to \$6,000 in the past two weeks alone.

Whilst I was down there I also witnessed further trespass, this time a fisherman, who had travelled well into my property with his vehicle, again through my cattle. There was also evidence of a campfire and empty beer cans left behind.

I have reported these matters to the police.

It is completely and utterly unacceptable that we as private citizens should be put in this position where we are suffering financial loss in order to provide a public facility that is so routinely abused and in the process being denied the use of our land. It has been nearly 12 months since the Council rescinded the decision to close the Road and nothing has changed and there has been no meaningful dialogue to resolve these issues. Yet we are \$000s out of pocket and have spent countless hours trying to resolve this issue. It is clear that unless the road is closed these issues will continue as the public simply cannot be trusted to respect our property and the overly simplistic solutions proposed by the Council will not address the issues, a fact also acknowledged by the Council on many occasions.

Can you please draw attention to the Council on this latest incident ahead of the meeting on the 11th.

Cheers,

Fraser



**SIMMONS WOLFHAGEN**  
Lawyers



Contact: Karen Abey  
Our Ref: HMA/NAB/192490

4 December 2019

Nathan Street  
Abetz Curtis

By email: [nstreet@abetzcurtis.com.au](mailto:nstreet@abetzcurtis.com.au)

Dear Mr Street,

#### Closure of Craighourne Road

We refer to your letter dated 1 October 2019, which provided some information and documentation on behalf of the Council regarding Craighourne Road.

As discussed, on the weekend, there was a further trespass on our clients' land. Some members of the public passed onto our clients' land on dirt bikes. They drove through cattle owned by our clients, one of whom suffered a broken leg and had to be euthanised. The value of that stock was \$3,000. The matter has been reported to Tasmania Police.

In addition, there was damage to pasture, destroying valuable and scarce feed, two groups of fisherman who let themselves into our clients' property, well beyond the obvious roadway end to launch boats (leaving gates open and destroying pasture) and illegal hunters on the property at 2:45am.

While there is not a weekend which passes without incident, the loss of valuable stock over the past weekend has prompted our clients to again request the Council to consider closing the part of Craighourne Road which passes over their land. The background to this matter and the impact of having the Road on their land is detailed below, so that the Council has a proper understanding of the impact on our clients.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees of any such application.

#### Hobart Office

Address: Level 4, 99 Bathurst Street  
Hobart TAS 7000  
t 03 624 1145

#### Launceston Office

Address: 45 Cameron Street  
Launceston TAS 7250  
t 08 1344 1770

ABN: 31 635 248 976

Email: [info@simmons-wolfhagen.com.au](mailto:info@simmons-wolfhagen.com.au)

#### Lawyers specialising in:

- Business Acquisitions, Partnerships, Company & Commercial Law
- Conveyancing, Property Development, Easements & Boundaries
- Family & Personal Relationships Law

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### Background

Historically, Craighourne Road allowed for travel between Hungry Flats Road to Colebrook Road. This changed in 1986, with the creation of the Craighourne Dam which flooded some land which had been part of Craighourne Road. You have indicated that it is assumed the relevant parts of Craighourne Road were closed at the time, but we have not seen any documentation to support this assumption. We would be grateful if further efforts were made to locate this documentation so that there is a clear understanding of what has occurred.

A public access point for Craighourne Dam has been created to allow for fishing and other leisure activities, accessible from Colebrook Road. This area has proper facilities, including parking, public toilets, a boat ramp and rubbish collection points and we understand it is well used.

Craighourne Road passes through our clients' land and abruptly stops at the Dam. The Road is in poor condition, particularly where it meets the Dam.

No works have been undertaken to create a public access point for Craighourne Dam where it meets our clients' land, yet it continues to be accessed by some members of the public. These works have been proposed by the Mayor to the Minister for Primary Industries. Our clients are disappointed that this step was taken without consultation with them, and despite having already indicated to the Council that this would exacerbate the instances of trespass by directing more people to the area.

### Impacts

The impacts on our clients having Craighourne Road on their land are as follows:

1. members of the public trespass onto their land on a regular basis;
2. illegal logging for firewood is often carried out on our clients' land, including up a treacherous track which is very dangerous when wet, posing serious risks to those who do so;
3. illegal hunting is also carried out on our clients' land, which poses a serious risk to the public and our clients, who face the risk that they could potentially be shot at;
4. damage is caused to pasture with vehicles driving across the property in particular dirt bikes which cause significant damage;



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5. rubbish and waste is regularly dumped on the property, with trespasser's regularly defecating on my land and in my buildings;
6. damage is caused to fencing and other infrastructure, again on a regular basis; and
7. costs are incurred and time is spent by our clients to repair fencing and other infrastructure, and to recover stock which has escaped due to this damage.

A significant part of our clients' land – approximately 20% – is rendered unusable because of the public incursions, which prevent our clients from planting new pasture which is necessary to feed livestock. This impacts on the overall carrying capacity of the property, the ability to rotate stock across the property and exposes our clients' livestock to theft, escape and being killed either by shooting or being run over as has happened in the past.

Unfortunately, for practical reasons (limited staffing and travel times) the Tasmania Police are of no assistance to our clients to resolve these issues. Tasmania Police are supportive of the Road being closed, which is an acknowledgement that there is nothing the Police can do to prevent the activities on our clients' land.

#### Council Response

The position of the Council as we understand it is, in summary:

1. members of the public have the right to travel on the section of Craighourne Road which is on our clients' land;
2. the Council has no obligation to fence the Road; and
3. the Council has no obligation to take any other steps to inform members of the public as to the extent of our clients' land or to prevent trespasses onto our clients' land.

Your letter states that "your clients fencing their boundary is an obvious and simple solution to their concerns".

Aside from this, the Council has acknowledged that the Road is outside the road reservation, as shown on the survey which was provided to us. If the Road is not closed then our clients will request the Council to realign the Road so that it is within the road reservation.



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### Ongoing Concerns

Unfortunately, this response fails to take into account the fact that existing fencing which has been erected has been damaged, over and over again. Vehicles have travelled well inside our clients' land – clearly outside the road reservation – to destroy fencing, camping and lighting fires, carry out illegal shooting activities and to remove firewood without permission.

Attempts to lock gates on our clients' land have resulted in the gates being driven through and destroyed, which impacts on the efficiency with which they can farm their land.

The damage is clearly caused deliberately and most likely by vehicles being driven at the fencing. The destruction of fencing seems to be carried out for reasons which can only be explained through boredom or vindictiveness, or trying to gain access further into the property to shoot, camp, log, dump rubbish etc; the damage to the fencing makes no practical difference to the ability to access the Dam.

Given these circumstances, it is impossible to create fencing which is resistant to this type of interference.

You have suggested some sort of physical barrier such as large boulders so that the public cannot pass onto our clients' land, yet this would also effectively prevent our clients from using their own land.

Our clients have already incurred significant expense to repair existing fencing and it seems utterly pointless to spend tens of thousands of dollars to erect further fencing which it is assumed will be damaged or destroyed for similar reasons.

We acknowledge that the *Boundary Fences Act 1908* does not apply to roads, pursuant to s.7. There is no other statutory power to require the Council to erect or contribute to the cost of erecting fences on either side of a road such as this. Even if there were and the Council erected fencing, this would be of no value to our clients unless there was an undertaking or requirement to continually repair the damage which is expected to be caused to the fences.

In essence, the legislation does not respond to the current scenario and provides no protection to our clients from members of the public who are prepared to trespass onto their land.

There are no physical measures, no assistance from Police, no assistance from the Council and no legislative framework upon which our clients can rely to balance their interests against the people who use this Road.

SIMMONS WOLFHAGEN

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#### Closure of part of Craighourne Road

On 24 October 2018, the Council considered whether to close the part of Craighourne Road on our clients' land and passed a resolution pursuant to the *Local Government (Highways) Act 1982* to do so for reasons of public benefit and in the interests of public safety.

Rather than follow the statutory processes to close the relevant part of the Road, the Council sought further public input on the closure. The Council also sought legal advice on the ability to close the Road pursuant to s.14, from your firm. That advice concluded, in summary, that the requirements of s.14 were met and the Road could be closed, but that the Council could take into account matters such as the number of complaints made to the Police and the costs of closing the Road if there was opposition (which was very likely) as a basis not to close the Road.

Having acknowledged the extensive issues faced by our clients if the Road remains open, the Council was advised that it had two options:

1. proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The decision to close the Road was rescinded on 23 January 2019.

Despite the acknowledgement that the Council should consult with the property owners to implement measures that will address the issues being experienced, it is our clients' position that there are no measures to implement that will address the issues they are experiencing, other than for them to abandon 20% of their land.

We understand that the Council has appointed a consultant to try and achieve a solution to the ongoing issues. This consultant has yet to contact our clients and it is unclear what his role and remit is in this matter, but our clients are concerned that there are discussions being had without their input as the main stakeholder in this matter.

The Council has suggested the "simple solution" for our clients to fence the Road, which is completely at odds with the practical reality of what has happened on the land and is likely to continue if further fencing is erected. The Council's decision on

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SIMMONS WOLFHAGEN

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23 January 2019 without proper regard to the ongoing impact of the Road staying open and the risks that this poses to both members of the public and our clients.

**Outcome Sought**

Ultimately, our clients' position is that the part of Craighourne Road which is on their land should be closed. It is our view that the requirements of s.14 of the *Local Government (Highways) Act 1982* (the Act) are met and that the Council should reconsider this matter again, taking into account the matters raised in this letter.

For convenience, s.14(1) is as follows:

*If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use...*

The most thorough analysis of the meaning of this section is by then Chief Magistrate Shott in *Listers Land and Golconda Road*.<sup>1</sup>

With respect to the Chief Magistrate, it is our opinion that the parts of this decision dealing with whether this is a two limbed test or a three limbed test, would not be followed today. As you would know, there has been a substantial shift in the authorities from the High Court regarding statutory interpretation subsequent to the *Listers Land and Golconda Road* decision.<sup>2</sup> The focus is now on the text, context and purpose of legislation.<sup>3</sup> An historical review of past legislation is no longer encouraged as an approach to the interpretation of current legislation.

It follows, in our firm view, that only one of the three matters listed in s.14 must be satisfied in order to close a highway.<sup>4</sup> Regardless, we say that there are two of the

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<sup>1</sup> Reference pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASMC 4

<sup>2</sup> Including *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* (2009) 239 CLR 27; *Zheng v Cai* (2009) 239 CLR 446; *Lacey v Attorney-General (Qld)* (2011) 242 CLR 573; *Certain Lloyd's Underwriters Subscribing to Contract No IH00AAQS v Cross* (2012) 248 CLR 378

<sup>3</sup> *Sultan Holdings Pty Ltd v John Fuglsang Developments Pty Ltd* [2017] TASFC 14 at [49]

<sup>4</sup> We have successfully made an application for a road to be closed for the Break O'Day Council based only on the public benefit limb. (Magistrates Court of Tasmania, Administrative Appeals Div, file no. M/2018/1371). An order was made in those proceedings on 27 June 2018, providing the Court's authorisation to close part of Parkside Avenue. The justification provided was that closure of that road would allow a development to take place on that land, which would encourage tourism and provide a boost to the community.

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SIMMONS WOLFHAGEN

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matters in s.14 which are satisfied: public benefit and public safety. Your firm has already acknowledged in the advice provided by your firm to the Council on 6 November 2018, at [5.4], that there is a sufficient basis to close the road on these grounds.

Clearly, the “public benefit” element in s.14 is broad. In every other respect, the Council (as “the corporation”) under the Act has broad powers to open, maintain and regulate “highways” as it sees fit. It follows that the phrase “public benefit” should be interpreted in that context. The Council is the entity which is best suited to assess the needs and requirements of the public, and to assess the costs and benefits of keeping the relevant part of Craighourne Road open.

It should, in our view, take into account the fact that:

1. keeping the Road open has a significant financial impact on our clients which they are powerless to prevent in a practical way;
2. our clients are not able to be supported in any meaningful way by Tasmania Police, and the law of trespass provides no effective control for the actions which have taken place on their land;
3. the legislative regime provides our clients with no power to require the Council to take steps to fence and maintain that fencing – it is their burden alone;
4. our clients will not gain anything, as such, by the closure of the Road – other than to be able to enjoy the rights to use their land as any landowner should be able to do. To this extent, there is no private benefit to them by the Road being closed, merely removing the negative impacts of the Road remaining open;
5. the closure of the Road could be carried out by our clients by placing a physical barrier which could not be crossed, at the point of entry;
6. while there was a substantial resistance to the closure of the Road presented to the Council,<sup>5</sup> it is understood that this level of interest is not reflected in the number of people who actually use the Road;<sup>6</sup>

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<sup>5</sup> Our clients are concerned about the impact of some incorrect information which was circulating, including that the road closure would prevent access to the Dam entirely – we can address this further, if required

<sup>6</sup> For example, there were people who reside in Canada who signed the petition



SIMMONS WOLFHAGEN

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7. members of the public have not respected our clients' private land rights and it is unreasonable for them to push for the Road to remain open while having the intention to continue to abuse that right.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees.

Could you please pass on this request to the Council. We understand that this matter is already on the agenda to be discussed on 11 December 2019.

If you would like to discuss this matter further, please contact us.

Yours faithfully  
Simmons Wolfhagen



**Karen Abey**  
Managing Associate | Local Government, Planning & Development Law  
karen.abey@simwolf.com.au

**From:** Fraser Miller  
**Date:** 1 December 2019 at 6:10:27 pm AEDT  
**To:** Alexander Green <[agreen@southernmidlands.tas.gov.au](mailto:agreen@southernmidlands.tas.gov.au)>  
**Subject:** Trespass and Vandalism 1 Dec 2019

Alex,

Further to our conversation this afternoon about ongoing and continual vandalism to our property as afforded by the access of Craigbourne Road I wish to draw yours and Councils attention to the issues we have faced this weekend alone. I have reported these issues to the police.

- Trespassers who were riding their dirt bikes amongst my cattle who have new born calves and still in calf. This caused one of them to break their leg and had to be put down at a cost of \$3,000.
- In addition there was significant damage to pasture which as you and the Council will be aware is in short supply given the lack of rain
- There have been at least 2 groups of fisherman driving through my property to launch boats, leaving gates open and allowing cattle to escape.
- There have been illegal shooters on the property last night at 2:45am

Obviously these issues are just related to this weekend but are by no means the only instances of trespass over the preceding months to which Council seeks to ignore and deflect onto the Tasmanian Police to resolve.

The overly simplistic approach of fencing the road reserve is not something that will work as both you and Council have acknowledged previously and I would request that Council revisit its decision to close this road as it is the only practical solution to these ongoing issues.

It is simply unacceptable that I as a private citizen should have to bear these costs particularly when Council has within its power to resolve this issue once and for all.

I would welcome you and Council to attend the property on the weekend so you can see first hand these issues of trespass so you can gain a better understanding of these issues.

Cheers,  
|  
Fraser

Southern Midlands Council  
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## 12.1 Roads

### Strategic Plan Reference 1.1.1

*Maintenance and improvement of the standard and safety of roads in the municipal area.*

#### 12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PROPOSED PART ROAD CLOSURE

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 15 JANUARY 2019

**Enclosure(s):**

*Map of proposed road closure point*

*Extract from Council Minutes held 24<sup>th</sup> October 2018*

*Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018*

*Extract from Council Minutes held 28<sup>th</sup> November 2018*

**Attachment:**

*Submissions received regarding proposed closure.*

## ISSUE

To:

- a) Report on the outcomes of the public consultation process relating to the proposed closure of the north-eastern section of the Craighourne Road (beyond No 38 and extending through to the Dam); and
- b) Council to determine its final position in respect to this matter.

*Note: Reference is now made to No 38 - as opposed to No 32 which was the original proposed closure point. This being the property owned by J & G Bailey. A discrepancy has been detected between the Council Property System (showing their property as being No 32) and the actual Rural Address affixed to their property. It is agreed that the Council Property System should align with the nominated Rural Address. The Council system has since been amended.*

*Irrespective, it was always intended that any road closure would be beyond the property owned by J & G Bailey.*

## BACKGROUND

Council, at its meeting held on 24<sup>th</sup> October 2018, considered a Notice of Motion submitted by then Deputy Mayor Alex Green relating to the proposed closure of the Craighourne Road (north-eastern section) between 32 Craighourne Road and the Craighourne Dam.

An extract from the Minutes of that meeting is enclosed. This includes all the background information.

Council resolved as follows:

Southern Midlands Council  
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**THAT:**

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982* s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and
- b) Prior to proceeding further, Council seek advice in terms of:
  - (1) what constitutes 'public benefit' and whether there is sufficient grounds for Council to rely upon in this case; and
  - (2) being able to justify the decision to close the road based on the interests of public safety.

Following that decision, legal advice was sought from Abetz Curtis (enclosed) in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in regard to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A further report was submitted to the Council Meeting held 28<sup>th</sup> November 2018. A full copy of the advice received from Abetz Curtis was included with that report.

An extract from the Minutes of that meeting (i.e. 28<sup>th</sup> November 2018) is also included as an enclosure to complete the record.

Council resolved as follows:


**THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1<sup>st</sup> December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.**



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## DETAIL

The following Notice was published in the Mercury Newspaper on 1<sup>st</sup> December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.

  
**SOUTHERN  
MIDLANDS  
COUNCIL**

**Access to Craighourne Dam, Colebrook  
(via the north-eastern section of Craighourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craighourne Road extending from No 32 Craighourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au). Written submissions will be received up until close of business on 17<sup>th</sup> December 2018.

TF Kirkwood  
**GENERAL MANAGER**

In summary, 948 names have been recorded as providing a response to the request for feedback – 933 of which object to the closure and 15 support the closure.

It is confirmed that elected members have been provided with a full copy of all submissions received, and an electronic copy has been placed on Council's website as an attachment to this Council Agenda (refer [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au))

In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:

- Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;
- Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;
- Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;
- This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;

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- Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;
- Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;
- Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;
- Dam used to access water for firefighting purposes;
- Craighourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.

It was also noted that among the submissions against closure the following were received:

- Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;
- Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;
- Submission from 'change.org' which includes the names and addresses of 200 individuals;
- Petition letter containing 577 signatories.

In terms of support for the permanent closure, the following comments capture the sentiments contained therein:

- Express support for the permanent closure of Craighourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craighourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;
- Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);
- Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.
- Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is cause for concern or all.
- Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.

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- Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.

**General Managers' Comments:**

Following analysis of each of the comments and feedback received through the public consultation process (noting confirmation that all submissions have been circulated to elected members), further reference is made to section 14 of the *Local Government (Highways) Act 1982*.

To address this matter, Council must determine whether it is of the opinion that the road should be closed for the public benefit, in the interests of public safety or because of lack of use.

Note: It has generally been accepted that there is no basis to argue that the Road should be closed due to lack of use.

In reference to the 'Summary of Advice' provided by Abetz Curtis, the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to require that it be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

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In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision which will be significant.

Having sought input from the broader public, there are now two options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The following comments are provided and considered to be relevant to Council reaching an opinion:

- a) There is clearly no dispute regarding this section of road being a Council maintained road and members of the public are legally entitled to use the road without any restrictions.
- b) Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property), and more recently there have been reports of vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.
- c) in so far as being in the interests of public safety, the question arises whether the issues being raised by those seeking a road closure are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.
- d) There are numerous other instances within the Southern Midlands Council area where the roadway is not fenced and there is no physical barrier preventing vehicles from straying onto private property (for whatever purpose).
- e) Can the situation be adequately addressed by fencing of the road reserve? This being the responsibility of the property owner.

Note: Section 7 of the *Boundary Fences Act 1908* states that no local body having the administration, management, or control of any road shall be liable to make any contribution towards the erection or repair of any dividing fence between any road and the land of any occupier of land adjoining such road.



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- f) It is confirmed that a check Survey has been completed and marker pegs have been installed. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a small parking bay/turning circle within the land owned by Tas Irrigation (as owner of the Dam);
- g) Overall there is insufficient evidence that the public benefit is best served by road closure given the vast majority of the use of the road occurs in a lawful manner and that other options exist such as fencing, to address the concerns raised in the main by the adjoining landowner.
- h) Council may consider that in further discussions with the landowner, given the unique circumstances that exist, it may offer to make a contribution towards the cost of fencing if the decision is that the road is to remain open.

In conclusion, and in reference to the recommendation provided, it is considered appropriate that Council should formally rescind part (a) of the Motion passed at the meeting held 24 October, 2018. Whilst there was a proviso included in that Motion, the wording did suggest that the Council will close the road.

Recognising that the Motion was passed prior to the recent election, only a simple majority is required to rescind the original decision.

In reference to the *Local Government (Meeting Procedures) Regulations 2015*, any report provided by the General Manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include the following detail:

- (a) Confirmation that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision whichever is the case;
- (b) The details of that previous decision, or the part of that previous decision, that would be overturned – refer following:

**THAT:**

- a) **the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and***
- b) .....
- (c) Whilst this part of the decision directed that certain action be taken, part (b) of the Motion included a requirement to seek prior legal advice; and
- d) Pending further direction, no action has been taken in respect to part (a) of the Motion.

**Human Resources & Financial Implications** – Refer comment above.

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**Community Consultation & Public Relations Implications** – Refer detail provided.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – N/A.

#### RECOMMENDATION

THAT:

- a) In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;
- b) Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;
- c) Council require that unrestricted access be maintained to the Craigbourne Dam via the north-eastern section of the Craigbourne Road (accessed via Link Road, Colebrook); and
- d) Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

#### DECISION

*Moved by Cllr A Bisdee OAM, seconded by Deputy Mayor E Batt*

THAT

- a) **In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;**
- b) **Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;**
- c) **Council require that unrestricted access be maintained to the Craigbourne Dam via the north-eastern section of the Craigbourne Road (accessed via Link Road, Colebrook); and**
- d) **Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
Deputy Mayor E Batt	✓	
Cllr A Bantick	✓	
Cllr A Bisdee OAM	✓	
Cllr K Dudgeon	✓	
Cllr D F Fish	✓	
Cllr R McDougall	✓	

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ENCLOSURE(S)  
Item 12.1.1





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[EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015**

**10.1 CRAIGBOURNE ROAD, COLEBROOK**

*Deputy Mayor Alex Green has submitted the following Notice of Motion:*

"That Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1)* close for reasons of public benefit and in the interests of public safety that section of Craighbourne Road, Colebrook, situated between 32 Craighbourne Road and Craighbourne Dam".

**BACKGROUND (Comments provided by Deputy Mayor A Green)**

Supporting comments to be provided at the meeting.

**General Manager's Comments:**

*The Notice of Motion makes reference to the Local Government (Highways) Act 1982. The following is an extract from the Act (Division 2, Part II – section 14) relating to the permanent closure of highways.*

*Note: For clarification, reference to a highway includes a Council maintained road.*

"14. Closure and diversion of highways

*(1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may –*

*(a) if it is satisfied, in the case of a diversion of a highway, that standard requirements, if applicable, have been complied with; and*

*(b) not less than 28 days after a written notice of its intention to do so –*

*(i) has been served on each of the owners and occupiers affected;*

*(ii) has been served on the Transport Commission;*

*(iii) has been displayed in a prominent position at each end of the highway; and*

*(iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated –*

*close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*

*(2) A notice under [subsection \(1\)](#) may apply to 2 or more highways that are connected with one another.*

*(3) Subject to [subsection \(4\)](#), a notice under [subsection \(1\)](#) shall contain a map or plan showing the proposed closure or diversion to which it relates.*

*(4) A notice under [subsection \(1\)](#) that is required to be published in a newspaper may, instead of containing such a map or plan as is referred to in [subsection \(3\)](#), contain a*



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statement of a place in the municipality in which the highway is situated where the plan may be inspected free of charge at all reasonable hours.

(5) An interested person may, before the expiration of a notice under [subsection \(1\)](#), give written notice to the corporation of his objection to the proposed closure or diversion.

(6) The corporation is to refer each objection that it is notified of under [subsection \(5\)](#) to the Magistrates Court (Administrative Appeals Division).

(7) The Magistrates Court (Administrative Appeals Division) has power to receive and determine the objection as if it were an application to review the decision relating to the proposed closure or diversion and, in addition to its powers under the [Magistrates Court \(Administrative Appeals Division\) Act 2001](#), the Court may make a local highway order –  
(a) upholding the objection; or  
(b) authorizing the proposed closure or diversion.

(8) An order under [subsection \(7\)\(b\)](#) may prohibit, in whole or in part, the closure or diversion authorized by the order until such conditions as may be specified in the order have been fulfilled, being conditions that the Magistrates Court (Administrative Appeals Division) considers proper to impose for the provision or preservation of the means of communication by highway or the means of access to a highway.

(9) Where the Magistrates Court (Administrative Appeals Division) makes an order under [subsection \(7\)\(b\)](#), the Minister shall, as soon as possible after the making of the order, cause a notice containing particulars of the order to be published in the Gazette.

(10) A diversion of a highway that is opened under this section by a corporation is maintainable by the corporation.”

For information purposes, a full extract of Division 2, Part II is included as an attachment.

### **Craigbourne Road**

The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.

Note: Prior to the construction of the Craigbourne Dam, the Craigbourne Road extended from the Colebrook Road through to the junction of Hungry Flats Road and Link Road. Construction of the Dam split the road into two separate sections and the Dam creates a physical break in the road.

It should be further noted that Council, at its meeting held 26<sup>th</sup> September 2018, resolved to request the Nomenclature Board to rename the south-western section of the Road as Craigbourne Dam Road.

A map has been included to show the section of Road situated between 32 Craigbourne Road and Craigbourne Dam. It is an approximate distance of 1.1 kilometres.

### **Background Comments**

Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property i.e. No 32), and more recently there have been reports of

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vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.

Following an approach by the new owners (F Miller & M Nardi) of the Mt Baines property in early 2018, an initial site meeting was arranged to gain a full understanding of the issues and determine a suitable course of action. Suggestions arising from that initial meeting included:

- a) Fencing of the road reserve. This obviously creates an issue whereby vehicles are unable to turn or park (i.e. in a designated parking area);
- b) Construct a parking bay at the boundary of the Mount Baines property and restrict access to pedestrians only beyond that point. Whilst this means that any boat access would be restricted to the entry off Colebrook Main Road, it would prevent vehicles entering private property and therefore discourage illegal shooting activities and removal of firewood; and
- c) Go through a formal road closure process and close the road at the boundary of the Mount Baines property. This would mean that public access to this part of the Dam (other than by boat) ceases.

Due to the complexity of issues which had the potential to impact on a range of stakeholders, a further on-site meeting was held with the property owner/s and officers from Inland Fisheries; Tasmania Police; Tas Irrigation (as owner of the Dam) and Council.

This meeting was held on 12<sup>th</sup> June 2018 and the following outcomes of the discussion were recorded and circulated to all present:

1. Southern Midlands Council - It was confirmed that the Craighourne Road is a Council maintained road which provides access to the Dam. From a Council perspective it is apparent that there are three options:
  - B) Maintain the status quo;
  - C) Maintain the status quo and property owners fence the Road reserve. Note: Council has no obligation to contribute towards the cost of fencing between road and private property. This would prevent vehicles straying onto private property. Depending on where the road actually ends (i.e. enters the Dam), turning and parking of vehicles may become an issue;
  - D) formal Road closure (it is assumed that this would be at the point where the road enters the Mt Baines property). This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 14.
  - E) Change the status of the road to pedestrian traffic only (again assumed to be at the point where the road enters the Mt Baines property). The property owner indicated that no land would be made available to construct a parking area where vehicles could park at that point and walk to the Dam. This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 31.
2. Property Owners – their strongly preferred option is to close the road and purchase the reservation. There is good access to the Dam from Colebrook Main Road end where there is a boat ramp and other infrastructure.
3. Tasmania Police – they experience policing difficulties due to lack of delineation of property boundaries. They would strongly support a road closure (or restriction) to prevent

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vehicle access. Unfortunately they are the agency that has to respond to the type of incidents that have been reported in previous communications.

4. Inland Fisheries – don't support closure of the road. Previous email correspondence indicates that access to the Dam via Craighourne Road was guaranteed by the government of the day when it was constructed (1986) as the public had previously enjoyed access to the Coal River for fishing and other recreation.

**Notes:**

It was acknowledged that no formal check survey has been undertaken to confirm the exact boundary between road reservation / private property and property owned by Tas Irrigation.

**Actions:**

Recommended that there was a need to do a check survey to confirm property boundaries (i.e. both TI and private property) and end of Council maintained road. SMC to obtain a quote to survey and consult with TI and property owner re: possibility of sharing costs;

Research background relating to the guaranteed access to the Dam given by the State Government. Was this included in any legislative provision or other documentation?

Tas Irrigation – unsure whether they had any obligation to fence their property? To be clarified."

**[End – Site Meeting Notes]**

Following from the above, I can confirm that a check Survey has been completed. Marker pegs have been installed and a full copy of the survey diagram has only recently been received. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a turning circle within the land owned by Tas Irrigation.

The next proposed course of action was to reconvene the group of representatives that attended the above meeting and determine the strategy going forward.

**Concluding Comments**

In order to close a 'highway', Council must be satisfied that there is a public benefit; it is in the interests of public safety or because of lack of use.

In this case, lack of use can be discounted. Whilst there are no detailed traffic numbers available, there is certainly evidence that the road is frequently used.

The Notice of Motion specifically refers to the public benefit and in the interests of public safety.

At this stage, no advice has been sought in terms of what constitutes 'public benefit'. In this instance, it is difficult to qualify the public benefit of closing the road as there is evidence that the road is still being used.

In so far as being in the interests of public safety, the question arises whether the issues being raised by the property are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.



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**RECOMMENDATION**

For discussion.

**DECISION**

*Moved by Deputy Mayor A Green, seconded by Cllr R Campbell*

**THAT:**

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1)* close for reasons of public benefit and in the interests of public safety that section of Craighbourne Road, Colebrook, situated between 32 Craighbourne Road and Craighbourne Dam; and
- a) Prior to proceeding further, Council seek advice in terms of:
  - 1) what constitutes 'public benefit' and whether there is a sufficient grounds for Council to rely upon in this case; and
  - 2) being able to justify the decision to close the road based on the interests of public safety

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bartick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D F Fish	√	

[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]

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6 November 2018

General Manager  
Southern Midlands Council  
PO Box 21  
OATLANDS TAS 7120

ATTENTION: Mr T Kirkwood  
BY EMAIL: [tkirkwood@southernmidlands.tas.gov.au](mailto:tkirkwood@southernmidlands.tas.gov.au)

Dear Tim,

#### CRAIGBOURNE ROAD CLOSURE

Thank you for your instructions on this matter.

#### 1. Your Instructions

- 1.1 At the most recent Council meeting, Deputy Mayor Alex Green submitted a Notice of Motion proposing to close the section of Craighourne Road, Colebrook between 32 Craighourne Road and Craighourne Dam ("Road").
- 1.2 You have asked the following questions:
  - (a) For the purposes of s. 14 of the *Local Government (Highways) Act 1982*, what constitutes "public benefit"?
  - (b) Is there sufficient grounds for Council to rely on "reasons of public benefit" to close the Road?
  - (c) Is there sufficient grounds for Council to rely on the "interests of public safety" to close the Road?
- 1.3 I assume you accept there is no basis to argue that the Road should be closed due to "lack of use",<sup>1</sup> so I have not explored this in detail.

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<sup>1</sup> It is the use of the road that is causing the public safety issues.

2. Summary of Advice

- 2.1 There are only two circumstances in which a Council can justify the closure of a road, rather than three. "Public benefit" is a necessary element of both options, rather than being a separate option itself. This means the two options are:
- (a) When it is for the public benefit, in the interests of public safety; or
  - (b) When it is for the public benefit, because of lack of use.
- 2.2 In my view, there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.
- 2.3 Even if Council are satisfied that closure of the Road is for the public benefit in the interests of public safety, it is important to note that Council is not then automatically obligated to close the Road. Council has a discretion which it can exercise as it sees fit.
- 2.4 The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an "interested person" is aggrieved by the Road closure. The likelihood of opposing legal action depends on who is using the Road and why.
- 2.5 It is worth noting that there is no basis to appeal a decision not to close the road.
- 2.6 It would be reasonable for Council to require that it be persuaded further before making a final decision regarding the closure of the Road.
- 2.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

3. Background

- 3.1 Council are looking to close a 1.1 kilometre section of road between 32 Craighourne Road and Craighourne Dam ('Dam'). This is at the north-east of the Dam.
- 3.2 Prior to the construction of the Dam in 1986, Craighourne Road continued from Colebrook through to Hungry Flats Road. Now the road ceases at both ends of the Dam, but the north-eastern end is still used as an access road by some people to the Dam itself. There is no boat ramp at the north-east end of the Dam, and the only access for boats is at the south-west end (off Colebrook Road).
- 3.3 There are no issues with the state of the Road itself. The issues are with the inappropriate use of the Road by the public to access the Dam, which has caused the following problems:
- (a) Vehicles stray onto private property; and

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- (b) Reports of vandalism, damage to buildings on the property, illegal shooting activities and the non-approved removal of firewood.
- 3.4 These concerns appear to affect the owners of the property surrounding the Road only. A number of options, alternative to closing the Road, have been discussed with the owners, although presumably none have been deemed suitable.
4. The Law
- 4.1 Section 14 of the *Local Government (Highways) Act 1982* ('Act') prescribes as follows:
- 14. Closure and diversion of highway*
- (1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may*
- (subject to formal requirements)*
- ...close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*
- 4.2 One reading of s. 14 of the Act suggests that it prescribes three separate circumstances that could justify diversion or closure, being
- (a) for the public benefit;
- (b) in the interests of public safety; and
- (c) because of lack of use.
- 4.3 However, Chief Magistrate A G Shott in *Listers Lane and Golconda Road*<sup>2</sup> determined that there were in fact two circumstances in which diversion or closure could be justified. He said as follows:
- "In my view, when one has regard to the words of section 14(1) when read in context, the legislative history and the extrinsic material to which I have referred, it contains only two grounds, both qualified by a concept of 'public benefit.'*"<sup>3</sup> [my emphasis]
- 4.4 He said that the only bases upon which diversion or closure could be justified are:

<sup>2</sup> REFERENCE pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASM 4

<sup>3</sup> I note that this was the subject of argument from three highly experienced counsel, all of whom submitted that there were three rather than two circumstances. Chief Magistrate Shott reviewed the legislative history of s. 14 of the Act at length and reached the opposite conclusion.



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- (a) When it is for the public benefit in the interests of public safety; or
  - (b) When it is for the public benefit because of lack of use.
- 4.5 This means that the public benefit and public safety must be considered together rather than separately. Chief Magistrate Shott made the following comments about the "public benefit" in *Listers Lane and Colconda Road*:
- (a) The "public" refers to all people who could be directly or indirectly affected by the change.
  - (b) What may be a benefit to some members of the public may be a detriment to others. Therefore, public benefit means "not public benefit" after completing a balancing process.
  - (c) This can include economic, social, cultural and political aspects of "benefit" and perhaps others.
  - (d) This is a question of fact to be determined on the evidence provided to the Court.
- 4.6 Chief Magistrate Schott did not expressly define "public safety", but his comments regarding the "public" are clearly applicable to that term too.
- 4.7 I emphasise that s. 14 uses the word "may" rather than "must". This provides Council with an unfettered discretion to close the road, and means it is not mandatory to close a road, even if either or both of the above two circumstances are met.<sup>4</sup>

5. Application of the Law to the Facts

- 5.1 All previously published decisions of the Magistrates Court of Tasmania applying the "public safety" consideration in s. 14 of the Act address a risk to public safety inherent in the road itself.<sup>5</sup>
- 5.2 On your instructions, the question is not whether the Road itself is a risk to public safety, but whether activities of the public arising as a consequence of the use of the road are a risk to public safety.
- 5.3 It appears that the only people exposed to this risk are the current owners. However, the owners are members of the public, and in my view there is a strong argument that vandalism, damage to buildings, illegal shooting activities and the non-approved removal of firewood are of a risk to their safety, as is the potential access to their property.
- 5.4 This provides a basis to argue that it is in the interests of public safety to close the road.

---

<sup>4</sup> The Court has this same discretion when reviewing a decision to close a road, s. 26(2) of the *Magistrates Court (Administrative Appeals Division) Act 2001*. Chief Magistrate Schott in *REFERENCE pursuant to the Local Government (Highways) Act 1952 section 14: Strickland Road at Porky Creek Bridge, King Island, Tasmania* [2009] TASMIC 25 at paragraph [16].

<sup>5</sup> Such as, for example, the dangers inherent in a road in a state of poor repair.



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- 5.5 However you could also argue that these risks are best left to be addressed by the law of trespass, rather than justifying the closure of the Road. It is also unclear whether closure of the Road would effectively prevent the risk from arising.<sup>6</sup>
- 5.6 The public safety risks to the owners are to be weighed up against the public benefit in the Road remaining open.
- 5.7 Whilst my instructions do not extend to the reasons why the Road is still accessed by the public, I would assume it is used to access the Dam for fishing<sup>7</sup> from the north-eastern side, rather than driving 13 kilometres to the south-western side.
- 5.8 The full extent of this benefit (and whether it would be in the “*net public benefit*” to close the road in light of the above) requires more detailed instructions as to how and why the Road is still used.
6. Advice
- 6.1 There are factors in support of, and in opposition to closing the Road. It is, in my view, at least arguable that the public safety risk outweighs the public benefit in keeping the Road open, however there is also an argument to the contrary. The argument to the contrary may be stronger if further instructions suggest that the use of the Road to access the Dam is still widespread.
- 6.2 Importantly, Council are provided a discretion by s. 14 of the Act. Council are not obligated to close the Road even if Council were satisfied that the risks to public safety outweighed the public benefit of keeping the Road open.
- 6.3 It is worth noting that if Council were to close the Road, any interested person could then object to the closure by written notice to the Council, after which Council would have to refer the objection to Magistrates Court (Administrative Appeals Division). The Court would then review the objection and either uphold the objection or authorise the closure.
- 6.4 It is worth noting that there is no power within the Act for an interested person to appeal a decision by Council not to close a Road.
- 6.5 This should be taken into account when conducting the balancing exercise prescribed by s. 14 of the Act, as should costs factors associated with closing the Road (or not closing the Road).
- 6.6 Given the above, it would be reasonable for Council to require that it be persuaded further by the owners (with reference to supporting evidence) before making a final decision regarding the closure of the Road.

---

<sup>6</sup> Closing the road would not prevent access by foot as Hungry Flats Road is only 1.1 km from the Dam.

<sup>7</sup> I am aware that the Dam is open for fishing all year, and the Inland Fisheries Service regularly stock the Dam with Atlantic Salmon.

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6.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

If you have any further queries please do not hesitate to contact Roger or myself.

Yours faithfully

**ABETZ CURTIS**

Per:



**OLIVER ROBINSON**

email: [orobinsons@abetzcurtis.co.uk](mailto:orobinsons@abetzcurtis.co.uk)  
file ref: 180561

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**[EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]**

**12.1.1 CRAIGBOURNE ROAD – PROPOSED ROAD CLOSURE**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 15 NOVEMBER 2018

**Enclosure:**

*Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018*

*Extract from Council Minutes held 24<sup>th</sup> October 2018*

**ISSUE**

To provide Council with advice (i.e. legal) in relation to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

*Note: The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.*

**BACKGROUND**

Council, at its meeting held on 24<sup>th</sup> October 2018, considered a Notice of Motion submitted by Deputy Mayor Alex Green relating to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

An extract from the Minutes of that meeting is attached. This includes all the background information.

Council resolved as follows:

**“THAT:**

- a) *the Southern Midlands Council as per the provisions of the Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craigbourne Road, Colebrook, situated between 32 Craigbourne Road and Craigbourne Dam; and*
- b) *Prior to proceeding further, Council seek advice in terms of:*
  - (1) *what constitutes ‘public benefit’ and whether there is a sufficient grounds for Council to rely upon in this case; and*
  - (2) *being able to justify the decision to close the road based on the interests of public safety.”*

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#### DETAIL

Advice has since been sought from Abetz Curtis in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in relation to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A full copy of the Abetz Curtis advice is included as an attachment.

In reference to the 'Summary of Advice', the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in opposing legal action. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision.



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It is apparent that there are three options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*, acknowledging the potential issues and costs associated with this course of action;
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced; or
3. Prior to making a formal decision to close the road, seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.  
*(This process would precede any formal advertising process under the Local Government (Highways) Act 1982).*

Note: The following is a draft Notice that could be placed in the newspaper:



DRAFT

**Access to Craigbourne Dam, Colebrook  
(via the north-eastern section of Craigbourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craigbourne Road extending from No 32 Craigbourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au). Written submissions will be received up until ..... December 2018.

Should you require further information, please contact the Council office on telephone 6254 5000.

TF Kirkwood  
**GENERAL MANAGER**

**Human Resources & Financial Implications** – Refer comment above.

**Community Consultation & Public Relations Implications** – Refer detail provided.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – N/A.

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### RECOMMENDATION

Submitted for discussion and direction.

### DECISION

*Moved by Deputy Mayor E Batt, seconded by Cllr A E Bisdee*

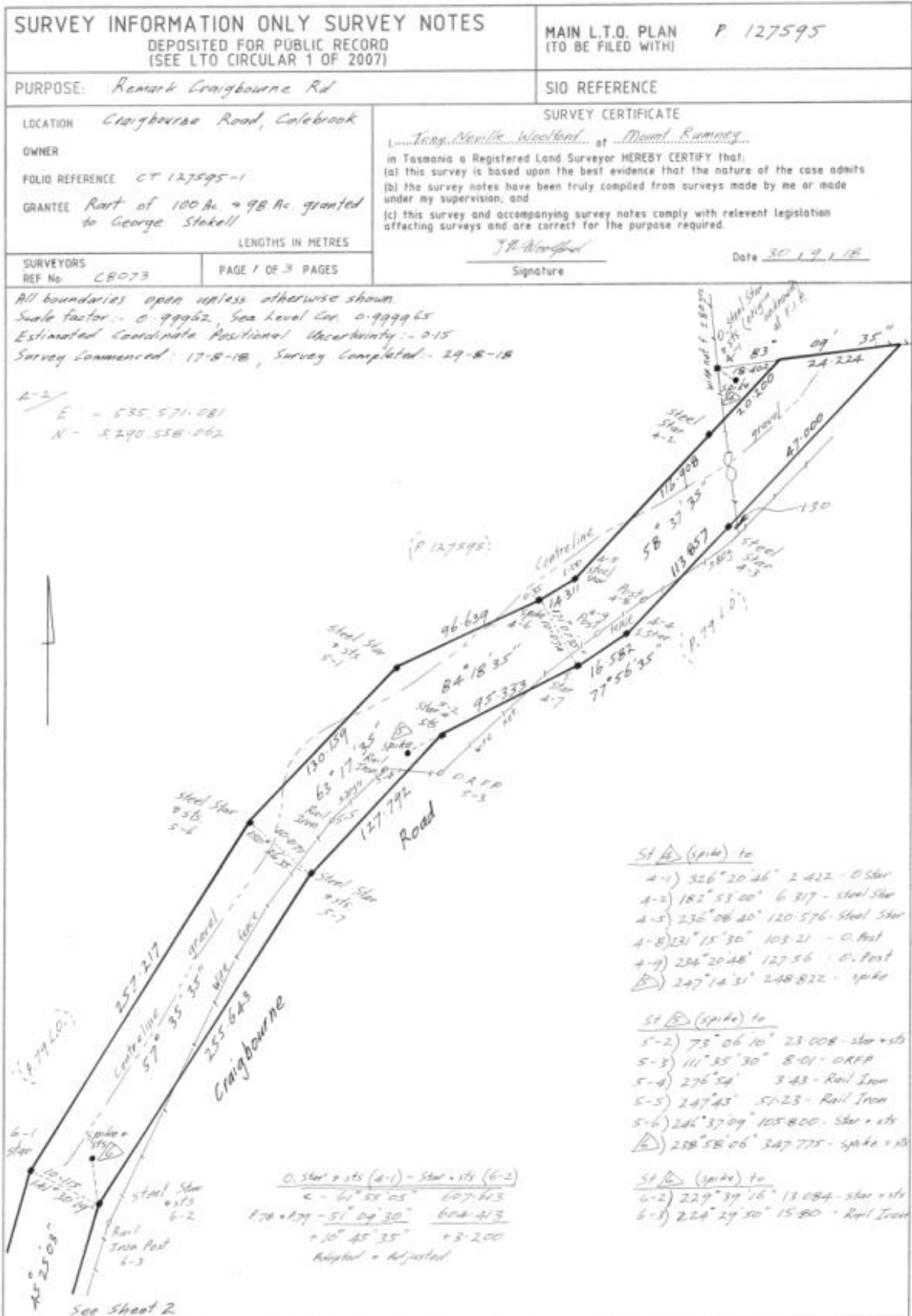
**THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1<sup>st</sup> December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.**

### CARRIED

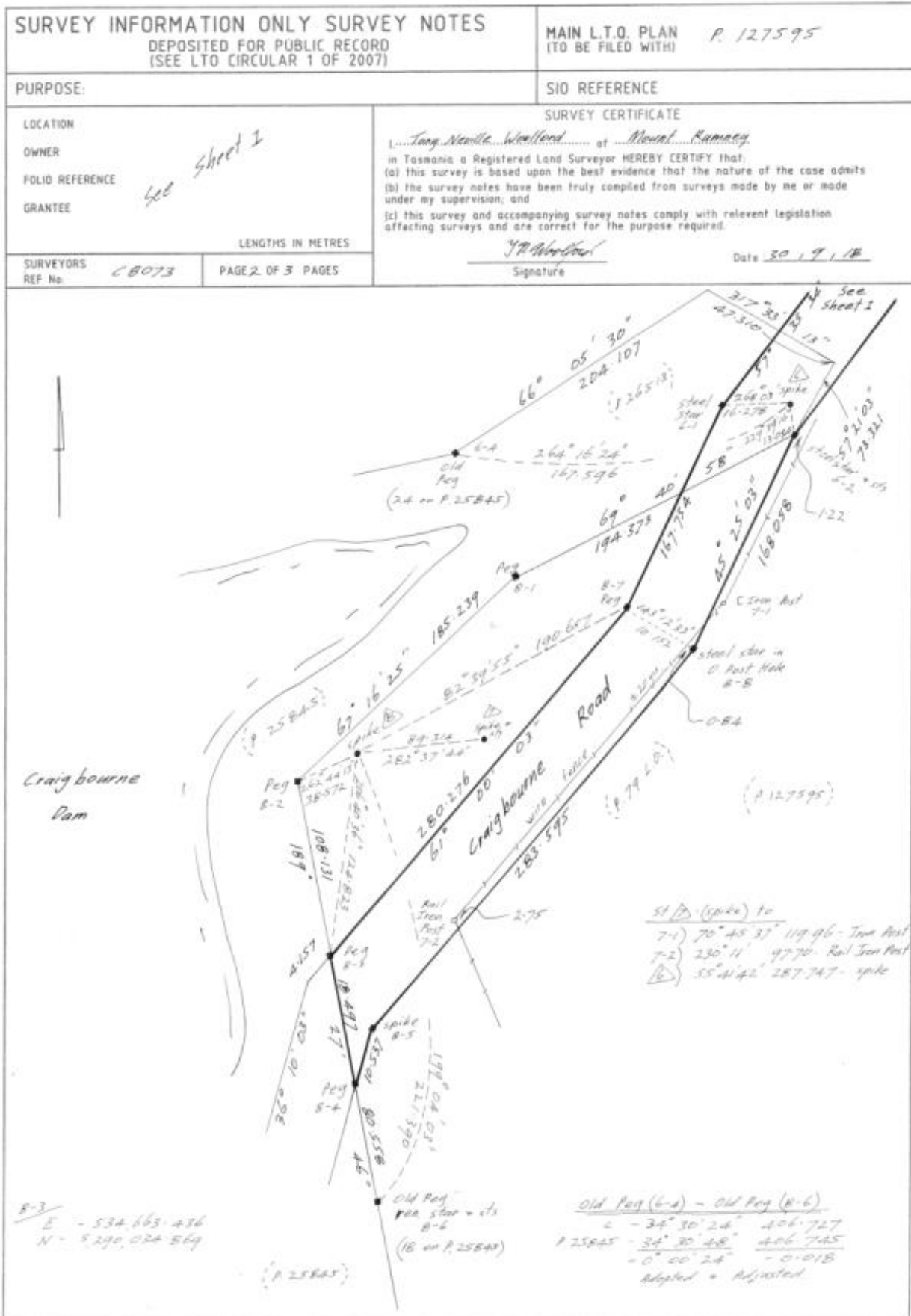
DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D F Fish	√	
Cllr R McDougall	√	

**[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]**





(4-1)



(L-1)



## **7. DECLARATIONS OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Nil.

## 8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported –

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) that the matter is urgent; and
- (c) that advice has been provided under section 65 of the Act.

The General Manager reported that the following item needs to be included on the Agenda. The matter is urgent, and the necessary advice is provided where applicable:-

### 1. BLACKMAN RIVER BRIDGE, TUNBRIDGE – RENEWAL OF TMBER SUPERSTRUCTURE AND BARRIERS - CONCEPT DESIGN REPORT PREPARED BY PITT & SHERRY

#### RECOMMENDATION

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

#### DECISION

*Moved by Deputy Mayor E Batt, seconded by Clr D Fish*

**THAT the Council resolve by absolute majority to deal with the above listed supplementary item not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER  
REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING  
PROCEDURES) REGULATIONS 2015**

Nil.



**11. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME**

*Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.*

**11.1 DEVELOPMENT APPLICATIONS**

Nil.

**11.2 SUBDIVISIONS**

**11.2.1 DEVELOPMENT APPLICATION (SA 2019/13) FOR SUBDIVISION (ONE LOT AND BALANCE) AT 31 HALL LANE, BAGDAD OWNED BY J HAIG & L VAN BEEK**

*Agenda Item 11.2.1 was withdrawn at the request of the applicant. Awaiting additional information.*

**11.3 MUNICIPAL SEAL (Planning Authority)**

Nil.

## **11.4 PLANNING (OTHER)**

### **11.4.1 PLANNING APPEAL UPDATED (APPEAL REFERENCE 122/19P) - DEVELOPMENT APPLICATION (DA 2019/78) FOR SPORTS & RECREATION (FIRING RANGE) AT 770 WOODSDALE ROAD, RUNNYMEDE OWNED BY SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (TASMANIA)**

*File Ref: T 1661046*

**Author:** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 14 JANUARY 2020

**Enclosure(s):**

*Development Application documents  
Representations*

## **ISSUE**

As Council are aware the Sporting Shooters Association of Australia (Tasmania) have appealed the decision of Council to refuse a permit for the proposed Sports and Recreation (Shotgun Firing Range) applied for in DA 2019/78. The decision to refuse the permit was made at the 27<sup>th</sup> November 2019 Council meeting.

The parties to the appeal are the Sporting Shooters Association of Australia (Tasmania) (SSAA) and Southern Midlands Council.

As Council would recall it is standard practice in any appeal for the Resource Management and Appeals Tribunal (RMPAT) to facilitate and encourage alternative dispute resolution. That is - try find a mediated solution before proceeding to a full hearing and the exchange of evidence.

Council Officers are currently in the process of finding a mediated solution, rather than take the matter to a full hearing at the RMPAT.

The General Manager provided Elected Members (Council) with correspondence circulated on the 5<sup>th</sup> January 2020 with the preliminary details of the mediated solution and draft consent agreement. The majority of Elected Members responded with support for proceeding with a mediated agreement between Council and the SSAA.

This report will discuss the mediated agreement and draft consent agreement. The recommendation is that Council agree to a mediated solution and proceed to signing a Consent Agreement. The RMPAT will then further consider the agreement and direct Council to issue a permit with changes to the Development Application.

At the time of writing this report a final draft Consent Agreement and draft conditions for a Permit were not yet finalised. However Council Officers are in a position to discuss the content of the Agreement at the meeting or possibly circulate a final draft on the day of the meeting (if then available).

## **BACKGROUND**

The grounds of refusal to grant a permit were:

1. The proposed location of the shotgun range will bring the activity unacceptably close to the nearby residential dwellings and likely cause a negative impact on the amenity of those occupants and users of the land. The proposal is not therefore considered to be a fair and orderly use of land and contrary to the Schedule 1 Objectives considered under Section 51 (2) (a) of the Land Use Planning and Approvals Act 1993.
2. Council per Section 51 (2) (c) Land Use Planning and Approvals Act 1993 must take into consideration matters set out in representations made by nearby persons. These matters primarily relate to health, well-being and dissatisfaction with the planning system and involvement with the Applicant. The proposed location of the shotgun range has not factored in the concerns for the health and well-being of other persons on adjoining land despite awareness of matters raised in previous representations made by nearby residents in the previously approved Application in September 2018 (Reference DA 2018/59).
3. A permit cannot be granted for the proposed use and development as the development is contingent on the Permit Authority amending the previously approved Permit (Reference DA 2018/59) under Section 56 of the Land Use Planning and Approvals Act 1993 to remove the shotgun range from the plan.

As part of the preparation for the appeal, Council's legal representative advised that none of the reasons for refusal had reasonable prospects of success if carried through to a full hearing at RMPAT.

### **Consent Agreement**

Council Officers together with Council's legal representative and the SSAA have commenced mediation through the RMPAT procedures. It is expected that a mutually agreed position can be reached for approval with conditions.

The mediated solutions will be captured in the Consent Agreement together with a draft set of conditions for a Permit to be signed by all parties to the appeal.

This agreement is not yet completed but in essence will be a new set of permit conditions to those previously recommended to Council at the November 2019 meeting. This will include specific conditions including:

- Requirements for notification of nearby property owners before 'competition' shooting days;
- Correction of the number of parking spaces to sixty (60); and
- Amendment of the previously approved DA2018.59 at 457 Woodsdale Road, Runnymede to remove the shotgun range from that approval to avoid duplication.

A draft Consent Agreement is still being negotiated with the SSAA together with the draft conditions for a Permit.

Council are reminded also that the draft permit conditions includes formal Advice that:

*“Noise emitted from the facility must not cause an environmental nuisance to surrounding properties in accordance with the requirements of the Environmental Management and Pollution Control Act 1994”*

Specifically meaning that the issue of any Permit for the use of the land as Firing Range under the *Land Use Planning and Approvals Act 1993* must still be compliant with the *Environmental Management and Pollution Control Act 1994* (EMPCA). The granting of a Permit does not give immunity from compliance with EMPCA.

Furthermore should the Firing Range cause an ongoing nuisance or likely to otherwise cause environmental harm then Council can issue an “Environmental Protection Notice” (EPN) that further regulates the activity with specific conditioning/requirements or actions. Per Section 44 (7) of the EMPCA “An environment protection notice has effect even if it is inconsistent with a permit in force under the Land Use Planning and Approvals Act 1993 and the permit has no effect to the extent of the inconsistency.”

A final copy of the Consent Agreement and Permit will be provided to Council for information once the matter is finalised.

## **RECOMMENDATION**

THAT

- A. The information be received.
- B. Council delegate authority to the General Manager to sign a Consent Agreement that:
  - a. Will resolve the Appeal reference 122/19P - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania); and
  - b. Result in the RMPAT directing Council to issue a permit for the Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede (DA 2019/78); and
  - c. Council Officers will circulate for information a final copy of the Consent Agreement together with the draft Permit to Elected Members once the matter is finalised.

**DECISION**

*Moved by Deputy Mayor E Batt, seconded by Cllr K Dudgeon*

**THAT**

- A. The information be received.**
- B. Council delegate authority to the General Manager to sign a Consent Agreement that:**
  - a. Will resolve the Appeal reference 122/19P - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania); and**
  - b. Result in the RMPAT directing Council to issue a permit for the Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede (DA 2019/78); and**
  - c. Council Officers will circulate for information a final copy of the Consent Agreement together with the draft Permit to Elected Members and those that lodged representations once the matter is finalised.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

**[THIS CONCLUDES THE SESSION OF COUNCIL ACTING AS A PLANNING AUTHORITY]**

## **12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)**

### **12.1 Roads**

**Strategic Plan Reference 1.1.1**

*Maintenance and improvement of the standard and safety of roads in the municipal area.*

Note: Agenda Item 12.1.1 was brought forward and considered earlier in the meeting.

### **12.2 Bridges**

**Strategic Plan Reference 1.2.1**

*Maintenance and improvement of the standard and safety of bridges in the municipality.*

Nil.

### **12.3 Walkways, Cycle ways and Trails**

**Strategic Plan Reference 1.3.1**

*Maintenance and improvement of the standard and safety of walkways, cycle ways and pedestrian areas to provide consistent accessibility.*

Nil.

### **12.4 Lighting**

**Strategic Plan Reference 1.4.1a & 1.4.1b**

*Ensure adequate lighting based on demonstrated need / Contestability of energy supply.*

Nil.

### **12.5 Buildings**

**Strategic Plan Reference 1.5.1**

*Maintenance and improvement of the standard and safety of public buildings in the municipality.*

Nil.

### **12.6 Sewers / Water**

**Strategic Plan Reference(s) 1.6.1 & 1.6.2**

*Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.*

Nil.

### **12.7 Drainage**

**Strategic Plan Reference 1.7.1**

*Maintenance and improvement of the town storm-water drainage systems.*

Nil.



## 12.8 Waste

**Strategic Plan Reference 1.8.1**

*Maintenance and improvement of the provision of waste management services to the Community.*

Nil.

## 12.9 Information, Communication Technology

**Strategic Plan Reference 1.9.1**

*Improve access to modern communications infrastructure.*

Nil.

## **12.10 Officer Reports – Infrastructure & Works**

### **12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT**

**Author:** MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

**Date:** 17 JANUARY 2020

#### **Roads Program**

A significant amount of work has been undertaken on the clearance of road verges on Pelham Road, Bluff Road and Horners Road following the recent fires. Guide posts still to be installed.

Roadside slashing is occurring in the Tunnack, Woodsdale and Colebrook areas over the coming weeks (as weather permits).

#### **Buckland Road – Traffic Count**

Councillors will recall that a traffic count was undertaken in July 2019. The following is a summary of the results from that count:

Average vehicle movements per day **100 / 700 per week**. Calculated as - 2092 vehicle movements / **21 days** = 99.6.

It was requested a further count be undertaken in December / January (i.e. during the holiday period) to obtain comparative vehicle movements. The counter was placed for the period 17<sup>th</sup> December 2019 through to the 14<sup>th</sup> January 2020. This count reported the following:

Average vehicle movements per day **91 / 637 per week**. Calculated as - 2545 vehicle movements / **28 days** = 90.8.

From an analysis of the traffic, one explanation for the reduced number of vehicle movements in December and January is fewer larger trucks on the road. The overall average number of 'cars' on the road between July and Dec/Jan is remarkably similar – 73 per day July v 76 per day Dec/Jan. There was however a small spike in traffic between Christmas and the New Year.

A copy of the full traffic report (19 pages) is available upon request.

## December / January

### Class-Speed-Matrix

¶  
 Site: → Buckland-Road¶  
 Description: → Buckland-Road--Council-Boundary¶  
 Filter-time: → 2.30pm-Tuesday,17-December-2019=>9.05am-Tuesday,14-January-2020¶  
 Scheme: → Vehicle-classification-(AustRoads94)¶  
 Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)¶  
 ¶  
 ¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
20- 30	5	.	.	.	1	.	.	.	.	.	.	.	6	0.2%
30- 40	10	8	.	.	.	.	.	.	.	.	.	.	18	0.7%
40- 50	25	13	2	.	.	.	.	.	1	.	.	.	41	1.6%
50- 60	85	31	10	.	1	.	.	1	2	.	.	.	130	5.1%
60- 70	308	62	22	3	1	2	2	3	.	.	.	.	405	15.9%
70- 80	661	72	29	2	2	4	3	.	1	.	.	.	774	30.4%
80- 90	671	30	53	.	2	2	1	.	1	.	.	.	760	29.9%
90-100	302	6	35	.	.	.	.	.	.	.	.	.	343	13.5%
100-110	59	1	2	.	.	.	.	.	.	.	.	.	62	2.4%
110-120	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
120-130	.	.	.	1	.	.	.	.	.	.	.	.	1	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
<b>Total</b>	<b>2130</b>	<b>223</b>	<b>154</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2545</b>	
	83.7%	8.8%	6.1%	0.2%	0.3%	0.3%	0.2%	0.1%	0.3%	0.0%	0.0%	0.0%		

## July 2019

### Class-Speed-Matrix

¶  
 Site: → Buckland-Road¶  
 Description: → Buckland-Road--Council-Boundary¶  
 Filter-time: → 9.40am-Tuesday,2-July-2019=>8.45am-Tuesday,23-July-2019¶  
 Scheme: → Vehicle-classification-(AustRoads94)¶  
 Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)¶  
 ¶  
 ¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
20- 30	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
30- 40	7	1	.	.	.	.	.	.	.	.	.	.	8	0.4%
40- 50	25	3	.	.	.	.	.	.	1	.	.	.	29	1.4%
50- 60	94	25	2	5	.	.	.	2	6	9	.	.	143	6.8%
60- 70	342	86	17	7	5	4	2	4	38	9	.	.	514	24.6%
70- 80	578	86	54	12	4	5	2	2	40	3	.	.	786	37.6%
80- 90	372	40	29	2	2	.	1	1	7	.	.	.	454	21.7%
90-100	112	11	7	2	.	.	.	.	.	.	.	.	132	6.3%
100-110	19	1	2	.	.	.	.	.	.	.	.	.	22	1.1%
110-120	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
<b>Total</b>	<b>1552</b>	<b>253</b>	<b>112</b>	<b>28</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>92</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>2092</b>	
	74.2%	12.1%	5.4%	1.3%	0.5%	0.4%	0.2%	0.4%	4.4%	1.0%	0.0%	0.0%		

## **Town and General Maintenance**

Town and general maintenance is continuing in all other areas.

## **Bagdad Primary School Car Park**

Whilst construction was planned to commence in January 2020, the Education Department has advised that Crown Law are still in the process of completing the relevant Agreements with the property owner and the Diocese of Tasmania (Church property). It is anticipated that these Agreements will be finalised in February and hence construction has been deferred pending execution of these Agreements, including confirmation of available budget and a revised timetable with the Department.

## **Waste Management Program**

Operating arrangements at the Waste Transfer Stations are working well.

### **QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS**

Deputy Mayor – Lovely Banks Road (vicinity of Charlton Park) – need for maintenance grading - to be inspected

Deputy Mayor - Dysart Waste Transfer Station – operational problems are being experienced with waste being stored on the concrete apron pending collection. Need to consider more frequent collections; additional opening hours; or additional bins.

*General Manager advised that Council will need to have further discussions regarding the operation of the Waste Transfer Stations, including assessing the feasibility of purchasing a suitable vehicle(s) to transport the waste.*

Clr Bantick – are staff doing regular checks to identify non-ratepayers using the Waste Transfer Stations?

*On site staff regularly check details.*

Clr Dudgeon – Loxton Road, feed trucks have to go down Lovely Banks Road but there is a load limit? Also the pine trees need trimming on this section of road.

*Advised that local traffic is permitted.*

Clr Dudgeon – Woodbury Road turn off on highway – corrugated, dangerous.

Clr McDougall – section on Woodsdale Road below Springvale Road – badly corrugated.

Clr Bisdee – pass on thanks to works staff as trees in Colebrook are thriving.

### **RECOMMENDATION**

THAT the Infrastructure & Works Report be received and the information noted.

### **DECISION**

*Moved by Clr K Dudgeon, seconded by Clr A Bisdee OAM*

**THAT the Infrastructure & Works Report be received and the information noted.**

**CARRIED**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)**

### **13.1 Residential**

**Strategic Plan Reference 2.1.1**

*Increase the resident, rate-paying population in the municipality.*

Nil.

### **13.2 Tourism**

**Strategic Plan Reference 2.2.1**

*Increase the number of tourists visiting and spending money in the municipality.*

Nil.

### **13.3 Business**

**Strategic Plan Reference 2.3.1a, 2.3.1b & 2.3.1c**

*Increase the number and diversity of businesses in the Southern Midlands / Increase employment within the municipality / Increase Council revenue to facilitate business and development activities (social enterprise).*

Nil.

### **13.4 Industry**

**Strategic Plan Reference 2.4.1 & 2.4.2**

*Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.*

Nil.



## **14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)**

### **14.1 Heritage**

**Strategic Plan Reference 3.1.1, 3.1.2 & 3.1.3**

*Maintenance and restoration of significant public heritage assets / Act as an advocate for heritage and provide support to heritage property owners / Investigate document, understand and promote the heritage values of the Southern Midlands.*

#### **14.1.1 HERITAGE PROJECT PROGRAM REPORT**

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 17 JANUARY 2020

#### **ISSUE**

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

#### **DETAIL**

During the past month, Southern Midlands Council Heritage Projects have included:

- Final planning for the Convict Archaeology in the Southern Midlands 2020 fieldschool in conjunction with the University of Tasmania, to run from Jan 18<sup>th</sup> to Feb 1<sup>st</sup> 2020. Councillors are asked to 'save the date' for the VIP site tour and public open day (Kempton Watch House) on January 31<sup>st</sup> (details in next week's Councillor Information Bulletin).
- Assisting with planning/design work for the Victoria Hall (Kempton) forecourt and façade upgrade.
- Liaising with next artist in residence Juliet Tillson (arriving 3 February).
- Researching 31 High St Oatlands for enthusiastic new owner.
- Ongoing coordination of volunteers & managing SM surface finishes collection / database.
- Researching individual Oatlands Supreme Court cases for publication in SMRN.
- Conducted two History & Heritage School Holiday Programs which completes the main part of the Pilot Project. Preparation underway for an exhibition of the children's work to go on display at the Town Hall in the coming weeks.
- Meeting to design heritage education resources for children to be sold through Heritage Hub (based on the History & Heritage SHP).
- Meeting to discuss the possibility of hosting Teachers' skills development (History & Heritage) workshops twice a year from 79 High Street.
- Development of a heritage team work plan schedule of projects/activities for the next 6-9 months (final to be provided in a forthcoming Councillor Information Bulletin).
- Conducted 3 Heritage Building tours for tourists visiting Oatlands.
- Commenced audit and upgrade of heritage collection store.

- Twice weekly social media posts (Wallpaper Wednesdays & Flashback Fridays).
- Liaising with Hunter Island Press for ‘Southern Midlands Quilt’ project (Heritage Festival May 2020).
- Planning for Historic Costume exhibition, Heritage Hub, April 2020 (as part of the 2020 National Trust Heritage Festival).

## RECOMMENDATION

THAT the Heritage Projects Report be received and the information noted.

## DECISION

*Moved by Cllr D Fish, seconded by Cllr R McDougall*

**THAT the Heritage Projects Report be received and the information noted.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

## 14.2 Natural

### Strategic Plan Reference 3.2.1 & 3.2.2

*Identify and protect areas that are of high conservation value / Encourage the adoption of best practice land care techniques.*

### 14.2.1 NRM UNIT – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 14 JANUARY 2020

#### ISSUE:

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Helen Geard has been busy with Drum Muster – finalising reimbursements for Southern Midlands Council from the National Drum Muster Program.
- Helen Geard compiled a traffic report for Rhyndaston Road just prior to the Christmas break. She has just completed a second report. This is for Buckland Road, relating to traffic over the Christmas / New Year break period.
- Maria Weeding and Helen Geard have been busy placing mulch around some of the planting sites on the Lake foreshore. Watering of recent plantings has occurred on three occasions in recent weeks, due to the exceptionally dry soil conditions and high temperatures.
- Maria Weeding has been busy with follow up information being sought by the Commonwealth in relation to the proposed pathway upgrade on the Lake foreshore.
- Maria Weeding, Helen Geard and Jen Milne arranged a consultation with Nick Sell of QuickCorp on Tuesday 14<sup>th</sup> January 2020. The company is in Tasmania for three days demonstrating ‘steam’ weed control as an option for Councils. The steam weed machine was tested on a site at the Oatlands Works Depot on a patch with a variety of weed plants. The treated patches will be monitored to determine results.
- The Weeds Officer Jen Milne has provided the following report for the month ending 14<sup>th</sup> January 2020.

#### WEEDS REPORT:

##### Site visits and roadside weed control

- Cumbungi – surveyed the Lake Dulverton sites. Only regrown at three sites, approx 20 plants in total.
- Paterson’s curse – Inspected sites in Melton Mowbray and discussed control with owner. Follow up with properties in Bagdad and Mangalore.

### Resource sharing - Brighton Council

- Obtaining weed inspector authorisation for Brighton as part of the resource sharing arrangement. Ad hoc advice provided for weed issues.

### Projects

- Updating weed mapping for Woodbury Farmers Group thistle project. Very little germination of cotton and saffron thistles to date.
- Attended Chilean Needle Grass identification session with DPIPWE 17/12/19. Another site recently found in Orierton. Rail network has been surveyed and none found.

### RECOMMENDATION

THAT the Landcare Unit Report be received and the information noted.

### DECISION

*Moved by Cllr D Fish, seconded by Cllr R McDougall*

**THAT the Landcare Unit Report be received and the information noted.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

### 14.3 Cultural

**Strategic Plan Reference 3.3.1**

*Ensure that the cultural diversity of the Southern Midlands is maximised.*

Nil.

### 14.4 Regulatory (Other than Planning Authority Agenda Items)

**Strategic Plan Reference 3.4.1**

*A regulatory environment that is supportive of and enables appropriate development.*

Nil.

### 14.5 Climate Change

**Strategic Plan Reference 3.5.1**

*Implement strategies to address issues of climate change in relation to its impact on Councils corporate functions and on the Community.*

Nil.

## 15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

### 15.1 Community Health and Wellbeing

**Strategic Plan Reference 4.1.1**

*Support and improve the independence, health and wellbeing of the Community.*

Nil.

### 15.2 Youth

**Strategic Plan Reference 4.2.1**

*Increase the retention of young people in the municipality.*

Nil.

### 15.3 Seniors

**Strategic Plan Reference 4.3.1**

*Improve the ability of the seniors to stay in their communities.*

Nil.

### 15.4 Children and Families

**Strategic Plan Reference 4.4.1**

*Ensure that appropriate childcare services as well as other family related services are facilitated within the Community.*

Nil.

### 15.5 Volunteers

**Strategic Plan Reference 4.5.1**

*Encourage community members to volunteer.*

Nil.

### 15.6 Access

**Strategic Plan Reference 4.6.1a & 4.6.1b**

*Continue to explore transport options for the Southern Midlands Community / Continue to meet the requirements of the Disability Discrimination Act (DDA).*

Nil.

### 15.7 Public Health

**Strategic Plan Reference 4.7.1**

*Monitor and maintain a safe and healthy public environment.*

Nil.



## 15.8 Recreation

**Strategic Plan Reference 4.8.1**

*Provide a range of recreational activities and services that meet the reasonable needs of the Community.*

Nil.

## 15.9 Animals

**Strategic Plan Reference 4.9.1**

*Create an environment where animals are treated with respect and do not create a nuisance for the Community.*

Nil.

## 15.10 Education

**Strategic Plan Reference 4.10.1**

*Increase the educational and employment opportunities available within the Southern Midlands.*

Nil.

## **16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

### **16.1 Capacity**

#### **Strategic Plan Reference 5.1.1 & 5.1.2**

*Build the capacity of the community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability / Maintain and strengthen communities in the Southern Midlands.*

#### **16.1.1 BROADMARSH COMMUNITY PETITION – BUS SHELTER FOR THE JUNCTION OF ELDERLSIE RD AND BLUFF RD, ELDELSLIE**

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 16 JANUARY 2020

**Enclosures:**

- 1. Petition from Broadmarsh Community – Bus Shelter for Bluff Rd & Elderslie Rd junction*
- 2. Concept Plan prepared by the Deputy General Manager*

### **ISSUE**

Tabling of a Petition from the Broadmarsh / Elderslie Community and the responding action by Council Officers.

### **DETAIL**

In mid December 2019, Cllr Tony Bantick advised Deputy General Manager (DGM), Andrew Benson that the Broadmarsh & Elderslie Progress Association (BEPA) were waiting on Council in respect of some road works to be completed to facilitate the installation of a bus shelter supplied by Brighton Rotary for the junction of Bluff Road and Elderslie Road.

When Cllr Bantick mentioned it to the DGM, he said that he was unaware of that situation, other than a bus shelter was mentioned in the Community Forum that he addressed at the Broadmarsh Hall in January last year. The DGM advised that he had heard nothing about that matter since then. Although he had progressed the Broadmarsh Streetscape Project, which was the major focus of that Community Forum.

However, the DGM understood from Cllr Bantick that a Petition was raised by BEPA and forwarded to Council some time ago (it is noted that the dates in the Petition are 2018, with some additional signatures in January 2020). The DGM advised that he had made enquiries and that Council had no record of receiving a Petition from BEPA, as there was no record of it in Council's Information Management System. He said that he was unsure what had happened there, but advised that he would contact BEPA to obtain a copy and would ensure that it is recorded in Council's system and presented at the next Council meeting.

In respect of the Bluff Road Bus Shelter, which is the subject of the Petition, the DGM met with Cllr Bantick, Jack Lyall, Paul Lang, Anita Clarke (BEPA Committee Member) and some other residents of Bluff Road on Wednesday 18<sup>th</sup> December 2019, immediately following Cllr Bantick's discussion with him. It was agreed that something needs to be done with both the alignment of Bluff Road to Elderslie Road and the provision of a School Bus parking bay. The DGM stated that he drives past that junction some mornings if he has a meeting in the

City and did say that he drove past there the last time and it was just before the bus pickup, he noticed eleven to twelve young children waiting on the side of the road for the School Bus. He said that he certainly agreed that is quite a dangerous situation.

Following that meeting the DGM sketched up a Concept Plan showing a road realignment of the Bluff Road & Elderslie Road junction and a proposed School Bus parking bay, then he arranged a meeting with Ben Geard (land owner) to discuss the Concept Plan. The DGM met with Ben Geard on Friday 20<sup>th</sup> December 2019 and left the Plan with him to consider and discuss with his family. Ben had some really valid comments during our meeting and the DGM incorporated some changes to the original Concept Plan and created version two.

In relation to the road realignment the DGM has since contacted the Department of State Growth to see if there is any money available to fund the project (approximately \$130,000.00). A preliminary funding application has been completed and lodged with the Department of State Growth.

The DGM has met on site with a Design Engineer and he has also discussed the Concept Plan with the Traffic Engineer, who will document a Safety Audit for the site. The civil engineering design, along with the traffic engineering fees and the survey fees have been included in the funding submission.

Council awaits advice from the Department of State Growth.

**Human Resources & Financial Implications** – No funding by Council has been included in the Funding Application to DSG.

**Community Consultation & Public Relations Implications** – All of this information has been communicated to BEPA President Donna Blackwell.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Awaiting advice from DSG on funding availability.

## RECOMMENDATION

THAT the

1. Petition be received and noted; and
2. Actions of Council Officers be endorsed.

## DECISION

*Moved by Clr A Bantick, seconded by Clr R McDougall*

**THAT the:**

1. **Petition be received and noted; and**
2. **Actions of Council Officers be endorsed.**

**CARRIED**

**Southern Midlands Council**  
DRAFT Minutes – 22 January 2020

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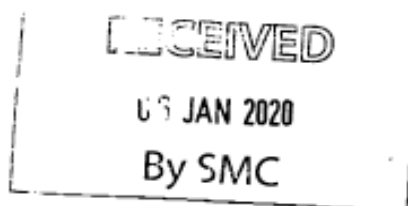
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE**

*Agenda Item 16.1.1*

18/06/18

To whom it may concern



**RE: REQUEST TO CONSTRUCT A BUS SHELTER ON THE CNR BLUFF & ELDELSLIE ROADS, ELDELSLIE**

We reside with my family on Bluff Road, Elderslie.

The young people in our community catch the O'Driscoll Coach on the Elderslie – Brighton Route to the Brighton Primary School daily.

There have been recent changes to the school bus route which have extended the time our children have to travel to get to school and home again each day.

The location of our bus stop is at the Bluff Road/Elderslie Road intersection.

This bus stop services the children of four families, a total of 9 children of varying age (between 5 and 13 years of age) who alight and disembark from the school bus each school day.

We would like to seek your support in constructing a new bus stop / bus shelter to ensure the daily safety of our children, and to shelter them in the colder winter months from sometimes extreme weather conditions.

Currently, each morning, the bus pulls to the side of the road to collect our children. The area the bus pulls over to, does not remove the bus wholly from Bluff Road. I would also like to note that the speed limit for Bluff Road is a speed limit of 100KPH.

Generally, the traffic on Bluff Road **does not slow down** to consider the children waiting at the side of the road for the bus's arrival. There have been occasions where there have been logging trucks and cattle trucks, fully loaded, which travel the full extent of the speed limit, with little or no consideration for the children waiting on the roadside for their school bus, notwithstanding the daily local traffic, where drivers **do not slow down** when passing children waiting for the bus on the side of the road.

It is dangerous, and I fear for the safety of all of these children.

As members of the community, I'd like to make you aware of the Public Transport Standards, that Councils have some direct responsibilities where the local government has responsibility for infrastructure, such as bus stops.

In most areas, the Council is wholly or partly responsible for the provision of bus stops and waiting areas.

We would like to request that you consider constructing a bus shelter on the corner of Elderslie Road and Bluff Road (the preference for the bus stop on the Bluff Road side), so children do not have to cross the road when alighting or disembarking from the School bus each day. This location also allows Parents/Grandparents to wait safely off Elderslie Road for the children's departure/arrival each day. This should meet or exceed National Standards. *What is the safe off road distance off the road for a bus to stop? If I were to be riding a bicycle, in a 70km zone, it would be 1.5mtrs (ref. Tasmanian Road Rules, page 8).*

We would welcome any discussion with regard to the construction of a bus stop at the junction of Bluff Road and Elderslie Road.

Following is a petition signed by all the residents of Bluff Road and of our local community, all of whom support this communication to you.

With kind regards,

Colleen & Darren Neale  
1264 Bluff Road, Elderslie  
[colzneale@gmail.com](mailto:colzneale@gmail.com)

**PETITION – PLEASE SIGN TO SHOW YOUR SUPPORT FOR THE CONSTRUCTION OF A BUS SHELTER AT CNR BLUFF RD AND ELDERSLIE ROAD**

Resident Name	Address	Signed	Signed	Date
Colleen & Darren Neale	1264 Bluff R, Elderslie	<i>[Signature]</i>	<i>[Signature]</i>	17/05/18
Fay & Zed Frazer	1354 Bluff Rd, Elderslie	<i>[Signature]</i>	<i>[Signature]</i>	17/05/18
Eve Bone	1268 Bluff Rd Elderslie	<i>[Signature]</i>		21.05.18
Bianca Boxall	1411 bluff Rd elderslie	<i>[Signature]</i>		21.05.18
Katrina McKenna	1403 Bluff Rd elderslie	<i>[Signature]</i>		21.05.18
Peter McKenna	" "	<i>[Signature]</i>		21/05/18
Jill Aries	1420 Bluff Rd	<i>[Signature]</i>		24/5/18
Peter Aries	" " "	<i>[Signature]</i>		" "
Kileen McKenzie	1260 Elderslie Rd	<i>[Signature]</i>		1-6-18
Lezessa Wick	1237 Elderslie Rd	<i>[Signature]</i>		1-6-18
Bruce Whelan	1181 Elderslie Rd	<i>[Signature]</i>		1-6-18
Lucy Blackwell	212 Clifton Vale	<i>[Signature]</i>		1-6-18
Carmen Meshane	"Blackbrush" Broadmarsh	<i>[Signature]</i>		1-6-18
Phil Jones	1290 Elderslie Rd	<i>[Signature]</i>		1-6-18
Keith Bramham	1244 Elderslie Rd	<i>[Signature]</i>		
DICK CALVERT	"BLACK BRUSH" BROADMARSH	<i>[Signature]</i>		1-6-18
GEOFF MESHANE	BLACKBRUSH BROADMARSH	<i>[Signature]</i>		1-6-18
Nicole Smith	603 Blackbrush Rd Broadmarsh	<i>[Signature]</i>		1-6-18
Heath Walker	" "	<i>[Signature]</i>		1-6-18
Jack Scott	" "	<i>[Signature]</i>		1-6-18
Jack Meshane	558 Blackbrush Rd	<i>[Signature]</i>		1-6-18
Julie Crown	1439 ELDERSLIE RD	<i>[Signature]</i>		1-6-18
RIC CROWN	1439 ELDERSLIE RD	<i>[Signature]</i>		1-6-18
L. Berris	1242 Bluff Rd	<i>[Signature]</i>		1-6-18
Anita Clarke	1422 Bluff Rd	<i>[Signature]</i>		1-6-18
Natalie Beard	714 Elderslie Rd	<i>[Signature]</i>		1-6-18







SOUTHERN  
MIDLANDS  
COUNCIL



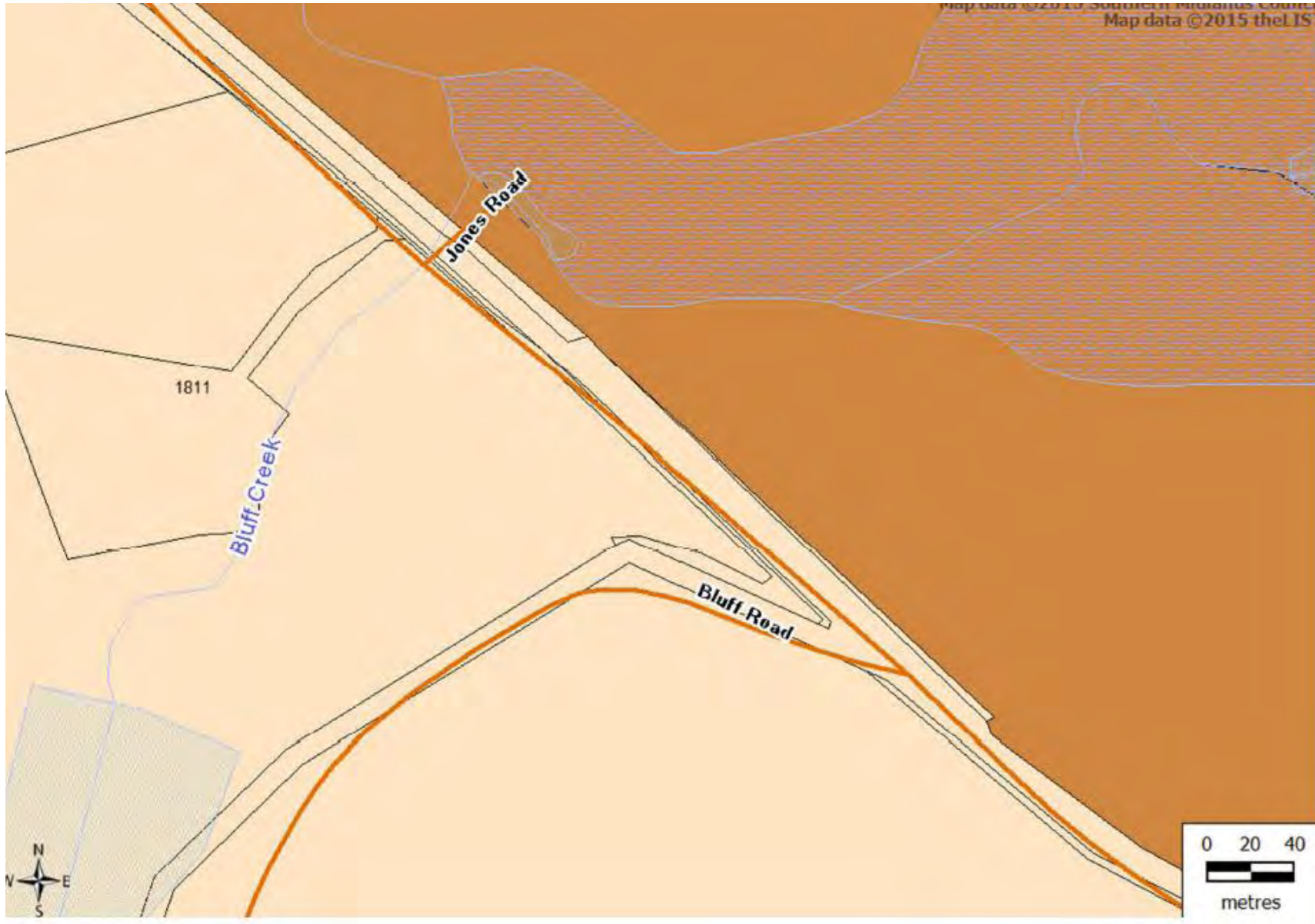
# *Concept Plan*

*Realign Bluff Road's Junction with Elderslie Road,  
also accommodating a School Bus Park*

*Prepared by*

*Andrew Benson*

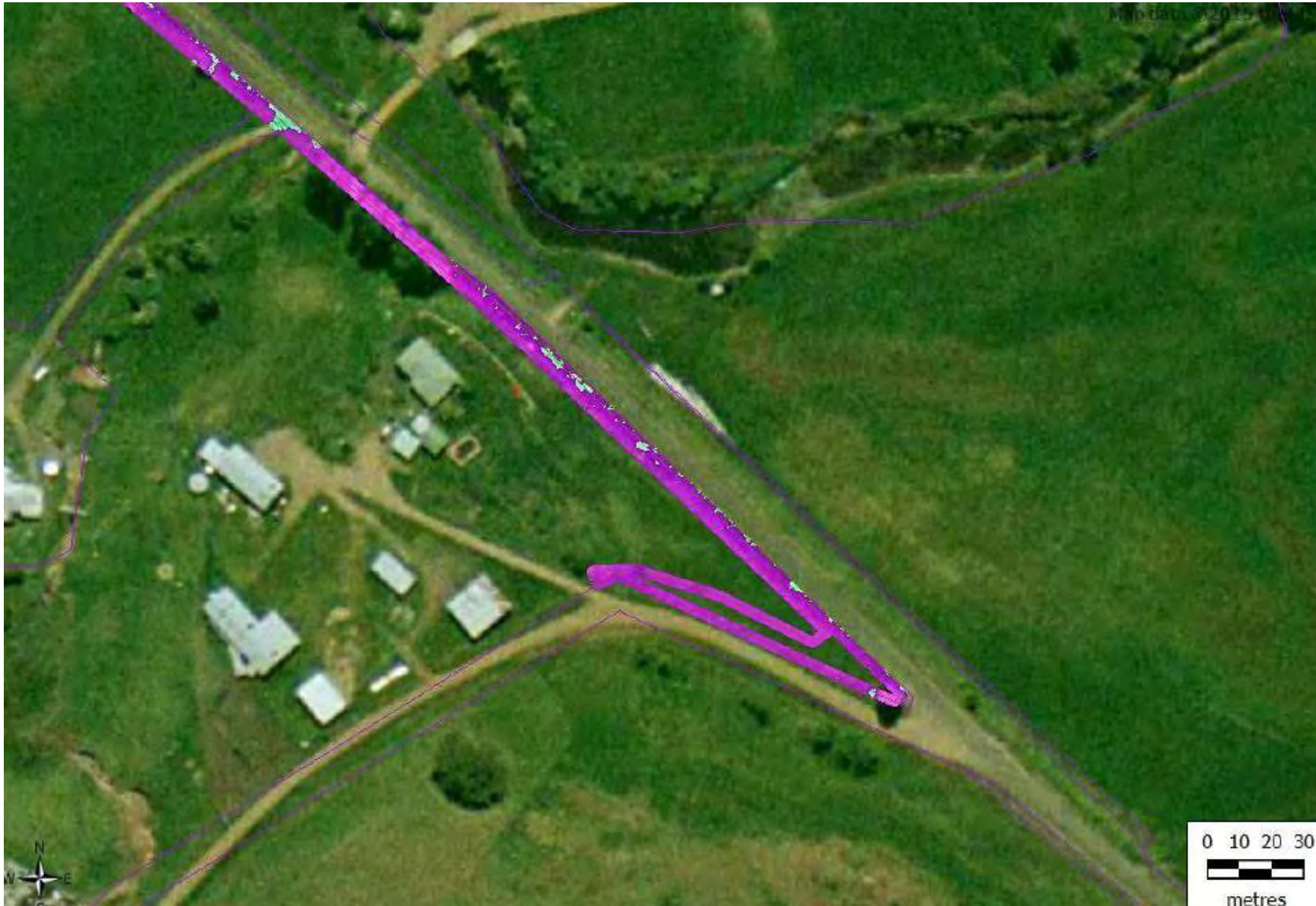
*December 2019*







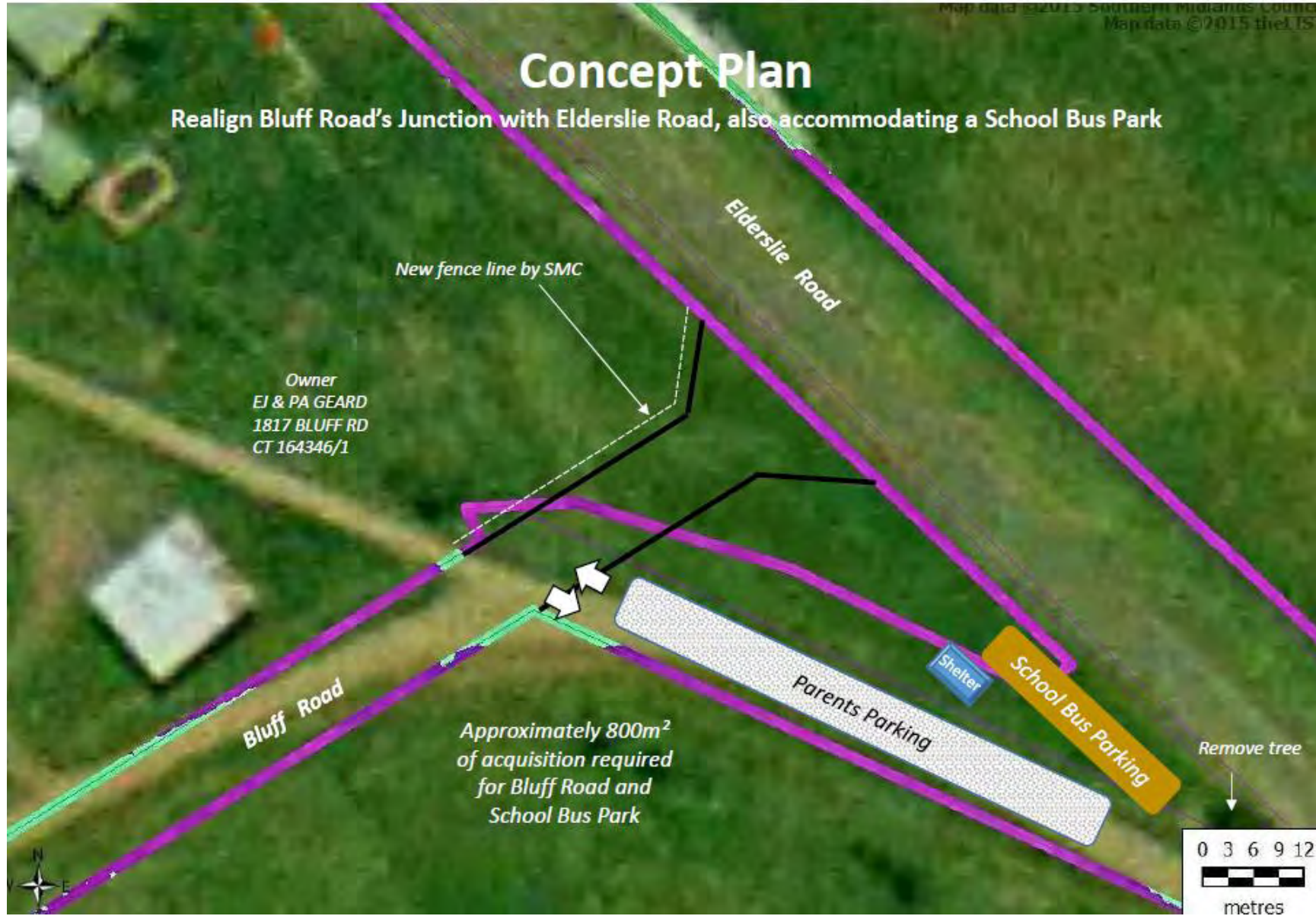




















### **16.1.2 ST MARY'S CHURCH, KEMPTON – PROPOSED SALE BY THE ANGLICAN DIOCESE OF TASMANIA (GREEN PONDS PROGRESS ASSOCIATION AND 'SAVE OUR CHURCH KEMPTON')**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 15 JANUARY 2020

**Enclosure:**

*Green Ponds Progress Association – Letter dated 7<sup>th</sup> November 2019*

#### **ISSUE**

Council to consider a request to fund the cost of obtaining an independent valuation of the St Mary Church at Kempton.

#### **BACKGROUND**

In May 2018, the Anglican Diocese of Tasmania (the Diocese) announced the sale of 108 properties to be sold across Tasmania to raise funds pursuant to the Anglican Church commitment to the national redress scheme for compensation and support of victims of sexual abuse. The commitment to the redress scheme is \$8m over ten years. In June 2018, Synod resolved that the funds would be raised by:

- *Around \$2.9m from levies (of 25%) on funds from past property sales.*
- *Around \$1.1m from direct contributions from larger parishes.*
- *Around \$4.7m from levies (of 25%) of the net proceeds of the sale of 108 properties. i.e. \$18.8m of property (net value) is intended to be sold.*

The following church properties in Southern Midlands were resolved to be sold:

- All Saints Church and Hall Melton Mowbray
- St James Church Colebrook
- St James Church Jericho
- St John the Evangelist Lower Marshes
- St Marys Church, Hall and Burial Ground Kempton
- St Oswald's Church Tunbridge
- St Matthias Church Woodsdale
- St Michaels Church Bagdad

As an outcome of the public consultation process and other determinations, the Woodsdale Church was withdrawn from the proposed list for sale.

In terms of Council's involvement in this matter, during July and August in 2018, eight community forums were held across the municipal area in/near the townships where the church properties are proposed for sale.

This result in the preparation of a submission to the Diocese of Tasmania.

Specifically in relation to the Kempton Forum, there was strong community opposition to the intent to sell. The following is an extract from the submission made to the Anglican Diocese of Tasmania in September 2018:

***"Kempton (St Mary's church, hall, cemetery and columbarium)***

*The community strongly oppose the sale of the church, cemetery or any land (etc.) and believe that the retention of St Mary's is a priority in a town which is a growth area and that the Anglican church is the only remaining church open in the town. There are questions as to the legality of any sale given that descendants of the land (and benefactors of the building cost) still live in the town and there are certain legal provisions in early bequests that require further consideration."*

**DETAIL**

Mr John Hay, representing the Green Ponds Progress Association (GPPA), and Mr John Jones, representing the group 'Save our Church Kempton' attended the Council workshop held 14<sup>th</sup> January 2020.

By way of introduction, Mr John Hay indicated that the GPPA was essentially playing a supporting role to the 'Save our Church Kempton' group, but the Progress Association had no intention of pursuing ownership or control of the property.

Mr John Jones then spoke about the group 'Save our Church Kempton' and the actions that it has taken to date. The group, which consists of approximately 13 members, has been in discussions with the Diocese of Tasmania and whilst the group has requested details of the property valuation from the Diocese, this information has not been made available and it is unlikely to be forthcoming.

In summary, the following dot points were noted:

- The St Mary's Church is the only remaining church in Kempton
- Concerns relating to the future management and operation of the cemetery
- the new legislative arrangements resulting from the review of the *Burial and Cremation Act 2019*, and to some extent, compliance with the current provisions of the Act by the Diocese
- there are currently 76 graves within the lawn cemetery; 20 Niches; 253 Graves at the rear of the Cemetery
- If ownership/control was secured, the church would become ecumenical (i.e. non-denominational)
- Sale of the Church property would impact on the streetscape and ambience of the area

The Group are aiming to convene a public meeting at some stage, with the intention of providing the community with an indicative value of the Church property. This would then enable the community to make an informed decision in terms of future ownership and the options that may be available.

The workshop discussion concluded with a request that Council, on behalf of the community, consider funding the cost of obtaining an independent valuation for the property.

**Human Resources & Financial Implications** –Opteon Solutions (Property Valuers) has submitted a quotation of \$1,798.50 (GST inclusive) to provide a market valuation. A budget has not been allocated for this purpose.

**Community Consultation & Public Relations Implications** – refer detail provided.



**Policy Implications** – whilst this decision has no direct policy implications, Council at its meeting held in September 2018 did resolve as follows:

*“THAT:*

- a) Council adopts the position that it will not seek to acquire any church building(s); and*
- b) The matter of Council as a cemetery manager be revisited pending the outcome of the public consultation process undertaken by the Diocese of Tasmania.”*

**Priority - Implementation Time Frame** – Immediate.

## RECOMMENDATION

THAT Council consider the request to fund the cost of obtaining an independent valuation of the St Marys Church property at a cost of \$1798.50 (GST inclusive).

## DECISION

*Moved by Deputy Mayor E Batt, seconded by Clr R McDougall*

**THAT Council consider the request to fund the cost of obtaining an independent valuation of the St Marys Church property at a cost of \$1798.50 (GST inclusive).**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## DECISION

*Moved by Deputy Mayor E Batt, seconded by Clr R McDougall*

**THAT Council be prepared to make a contribution of \$1,000 to the Green Ponds Progress Association (GPPA) to obtain an independent market valuation for St Marys Anglican Church at Kempton subject to:**

- a) The GPPA being prepared to engage Opteon Solutions (Property Valuers) and fund the balance of the cost (i.e. \$798.50); and**
- b) Council being provided with a copy of the Valuation Report.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE**  
*Agenda Item 16.1.2*



7 November 2019

Tim Kirkwood  
General Manager  
Southern Midlands Council  
71 High Street  
Oatlands Tasmania 7120

Dear Tim

The Committee of the Green Ponds Progress Association would appreciate the opportunity to discuss with Council the proposed sale of St Mary's Church in Kempton.

As the grave of Rev Trollop is under, or adjacent to, the eastern wall of the Church building it is the considered opinion that the entire property should be classified as a cemetery. This would prevent subdivision of the property and exclude the separate sale of the building.

In view of the above, it would appear that the property may only be sold to an incorporated body, which could include the local Council.

An independent group of concerned parishioners have formed a committee and are having continuing communication with the Church hierarchy.

As a precursor to the outcome of any negotiations by this committee, the Green Ponds Progress Association would like to discuss possibilities for the on-going control and management of the property.

Please advise a convenient time for representatives of the Association to meet with Council.

Yours faithfully

John Hay  
President  
Green Ponds Progress Association Inc  
0407 526 895

## 16.2 Safety

**Strategic Plan Reference 5.2.1**

*Increase the level of safety of the community and those visiting or passing through the municipality.*

Nil.

## 16.3 Consultation & Communication

**Strategic Plan Reference 5.3.1**

*Improve the effectiveness of consultation and communication with the community.*

Nil.

## 17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

### 17.1 Improvement

**Strategic Plan Reference(s) 6.1.1, 6.1.2, 6.1.3, 6.1.4 & 6.1.5**

*Improve the level of responsiveness to Community needs / Improve communication within Council / Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system / Increase the effectiveness, efficiency and use-ability of Council IT systems / Develop an overall Continuous Improvement Strategy and framework.*

Nil.

## 17.2 Sustainability

### **Strategic Plan Reference(s) 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7 & 6.2.8**

*Retain corporate and operational knowledge within Council / Provide a safe and healthy working environment / Ensure that staff and elected members have the training and skills they need to undertake their roles / Increase the cost effectiveness of Council operations through resource sharing with other organisations / Continue to manage and improve the level of statutory compliance of Council operations / Ensure that suitably qualified and sufficient staff are available to meet the Communities need / Work co-operatively with State and Regional organisations / Minimise Councils exposure to risk.*

### **17.2.1 LOCAL GOVERNMENT SHARED SERVICES UPDATE (STANDING ITEM – INFORMATION ONLY)**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 17 JANUARY 2020

**Enclosure(s):**

*Local Government Shared Services Update – November 2019*

*Local Government Shared Services – Council Update – November 2019*

### **ISSUE**

To inform Council of the Common Services Joint Venture activities for the month of November 2019.

### **BACKGROUND**

There are seven existing members of the Common Services Joint Venture Agreement, with two other Council's participating as non-members.

Members: Brighton, Central Highlands, Glenorchy, Huon Valley, Sorell, Southern Midlands and Tasman.

### **DETAIL**

Refer to the enclosed 'Local Government Shared Services – Council Update'.

**Human Resources & Financial Implications** – Refer comment provided in the update.

Councillors will note that the Southern Midlands Council provided 74 hours of service to other Councils and received 23 hours of services from other Councils during the month.

Details of services provided are included in the enclosures.

**Community Consultation & Public Relations Implications** – Nil

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Ongoing.

## RECOMMENDATION

THAT the information be received.

## DECISION

*Moved by Clr A Bisdee, seconded by Clr K Dudgeon*

**THAT the information be received.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE**  
*Agenda Item 17.2.1*

# LG Shared Services Update

November 2019

## Summary of Recent Shared Services Activity

448 hours of Shared Services were exchanged between Councils in November 2019, which is a decrease of 9% when compared to hours exchanged in October 2019 (495 hours) and is below the three-month average of 471 hours per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

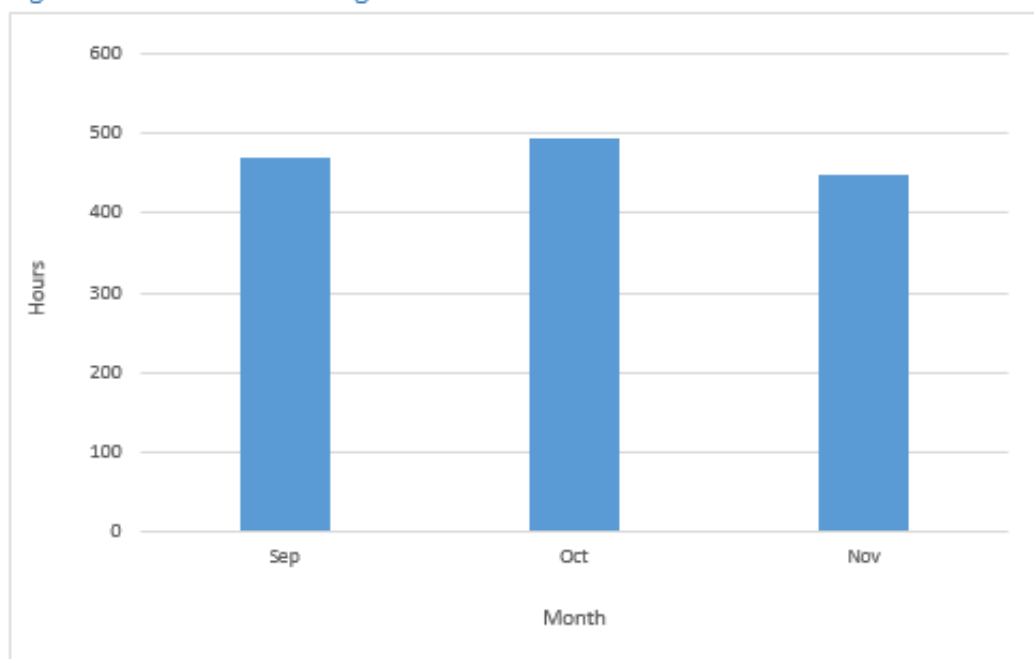


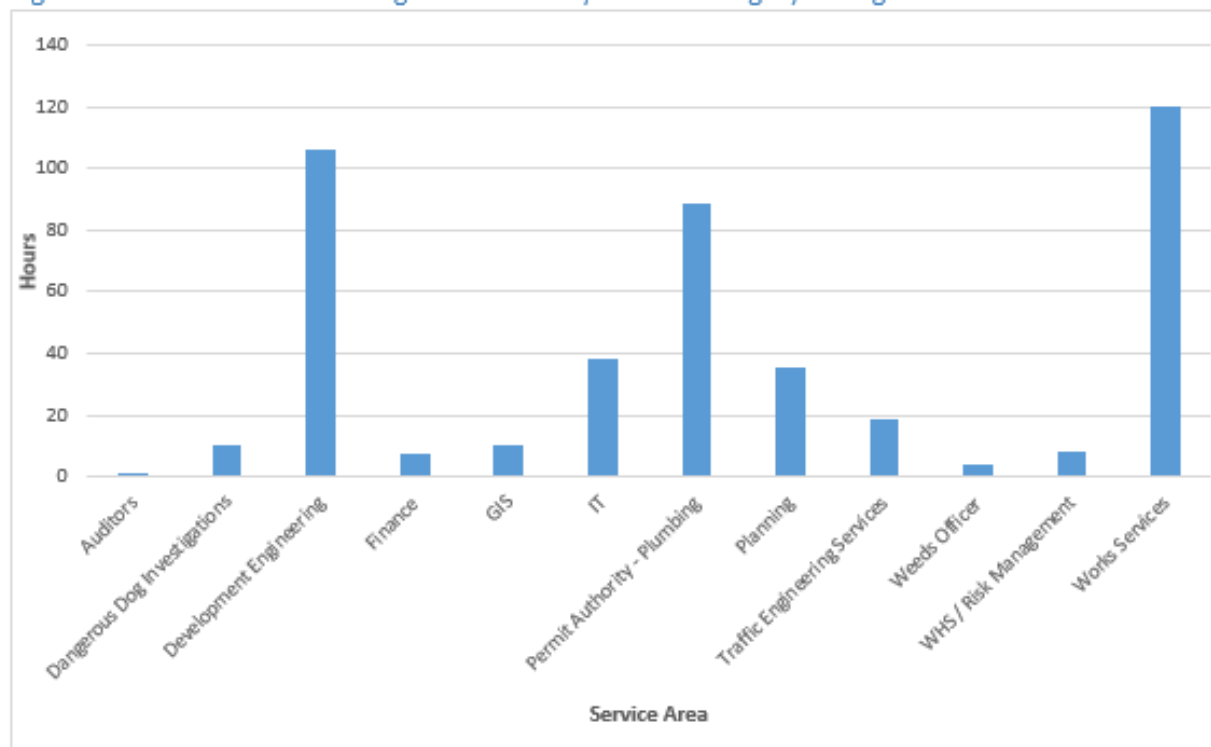
Fig 2 - Details of Current Exchange of Services by Council during November 2019

Provider Council	Client / Organisation							
	Brighton	Central Highlands	Derwent Valley	Glenorchy	GSB	Sorell	Southern Midlands	Tasman
Brighton		2	9.25	19	97.5		20.5	161.75
Central Highlands	2					2	2	2
GSB								
Glenorchy								
Huon Valley								
Litchfield								
West Arnhem Regional								
Sorell	6	31.25						19.25
Southern Midlands	4	35.5	34.25					
Tasman								

\* Council/Organisation not currently a member of the Shared Services Joint Venture Agreement



Fig 3 - Details of Current Exchange of Services by Service Category during November 2019



### Savings to Local Government

A total of 448 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$27,000 for the month of November. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

# Local Government Shared Services – Council Update

## Council

Southern Midlands

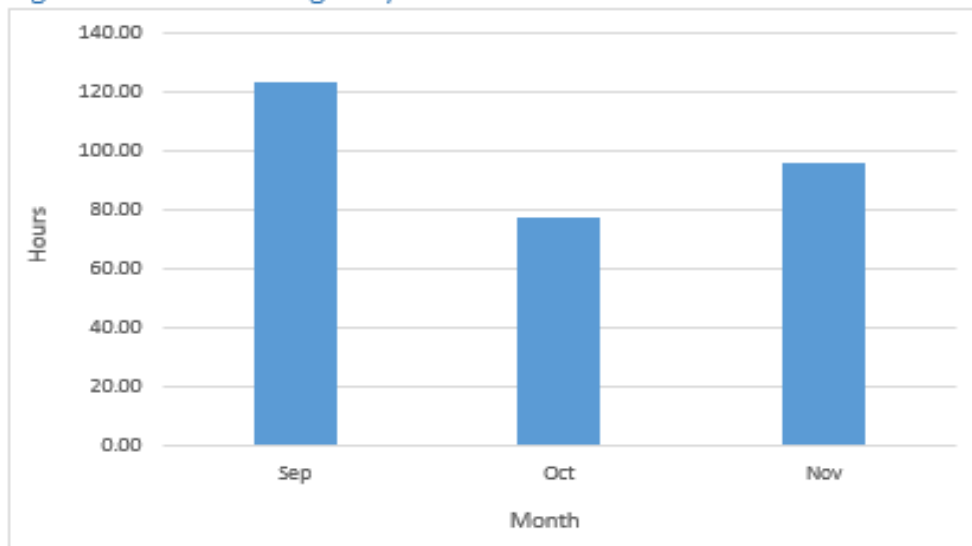
## Shared Service Participation in November 2019

97 hours

## Summary

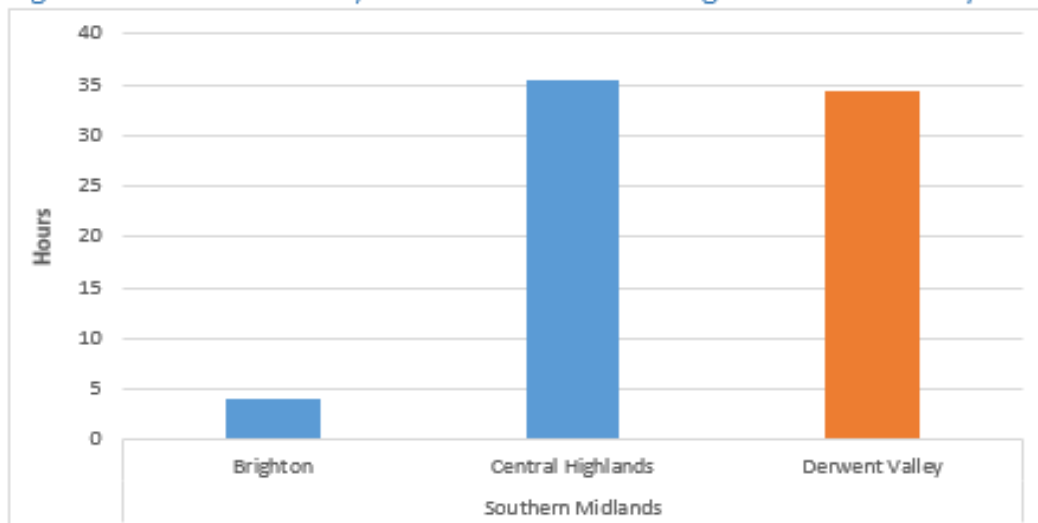
In November 2019, 97 hours of shared services were exchanged by the Southern Midlands Council. From this total, Southern Midlands provided 74 hours to other Councils and received 23 hours of services from other Councils. Total hours of exchange increased by 24% when compared to October 2019 (78) but were below the three-month average of 99 hours per month.

Fig 1 – Services Exchanged by Southern Midlands Council in Recent Months



## Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands during November 2019 by Council



\* Council is not currently a member of LG Shared Services

Fig 3 - Services Provided by Southern Midlands during November 2019 by Service Category

Southern Midlands	74	Summary of Services Provided
<b>Brighton</b>	<b>4</b>	
Weeds Officer	4	Weed Management
<b>Central Highlands</b>	<b>36</b>	
Planning	36	Regulatory and Strategic Planning
<b>Derwent Valley</b>	<b>34</b>	
Permit Authority - Plumbing	34	Regulatory and Strategic Planning

\* Council is not currently a member of LG Shared Services

### Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands during November 2019 by Council

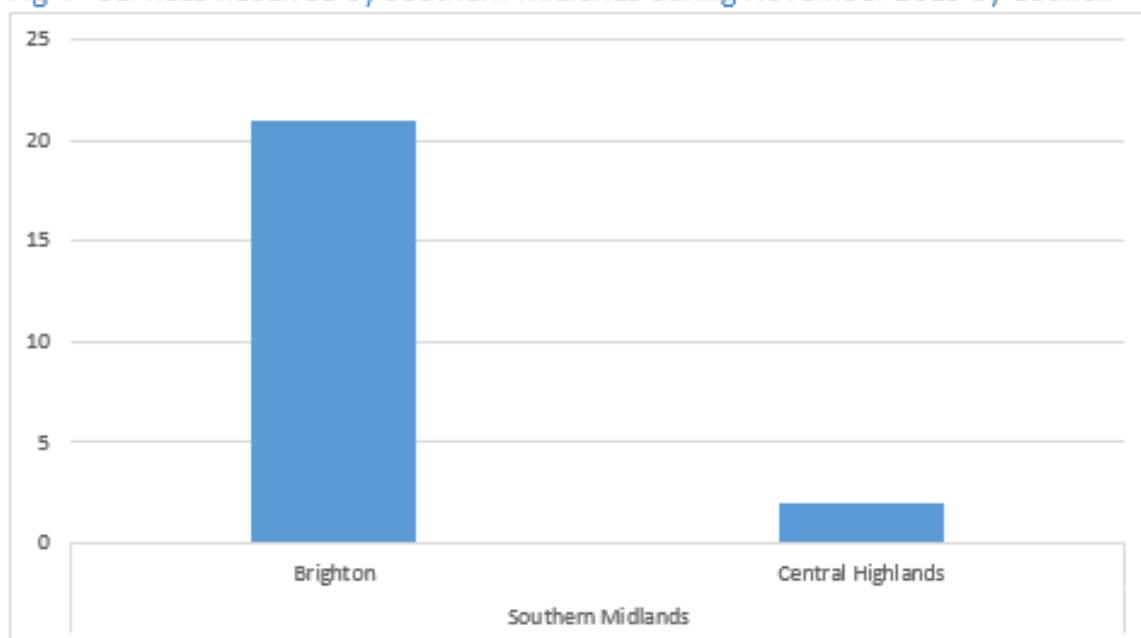


Fig 5 - Services Received by Southern Midlands during November 2019 by Service Category

Southern Midlands	23	Summary of Services Received
<b>Brighton</b>	<b>21</b>	
Development Engineering	6	Development Engineering
Permit Authority - Plumbing	4	Permit Authority - Plumbing
Dangerous Dog Investigations	11	Dog Attack investigations and call outs
<b>Central Highlands</b>	<b>2</b>	
WHS / Risk Management	2	Online Contractor Inductions

## 17.2.2 TABLING OF DOCUMENTS

Nil.

### **17.2.3 ELECTED MEMBER STATEMENTS**

An opportunity was provided for elected members to brief fellow Councillors on issues not requiring a decision.

#### **Clr K Dudgeon**

- Advice of a Community Bushfire Fundraiser being held in Oatlands on the 8<sup>th</sup> February 2020.

## 17.3 Finances

### Strategic Plan Reference(s) 6.3.1, 6.3.2 & 6.3.3

*Community's finances will be managed responsibly to enhance the wellbeing of residents / Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation / Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.*

### 17.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 DECEMBER 2019)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 16 JANUARY 2020

#### ISSUE

Provide the Financial Report for the period ending 31<sup>st</sup> December 2019.

#### BACKGROUND

The format of the Operating Expenditure Report has been amended to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

Note: Depreciation is calculated on an annual basis at the end of the financial year and therefore the budget for depreciation is included in the June period.

#### DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2019 to 31 December 2019.
- Operating Expenditure Budget Report – as at 31 December 2019.
- Capital Expenditure Estimates – as at 31 December 2019.
- Cash Flow Statement – 1 July 2019 to 31 December 2019.
- Rates & Charges – as at 11<sup>th</sup> January 2020.

#### OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of December 2019 was \$3,643,744, which represents 87.10% of YTD Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), YTD expenditure is consistent with Budget.

#### ***Strategic Theme - Infrastructure***

**Sub-Program – Roads** – expenditure to date (\$746,883 – 110.34%). Expenditure relates to additional works of \$16k for the asphaltting of deformations and cracks along Brown Mountain Road and Eldon Road, as well as the costs associated with mowing and slashing that began earlier (due to weather and hazards) than the previous year.

**Strategic Theme – Growth**

Nil.

**Strategic Theme – Landscapes**

Nil.

**Strategic Theme – Lifestyle**

Nil.

**Strategic Theme – Community**

**Sub-Program – Capacity** – expenditure to date (\$35,818 – 131.62%). Expenditure relates to costs associated with the Heritage Bullock Festival, Arts Committee Events and donations provided for sporting representations.

**Strategic Theme – Organisation**

Nil.

**RECOMMENDATION**

THAT the Financial Report be received and the information noted.

**DECISION**

*Moved by Clr A Bisdee, seconded by Deputy Mayor E Batt*

**THAT the Financial Report be received and the information noted.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	



STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2019 to 31st DECEMBER 2019				
	Annual Budget	Year to Date as at 31st December	%	Comments
<b>Income</b>				
General rates	\$ 5,724,701	\$ 5,667,443	99.0%	Budget includes Interest & Penalties to be imposed to end of June 2020
User Fees (refer Note 1)	\$ 694,036	\$ 343,088	49.4%	
Interest	\$ 180,000	\$ 85,217	47.3%	
Government Subsidies	\$ 19,250	\$ 11,655	60.5%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 74,422	45.9%	
<b>Sub-Total</b>	<b>\$ 6,779,987</b>	<b>\$ 6,181,825</b>	<b>91.2%</b>	
Grants - Operating	\$ 3,470,832	\$ 875,616	25.2%	
<b>Total Income</b>	<b>\$ 10,250,819</b>	<b>\$ 7,057,441</b>	<b>68.8%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,905,753)	\$ (1,740,735)	44.6%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,063,277)	\$ (1,749,064)	57.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (3,061,160)	\$ (1,530,580)	50.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (27,088)	\$ (18,015)	66.5%	
Contributions	\$ (233,907)	\$ (58,477)	25.0%	Fire Service Levies
Other	\$ (133,944)	\$ (77,453)	57.8%	Incls Rate Discounts
<b>Total expenses</b>	<b>\$ (10,425,129)</b>	<b>\$ (5,174,324)</b>	<b>49.6%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (174,310)</b>	<b>\$ 1,883,117</b>	<b>-1080.3%</b>	
Grants - Capital (refer Note 3)	\$ 4,526,481	\$ 830,950	18.4%	
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 226,869	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ (108,182)	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 4,243,989</b>	<b>\$ 2,940,937</b>	<b>69.3%</b>	

NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 471,579	\$ 208,277	44.2%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 222,457	\$ 132,260	59.5%	
- Callington Mill	\$ -	\$ 2,551	0.0%	
	\$ 694,036	\$ 343,088		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 12,315	8.10%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 62,107	0.0%	\$58,450 received from the Tunbridge Hall Management Comm - Toilet Project.
	\$ 162,000	\$ 74,422	45.9%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Aus Gov Election Commit'	\$ 1,930,000	\$ -	0.0%	
- Swimming Pool	\$ 1,900,000	\$ 800,000	0.0%	
- Roads To Recovery Grant	\$ 665,531	\$ -	0.0%	To be received March 2020
- Twin Equestrian Arenas	\$ -	\$ -	0.0%	
- Commissariat NSRF Grant	\$ 30,950	\$ 30,950	100.0%	
	\$ 4,526,481	\$ 830,950	18.4%	
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
- FAGS		\$ 870,921		
- Court House		\$ 150		
- Weed Control Grant		\$ 4,545		
	\$ -	\$ 875,616		

**Southern Midlands Council**  
DRAFT Minutes – 22 January 2020

<b>INFRASTRUCTURE</b>			<b>BUDGET</b>	<b>EXPENDITURE</b>	<b>VARIANCE</b>	<b>COMMENTS</b>
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	\$ 500,000	\$ 43,937	\$ 456,063	
Reseal Program		Roads Resealing (as per agreed program)	\$ 280,000	\$ -	\$ 280,000	
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
Reconstruct & Seal		Green Valley Road, Bagdad (300metres off Swan Street)	\$ 54,000	\$ -	\$ 54,000	
	C1020025	Shene Road, Mangalore (650metres)	\$ 97,500	\$ 44,698	\$ 52,802	
	C1010089	Woodsdale Road (1klm Reconstruction)	\$ 165,000	\$ 164,225	\$ 775	
Construct & Seal (Unsealed Roads)		Huntington Tier (300 metres new seal)	\$ 63,000	\$ -	\$ 63,000	
		Roberts Road (350m new seal incl. stormwater)	\$ 59,000	\$ -	\$ 59,000	
		Main Intersection/Carpark Campania - Design Concept	\$ 50,000	\$ -	\$ 50,000	
		Eldon Road (800 metres new seal)	\$ 154,000	\$ -	\$ 154,000	RTR
		Banticks Road (1klm new seal from Junction with Blackbrush)	\$ 27,500	\$ -	\$ 27,500	
		Blackbrush Road (1klm new seal from existing to Banticks)	\$ 210,000	\$ -	\$ 210,000	RTR
	C1020055	Yarlington Road (construct & Seal)		\$ 2,983.70	\$ (2,984)	RTR
Minor Seals (New)		Dust Suppressant Seal	\$ 20,000	\$ -	\$ 20,000	
		Junctions - Various Locations (incl. Greggs Road)	\$ 20,000	\$ -	\$ 20,000	
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/19 \$959
Unsealed Rds - Road Widening	C1020065	Clifton Vale Road - (Cliff Section)	\$ 20,128	\$ 17,410	\$ 2,717	
	C1020061	Native Corners Road (Far end, Widening/Guard Rail)	\$ 9,000	\$ 3,277	\$ 5,723	\$9K Budget c/fwd
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 9,504	\$ 60,496	\$70K Budget c/fwd WIP 30/6/19 \$2,617
		Water Lane (Minor Widening/drainage - V drain)	\$ 23,500	\$ -	\$ 23,500	
Drainage Component - \$42,900	C1010079	Reeve St - Hall Street to Rec Ground (K&G)	\$ 94,915	\$ 2,575	\$ 92,340	\$20k Budget c/fwd WIP 30/06/19 \$6,887
	C1020047	Lovely Banks Road (vicinity of Carnes)	\$ 25,000	\$ 1,621	\$ 23,379	Extend Culverts/ tree removal / realign
		Rhyndaston Road - Guard Rail	\$ 20,000	\$ -	\$ 20,000	
	C1020066	Stonor Road - Guard Rail	\$ 30,000	\$ 8,657	\$ 21,343	
		Woodsdale Road (Vicinity of Dean Property)	\$ 15,000	\$ -	\$ 15,000	
	C1010088	Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ 20,741	\$ 4,259	\$25k Budget c/fwd WIP 30/06/19 \$6,036
			<b>\$ 2,062,543</b>	<b>\$ 320,587</b>	<b>\$ 1,741,955</b>	
<b>BRIDGE ASSETS</b>						
	C1030058	Hardings Road (White Kangaroo Rivulet- B1096)	\$ 180,400	\$ 59,259	\$ 121,141	RTR
	C1030059	Woodsdale Road (Nutting Garden Rivulet- B3968))	\$ 210,390	\$ 11,508	\$ 198,882	RTR
			<b>\$ 390,790</b>	<b>\$ 70,767</b>	<b>\$ 320,023</b>	

<b>WALKWAYS</b>	C1040003	Footpaths - General Streetscapes Bagdad Township	\$ 20,000	\$ -	\$ 20,000	
	C1040014	- East Bagdad Road Broadmarsh Township	\$ 105,000	\$ 3,486	\$ 101,514	WIP 30/6/19
		- Streetscape Works Campania Township	\$ 230,000	\$ -	\$ 230,000	Funds \$230k subject to finalising Grant Deeds (Federal Gov.)
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Reeve Street - Footpath through to Hall	\$ 30,000	\$ -	\$ 30,000	
		- Climie Street/Water Lane (incl. footpath)				
		- Climie Street to Kandara Court Footpath Kempton Township				
		- Midlands Highway/Mood Food	\$ 70,150	\$ -	\$ 70,150	
	C1040027	- Memorial Avenue (complete drainage/other site works)	\$ 25,000	\$ 16,245	\$ 8,755	
		- Streetscape Plan (Review & Implementation)	\$ 110,000	\$ 31,357	\$ 78,643	Footpath renewal Component - Funds \$75k subject to finalising Grant Deeds (Federal Gov.)
		Melton Mowbray Township				
	G2020002	- Streetscape Works (Trough / Shelter etc)	\$ 30,000	\$ 5,318	\$ 24,682	
		Oatlands Township				
	C1040016	- High Street (Footpath Renewal)	\$ 33,000	\$ 1,252	\$ 31,748	
	C1040026	- Church Street (Footpath Renewal)	\$ 17,000	\$ 16,714	\$ 286	
		Tunbridge Township				
		- Maint Street Kerb & Gutter (Vicinity of Hall)	\$ 30,000	\$ -	\$ 30,000	
		Tunnack Township				
		- Streetscape concept Plan	\$ 5,000	\$ -	\$ 5,000	
			<b>\$ 710,150</b>	<b>\$ 74,372</b>	<b>\$ 635,778</b>	
<b>LIGHTING</b>	C1050001	Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 134,000	\$ 21,327	\$ 112,673	\$64k Budget c/fwd WIP 30/6/19 \$21,251 - Funds \$250k subject to finalising Grant Deeds (Federal Gov.)
			<b>\$ 134,000</b>	<b>\$ 21,327</b>	<b>\$ 112,673</b>	
<b>BUILDINGS</b>	C1110002	Campania Flour Mill Park - Concrete Pathways/drainage/remove p Tunbridge Hall Toilets	\$ 15,000	\$ -	\$ 15,000	
			\$ 77,500	\$ 84,864	\$ (7,364)	WIP 30/6/19 \$18,288 - Budget incl. Grants
			<b>\$ 92,500</b>	<b>\$ 84,864</b>	<b>\$ 7,636</b>	

<b>DRAINAGE</b>		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
	C1090013	- Midland Highway/Swan Street Drainage	\$ 50,000	\$ 8,178	\$ 41,822	
		Campania				
		- Estate Road (School Farm)	\$ 10,000	\$ -	\$ 10,000	
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Queen Anne Street	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
		Kempton				
		- Erskine Street		\$ 4,668	\$ (4,668)	WIP 30/6/19
			<b>\$ 97,500</b>	<b>\$ 12,846</b>	<b>\$ 84,654</b>	
<b>WASTE</b>	C110001	Wheelie Bins and Crates	\$ 8,000	\$ -	\$ 8,000	
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ 4,060	\$ 15,940	\$20K Budget c/fwd
			<b>\$ 53,000</b>	<b>\$ 4,060</b>	<b>\$ 48,940</b>	
<b>GROWTH</b>						
<b>HERITAGE</b>	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 35,550	\$ (25,550)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ 6,500	\$ -	Budget c/fwd
		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
	C3010002	Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ 3,938	\$ 11,062	\$15K Budget c/fwd
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	\$3.5K Budget c/fwd
		Kempton Watch House (Fitout)	\$ 4,000	\$ -	\$ 4,000	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval	\$ 40,000	\$ 6,945	\$ 33,056	WIP 30/6/19 \$3,845 - Budget c/fwd
	C3010011	Roche Hall - Internal & External Painting (excl. Gutters; Fascias &	\$ 80,000	\$ -	\$ 80,000	\$15K Budget c/fwd
			<b>\$ 167,000</b>	<b>\$ 52,933</b>	<b>\$ 114,067</b>	
<b>NATURAL</b>		Campania Bush Reserve (Walking/Riding Path)	\$ 100,000	\$ -	\$ 100,000	Funds \$100k subject to finalising Grant Deeds (Federal Gov.)
	C3020007	Chauncy Vale - Sanctuary Bridge	\$ 55,000	\$ -	\$ 55,000	Funds \$55k subject to finalising Grant Deeds (Federal Gov.)
	C3020008	Mahers Point - Lanscape Plan	\$ 22,404	\$ -	\$ 22,404	Budget c/fwd
	C1040019	Lake Dulverton Walkway (Section 1)	\$ 135,000	\$ -	\$ 135,000	Funds \$135k subject to finalising Grant Deeds (Federal Gov.)
	C1040028	Lake Dulverton Walkway (Section 2)	\$ 85,000	\$ -	\$ 85,000	Funds \$85k subject to finalising Grant Deeds (Federal Gov.)
			<b>\$ 397,404</b>	<b>\$ -</b>	<b>\$ 397,404</b>	

<b>CULTURAL</b>						
		Heritage HUB - Internal fitout	\$ 10,000	\$ -	\$ 10,000	
			<b>\$ 10,000</b>	<b>\$ -</b>	<b>\$ 10,000</b>	
<b>REGULATORY</b>	C3040001	Kempton Council Chambers - Restoration Works	\$ 5,000	\$ 3,595	\$ 1,405	
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 5,000	\$ -	\$ 5,000	
			<b>\$ 10,000</b>	<b>\$ 3,595</b>	<b>\$ 6,405</b>	
<b>LIFESTYLE</b>			<b>BUDGET</b>	<b>EXPENDITURE</b>	<b>VARIANCE</b>	<b>COMMENTS</b>
<b>COMMUNITY HEALTH &amp; WELLBEING</b>						
	C4070035	Oatlands Bus Shelter	\$ 14,000	\$ -	\$ 14,000	
			<b>\$ 14,000</b>	<b>\$ -</b>	<b>\$ 14,000</b>	
<b>LIFESTYLE</b>						
<b>ACCESS</b>						
	C4070035	All Buildings (Priority Approach - Year 4 of 5)	\$ 40,000	\$ -	\$ 40,000	
			<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ 40,000</b>	
<b>PUBLIC HEALTH</b>						
	C4070035	Kempton Community Health Facility	\$ 225,000	\$ 2,415	\$ 222,585	\$200K Budget c/fwd WIP 30/6/19 \$445
			<b>\$ 225,000</b>	<b>\$ 2,415</b>	<b>\$ 222,585</b>	
<b>RECREATION</b>						
	C4070005	Recreation Committee	\$ 20,000	\$ 3,364	\$ 16,636	Campania Rec Ground Window
		Oatlands Aquatic Centre (New Pool)	\$ 2,400,000	\$ -	\$ 2,400,000	Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 471,768	\$ (471,768)	WIP 30/6/19 \$395,896
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Campania - Public Open Space dev (Subdivision)	\$ 23,000		\$ 23,000	
		Campania - Public Open Space dev (Shelter Alexander Circle)	\$ 10,000	\$ 8,400	\$ 1,600	
		Campania - Public Open Space dev (Play Equip Alexander Circle)	\$ 16,000		\$ 16,000	
	G4070024	Mangalore Equestrian Arena	\$ 51,784	\$ 37,437.30	\$ 14,347	Grant of \$36,784 plus additional budget \$15k
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000		\$ 18,000	
		Oatlands - Callington Park (Playground Election Commitment)	\$ 500,000		\$ 500,000	Incls. Revegetation and Watering System - Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
		Campania - Recreation Ground (Nets)	\$ 45,000		\$ 45,000	\$45K Budget c/fwd
	C4070019	Kempton - Recreation Ground (Grandstand Rails & Seating)	\$ 6,000		\$ 6,000	\$6K Budget c/fwd
		Kempton - Recreation Ground (Lighting)	\$ 10,000		\$ 10,000	\$10K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubroc	\$ 15,000		\$ 15,000	
		Mount Pleasant - Recreation Ground (Upgrade Toilets)	\$ 38,000		\$ 38,000	\$13K Budget c/fwd
		Runnymede - Recreation Ground (resurfacing & watering system	\$ 20,000		\$ 20,000	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 30,000		\$ 30,000	\$7.5K Budget c/fwd
			<b>\$ 3,202,784</b>	<b>\$ 900,772</b>	<b>\$ 2,302,012</b>	



<b>COMMUNITY</b>						
<b>ANIMALS</b>		Oatlands - Dog Pound	\$ 20,000	\$ -	\$ 20,000	
			<b>\$ 20,000</b>	<b>\$ -</b>	<b>\$ 20,000</b>	
<b>CAPACITY</b>						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Oatlands Structure Plan	\$ 25,000	\$ -	\$ 25,000	
			<b>\$ 33,000</b>	<b>\$ -</b>	<b>\$ 33,000</b>	
<b>SAFETY</b>						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
<b>ORGANISATION</b>						
<b>SUSTAINABILITY</b>		Council Chambers - Internal Toilets Upgrade	\$ 60,000	\$ -	\$ 60,000	
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
		Council Chambers - Works Office (floor coverings)	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 5,540	\$ 625	\$ 4,916	
	C6020003	Computer System (Hardware / Software)	\$ 55,400	\$ 41,964	\$ 13,436	\$15K Budget c/fwd
			<b>\$ 140,940</b>	<b>\$ 42,589</b>	<b>\$ 98,351</b>	
<b>WORKS</b>						
	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	\$ 50,000	\$ 178,497	\$ (128,497)	Total Project Cost - to be funded over 4 yrs (Yr 1 - \$50K)
	C6020011	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Stor	\$ 200,000	\$ 92,776	\$ 107,224	
		Minor Plant Purchases	\$ 9,500	\$ 535	\$ 8,965	
	C6020008	Radio System	\$ 3,000	\$ -	\$ 3,000	
		<b>Plant Replacement Program</b>				
		Refer separate Schedule (Gross)	\$ 935,000	\$ 114,215	\$ 820,785	
		Light Vehicles (Gross)	\$ 210,000	\$ 192,763	\$ 17,237	
		(Trade Allowance - \$180K)				
			<b>\$ 1,417,500</b>	<b>\$ 578,787</b>	<b>\$ 838,713</b>	
		<b>GRAND TOTALS</b>	<b>\$ 9,221,111</b>	<b>\$ 2,169,914</b>	<b>\$ 7,051,196</b>	



	INFLOWS (OUTFLOWS) (July 2019)	INFLOWS (OUTFLOWS) (August 2019)	INFLOWS (OUTFLOWS) (September 2019)	INFLOWS (OUTFLOWS) (October 2019)	INFLOWS (OUTFLOWS) (November 2019)	INFLOWS (OUTFLOWS) (December 2019)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>							
Payments							
Employee costs	- 259,732.34	- 280,026.23	- 290,033.86	- 374,698.08	- 281,014.52	- 283,264.70	- 1,485,505.03
Materials and contracts	- 489,960.05	- 252,409.90	- 176,421.49	- 359,780.69	- 285,349.16	- 169,232.07	- 1,563,921.29
Interest	- 4,148.51	-	-	-	- 2,995.62	- 10,870.47	- 7,144.13
Other	- 29,966.89	- 69,054.75	- 52,617.77	- 80,824.91	- 23,849.60	- 32,135.15	- 256,313.92
	- 783,807.79	- 601,490.88	- 519,073.12	- 815,303.68	- 593,208.90	- 495,502.39	- 3,312,884.37
Receipts							
Rates	98,749.91	1,287,791.14	1,399,266.96	201,106.06	519,769.80	329,069.98	3,506,683.87
User charges	65,479.66	44,553.00	127,713.29	47,010.97	31,174.71	69,604.49	315,931.63
Interest received	18,471.63	6,408.06	16,386.98	20,750.03	8,083.13	15,117.45	70,099.83
Subsidies			11,655.00				11,655.00
Other revenue grants	150.00	435,460.50			466,410.50	4,545.45	902,021.00
GST Refunds from ATO							
Other	34,923.65	94,315.16	66.01	- 17,193.20	- 31,632.04	70,015.89	80,479.58
	217,774.85	1,868,527.86	1,555,088.24	251,673.86	993,806.10	488,353.26	4,886,870.91
<b>Net cash from operating activities</b>	- 566,032.94	1,267,036.98	1,036,015.12	- 563,629.82	400,597.20	- 7,149.13	1,573,986.54
<b>Cash flows from investing activities</b>							
Payments for property, plant & equipment	- 66,086.49	- 82,224.34	- 450,270.92	- 360,407.41	- 92,140.02	- 184,331.75	- 1,051,129.18
Proceeds from sale of property, plant & equipment	30,840.90	15,054.55	147,996.46	32,540.91	54.55	381.82	226,487.37
Proceeds from Capital grants						800,000.00	
Proceeds from Investments							
Payment for Investments							
<b>Net cash used in investing activities</b>	- 35,245.59	- 67,169.79	- 302,274.46	- 327,866.50	- 92,085.47	616,050.07	- 824,641.81
<b>Cash flows from financing activities</b>							
Repayment of borrowings	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
Proceeds from borrowings							
<b>Net cash from (used in) financing activities</b>	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
<b>Net increase/(decrease) in cash held</b>	- 608,338.60	1,199,867.19	733,740.66	- 891,496.32	293,963.63	583,570.25	727,736.56
Cash at beginning of reporting year	12,368,944.95	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	12,368,944.95
<b>Cash at end of reporting year</b>	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	13,680,251.76	13,096,681.51

SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2019/20

SUMMARY SHEET

PROGRAM	YTD ACTUAL (as at 31 December 19)	YTD BUDGET (as at 31 December 19)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET REVISED INC. GRANTS & OTHER
<b>INFRASTRUCTURE</b>					
Roads	746,883	676,869	70,014	110.34%	3,205,738
Bridges	11,528	23,749	12,221	48.54%	383,498
Walkways	108,632	119,965	11,333	90.55%	214,930
Lighting	45,044	42,882	2,162	105.04%	85,764
Irrigation	-	-	-	-	-
Drainage	8,493	15,036	6,543	56.48%	78,072
Waste	417,724	441,775	24,051	94.56%	901,549
Public Toilets	37,249	34,491	2,758	108.00%	66,982
Communications	-	-	-	-	-
Signage	4,948	5,076	128	97.48%	7,020
<b>INFRASTRUCTURE TOTAL:</b>	<b>1,380,501</b>	<b>1,359,843</b>	<b>-20,658</b>	<b>101.52%</b>	<b>4,943,553</b>
<b>GROWTH</b>					
Residential	-	-	-	-	-
Tourism	33,985	40,690	6,705	83.52%	62,380
Business	106,992	116,499	9,507	91.84%	971,998
Agriculture	-	-	-	-	-
<b>GROWTH TOTAL:</b>	<b>140,977</b>	<b>157,189</b>	<b>16,212</b>	<b>89.69%</b>	<b>1,034,378</b>
<b>LANDSCAPES</b>					
Heritage	135,478	170,854	35,376	79.29%	335,907
Natural	100,096	100,565	469	99.53%	188,629
Cultural	5,207	20,214	15,007	25.76%	40,427
Regulatory	335,922	422,027	86,105	79.60%	846,586
Climate Change	-	-	-	-	-
<b>LANDSCAPES TOTAL:</b>	<b>576,704</b>	<b>713,660</b>	<b>136,956</b>	<b>80.81%</b>	<b>1,411,549</b>
<b>LIFESTYLE</b>					
Youth	156,468	142,160	14,308	110.06%	264,320
Aged	1,011	1,500	489	67.42%	1,500
Childcare	4,000	5,750	1,750	69.57%	6,500
Volunteers	12,799	35,000	22,201	36.57%	40,000
Access	-	-	-	-	-
Public Health	1,479	5,094	3,615	29.03%	10,189
Recreation	169,048	225,317	56,269	75.03%	462,022
Animals	44,137	55,068	10,931	80.15%	110,137
Education	-	-	-	-	-
<b>LIFESTYLE TOTAL:</b>	<b>388,942</b>	<b>469,889</b>	<b>80,947</b>	<b>82.77%</b>	<b>894,668</b>
<b>COMMUNITY</b>					
Retention	-	-	-	-	-
Capacity	35,818	27,213	8,605	131.62%	41,925
Safety	25,274	24,100	1,174	104.87%	51,200
Consultation	6,488	10,650	4,162	60.92%	21,300
<b>COMMUNITY TOTAL:</b>	<b>67,580</b>	<b>61,963</b>	<b>5,617</b>	<b>109.06%</b>	<b>114,425</b>
<b>ORGANISATION</b>					
Improvement	41,992	57,058	15,066	73.60%	114,116
Sustainability	940,733	1,264,466	323,733	74.40%	2,370,532
Finances	106,315	112,272	5,957	94.69%	306,907
<b>ORGANISATION TOTAL:</b>	<b>1,089,040</b>	<b>1,433,796</b>	<b>344,756</b>	<b>75.96%</b>	<b>2,791,555</b>
<b>TOTALS</b>	<b>3,643,744</b>	<b>4,196,340</b>	<b>552,596</b>	<b>86.83%</b>	<b>11,190,128</b>

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 11th January 2020		Last Financial Year 11th January 2019	
Arrears brought forward as at July 1		\$ 429,240.71		\$ 419,894.17
ADD current rates and charges levied		\$ 5,625,571.60		\$ 5,297,326.00
ADD current interest and penalty		\$ 46,077.42		\$ 43,352.62
<b>TOTAL rates and charges demanded</b>	100.00%	<b>\$ 6,100,889.73</b>	100.00%	<b>\$ 5,760,572.79</b>
LESS rates and charges collected	59.46%	\$ 3,627,523.35	59.70%	\$ 3,438,945.90
LESS pensioner remissions	3.90%	\$ 238,124.99	3.93%	\$ 226,238.81
LESS other remissions and refunds	-0.16%	-\$ 9,646.55	0.27%	\$ 15,509.49
LESS discounts	0.48%	\$ 29,518.35	0.50%	\$ 28,524.85
<b>TOTAL rates and charges collected and remitted</b>	<b>63.69%</b>	<b>\$ 3,885,520.14</b>	<b>64.39%</b>	<b>\$ 3,709,219.05</b>
<b>UNPAID RATES AND CHARGES</b>	<b>36.31%</b>	<b>\$ 2,215,369.59</b>	<b>35.61%</b>	<b>\$ 2,051,353.74</b>

**18. MUNICIPAL SEAL**

Nil.

## 19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Council to address urgent business items previously accepted onto the agenda.

### 19.1 BLACKMAN RIVER BRIDGE, TUNBRIDGE – RENEWAL OF TIMBER SUPERSTRUCTURE AND BARRIERS - CONCEPT DESIGN REPORT PREPARED BY PITT & SHERRY

#### DECISION

*Moved by Clr K Dudgeon, seconded by Clr D Fish*

#### THAT:

- a) Council receive the report; and
- b) Council make every endeavour to ensure that the Department of State Growth adhere to its commitment to undertake consultation in the Tunbridge community (with assistance from Council if required).

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## DECISION

*Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon*

**THAT in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.**

<b>Matter</b>	<b>Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference</b>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Legal Matter</i>	15(2)(i)

## CARRIED

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## DECISION

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

**THAT in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.**

## CARRIED

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **CLOSED COUNCIL MINUTES**

### **20. BUSINESS IN “CLOSED SESSION”**

*In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.*

#### **20.1 CLOSED COUNCIL MINUTES - CONFIRMATION**

*Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.2 APPLICATIONS FOR LEAVE OF ABSENCE**

*Item considered in Closed Session in accordance with Regulation 15 (2)(i) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.3 LEGAL MATTER**

*Item considered in Closed Session in accordance with Regulation 15 (2)(h) of the Local Government (Meeting Procedures) Regulations 2015.*



## RECOMMENDATION

THAT Council move out of “Closed Session”.

## DECISION

*Moved by Clr R McDougall, seconded by Clr D Fish*

**THAT Council move out of “Closed Session”.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## OPEN COUNCIL MINUTES

### 21. CLOSURE

The meeting closed at 1.12 p.m.

# Woodsdale Community Memorial Hall ATTACHMENT Agenda Item 4.2.1

Est. 1905

## Minutes

FOR

General Committee Meeting

On

Monday 3<sup>rd</sup> February 2020

At

Woodsdale Hall – Commencing at 7:05pm

### 1. Welcome/opening

1.1 The President welcomed members to the meeting.

1.2 The President declared the meeting open at 7.05pm

2. **Attendance:** President Mrs Kaye Rowlands, Vice President Mrs Ann Scott, Secretary/Treasurer Ms Kate Bourne, Mr Leon Scott, Mrs Julie Bellette and Council Representative Clr. Mrs Karen Dudgeon.

3. **Apologies** Mr Jim Wiggins

**Moved by** Mrs Julie Bellette

**Seconded** Clr Mrs Karen Dudgeon  
**Motion Carried**

### 4. Confirmation of Minutes – Meeting 14<sup>th</sup> October 2019

**Moved by** Kate Bourne that the Minutes from the 14<sup>th</sup> October 2019 distributed by letter box drop and email be accepted as read.

**Seconded:** Mr Leon Scott

**Motion Carried**

### 5. Business Arising from Previous Minutes of 14<sup>th</sup> October 2019

5.1 - Heat Pump filters finally checked; cleaning was not required. The heating toll still to be changed to 30 minutes/\$2. Heaters run for a couple of hours due to no operation for several months.

### 6. Financial Report:

Total Funds as of 31<sup>st</sup> January 2020 are \$10,392.04

#### Y.T.D. Financials

	Opening Balance			\$3,233.68
	Incoming	YTD	\$7,707.47	
Luncheons	\$0.00			
Hall Hire	\$50.00			
Supper Room Hire	\$90.00			
Miscellaneous	\$46.00(Heat Pump Meter)			
Donations <i>*see below</i>	\$7521.47	\$7,707.47		(\$10,941.15)
	<b>Outgoing</b>	<b>YTD</b>	<b>\$ 549.11</b>	<b>\$10,464.38</b>
Catering	\$0.00			
Aurora	\$549.11			
Repairs & Maint.	\$0.00			
Miscellaneous	\$0.00			
Function Expenses	\$0.00			
Petty Cash	\$0.00		\$ 549.11	
	<b>Closing Balance</b>			<b>\$10,464.38</b>

## \*Donations

- 6.1** With the wind up of the Woodsdale Football Club we have been donated what was left in their financial account \$5,421.97. However, some of these monies will be used to build cupboards, displays etc of the Football Clubs Memorabilia in the hall's supper room.
- 6.2** We have been donated \$2,000.00 from Mrs Frances Hillier a long-term member of the Woodsdale Community Memorial Hall prior to her demise from a long terminal illness. Additional monies will also be received for goods sent to the Oatlands Bargain Centre on consignment with the Hall being the beneficiary of goods sold.

**Moved by** Kate Bourne that the Financial Report as distributed to members be accepted, **Seconded by** Mrs Julie Bellette

**Motion Carried.**

## 7. Business arising from Financial Report:

**NIL**

## 8. Consideration of Correspondence

**8.1 In -** Aurora Account, January bill.

**8.2 Out –**

## 9. General Business:

Prior to Start of General Business it was **moved by** Mrs Julie Bellette and **seconded by** Clr Karen Dudgeon that a condolence motion for 2 of our long term and hardworking volunteers Mrs Eunice Palmer and Mrs Frances Hillier be made.

**Motion Carried.**

**9.1 –** Woodsdale Museum Annual Market day 8<sup>th</sup> March 2020, permission given to lend tables chairs etc if required.

**9.2 -** Football Club – what is happening re Memorabilia etc. – Apparently the glass fronted cupboard was unsuitable due to glass being too low. This is still outstanding and building of new displays now want be attended to until after Easter.

**9.3 –** Fund raising monies for Bush Fires; it was unanimously voted to donate monies in the amount of \$100 to Mr & Mrs Brian Fish's fundraising event on Saturday 8<sup>th</sup> February. Secretary to take cheque in.

**Moved by** Mrs Ann Scott that the Hall donate monies to Mr & Mrs Brian Fish's fundraising event. **Seconded by** Mr Leon Scott

**Motion Carried.**

**9. 4–** What is happening with the former Woodsdale Football Ground, now to be known as the Woodsdale Recreational Ground – Awaiting New Constitution.

**9.5** – Secretary requested that a new Vacuum Cleaner and a wide dry mop be purchased.

**Moved by** Mrs Julie Bellette that the Hall purchase new vacuum cleaner and wide dry mop. **Seconded by** Mr Leon Scott

**Motion Carried.**

**9.6** - Hall to do a maintenance day – cleaning, fixing etc. all volunteers to attend on Sunday 23<sup>rd</sup> February 2020 start time around 10am.

**9.10** – Secretary to send email to Mr Andrew Benson at the SMC re:

- Bug Spraying of the Hall – Who is responsible Council or Committee
- Cutters to be cleaned

**10. Bookings** – Supper Room by Hairdresser Natalie Rowlands, long weekend in March

#### **11. Next General Committee Meeting**

To be held on Monday 6<sup>th</sup> April 2020 at 7pm.

**Meeting Closed at 8.05pm**

## Parattah Railway Station Management Committee

Notes of the Meeting held Thursday 30<sup>th</sup> January 2020 commencing at approximately 2.30 p.m.

### 1. Attendance:

Name:	Position
Clr Rowena McDougall	Council Representative
Gavin Wagner	Community Representative
John Mollineaux	Community Representative
Leigh Blake	Community Representative
In attendance:	
Tim Kirkwood	Southern Midlands Council
Phil Jones	Heritage Building Solutions

### 2. Apologies:

Jo Bain.

### 3. Discussion Items:

The main purpose of the meeting was to inspect following site works which are to be considered as part of the Committee's maintenance and forward works program:

Replacement of the existing Railway Station Gates

- Original design plans, which include detailed specifications for the gates, were available for review. The intent is to build new gates consistent with those specifications
- Type of material to be confirmed (taking into account weight considerations) – Oregon pine suggested as an option
- Jockey wheel(s) to be installed on the gates at the time of erection

Station Building – Internal roof repairs

- Inspect and repair where necessary (within budget availability)

Entry to Men's Toilet

- Short piece of skillion roof (or similar) to be constructed over the entrance to the toilets to prevent rain entering the toilets

Timber Fence (around septic tank area)

- Replacement of the existing timber rails which are no longer serviceable. The purpose of the fence is to prevent vehicles from parking / turning on the area where the septic tank is located

Longer term proposals:

- Construct shelter (approx. 3 metres x 3 metres) over a section of old 'interpretative' railway line that is located off to the side of the main line. The plan is to place the existing 'Rail Trolley' out for display and provide protection by constructing the shelter.

In terms of available budget, it was noted that the Committee has an allocation remaining of approximately \$2,000, being the Council budget less Aurora and Insurance charges. It was also noted that the Railway Station Committee received a total of \$6,646 (excl. GST) from VEC Civil Engineering for hire of the Railway Station (April 2017 to October 2018). These funds are available for the above works.

The meeting concluded at approximately 3.30 p.m.





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## APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT Commercial, Industrial, Forestry and other Non- Residential development

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

### Applicant / Owner Details:

Owner / s Name	Craig and Sally Williams		
Postal Address	1356 TEA TREE RD TEA TREE TAS	Phone No:	0407 129 562
	7017	Fax No:	
Email address	casmwilliams@bigpond.com		
Applicant Name (if not owner)	Craig Williams		
Postal Address	1356 TEA TREE RD TEA TREE TAS	Phone No:	0407 129 562
	7017	Fax No:	
Email address:	casmwilliams@bigpond.com		

### Description of proposed use and/or development:

Address of new use and development:	1356 TEA TREE RD TEA TREE TAS 7017		
Certificate of Title No	Volume No	Lot No:	
	155147	1	
Description of Use	Extractive Industry - Quarry		
Development on site	Query - 10,000 cubic metres extracted per annum, of which up to 2.500 cubic metres may be crushed and/or mechanically screened		
	Includes crushing (with crusher unit), mechanical screening (use of screen with or without crushing unit), stockpiling, ripping and loading/carting		
current use of land and building	Extractive Industry - Quarry		
	Residential and Workshop (Metal Fabrication)		
	Agricultural		

Refer Definitions in Clause 8.2 of the Southern Midlands Planning Scheme 2015  
Attach additional information if required.

Is the property Heritage Listed

Please tick ✓ answer

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

Signage

Is any signage proposed?

Please tick ✓ answer

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

Existing hours of operation

Proposed hours of new operation

Business Details

Hours	am	to	pm
Weekdays	0700		1900
Sat	0800		1200
Sun	Not open		

Hours	am	to	pm
Weekdays	0700		1900
Sat	0800		1600
Sun	Not open		

Number of existing employees

1

Number of proposed new employees :

1

Traffic Movements

Number of commercial vehicles serving the site at present	20	Approximate number of commercial vehicles servicing the site in the future	20
Number of Car Parking Spaces	1	How many new car spaces are proposed	0

Please tick ✓ answer

Is the development to be staged:

Yes  No

Is the development to be staged, If yes

Described proposed stages	NA	Described period of proposed stages	NA
---------------------------	----	-------------------------------------	----

Proposed Material Types

What are the proposed external wall colours	NA	What is the proposed roof colour	NA
What is the proposed external wall materials	NA	What is the proposed roof materials	
What is the proposed new floor area m <sup>2</sup>	NA	What is the estimated value of all the new work proposed	\$ .

If yes attach details: size, colours, fonts, location

Please attach any additional information that may be required by Part 8.1 Application Requirements of the Planning Scheme.

Signed Declaration

**I/we hereby apply for a planning approval to carry out the use or development described in this application and in the accompanying plans and documents, accordingly I declare that:**

- The information given is a true and accurate representation of the proposed development. I understand that the information and materials provided with this development application may be made available to the public. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Southern Midlands Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.
- I am the applicant for the planning permit and I have notified the owner/s of the land in writing of the intention to make this application in accordance with Section 52(1) of the Land Use Planning Approvals Act 1993 (or the land owner has signed this form in the box below in "Land Owner(s) signature");

Applicant Signature



Applicant Name (print)

Craig Williams

Date

24-9-2019

Land Owner(s) Signature



Land Owners Name (please print)

Sally Williams

Date

24-9-2019

Land Owner(s) Signature

Land Owners Name (please print)

Date

Address all correspondence to:  
The General Manager, PO Box 21, Oatlands, Tasmania 7120  
Or by Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) 'in single PDF file format'  
Phone (03) 62545050



CRAIG WILLIAMS

24 9 2019

## DEVELOPMENT – Information & Checklist sheet

Use this check list for submitting your application

### Submitting your application ✓

1. All plans and information required per Part 8.1 Application Requirements of the Planning Scheme
2. Copy of the current Certificate of Title, Schedule of Easements and Title Plan (Available from Service Tasmania Offices)
3. Any reports, certificates or written statements to accompany the Application (if applicable) required by the relevant zone or code.
4. Prescribed fees payable to Council

### Information

If you provide an email address in this form then the Southern Midlands Council ("the Council") will treat the provision of the email address as consent to the Council, pursuant to Section 6 of the Electronic Transactions Act 2000, to using that email address for the purposes of assessing the Application under the Land Use Planning and Approvals Act 1993 ("the Act").

If you provide an email address, the Council will not provide hard copy documentation unless specifically requested.

It is your responsibility to provide the Council with the correct email address and to check your email for communications from the Council.

If you do not wish for the Council to use your email address as the method of contact and for the giving of information, please tick ✓ the box

### Heritage Tasmania

If the Property is listed on the Tasmanian Heritage Register then the Application will be referred to Heritage Tasmania unless an Exemption Certificate has been provided with this Application. (Phone 1300 850 332 (local call cost) or email [enquires@heritage.tas.gov.au](mailto:enquires@heritage.tas.gov.au))

### TasWater

Depending on the works proposed Council may be required to refer the Application to TasWater for assessment (Phone 136992)

### PRIVACY STATEMENT

The Southern Midlands Council abides by the Personal Information Protection Act 2004 and views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

Collection of Personal Information: The personal information being collected from you for the purposes of the Personal Information Protection Act, 2004 and will be used solely by Council in accordance with its Privacy Policy. Council is collecting this information from you in order to process your application.

Disclosure of Personal Information: Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information. External organisations to whom this personal information will be disclosed as required under the Building Act 2000. This information will not be disclosed to any other external agencies unless required or authorised by law.

Correction of Personal Information: If you wish to alter any personal information you have supplied to Council please telephone the Southern Midlands Council on (03) 62545050. Please contact the Council's Privacy Officer on (03) 6254 5000 if you have any other enquires concerning Council's privacy procedures.

Address all correspondence to:  
The General Manager, PO Box 21, Oatlands, Tasmania 7120  
Or by Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) 'in single PDF file format'  
Phone (03) 62545050

SEARCH OF TORRENS TITLE

VOLUME 155147	FOLIO 1
EDITION 3	DATE OF ISSUE 21-Apr-2015

SEARCH DATE : 24-Sep-2019

SEARCH TIME : 12.59 PM

DESCRIPTION OF LAND

Parish of DRUMMOND Land District of MONMOUTH  
 Lot 1 on Plan 155147  
 Derivation : Part of 870 Acres Gtd. to J. Till  
 Prior CT 132606/2

SCHEDULE 1

C253279 TRANSFER to CRAIG ANTHONY WILLIAMS and SALLY MAREE  
 WILLIAMS Registered 30-Mar-2001 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 121755 & SP 132606 FENCING PROVISION in Schedule of  
 Easements  
 SP 121755 COUNCIL NOTIFICATION under Section 83(5) of the  
 Local Government (Building and Miscellaneous  
 Provisions) Act 1993.  
 SP132606 BENEFITING EASEMENT: a pipeline easement over the  
 Pipeline Easements 'B' & 'C' 3.00 wide on P155147  
 C995562 MORTGAGE to Australia and New Zealand Banking Group  
 Limited Registered 21-Dec-2010 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

NOTICE: This folio is affected as to amended easements  
 pursuant to Request to Amend No. E1352 made under  
 Section 103 of the Local Government (Building and  
 Miscellaneous Provisions) Act 1993. Search Plan No.  
 155147 Lodged by SANDRA RICHARDS, 1220 TEA TREE ROAD,  
 TEA TREE 7017 on 09-Apr-2015 BP: E1352





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ATTACHMENT 1  
Agenda Item 11.1.2

# ENVIRONMENTAL EFFECTS REPORT

## WILLIAMS' QUARRY, REKUNA



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**APPENDICES**

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Appendix 2	Williams Quarry Landscape Plan
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Appendix 4	Weed Management Plan
Appendix 5	Williams Quarry Sediment Basin Assessment (Hydrodynamica)
Appendix 6	Noise Topographical Profiles
Appendix 7	Crushing and Quarry Activity (trucks) Noise Assessment 2014
Appendix 8	Crusher Noise Test 2017
Appendix 9	Noise Survey and Assessment 2019 – Screen and Additional Access Spur Road

Van Diemen Consulting Pty Ltd

PO Box 1  
New Town, Tasmania

T: 0438 588 695 E: [rwbarnes73@gmail.com](mailto:rwbarnes73@gmail.com)

This document has been prepared in accordance with the scope of services agreed upon between Van Diemen Consulting (VDC) and the Client.

To the best of VDC's knowledge, the report presented herein represents the Client's intentions at the time of completing the document. However, the passage of time, manifestation of latent conditions or impacts of future events may result in changes to matters that are otherwise described in this document. In preparing this document VDC has relied upon data, surveys, analysis, designs, plans and other information provided by the client, and other individuals and organisations referenced herein. Except as otherwise stated in this document, VDC has not verified the accuracy or completeness of such data, surveys, analysis, designs, plans and other information.

No responsibility is accepted for use of any part of this document in any other context or for any other purpose by third parties.

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#### Document Status

Revisi	Author	Review	Date
1	R Barnes C McCoull	R Barnes and C Williams	7-9-2019
1	R Barnes C McCoull	EPA	20-9-2019
2	R Barnes C McCoull	R Barnes	21-9-2019

**ABBREVIATIONS / GLOSSARY**

DA	Development Application
DSG	Department of State Growth
DPIPWE	Department of Primary Industries, Parks, Water and Environment
EMPCA	<i>Environmental Management and Pollution Control Act 1994 (Tas)</i>
EPA	Environment Protection Authority
LUPAA	<i>Land Use Planning and Approvals Act 1993 (Tas)</i>
ML	Mining Lease
QCP	Quarry Code of Practice (Tasmania) - 2017
(the) Scheme	Southern Midlands Interim Planning Scheme 2015
SMC	Southern Midlands Council
WMP	Weed Management Plan

## PREFACE

The Williams Quarry is on private freehold land at 1356 Tea Tree Rd at Tea Tree in the Southern Midlands Municipality at the northern end of the Coal River Tier, just south of the old Rekuna Railway Station.

The quarry is in the south-east of the property upon which it is located, on the southern side of a hillock. The active quarry face and loading area cannot be seen from Tea Tree Road due to the hillock and lacks any native vegetation cover.

The existing activity of the quarry has the necessary permits to operate although amendment of conditions is constrained by virtue the planning permit (including permit part B) was directed to be issued by the Resource Management and Planning Appeals Tribunal.

The quarry proponent attempted to have amendments made to the permit (February and March 2018) but the application to do so was refused by the Tribunal (*see CA Williams v Southern Midlands Council and Environment Protection Authority and Ors (2018)*). Therefore, a new application has been made under the *Land Use Planning and Approvals Act 1993*.

It is important to note that there is **no** alteration to the volumes to be extracted (up to 10,000 cubic metres) or crushed/screened (up to 2,500 cubic metres per annum of the total 10,000 cubic metres extracted). Therefore, there is no *intensification* of use.

The activity (modified use, not intensified use) is the same as the existing except for the following -

- there would be crushing and screening at the quarry on any day that the quarry is permitted to operate, and crushing could be conducted independently of screening, screening would be conducted with a mechanised screen;
- no neighbour notification would be provided prior to any crushing and/or screening;
- an added access spur road is proposed near the quarry; and
- and the operating hours would conform to those stipulated in the Quarry Code of Practice (ie 0700 to 1900 Monday to Friday, 0800 to 1600 hrs Saturday, closed Sunday and Statewide public holidays).

## **PART A - BACKGROUND INFORMATION**

Williams Quarry is located at 1356 Tea Tree Rd in the Southern Midlands Municipality (Figures 1 and 2).

### **A.1 PROPONENT**

The proponent is a self-employed businessman who operates an agricultural services and machinery repair business from the property which supports the quarry.

The proponent's business is based at Tea Tree and is located on the same property to which he and his family reside:

#### **Mr Craig Williams**

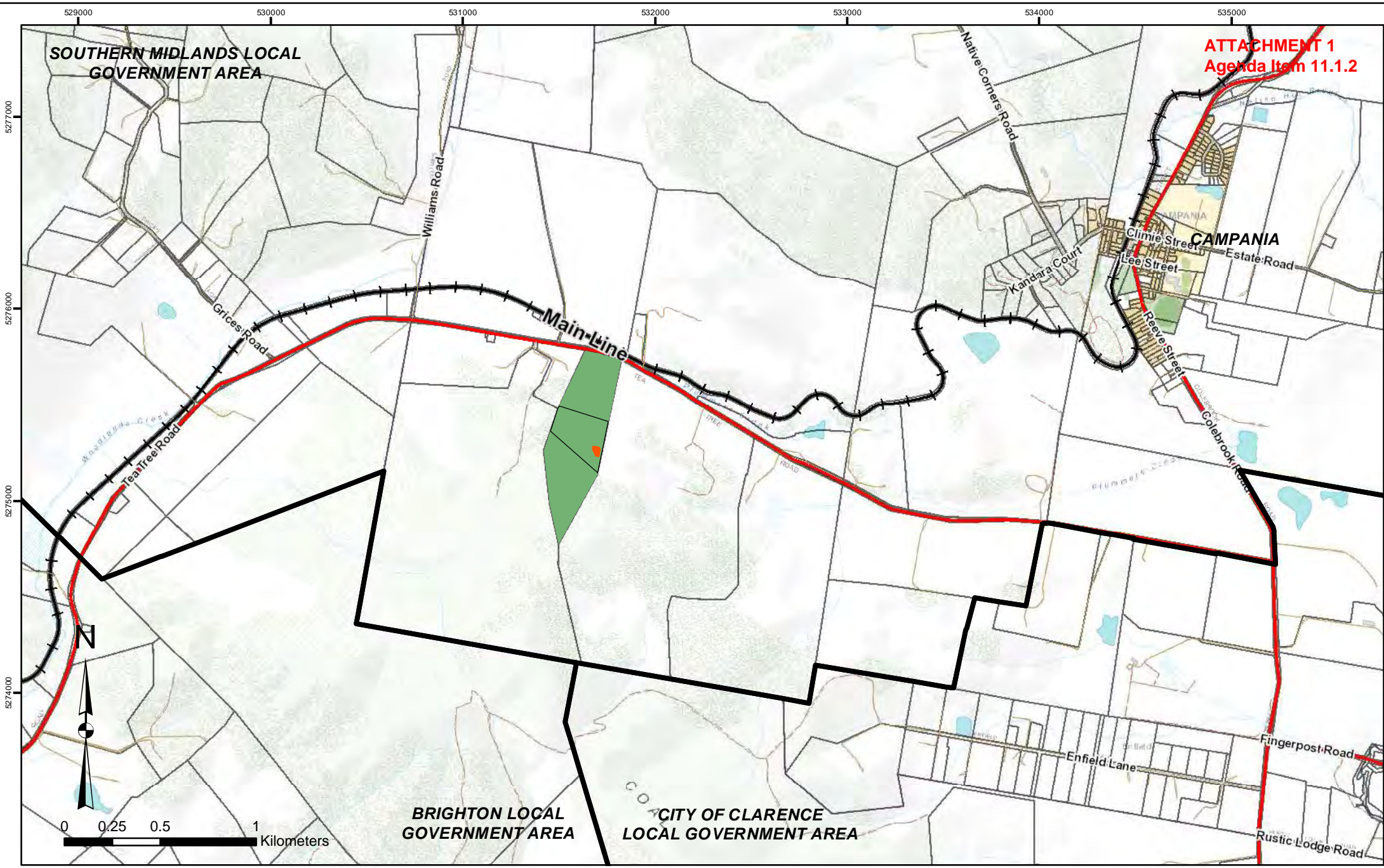
Trading as: CA and SM Williams  
ABN: 33 389 865 480  
ACN: N/A  
Postal Address: 1356 Tea Tree Road TEA TREE TAS 7107  
Mobile: 0407 129 562  
Email: [casmwilliams@bigpond.com](mailto:casmwilliams@bigpond.com)

### **A.2 CONSULTANT**

The contact details for the consultant engaged to prepare the assessment documentation is below:

#### **Van Diemen Consulting Pty Ltd**

Postal Address: PO Box 1 New Town 7008  
Mobile: 0438 588 695  
Email: [rwbarnes73@gmail.com](mailto:rwbarnes73@gmail.com)



**ATTACHMENT 1  
Agenda Item 11.1.2**

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**Williams Quarry**  
Figure 1: Location of Williams' Quarry

- Quarry
- Mining Lease
- Title (155147/1)
- Local Government Areas

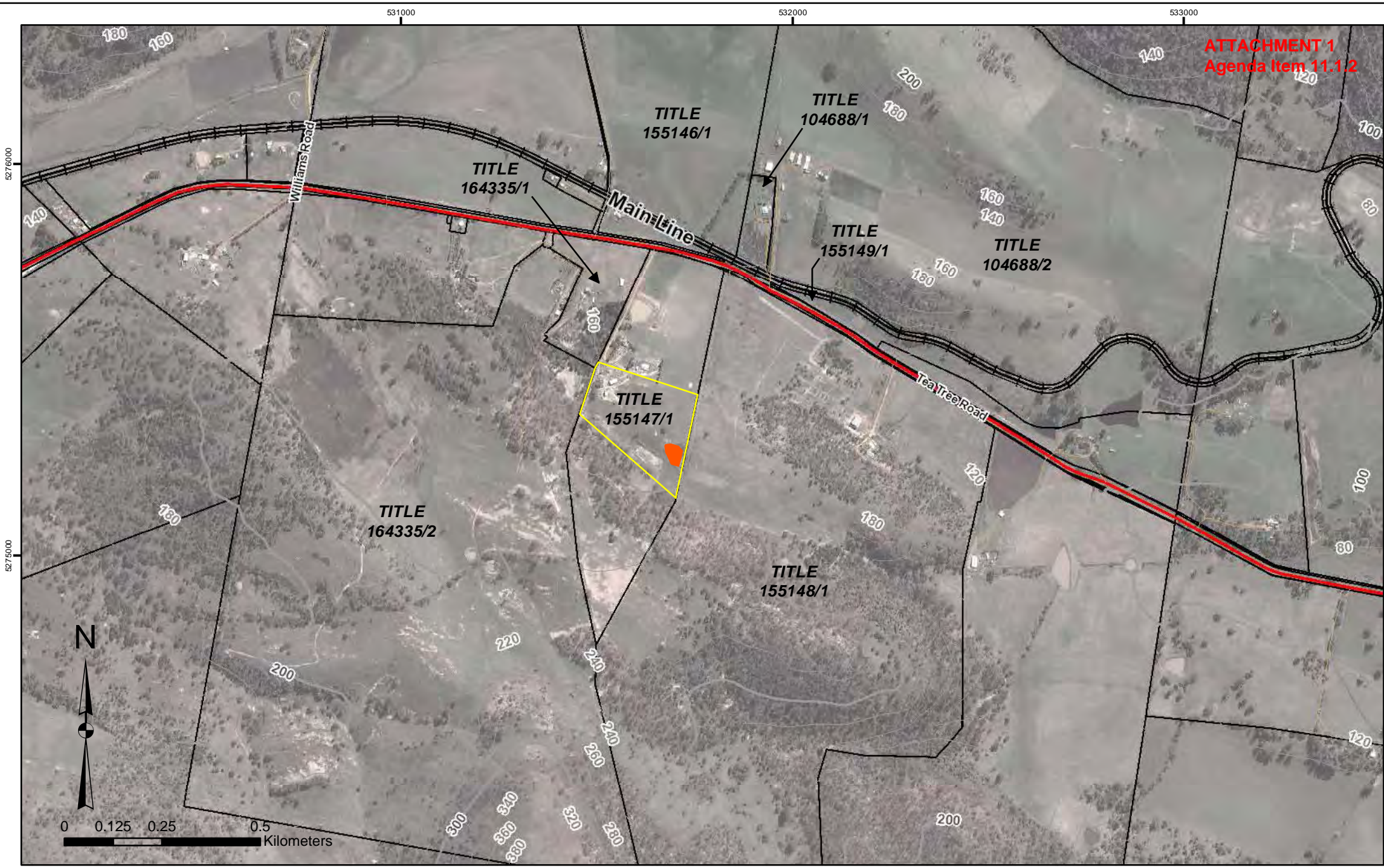
*an Dieman CONSULTING*

PO BOX 1111 WATSON TAS 7244  
Base data by TASMAR, © State of Tasmania  
Base image by TASMAR, © State of Tasmania



DATUM: GDA94  
GRID: MGA Zone 55  
TASMAR: TEA TREE  
CLIENT: CRAIG WILLIAMS  
DATE: 6th JUNE 2014





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### Williams Quarry

Figure 2: Land Titles and Mining Lease

-  Quarry
-  Mining Lease

  
an Dieman CONSULTING  
PO BOX 1111 WILKINSON TAS 7511  
Base data by TASMAR, © State of Tasmania  
Base image © Google Earth



DATUM: GDA94  
GRID: MGA Zone 55  
TASMAR: TEA TREE  
CLIENT: CRAIG WILLIAMS  
DATE: 6th JUNE 2014



**PART B - PROJECT DESCRIPTION**

The quarry enables the landowner to supply a part of the local market for gravel and rock products for construction related works including, but not limited to, road base for private property road works, driveway gravel, fill for concrete slab construction and public road works.

Like any extractive industry, the activity is the subject of the Tasmanian *Quarry Code of Practice 2017* - the Code contains guiding principles for best practice management of quarries and mines.

For the purposes of the **Land** – it is defined as the same area covered by the existing planning approval (see Appendix 1), namely that PERMIT PART B, PERMIT CONDITIONS - ENVIRONMENTAL No. 9340 –

‘The Land means the land on which the activity to which this document relates may be carried out and:

1. falls within the area defined by certificate of title 155147/1;
2. is further delineated at Attachment 1 of these conditions; and
- 3 includes buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land.’

**B.1 QUARRY DETAILS**

Physical address – 1356 Tea Tree Road Rekuna TAS 7107

Mining Lease Number – 1980P/M

**B.2 DESCRIPTION**

The development and use are to -

- extract up to 10,000 cubic metres per annum of rock/gravel (equates to 16,000 tonnes based on a conversion ratio of 1.6 – an industry and regulator accepted conversion factor for dolerite-based materials in southern Tasmania); and
- crush and/or screen up 2,500 cubic metres of this total volume to produce a uniform gravel.

The volume to be extracted will remain at 10,000 cubic metres per annum with 2,500 cubic metres of this being allowed to be crushed and/or screened (using an independent mechanised screening unit).

The quarry operation includes two activities defined within Schedule 2 of the *Environmental Management and Pollution Control Act 1994 (Tas)* (EMPCA) –

- ‘5. Extractive Industries. (a) Quarries: the extraction of any rock or gravel and producing 5 000 cubic metres or more of rock or gravel per year’; and
- ‘6. Materials Handling. (a) Crushing, Grinding or Milling: processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of ... (ii) rock, ores or minerals at a rate in excess of 1 000 cubic metres per year’.

The activity will include the following:

- surface site preparation by soil removal and stockpiling;
- excavation and ripping of rock and gravel material;
- stockpiling of material in quarry area;
- ad hoc crushing of material within operating hours and *without* notification to neighbours;
- ad hoc screening of material whether the screen is independent of the crusher (ie the screening unit may be on site, but the crushing unit may not be) or is ancillary to the crushing unit;
- loading trucks with wheel loader from stockpile area in quarry; and the

- transport of materials by truck with/without trailer.

The activity proposes to add an Access Road route (an existing farm track) to shorten the distance the trucks need to travel to gain access to the quarry from Tea Tree Road. Both the current and proposed access could be used under this application to gain access to the quarry if required.

### B.3 OPERATING HOURS AND DAYS

Operating hours and days are those recommended in the *Quarry Code of Practice* –

- 0700 to 1900 hrs Monday to Friday;
- 0800 to 1600 hrs on Saturday;
- closed on Sunday and public holidays.

### B.3 MINING LEASE

A Mining Lease (1980 P/M) is in force.

### B.4 QUARRY EQUIPMENT

The machinery that will be used are as follows –

- Bulldozer - Fiat Allis 14B
- Loader - Allis Chalmers 605B
- Excavator - Komatsu PC200
- Truck - Volvo NH12 (10 t capacity)

All machinery (except a crusher and screen) is owned by the proponent.

Details of the crushing unit and screening unit are provided below –

#### Crushing Unit

Crushing units are usually hired by smaller operators. A crusher is brought to the quarry as and when required through a contractual arrangement with an equipment hire company. The crusher is track-mounted, noise shielded, mobile and of a **jaw-type**.

A noise impact assessment was conducted in 2014 using noise readings/spectrums from the machinery used at the site which are listed above, and the noise readings from an open-air, unshielded stationary impact-type crusher used at the Clive's Hill Quarry, Old Beach (see Appendix 7) and in light of topography at and around the location (Appendix 6). The jaw-type proposed to be used intermittently at the Williams Quarry will be substantially quieter than the impact-type upon which noise modelling has been conducted by Mr Terts (see Appendix 7) – this conservative approach over-estimates noise emissions at sensitive uses.

Mr Terts also assessed truck noise impacts along the access road in 2015 which were found to be within limits acceptable to the EPA (see Appendix 7).

A follow-up noise survey in June 2017 was conducted to validate the noise readings predicted in the surveys and assessments of 2014 and 2015. The results of the survey, which were accepted by the EPA as meeting the requirements of the permit conditions, are in Appendix 8.

The crushing unit will be positioned in the deeper part of the quarry when in use.

#### Screening Unit

A noise survey assessment was made by Mr Terts of a screen (vibratory) comparable to that which will be used at the quarry (Appendix 9). The sound power level was found by Mr Terts to be less than the sound power level permitted within the current noise conditions for the quarry. He also found that the existing

attenuation overlay remains valid even though a vibratory screen would be introduced into the quarrying activity.

The screen will be positioned in the deeper part of the quarry when in use and may be used independently of the crushing unit – as depicted in Figure 5.

### **B.5 QUARRY ACCESS**

The quarry (and Mining Lease) is accessed directly from Tea Tree Road (Figure 3) – a Regional Freight Route under the classification of the Tasmanian State Road Hierarchy (2007) prepared by Department of Infrastructure, Energy and Resources (now DSG). A chip seal has been applied to the section of Tea Tree Road adjacent to the access which DSG required to be strengthened to cater for heavy truck movements.

The access is gravel and sufficiently wide near Tea Tree Road for trucks and other vehicles to pass each other whilst entering and exiting the access. Culverts and a roadside drain (eastern side) on the access have been installed at suitable locations. The access road surface through to the machinery shed and house exhibits no evidence of erosion from excessive surface flows.

An additional access spur road (existing farm track) shown in Figure 3 will also be occasionally used for the activity.

### **B.6 QUARRY PLANS**

#### **B.6.1 Layout**

##### Stockpiles

All material will be stockpiled and stored within the pit. Crushing, screening and the loading of trucks will also occur in the pit.

##### Setback

The 10m setback on the side boundary will be maintained for the life of the quarry. A Landscape Plan for the setback area is in place for the activity (Appendix 2).

##### Drainage and sediment pond

The well drained nature of the fractured dolerite enables water (rainfall) to quickly drain through the quarry floor. Only during periods of heavy or sustained rainfall does ponding occur in the quarry.

In order to detain and treat stormwater runoff from a 1 ha catchment (assuming at worst 0.7 ha is disturbed – that is, the disturbed area is going to be potentially generating sediment due to a lack of vegetative cover) the sediment pond must total at least 189 kL (0.189 ML). A 1 hectare catchment has been used as this is the maximum allowable area open at any one time by the Mining Lease, and a 0.7 hectare disturbed area has been used in the calculations to model the sediment generating potential of the area where sediment generation is most likely to occur. **One** sediment pond captures and treats for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events (Appendix 5).

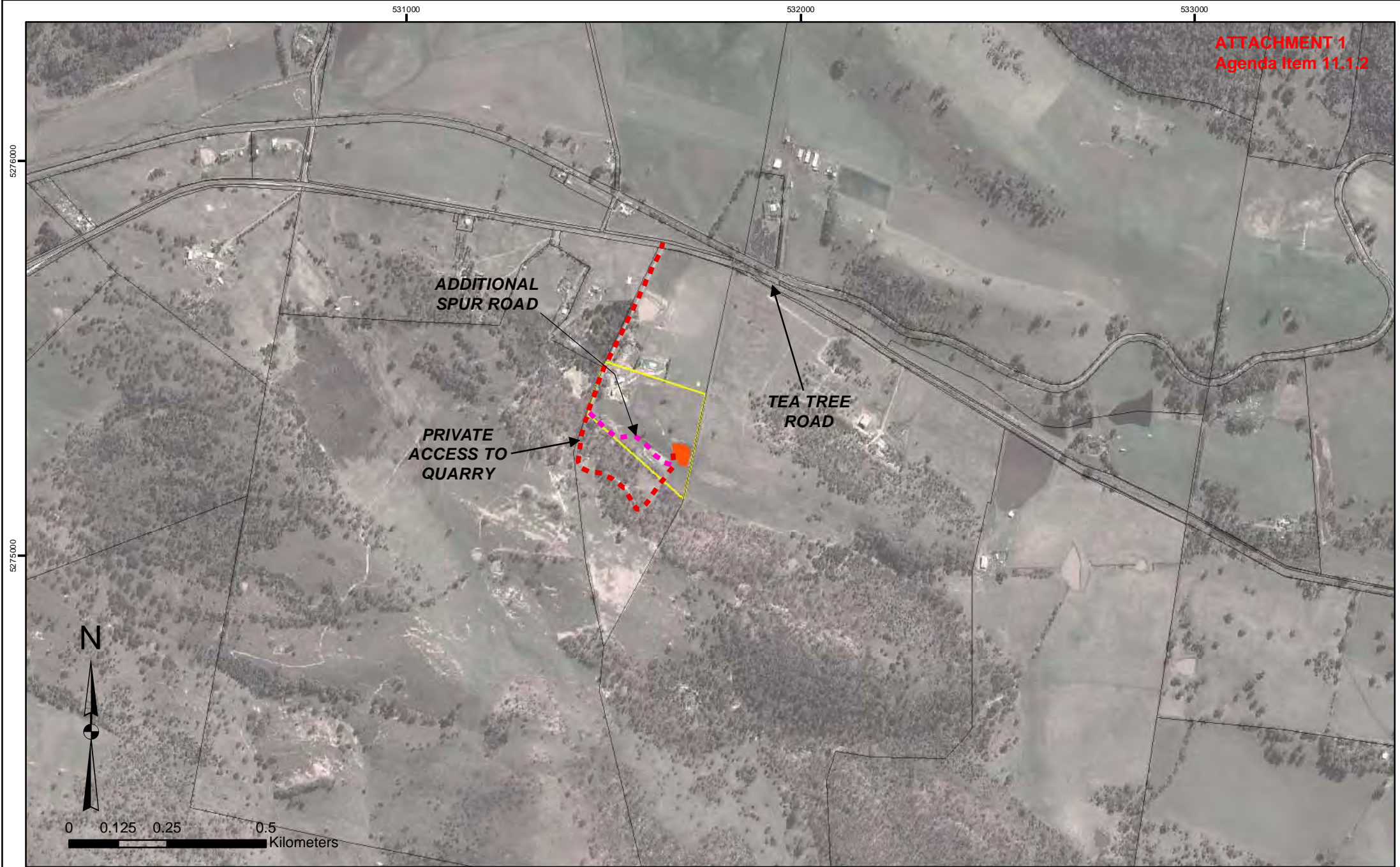
#### **B.6.2 Extraction Plan**

The 10-year strategy for gravel/rock extraction is to continue the development of a second bench after the existing active face has been fully pushed northwards and westward to the extent shown in Figure 5 and made about 5 m deeper.

#### **B.6.3 Extraction Process**

Rock is ripped from an active quarry face which is an area from the top of natural ground level (less the topsoil) to about 3-4 m depth. Machinery operates at this level (below natural ground level less topsoil) to remove material from the face and to stockpile it for carting.





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**Williams Quarry**  
Figure 3: Mining Lease and road network

- Quarry
- Mining Lease

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**B.6.4 Carting material**

Trucks per day will be capped at 15 (30 movements) – the same approved maximum number of truck movements for the existing activity.

A 10t capacity truck is used. For 10,000 cubic metres (16,000 t based on a 1.6 ratio) carting 10t loads = 1,600 loads (approx). If carting occurs on 200 days, it means there are 8 loads per day (16 vehicle movements) required to cart the full extraction volume of 16,000 t per annum. Activity may occur within the quarry on the days that carting is not conducted, or there may be a combination of work in the quarry (stockpiling some material) and carting on that same day. As the proponent is a sole trader conducting the business himself, he can only be carting or working in the quarry itself at any one time.

**B.6.5 Timing**

The activity will commence within a few months of the approvals being granted.

**B.7 CLIMATE PARAMETERS**

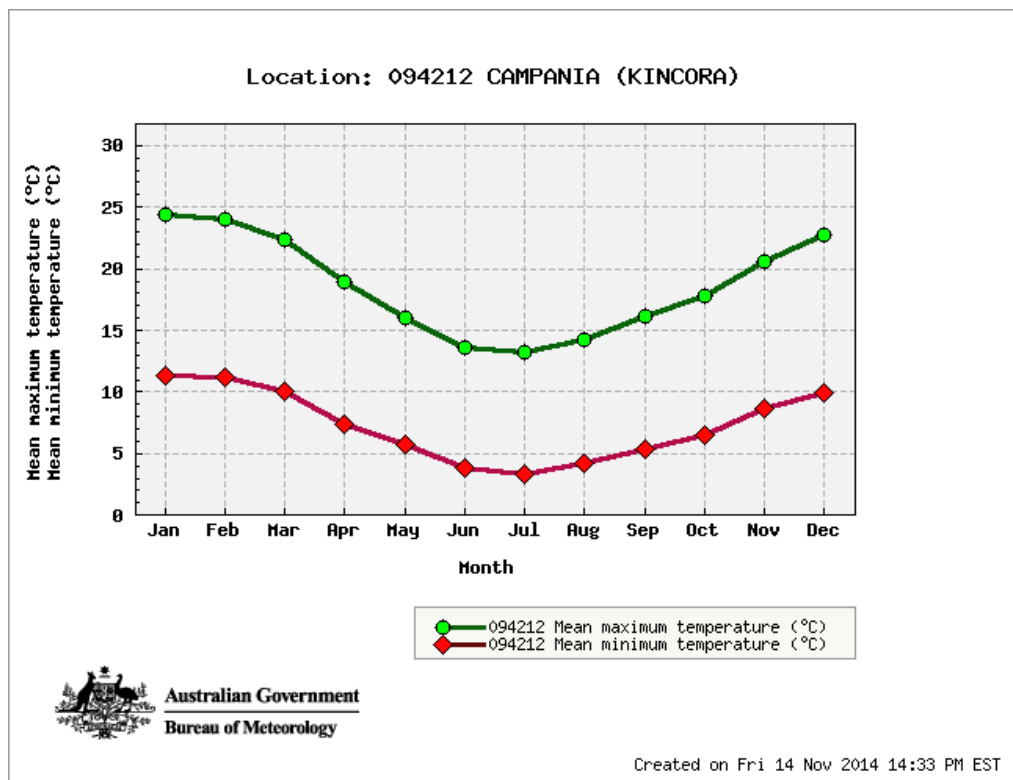
The nearest Bureau of Meteorology weather recording station is at Campania ('Kincora') to the east of the quarry. The station details for the Campania weather station are -

- **Site number:** 094212
- **Latitude:** 42.69 °S **Longitude:** 147.43 °E
- **Elevation:** 45 m

The quarry location occurs in a region with cool winters and warm summers (Graph 1), with most precipitation occurring in the winter and spring period (Graph 2).

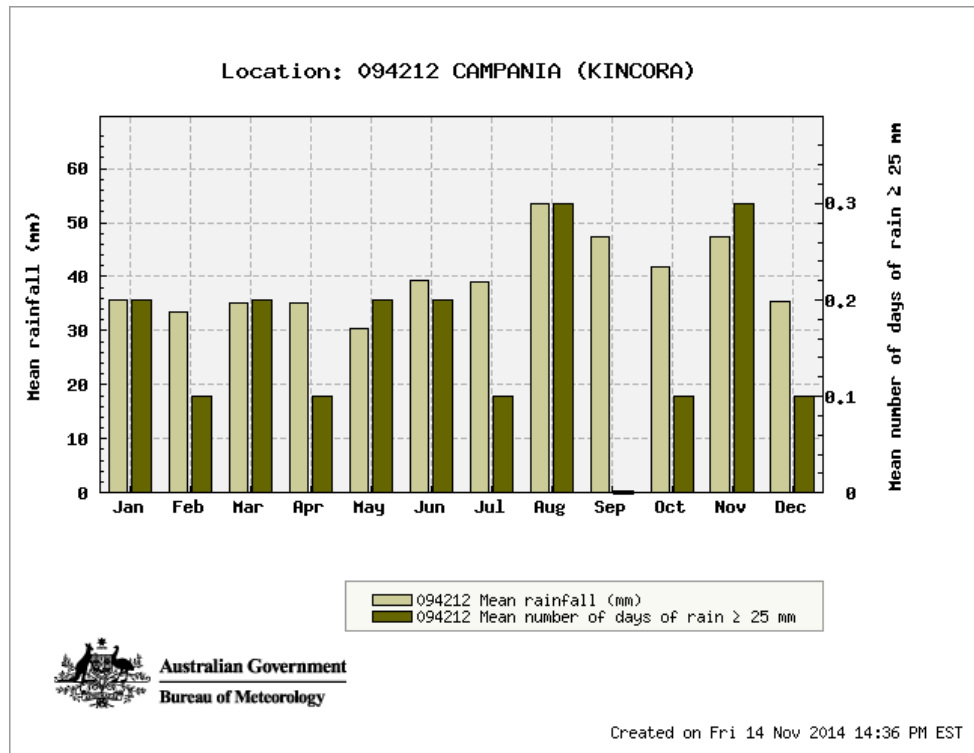
**Graph 1. Mean monthly temperatures and mean maximum temperatures for Campania, Tasmania**

Source: Bureau of Meteorology 2014



**Graph 2. Mean monthly rainfall for Campania ('Kincora'), Tasmania**

Source: Bureau of Meteorology 2014



Winds at nearby Campania are predominantly north, north-west to westerly throughout the year which is typical for southern Tasmania generally. There is a distinct peak in strong southerly and gentle south-easterly winds in the afternoon period which reflects sea breezes in summer and southerly changes in the winter-autumn period. The stronger southerly winds recorded at Campania are more gentle breezes at the quarry owing to the occurrence of the Coal River Tier (including Brains Hill), to the south of the property itself, which deflects southerly winds. Stronger southerly winds impact Campania due to its occurrence at the northern end of the north-south oriented Coal River Valley.

**B.8 SURFACE WATER DRAINAGE**

The quarry (and Mining Lease) occurs within the Plummers Creek catchment (Figure 4a) which flows eastward to the Coal River near Campania.

There are no natural watercourses within the Mining Lease – the drainage is all via existing man-made structures (dams and ponds) and surface drains. An existing sediment capture pond is associated with the existing quarry activity which will be retained and maintained.

**B.9 GEOLOGY, SOILS AND LAND CAPABILITY**

The geology of the quarry is Jurassic dolerite with a thin clay-loam soil (Figure 4b). The material to be extracted is a coarse fractured rock/gravel derived from in situ weathering of the bedrock.

The Land Capability recorded by DPIWPE in the area is 4 and 5 (Figure 4c) however the steep terrain, shallow skeletal soils and rockiness of the soil at the quarry would make a Land Classification of 5 and 6(+7) more appropriate for the area covered by the Mining Lease.

As the quarry activity does not require blasting it is very unlikely that the activity of ripping will materially affect the stability of any slope in the Mining Lease.



## **B.10 RATIONALE**

The quarry is owned by the proponent and has been successfully operated to provide an income source.

## **B.11 PLANNING INFORMATION**

### **B.11.1 Use Class**

A quarry is defined as an *Extractive Industry* in the Interim Planning Scheme 2015.

### **B.11.2 Zoning**

The land upon which the quarry (and Mining Lease) is located is zoned Rural Resource under the *Southern Midlands Interim Planning Scheme 2015* (the Scheme).

An *Extractive Industry* is a Discretionary use within the Rural Resource zone.

All surrounding land is zoned Rural Resource, with a few areas zoned Utilities (associated with water infrastructure - reservoir) and further to the east and north, Significant Agriculture. Land to the east, 1384 Tea Tree Road, is currently the subject of an application to rezone the land to a Particular Purpose Zone.

### **B.11.3 Attenuation Overlay and Sensitive Uses**

The quarry activity has a *mapped* Attenuation Overlay in the Scheme as depicted in Figure 9.

Figure 9 also identifies the nearest sensitive receptors, which are the same for when the quarry was approved in 2017 (see Appendix 1). No new sensitive uses have been established in the 'noise impact assessed area' or the Attenuation Overlay in the time since the quarry approval was granted.

Topographic profiles and distances are provided in Appendix 6, and the associated noise impact assessment (completed in 2014) contained in Appendix 7.

Appendix 8 and 9 provide more recent information about noise compliance monitoring for the initial crushing event at the quarry (in 2017) and of the predicted noise impact of introducing a screen (vibratory) and added access spur road to the activity.

## **B.12 SITES OF HIGH PUBLIC INTEREST**

The quarry is not located adjacent to or near any sites of high public interest such as reserves, protected sites, tourist walks or heritage buildings.

## **B.13 SIGNIFICANT AREAS**

The quarry is not located adjacent to or near any significant areas such as reserves, protected sites or heritage buildings.

## **B.14 COMPLAINTS OR PERMIT CONDITION BREACHES OF EXISTING ACTIVITY**

There have been no substantive complaints made to the proponent about the existing quarry.

An initial complaint from a neighbour was received about noise when the bunding for the quarry was first established – in building the bunding there was going to be additional noise for a brief period until the bunding was established to provide noise shielding. The complaint was about noise being generated at 0700 hrs, which is when the quarry is permitted to operate.

There have been no complaints related to the activity made to or received by the operator from any regulatory authority (including the Southern Midlands Council, Mineral Resources Tasmania and the Environment Protection Authority).

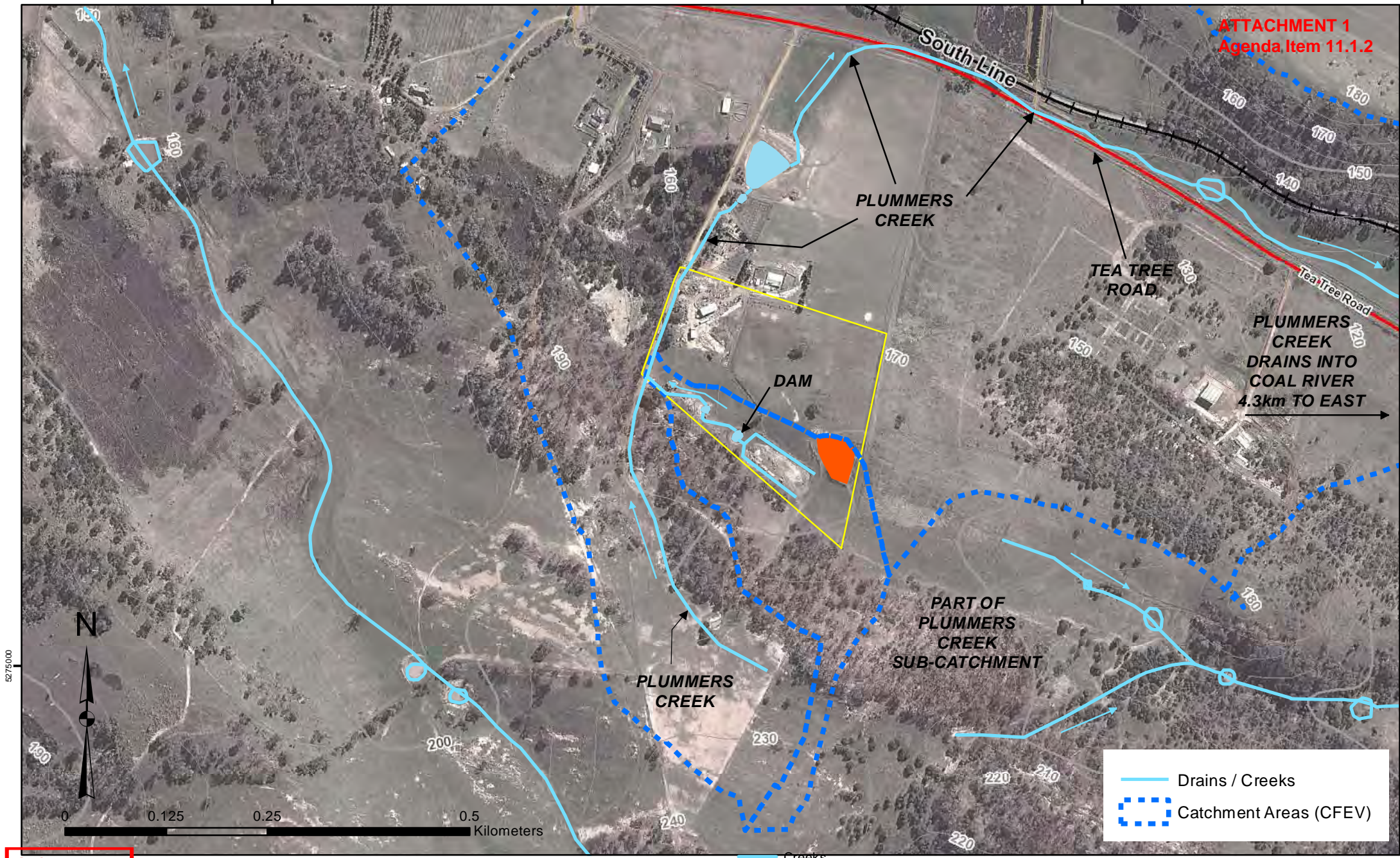
The proponent is not aware of any breaches of permit conditions nor of any contraventions of environmental law in conducting the existing activity.



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## Williams Quarry

Figure 4a: Natural drainage and catchments around and through the proposed Mining Lease

- Quarry
- Mining Lease

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**Tser: Tertiary sediments**  
Dominantly plastic poorly-consolidated light grey green or brown mudstone, siltstone and sandstone with some friable sandstone, may include beds with granules and pebbles, common ferruginous cemented beds and laminae, fossil leaves at places.

**TQ: Undifferentiated Cenozoic sequences**  
Undifferentiated Cainozoic sediments.



**Rlp: Upper Parmeener Supergroup**  
Dominantly medium-course-grained sandstone, minor mudstone, minor mica and feldspar content, contains clay pellet beds, sandstone to mudstone ratio is 3:1 or less.

**Jd: Jurassic igneous rocks**  
Dolerite and related rocks



### Williams Quarry

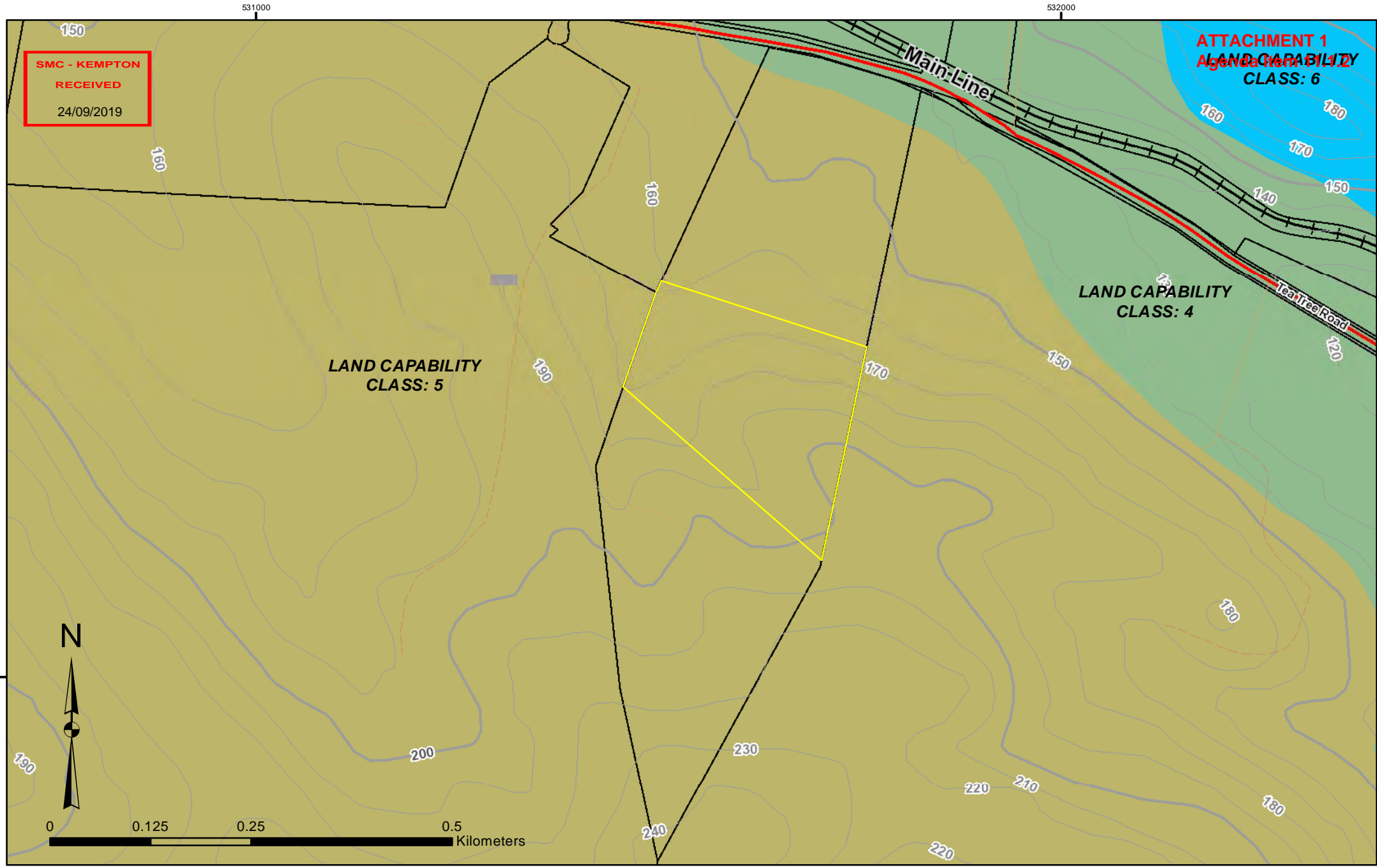
Figure 4b: Geology and the Mining Lease

-  Quarry
-  Mining Lease



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## Williams Quarry

Figure 4c: Land Capability and the Mining Lease

 Mining Lease

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## **PART C - POTENTIAL ENVIRONMENTAL EFFECTS**

### **C.1 AIR EMISSIONS**

The primary air emission associated with quarry operations is dust. Dust can be a nuisance to neighbours and may be a safety hazard to quarry employees. There have been no complaints about dust either from the use of the Access Road (including the added spur road which has been used for farm related activities for a few years) or quarry.

Potential sources of dust are from:

- The ripping of rock during dry windy conditions (summer months);
- The removal of grass cover and the stripping of topsoil (very limited as the footprint will not increase significantly from its current extent and the amount of topsoil is negligible);
- The movement of rock and gravel within the quarry by machinery;
- Crushing of rock material;
- Screening of rock/crushed material;
- Road (gravel) use in and next to the quarry; and
- Stockpiled gravel and fines.

Dust would not be generated at all during damp or wet weather conditions.

#### **C.1.1 Access Road and Traffic**

The Access Road from near its junction with Tea Tree Road has a gravel surface. The adjacent standing pine trees and other eucalypts and scrubby understorey vegetation do not provide evidence for any dust emissions from current road usage. Indeed, there is no evidence that significant amounts of dust escape from the quarry or Access Road based on an examination of the standing vegetation 50 metres away from the quarry operation (ie the trees and native vegetative cover at 50 m from the site is not affected by dust cover). Given the low rainfall of the area, any dust from the quarry that blows onto the standing vegetation is likely to persist for some time, unlike that which occurs in higher rainfall areas where dust is washed from the foliage of roadside vegetation (eg towards Brown Mountain).

Despite the lack of evidence of dust generation from the quarry or Access Road (including the new spur road), as a dust suppression measure, during periods of dry weather the road surface, area near the stockpiles and/or loads in trucks (unless they are covered by tarpaulins) will be dampened with water accessed from the sediment pond or on-site water cart truck. This has been the practice for the current quarry activity and no complaints about dust emissions have ensued. Furthermore, there have been no complaints about fugitive dust emissions from any other landowner adjoining the Mining Lease.

#### **C.1.2 Crusher Location and Dust Suppression**

The QCP suggests that 'Fixed plant and other working areas should be located on the premises with due regard to dust and noise emissions which may affect neighbours outside the premise's boundary. Plant location should also take into account the visibility of the plant.'

Consistent with the QCP, the crusher (which is mobile rather than fixed but the principle of the QCP still applies) will be located at the site identified in Figure 5b every time it is used in the quarry. This location is both shielded visually from any sensitive use and maximises the noise attenuation of the crusher from adjacent solid earth and soil/rock bunding.

Standard industry practice is to dampen material prior to crushing and to also have installed sprayers on the output chute to minimise dust emissions from an otherwise dry product. Mobile modern crushers have such features installed and there is a water source available to operate these dust suppression measures whilst crushing.

### C.1.3 Screen Location and Dust Suppression

Comparable to the crushing unit, the screen would be used in the lowest part of the quarry when in use – often it would be used in conjunction with the crushing unit. The use of slightly damp material when crushed and then screened, or just screened aids to reduce the generation of dust. Material can be dampened if necessary to reduce the likelihood of generating dust, or sprayers can be fitted to the screen to prevent fugitive dust emissions.

### C.2 RIVERS, CREEKS, WETLANDS AND ESTUARIES

The quarry (and Mining Lease) occurs within the Plummers Creek catchment (Figure 4a) which flows eastward to the Coal River near Campania. There are no natural watercourses within the Mining Lease – the drainage is all via existing man-made structures (dams and ponds) and surface drains.

There will be no impacts to rivers, creeks, wetlands or estuaries from the activity.

### C.3 SURFACE AND GROUNDWATER MANAGEMENT

One sediment pond (0.95ML) is currently used to capture and treat for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events (see Appendix 5). The 0.95 ML pond is shown in Figure 5 as 'to be enlarged', which has occurred already. The pond has capacity to facilitate the removal of sediment from water flows that may occur from the quarry after. Sediment trapped by the sediment pond near the quarry is cleaned out annually. The collected sediment is mixed with stockpiled topsoil for progressive rehabilitation of disused quarry areas.

The sediment pond is open to access by stock. No water monitoring activities are proposed.

The development and use are consistent with the State Policy on Water Quality Management 1997.

### C.4 NOISE EMISSIONS

#### C.4.1 Quarry Code of Practice Background

All earth-moving operations have the potential to produce noise, and this can be a source of public disapproval of quarries. The QCP suggests that where residences exist adjacent to a quarry, precautions should be taken to reduce the impact of noise.

The QCP indicates that except for blasting where permitted (NB. **no** blasting will occur at this quarry), noise from quarrying activities, including equipment maintenance, when measured at any neighbouring sensitive use must not exceed the greater of:

- the A-weighted 10 minute L90, excluding noise from the quarry, plus 5 dB(A), or
- the following levels:
  - 45 dB(A) from 0700 to 1900 hours (daytime)
  - 40 dB(A) from 1900 to 2200 hours (evening), and
  - 35 dB(A) from 2200 to 0700 hours the following day (night time)

when measured as a 10 minute Leq.

#### C.4.2 Quarry Noise Generation Sources

Most of the rock and gravels are ripped, excavated and then stockpiled for loading into a truck.

Some material (up to 2,500 cubic metres of material) will be crushed and/or screened (vibratory) to reduce overall particle size. A crusher will be brought to the quarry as and when required through a contractual arrangement with an equipment hire company. The crusher will be track-mounted, noise shielded, mobile and of a **jaw-type**.



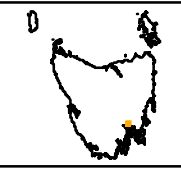


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**Williams Quarry**  
Figure 5: Proposed Quarry Layout

10m Quarry Setback  
Mining Lease

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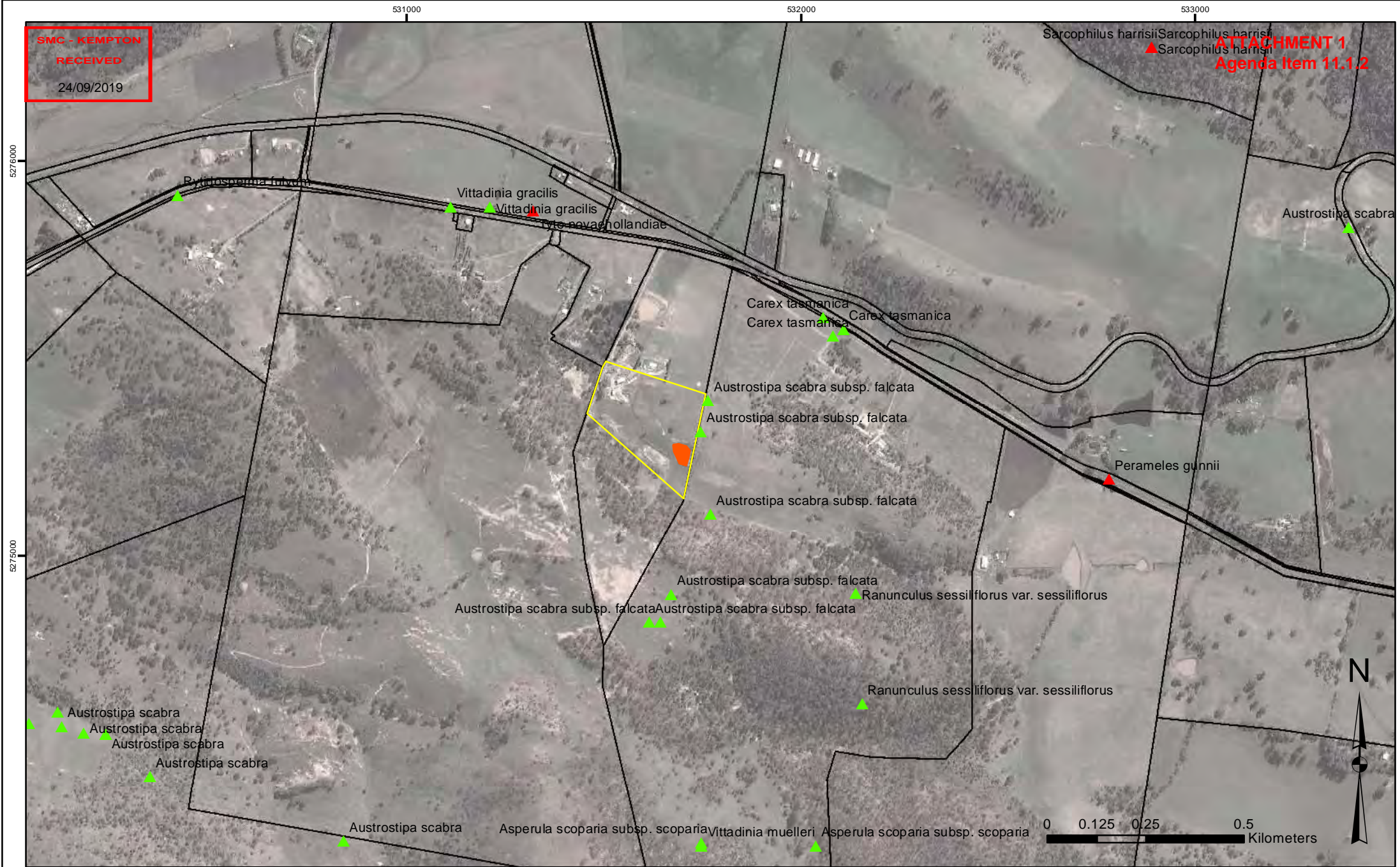


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# Williams Quarry

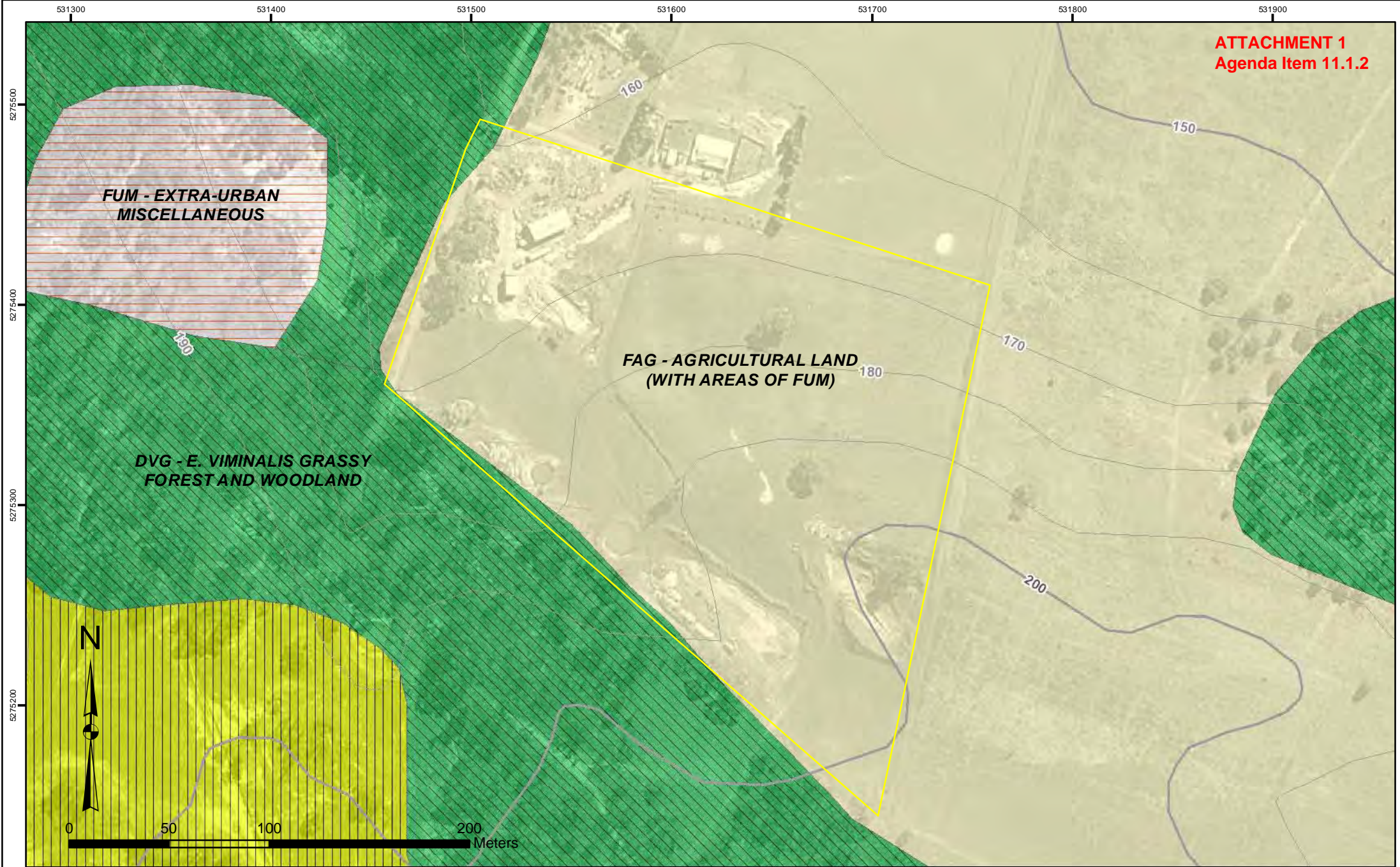
Figure 6: Natural Values Atlas data for threatened species

- ▲ NVA Flora
- ▲ NVA Fauna
- Quarry
- Mining Lease



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### Williams Quarry

Figure 7: Vegetation in the Mining Lease

 Mining Lease



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**Weeds**

- ▲ Californian thistle
- ▲ Horehound

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**Williams Quarry**  
 Figure 8: Weeds in Mining Lease

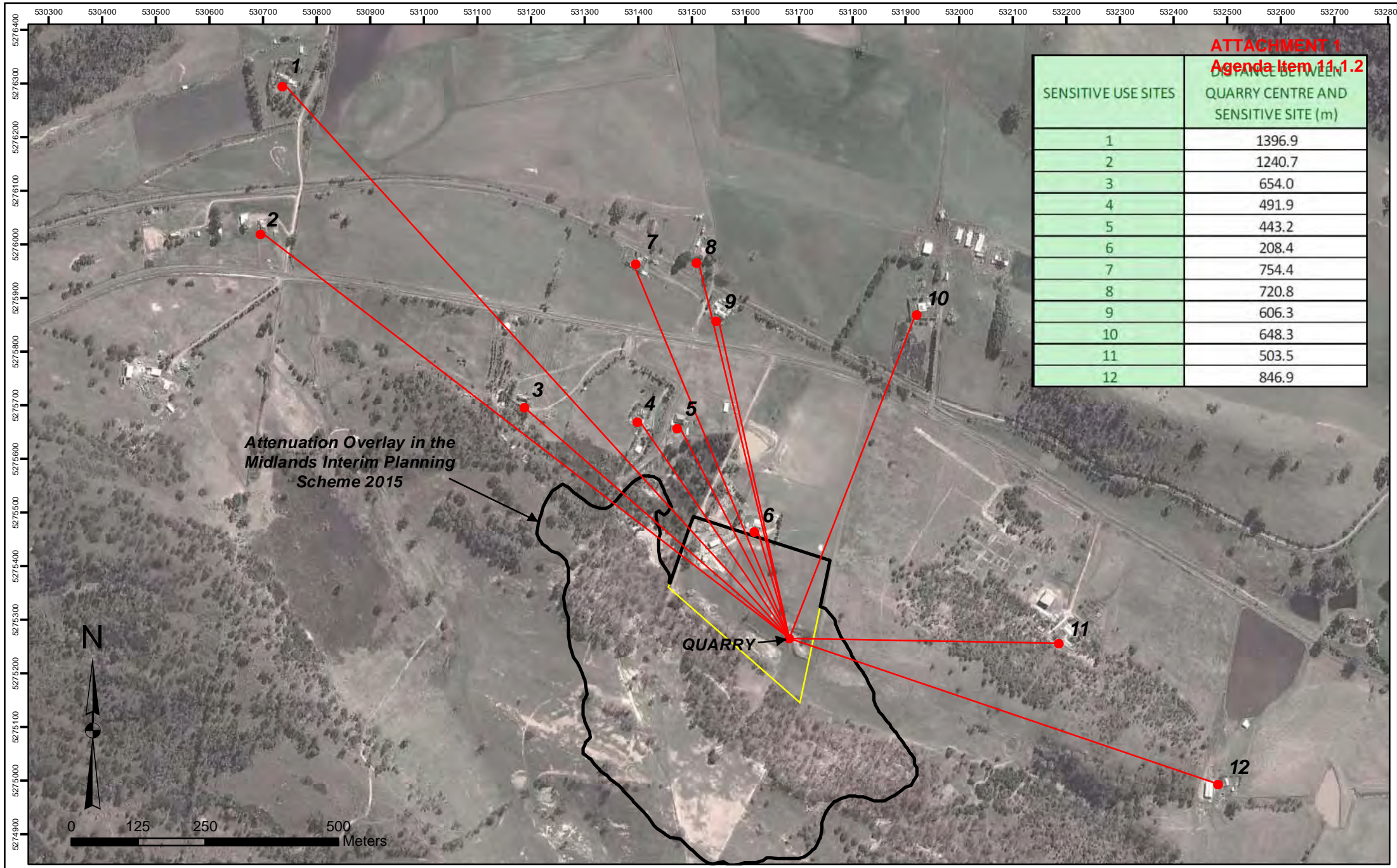
Mining Lease

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**Williams Quarry**  
Figure 9: Sensitive Use Locations

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The noise impact assessment in 2014 (Appendix 7) was conducted using noise readings/spectrums from the machinery used at the site which are listed above, and the noise readings from an open-air, unshielded stationary impact-type crusher used at the Clive's Hill Quarry, Old Beach. The jaw-type proposed to be used intermittently at the Williams Quarry will be substantially quieter than the impact-type upon which noise modelling has been conducted by Mr Terts (see Appendix 7) – this conservative approach provides an over-estimate of noise emissions at sensitive uses.

The noise impact assessment conducted in 2019 for the introduction of screening indicated that the sound power level is less than the maximum allowed for the crusher unit by the permit conditions and therefore the noise emissions will be less than what is allowed.

#### **C.4.3 Quarry Activity Noise Survey Background**

To aid the design and implementation of a suitable noise assessment of the activity in 2014, a series of topographic profiles were constructed using contour data for 12 of the nearest Sensitive Uses – out to 1.4 kms from the active quarry pit. The topographic profiles and map showing the location of each of the 12 Sensitive Uses are contained in Appendix 6.

These profiles remain relevant to the current assessment although the pit has become deeper since the profiles were done. Hence, the profiles in Appendix 6 are 'a worst-case scenario' in terms of shielding afforded by solid earth and associated rock/earth bunding.

The nearest permanent residence not owned by the proponent is located approximately 443.2 metres north-west of the quarry pit (house 5 in Figure 9) with the second nearest being approximately 491.9 metres to the north-west of the quarry (house 4 in Figure 9). The primary noise source at both residential properties is the traffic using Tea Tree Road as the buildings are closer to the road (and have no shielding of the noise from the road) than they are to the quarry.

The table and annotations in Figure 9 show that there are 10 dwellings within 1,000m of the quarry pit, the pit itself being the closest point of the quarry activity to the dwellings (with the laydown area being further away). Of these, one is owned by the quarry proponent (house 6 in Figure 9). Eight of the 11 dwellings, including that of the quarry proponent, occur within the 750 m SRAD noted in the *Quarry Code of Practice*. Two additional dwellings (houses 1 and 2 on Figure 10) occur approximately 1.3 and 1.2 kms from the quarry pit respectively.

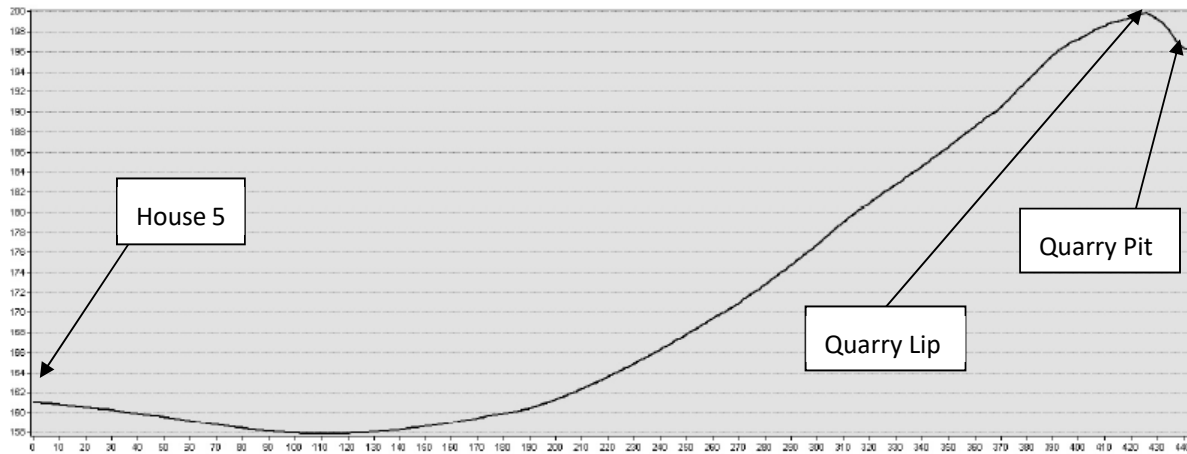
There is a very distinctive topographic pattern associated with the quarry it relative to the surrounding dwellings – they all occur at a lower elevation to the quarry pit and there is a quarry 'lip' which shields the pit from direct line of sight to all of the dwellings within the 1,000m zone.

For house 5 there is a very distinctive and rapid decrease in elevation between the hill which supports the quarry and the house location itself – with a very prominent ridge identified along the northern edge of the quarry pit (Graph 4). This 'ridge' or quarry lip is evident on all the topographic profiles in Appendix 6. Even for houses to the east the ridge/lip is still prominent, with an extra noise attenuating plateau/ridge occurring at about 220m from the house location (Graph 5).

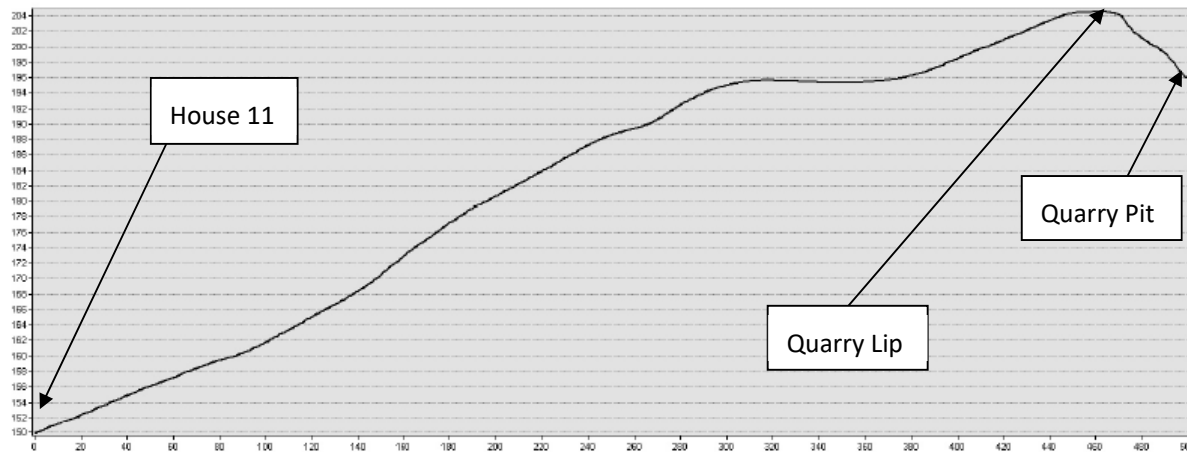


**Graph 3. Topographic Profile from House 5 shown in Figure 9 to Williams Quarry pit**

(x axis – distance from house to pit, y axis – height)

**Graph 4. Topographic Profile from House 11 shown in Figure 9 to Williams Quarry pit**

(x axis – distance from house to pit, y axis – height)

**C.4.4 Crushing and Quarry Activity Noise Survey and Assessment**

The Noise Assessment conducted by Mr Pearu Terts (Appendix 7) provided the below summary in 2014, which remains relevant for this current assessment -

1. The crusher and general quarry noise at the nearest residence 440 m away (house 5, Figure 9) is estimated to be 35 dB(A) with no or little wind and 45.0 dB(A) with wind towards the nearest residence;
2. The ambient noise level near the boundary of the nearest neighbour (house 5, Figure 9), with the quarry shut is 39 dB(A) and the background L90 noise level was 30 dB(A) during the day; and
3. The proposed quarry is likely to meet the noise requirements of the Tasmanian *Quarry Code of Practice*.



The crusher is usually the loudest noise source in a quarry. The crusher will be located deep in the pit, as shown in Figure 5, as this location provides the best shielding for noise emissions and is the basis that underpinned the assessment conducted by Mr Terts.

Mr Terts (Appendix 8) noted that ‘The reflection effect off the irregular quarry face is likely to increase the noise level by no more than 2.5 dB(A). There are no sensitive areas south of the quarry face on which the noise can impinge and therefore it does not cause environmental nuisance.’

The quarry activities are not seen from the nearest residence due to topography and trees. Consequently, any received quarry activity noise is not the direct sound but rather it is attenuated sound. The quarry operates during daylight and does not operate on Sundays, which are time periods that are especially sensitive in terms of noise occurrence (ie. periods of sleep and relaxation, higher likelihood of persons in attendance at their residence).

Mr Terts (Appendix 9) notes that even with the screen operating (with or without the crushing unit) that the mapped Attenuation Overlay (based on a 41 dB(A) contour – shown in Figure 9) is still relevant for the new activity and should apply.

#### C.4.5 Truck Noise Assessment

The proponent commissioned further assessment work in 2015 to comprehensively address the alleged noise issues associated with the use of the legal access road into the landowners’ property.

The report is summarised below with the full report contained in Appendix 8 –

- a. Empty and loaded trucks travelling on the quarry access road gave the following noise levels at 84 m:

Leq (10 min) dB(A)		
Loaded from quarry	Empty to quarry	Ambient
44.8	47.0	46.2
48.6	47.4	43.6
46.6	45.3	45.7

The results included Tea Tree Rd. traffic.

- b. The maximum noise levels at 84 m were as follows:

dB(A)		
Loaded	Empty	Tea Tree Rd traffic
60.1	58.5	63.1

- c. We estimate that at the nearest house (# 5 on page C 2 of previous [noise] report), the access road is 111 m away and therefore there will be a reduction of truck noise by 2.4 dB(A) and possibly more because the road/tyre interaction is not visible because of the embankment. The Tea Tree Road is closer than our measuring location near the dam and therefore the Tea Tree Rd. traffic is about 1 dB or louder. The quarry truck noise levels are acceptable.
- d. The reflection effect off the irregular quarry face is likely to increase the noise level by no more than 2.5 dB(A). There are no sensitive areas south of the quarry face on which the noise can impinge and therefore it does not cause environmental nuisance.
- e. The acoustic climate near the nearest residence is not tranquil. The Tea Tree Rd., traffic noise dominates with high speed heavy vehicles and large tyred 4 WD vehicles. In addition, there are jet air liners, motor bikes and goods trains blowing their warning horns twice near each railway crossing.

A railway line occurs on the northern side of Tea Tree Road which is regularly used by TasRail to transport goods – creates a very distinctive, infrequent but regular noise source. It is a requirement of the train operator to signal [by means of a loud horn] twice as they approach an uncontrolled crossing, of which there are four in and around Rekuna – one into the property Alma Lodge which is residence 10 on Figure 9 of the EER (almost opposite the property which will support the Level 2 quarry), one across Rekuna Station Road Road (adjacent to houses 7, 8 and 9 in Figure 9), one across Williams Road (adjacent to house 2 and near house 1 in Figure 9) and one across Grices Road to the west (not shown on Figure 9).

Trains can occur at any time of the day and night, and irrespective of the time of day or day of the week the signal must be given for every uncontrolled crossing.

#### **C.4.6 Additional and Existing Noise Source Summary**

The regular flow of vehicles on Tea Tree Road during daylight hours can be heard from the residence on 1356 Tea Tree Road as a low to moderate level background noise. Large trucks and noisy cars (eg broken muffler) produce a more defined and identifiable sound above the regular ‘hum’ of the background traffic noise level. In some cases, trucks using Tea Tree Road are quite audible.

A railway line occurs on the northern side of Tea Tree Road which is regularly used by TasRail to transport goods – creates a very distinctive, infrequent but regular noise source.

The nearest permanent residence not owned by the proponent is located approximately 443.2 metres north-west of the quarry pit (house 5 in Figure 9) with the second nearest being over 491.9 metres to the north-west of the quarry (house 4 in Figure 9). The noise sources at both residential properties is mainly Tea Tree Road as they are closer to the road than they are to the quarry.

The below aspects of the site and the quarry operation are likely to result in noise emissions that are acceptable to the local conditions in light of the existing noise sources and intrusions:

- a. Most of the noise is deflected by the quarry face itself and shape of the pit – noise of machinery in the pit would be deflected to the south, away from any sensitive use;
- b. Machinery operating at the laydown area will be shielded from direct noise emissions to nearby sensitive uses by the ridgeline/hillock on the property;
- c. The Access Road near the closest sensitive use (the house at 420 metres distance) is lined with pine trees and other vegetation which attenuates some of the noise, and the incline of the Access Road will prevent the need to heavily brake when trucks go downhill even when laden with rock-gravel; and
- d. Patterns of equipment use and noise location – machinery and truck use at the quarry will be restricted to operating hours as outlined in the *Quarry Code of Practice 2017* – this overlaps with the peak activity times of Tea Tree Road thereby minimising the sole impact of any noise from the quarry on surrounding land uses. Tea Tree Road is a Category 2 Road listed by DIER (now DSG) – freight route used by trucks – and is frequently used to access areas between Brighton, Richmond, Campania and through to the Midlands Highway (via the Brighton bypass or Mud Walls Roads connections).
- e. Surrounding land use – the nearby Tea Tree Road is a major source of local noise. Other land uses such as farming activities can also generate high levels of noise as most machinery is diesel operated which operates within a low frequency range – tractors and diesel machinery can be heard for large distances over pasture land. Regular noise generators at the quarry such as trucks and excavator are of insufficient noise to over-power for any extended period the major influence of the background noise generated by Tea Tree Road.

#### **C.5 SOLID WASTES**

The activity will not produce any earth-based solid wastes as all the materials extracted will be sold for various end uses (rock, gravel) or would be used in rehabilitation works (topsoil and clay).

Like any extractive activity, the servicing of machinery may generate solid waste (eg. oil filters, worn tyres). Machinery will be removed from the quarry and serviced at the existing workshop on the property. Waste generated by the servicing of machinery is disposed of in accordance with best practice principles.

Waste generated by workers from general refuse (eg lunch wrappers) at the quarry is removed each day to the waste bins at the existing dwelling. No waste bins are provided at the quarry for general refuse.

#### C.6 ENVIRONMENTALLY HAZARDOUS SUBSTANCES

Fuel and oil are used in the quarry to operate and maintain functional machinery. There is no permanent storage of fuels, oils, lubricants or any other dangerous good in the quarry. Fuel and oil containers are stored at the existing workshop facility adjacent to the residential dwelling.

When in the quarry, fuel and oil containers are stored at least 10 m from any drain or sediment pond and are bunded (moveable bunds) to a capacity at least 1.5 times the volume of the container. One hydrocarbon spill kit is stored at the quarry to use in the event of a spillage.

The only chemicals used in the quarry are those for weed spraying. Weed spraying chemicals will be handled, used and disposed of in accordance with the manufacturer's directions and relevant regulations. Weed spraying will comply with the requirements of the Weed Management Plan for the quarry (Appendix 4).

#### C.7 NATURAL VALUES

There are likely to be negligible impacts to flora and fauna as the quarry operations are in pasture used for livestock grazing (Figure 7). The pastures are well maintained and actively ploughed and fertilised on a regular basis.

Most nearby records of threatened native grass and herb species occur in degraded pastures that have not been regularly ploughed or stocked, which tends to enable these species to colonise due to irregular soil disturbance and low fertility levels. Curly sedge has been located on adjoining lands, and along Tea Tree Road itself, in damp areas associated with soaks – typical habitat for this species. The species is absent from the Mining Lease.

The forest within 500m and 1 km line of sight is not suitable for the nesting of wedge-tailed eagle (*Aquila audax fleayi*) due to its small stature, lack of wind protection and most was burnt in a wildfire in 2013-14.

None of the plant species of significance that have been recorded in the region were recorded in or near the quarry during a survey in October 2014 and September 2019 by Dr Richard Barnes.

As noted above, the site is pasture which has been ploughed in parts, fertilised and managed for agricultural uses for some time. Hence based on the risk-based approach encouraged by the EPA for assessment purposes, it is unnecessary to provide a detailed report that documents the findings of a survey which yielded nothing of any consequence (ie no threatened flora or fauna locations or significant habitat).

The only native vegetation community near the quarry is *Eucalyptus viminalis* dry forest and woodland (TASVEG 3 mapping – DVG – Figure 7) which will not be affected by the quarry activities. This vegetation type is **not** a threatened community listed on the *Nature Conservation Act 2002*.

There are no geoconservation significant sites in the Mining Lease nor adjacent to it.

#### C.8 WEEDS, PESTS AND PATHOGENS MANAGEMENT

Notable weeds within or directly adjacent to the active quarry in 2014 are horehound and Californian thistle (Figure 8). Both species occur in the vicinity of the quarry.

A Weed Management Plan (Appendix 4) is being implemented as part of the quarry operation.

## C.9 SITE CONTAMINATION

The Land upon which the activity is to occur (and currently occurring) is not known to have been historically used for a purpose that may have caused site contamination.

## C.10 ENVIRONMENTAL IMPACTS OF TRAFFIC

### C.10.1 Route

Trucks will exit the property via the Access Road onto Tea Tree Road (DSG classified Category 2 – Regional Freight Route). This intersection provides an opportunity for gravel trucks to travel in an easterly or westerly direction depending on the location of the needs of the purchaser. Tea Tree Road is available to trucks of the size generated by the expanded activity without any weight restrictions. The division of available transport directions lessens the amount of truck movements in any one direction, although the actual percentage of traffic moving in either direction will depend on the destination of the material.

Tea Tree Road is a school bus route. For safety reasons, trucks will avoid entering and leaving the quarry in the period 20 minutes either side of the school bus collection and drop-off time, as advised by the school bus operator.

The activity will not alter the number of trucks that use the access or enter and exit Tea Tree Road – the volume of material extracted is not being altered. The activity is a very low traffic generator, so the activity does not require mitigation measures for the Tasmanian devil (*Sarcophilus harrisii*).

### C.10.2 Type, Numbers and Frequency

Most material will be extracted from the quarry on a demand basis, as is the case with many quarries of this size. Therefore, the number and frequency of trucks to the quarry tends to occur in short periods where a job is being carried out. Regular small gravel loads will be extracted from the quarry to cater for small operations such as minor road maintenance (eg. pothole filling). Most truck movements are projected to occur between 0700 and 1500 hrs on Monday to Friday with low volume movements after that time and on Saturday.

For the activity (10,000 cubic metres per annum = 16,000 tonnes per annum based on a 1.6 ratio) the number of truck movements per day will be capped at 15 (30 movements) – the same number of truck movements per day under the current approval.

A 10t capacity truck will be used. For 10,000 cubic metres (16,000t based on a 1.6 ratio) carting 10t loads = 1,600 loads (approx). If carting occurs on 200 days it means there are 8 truckloads per day (16 vehicle movements) required to cart the full extraction volume of 16,000t per annum.

Over a 0700 to 1900 hr operating day this could equate to 0.67 trucks per hour (1.34 vehicle movements), but realistically carting would be constrained over that day to fewer hours, say 4hrs which equals 2 trucks per hour (4 vehicle movements). If carting days comprised 15 loads per day then carting would be over 107 days, and for that 4 hrs of carting there would be 3.75 truckloads per hour exit onto Tea Tree Road, or 7.5 traffic movements per hour.

It is extremely unlikely that there would be more than 3 truckloads per hour leave the quarry for delivery as there is the extra delivery time, unloading of the truck at the delivery location, return travel time and loading of the truck of the material that has been previously won. As a one-person operation the amount of traffic generation is determined by the one operator in relation to allocating time to win material, and then to cart material. Material will therefore not be carted every day, and indeed there may be days when there is no material carted, but on other days there may be the full 15 loads carted (30 vehicle movements).

There are additional vehicle movements from the Access Road onto Tea Tree Road, which will be managed by the proponent to be 40 movements or less per day in total for all of the activities occurring on the land (ie. residential access, quarry access and access to the Council approved machinery workshop [Industry – Limited Impact]). This is the case currently.

### C.10.3 Assessment of adjoining property -1220 Tea Tree Road

The residence at 1220 Tea Tree Road is approximately 95 m from the nearest point of the Access Road and 125 m from the traffic travelling at up to 100km/hr on Tea Tree Road. The Access Road from Tea Tree Road serves to provide access to the quarry, residential premises on the same land and the approved (Council issued Planning Permit) machinery workshop on the same land.

The Access Road has been used for several years and no complaints have been received by the quarry proponent in relation to its current and approved level of use (ie. maximum of 40 vehicle movements per day), nor any use of the access road for residential, farming or workshop related use.

The surface of the Access Road at 1356 Tea Tree Road is gravel, with grassed verges and a slight drainage depression along the eastern side to facilitate water accumulation and drainage during periods of high or sustained rainfall. There is the potential for dust to be generated by trucks using the quarry Access Road, especially in dry periods. When winds are easterly or south-easterly the dust may become a nuisance to the residence at 1220 Tea Tree Road. As Tea Tree Road is a Regional Freight Route, and with the nearby TasRail line now fully operational, there are already well-established road noise nuisances that would affect the residence on 1220 Tea Tree Road.

The following measures will be applied to mitigate potential impacts of unreasonable levels of dust and noise caused to the residence at 1220 Tea Tree Road –

- Ensure compliance with the operating hours and days for the quarry;
- Maintain the existing Complaints Register to record and address any complaints received in relation to Access Road usage by quarry related vehicles;
- Provide water (via sprinklers or water cart) to dampen the road surface during dry periods with associated south-easterly to easterly winds to keep road surface dust emission levels low; and
- Ensure trucks carrying gravel limit their speed to 20 km/hr when using the Access Road.

### C.11 MONITORING

No monitoring is proposed for the activity.

### C.12 DECOMMISSIONING AND REHABILITATION

It will always be the aim of the quarry operator to minimise the area of land 'open' at the quarry to minimise the overall impact the activity has on the local environment.

'Progressive rehabilitation' will apply at the quarrying operation for those areas that have been quarried and are no longer needed or used for the operation of the quarry. Progressive rehabilitation refers to the rehabilitation of worked out, or surplus areas, while extractive operations are ongoing. It is an important component of quarry management, particularly where the pit is large or expanding. Progressive rehabilitation includes the stabilisation of the landform prior to revegetation and serves to ensure landform stability and revegetation on an ongoing basis.

The rehabilitation of quarry areas that are no longer being quarried or used for another purpose (such as a stockpile holding area, truck turning bay etc.) will be based on the following principles to re-establish agricultural pasture:

1. Benches ripped or cracked prior to substrate addition.
2. Stockpiled weathered gravel, topsoil (from quarry site) and sediment from sediment interceptors applied to prepared benches.
3. Application of pasture grasses and fertiliser.
4. Monitoring of the following factors:



- a. weed infestation;
- b. pasture establishment and growth success; and
- c. landform stability.

At this stage and given the slow extraction rate of the material from the pit there have been no areas rehabilitated since the quarry became operational.

**PART D – SUMMARY OF PROPOSED MANAGEMENT MEASURES**

Best practice quarry management is important to the quarry operator to minimise the risk of environmental nuisance/harm to the local community whilst providing a reliable source of high-quality gravel/rock product to clients.

The proponent makes a series of management measures outlined in Table 1 to achieve sound environmental and socially responsible management of the quarry.

**Table 1. Summary of management measures**

No.	Proposed Measure	Timeframe
1	Operating hours are those recommended in the <i>Quarry Code of Practice</i> – 0700 to 1900 hrs Monday to Friday, 0800 to 1600 hrs on Saturday; closed on Sunday and public holidays.	Ongoing
2	A Weed Management Plan is to be maintained and implemented at the quarry operation.	Ongoing
3	One sediment pond (0.95ML) captures and treat for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events.	Ongoing
4	Sediment trapped by the pond will be removed annually. The collected sediment will be mixed with stockpiled top soil for progressive rehabilitation of disused quarry areas.	Ongoing
5	As a dust suppression measure, during periods of dry weather the Access Road surface, areas near the stockpiles and/or loads in trucks (unless they are covered by tarpaulins) will be dampened with water accessed from the nearby sediment pond or on-site water cart truck.	Ongoing
6	Waste generated by the servicing of machinery is to be disposed of in accordance with best practice principles.	Ongoing
7	Waste generated by workers from general refuse (eg lunch wrappers) at the quarry is to be removed each day to the waste bins at the existing dwelling.	Ongoing
8	Trucks will avoid entering and leaving the quarry in the period 20 minutes either side of the school bus collection and drop-off time, as advised by the school bus operator.	Ongoing
9	<p>The following measures will be applied to mitigate potential impacts of unreasonable levels of dust and noise caused to the residence at 1220 Tea Tree Road –</p> <ul style="list-style-type: none"> <li>• Ensure compliance with the operating hours and days for the quarry;</li> <li>• Maintain the existing Complaints Register to record and address any complaints received in relation to Access Road usage by quarry related vehicles;</li> <li>• Provide water (via sprinklers or water cart) to dampen the road surface during dry periods with associated south-easterly to easterly winds to keep road surface dust emission levels low; and</li> <li>• Ensure trucks carrying gravel limit their speed to 20 km/hr when using the Access Road.</li> </ul>	Ongoing

10	There is to be no permanent storage of fuels, oils, lubricants or any other dangerous good in the quarry.	Ongoing
11	Fuel and oil containers are to be stored at the existing workshop facility adjacent to the existing residential dwelling.	Ongoing
12	When in the quarry, fuel and oil containers are to be stored at least 10 m from any drain or sediment pond and are bunded (moveable bunds) to a capacity at least 1.5 times the volume of the container.	Ongoing
13	One hydrocarbon spill kit is to be stored at the quarry to use in the event of a spillage.	Ongoing
14	'Progressive rehabilitation' will occur in those areas that have been quarried and are no longer needed or used for the operation of the quarry.	Ongoing
15	To enable the public to respond to any concerns they may have about the operation of the quarry, a Complaints Register will be maintained for the activity.	Ongoing

**PART E – PUBLIC AND STAKEHOLDER CONSULTATION**

No community consultation has yet occurred for this activity.

The public will have an opportunity to provide written comment on the application through the statutory advertising process stipulated by the *Land Use Planning and Approvals Act 1993*.

**APPENDICES**

- Appendix 1 Planning Permit (DA 2015-122)
- Appendix 2 Williams Quarry Landscape Plan
- Appendix 3 Land Title Information
- Appendix 4 Weed Management Plan
- Appendix 5 Williams Quarry Sediment Basin Assessment (Hydrodynamica)
- Appendix 6 Noise Topographical Profiles
- Appendix 7 Crushing and Quarry Activity (trucks) Noise Assessment 2014
- Appendix 8 Crusher Noise Test 2017
- Appendix 9 Noise Survey and Assessment 2019 – Screen and Additional Access Spur Road



**Appendix 1 Planning Permit (DA 2015-122)**



23 February 2017  
Our ref: 2941285

C A Williams  
1356 Tea Tree Road  
TEA TREE TAS 7017

CC: Chairperson EPA; RMPAT;  
Parties to Appeal 30/16P

Dear Mr and Mrs Williams

**Determination of Development Application – DA 2015 /122  
'Level 2 Gravel Quarry' defined as an Industry (Extractive)  
1356 Tea Tree Road, Campania**

The above application has been assessed and approval granted in accordance with the attached **Planning Permit - Part A (DA 2015/122)** and **Permit Part B ('Permit Conditions – Environmental No. 9340) dated 10<sup>th</sup> February 2017.**

The Permit, and conditions contained within have been issued pursuant to an order of the Resource Management and Planning Appeals Tribunal in decision Ref: 30/16P dated 10<sup>th</sup> February 2017.

The Permit relates to the development and use of the land irrespective of the applicant or subsequent occupants and whoever acts on it shall comply with all conditions attached thereto.

Should you wish to discuss the above further please contact me on 6259 3011.

Yours faithfully

A handwritten signature in black ink that reads "David Cundall".

David Cundall  
Manager of Development and Environmental Services  
Southern Midlands Council

**Encl: Planning Permit DA 2015/122 PART A and PART B including Schedules and Attachments**



Our Ref: 2941285

**PLANNING PERMIT N° DA 2015/122**  
**'Level 2 Gravel Quarry' defined as an Industry (Extractive)**  
**1356 Tea Tree Road Campania**

Council has issued this Permit, subject to the conditions set out below, for the development and use of a 'Level 2 Gravel Quarry' defined as an Industry (Extractive) at the land situated at 1356 Tea Tree Road, Campania and described on Certificate of Title 155147/1 and submitted by C A & S M Williams.

This Permit will lapse after a period of two (2) years from the date on which it was granted if the use or development in respect of which it was granted has not substantially commenced within that period.

**PERMIT PART A**  
**PLANNING AUTHORITY (COUNCIL) CONDITIONS OF APPROVAL**

---

***Concordance with the application and permit conditions:***

1. The use or development must be carried out in accordance with the application for planning approval, including the Planning Report, the Environment Effects Report, and the Supplementary Environment Effects Report prepared by Van Diemen Consulting, all plans and reports endorsed under this permit and the conditions of this permit and must not be altered or extended without the further written approval of Council or, as relevant if provided for by a condition of the permit, the Director of the Environmental Protection Authority.

***Operations***

2. Unless integral with the crushing plant, there must be no screening on the land.
3. Any reversing alarms on trucks, equipment and machinery must be broadband reversing alarms.

***Signage***

4. Signage must strictly comply with the plans and details submitted to Council in the *Development Application, Planning Report – Level 2 Activity, Williams Quarry, Rekuna* prepared by Van Diemen Consulting dated 31<sup>st</sup> August 2015. Any alteration to the size, design, location or graphics will require the prior written approval of the Council. Accordingly:
  - a. The developer must submit a plan to the Council prior to the installation of any sign that differs from that approved in this permit. The plan must be to the satisfaction of Council's Manager of Development and Environmental Services.

***Existing services:***

5. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development works. Any works required impacting public infrastructure is to be specified or undertaken by the authority concerned.

Dated this 10<sup>th</sup> February 2017 (Date of RMPAT Decision 30/16P)

A handwritten signature in black ink, appearing to read "David Cundall". The signature is written in a cursive style with a large initial 'D'.

David Cundall  
Manager Development and Environmental Services  
Southern Midlands Council

## **PERMIT PART B**

### **PERMIT CONDITIONS - ENVIRONMENTAL No. 9340**

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Issued under the *Environmental Management and Pollution Control Act 1994*

Activity: **The operation of a quarry (ACTIVITY TYPE: Crushing, grinding, milling or separating into different sizes (rocks, ores or minerals))**  
**1356 TEA TREE RD**  
**CAMPANIA TAS 7026**

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994*.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality: **SOUTHERN MIDLANDS**  
Permit Application Reference: **2015/122**  
EPA file reference: **248330**

Date: 10<sup>th</sup> February 2017 (Date of RMPAT Decision 30/16P)



## **DEFINITIONS**

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

## **ENVIRONMENTAL CONDITIONS**

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

## **INFORMATION**

Attention is drawn to **Schedule 3**, which contains important additional information.

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Attachment 3: PCE 9340_Attachment 3 (modified: 10/02/2016 16:19).....	2 pages

## Schedule 1: Definitions

In this Permit Part B:-

**Aboriginal Relic** has the meaning described in section 2(3) of the *Aboriginal Relics Act 1975*.

**Access road** means the private road from Tea Tree Road to the quarry working area shown as the broken line on Attachment 1 of these conditions.

**Activity** means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

**Authorized Officer** means an authorized officer under section 20 of EMPCA.

**Director** means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

**EMPCA** means the *Environmental Management and Pollution Control Act 1994*.

**Environmental Harm** and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

**Environmental Nuisance** and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

**Environmentally Hazardous Material** means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

**Movement** , in regard to movement of vehicles or machinery, means a movement in one direction only.

**Person Responsible** is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

**Quarry working area** means the area delineated on Attachment 2 of these conditions.

**Quarry Code Of Practice** means the document of this title published by the Department of Primary Industries, Water and Environment and the Department of Infrastructure, Energy and Resources in June 1999, and includes any subsequent versions of this document.

**Stormwater** means water traversing the surface of the land as a result of rainfall.

**The Land** means the land on which the activity to which this document relates may be carried out and:

- 1 falls within the area defined by certificate of title 155147/1;
- 2 is further delineated at Attachment 1 of these conditions; and
- 3 includes buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land.

**Washdown Guidelines** means the document titled Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania, by the Department of Primary Industries, Parks, Water and Environment, dated March 2015, and any amendment to or substitution of this document.

**Weed** means a declared weed as defined in the *Weed Management Act 1999*.

## **Schedule 2: Conditions**

### **Maximum Quantities**

#### **Q1 Regulatory limits**

- 1 The activity must not exceed the following limits (annual fees are derived from these figures):
  - 1.1 2,500 cubic metres per year of rocks, ores or minerals processed.
  - 1.2 10,000 cubic metres per year of material extracted

### **General**

#### **G1 Access to and awareness of conditions and associated documents**

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

#### **G2 Incident response**

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

#### **G3 No changes without approval**

- 1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the *Land Use Planning and Approvals Act 1993*, or approved in writing by the Director:
  - 1.1 a change to a process used in the course of carrying out the activity; or
  - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
  - 1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

#### **G4 Change of responsibility**

If the person responsible for the activity ceases or intends to cease to be responsible for the activity, he or she must notify the Director in writing of the full particulars of any person succeeding him or her as the person responsible for the activity.

#### **G5 Change of ownership**

If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.



## **G6 Complaints register**

- 1 A public complaints register must be maintained and made available for inspection by an Authorized Officer upon request. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - 1.1 the time at which the complaint was received;
  - 1.2 contact details for the complainant (where provided);
  - 1.3 the subject-matter of the complaint;
  - 1.4 any investigations undertaken with regard to the complaint; and
  - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

## **G7 Quarry Code of Practice**

Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken on The Land must comply with the Acceptable Standards provisions of the *Quarry Code of Practice*.

### **Atmospheric**

#### **A1 Control of dust emissions from plant**

- 1 Dust produced by the operation of all crushing plant must be controlled by the use of one or more of the following methods to the extent necessary to prevent environmental nuisance:
  - 1.1 the installation of fixed water sprays at all fixed crushers and at all points where crushed material changes direction due to belt transfer;
  - 1.2 the enclosure of the crushing plant and the treatment of atmospheric emissions by dust extraction equipment; and
  - 1.3 any other method that has been approved in writing by the Director.

#### **A2 Control of dust emissions**

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

#### **A3 Covering of vehicles**

Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins and load dampening.

#### **A4 Dust emissions from traffic areas**

- 1 The access road, surfaces within the quarry working area and other surfaces subject to motor vehicle and mobile machinery traffic associated with the activity must be dampened during the hours specified in condition N1 of this permit to ensure that dust emitted from vehicle and machinery movements does not cause environmental nuisance beyond the boundary of The Land.

- 2 Where a water cart or similar vehicle is utilised for dampening the access road, each movement of that vehicle on the access road is to be taken to be a heavy vehicle movement for the purposes of the limit on the number of heavy vehicle movements on the access road prescribed in condition OP3 of this permit.

### **Blasting**

#### **B1 No blasting on The Land**

Blasting must not be carried out on The Land.

### **Decommissioning And Rehabilitation**

#### **DC1 Stockpiling of surface soil**

Prior to commencement of extractive activities on any portion of The Land, surface soils must be removed in that portion of The Land to be disturbed by the conduct of the activity and stockpiled for later use in rehabilitation of The Land. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

#### **DC2 Progressive rehabilitation**

Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is one hectare.

#### **DC3 Temporary suspension of activity**

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity:
  - 2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and
  - 2.2 If required by the Director a Care and Maintenance Plan for the activity must be submitted, by a date specified in writing by the Director, for approval. The person responsible must implement the approved Care and Maintenance Plan, as may be amended from time to time with written approval of the Director.
- 3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

#### **DC4 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

#### **DC5 Rehabilitation on cessation**

- 1 Unless otherwise approved in writing by the Director, rehabilitation upon permanent cessation of the activity must be undertaken in accordance with relevant provisions of the *Quarry Code of Practice* and in accordance with the following:

- 1.1 rehabilitation earthworks must be substantially completed within 12 months of cessation of the activity; and
- 1.2 rehabilitated areas must be monitored and maintained for a period of at least three years after rehabilitation works have been substantially completed, after which time the person responsible for the activity may apply in writing to the Director for a written statement that rehabilitation has been successfully completed.

## **Effluent Disposal**

### **E1 Perimeter drains**

- 1 Perimeter cut-off drains must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.
- 2 Drains must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

### **E2 Maintenance of settling ponds**

Sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

### **E3 Drainage from quarry working area**

All water must be directed away from the quarry working area, including the quarry pit and any stockpile areas, so that water does not collect in or on the working area.

### **E4 Stormwater**

- 1 Polluted stormwater originating in the quarry working area or on the access road that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.
- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater originating in the quarry working area or on the access road are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

## **Hazardous Substances**

### **H1 Storage and handling of hazardous materials**

- 1 Unless otherwise approved in writing by the Director, environmentally hazardous materials held in the quarry working area must be:
  - 1.1 located within impervious bunded areas, spill trays or other containment systems; and
  - 1.2 managed to prevent unauthorised discharge, emission or deposition of pollutants:

- 1.2.1 to soils within the boundary of The Land in a manner that is likely to cause serious environmental harm;
- 1.2.2 to groundwater;
- 1.2.3 to waterways; or
- 1.2.4 beyond the boundary of The Land.

## **H2 Spill kits**

Spill kits appropriate for the types and volumes of materials handled for the purposes of the activity must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

## **Noise Control**

### **N1 Operating hours**

- 1 Unless otherwise approved in writing by the Director, activities associated with the extraction of materials and loading of product must not be undertaken outside the hours of 0700 hours to 1800 hours on weekdays and 0800 hours to 1600 hours on Saturdays.
- 2 Unless otherwise approved in writing by the Director, crushing of extracted materials on The Land must not be undertaken outside the hours of 0800 to 1700 hours on weekdays.
- 3 Unless otherwise approved in writing by the Director, heavy vehicles must not be operated or driven on the access road for the purpose of cartage of quarry product outside the hours of 0800 hours to 1800 hours on weekdays and 0800 hours to 1200 hours on Saturdays.
- 4 Unless otherwise approved in writing by the Director, heavy vehicles and mobile machinery must not be driven between the quarry working area and other places on The Land, on routes other than the access road, outside the hours of 0700 hours to 1800 hours on weekdays and 0800 hours to 1200 hours on Saturdays.
- 5 Notwithstanding the provisions of the paragraphs of this condition above, activities must not be carried out on public holidays that are observed Statewide (Easter Tuesday excepted).

### **N2 Noise emission limits**

- 1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
  - 1.1 47 dB(A) between 0700 hours and 1900 hours (Day time); and
  - 1.2 40 dB(A) between 1900 hours and 2200 hours (Evening time); and
  - 1.3 35 dB(A) between 2200 hours and 0700 hours (Night time).
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.
- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

### **N3 Noise survey requirements**

- 1 Unless otherwise approved in writing by the Director, a noise survey of the activity

must be carried out while extraction, crushing and product transport activities are being simultaneously undertaken on The Land.

- 2 The noise survey must be carried out:
  - 2.1 during the first instance of crushing; and
  - 2.2 within six (6) months of any change to the activity which is likely to substantially alter the character or increase the volume of noise emitted from The Land; and
  - 2.3 at any other time as required by the Director.
- 3 A report containing the noise survey results must be submitted to the Director within 30 days of the survey taking place.

#### **N4 Noise survey method and reporting requirements**

- 1 Noise surveys must be undertaken in accordance with a survey method approved in writing by the Director, as may be amended from time to time with written approval of the Director. The survey method must be approved prior to the survey being undertaken.
- 2 Without limitation, the survey method must address the following:
  - 2.1 measurements must be carried out at day, evening and night times (where applicable) at each location; and
  - 2.2 measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).
- 3 Measurements and data recorded during the survey must include:
  - 3.1 operational status of noise producing equipment and throughput of the activity;
  - 3.2 subjective descriptions of the sound at each location;
  - 3.3 details of meteorological conditions relevant to the propagation of noise;
  - 3.4 the equivalent continuous (Leq) and L<sub>1</sub>, L<sub>10</sub>, L<sub>50</sub>, L<sub>90</sub>, L<sub>99</sub> A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval approved by the Director;
  - 3.5 one-third octave spectra over suitably representative periods of not less than 1 minute; and
  - 3.6 narrow-band spectra over suitably representative periods of not less than 1 minute.
- 4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed.
- 5 The noise survey report must include the following:
  - 5.1 the results and interpretation of the measurements required by these conditions;
  - 5.2 a map of the area surrounding the activity with the boundary of The Land, measurement locations, and noise sensitive premises clearly marked on the map;
  - 5.3 any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and
  - 5.4 recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

#### **N5 Crushing operations**

Unless otherwise approved in writing by the Director, plant for the crushing of extracted material may only be operated on a maximum of five consecutive days of each calendar year.

## **N6 Notification of crushing operations**

- 1 Prior to each annual crushing operation carried out in accordance with the conditions of this permit, the Director, the General Manager of the Southern Midlands Council and the occupants of adjoining land containing a residence of the Land must be notified in writing of the intention to carry out the operation.
- 2 The notification must include a schedule specifying the dates on which crushing or screening plant will be operated.
- 3 The notification must be delivered at least 72 hours prior to the commencement of the crushing or screening operation.

## **N7 Crusher noise level**

- 1 The maximum ~~sound power noise~~ output of the crushing unit used to crush extracted material must not exceed 118 dB(A)
- 2 The sound power output of the crushing unit for the crushing of extracted material must be provided in a written report to Director at least one week (5 business days) before the crushing unit is operated on The Land. The report must contain the measurements, estimates of sound power output, noise levels and methods used to demonstrate compliance with Condition (1). The report must be approved prior to each annual crushing period.
- 3 Crushing of any material in any crushing unit must not commence until the unit is approved in writing by the Director. Written approval is required prior to each annual crushing period.
- 4 Before any plant for the crushing of extracted material is operated on The Land, the sound output of the plant must be measured to ensure that the noise limits in condition N2 of this permit will not be exceeded.
- 5 A report containing the measurements, estimates of noise levels and methods used must be submitted to the Director at least one week before the plant is operated on The Land.

## **N8 Noise complaints**

In the event that a noise complaint is received in relation to the activity, the complaint must be reported to the Director within 24 hours.

## **Operations**

### **OP1 Washdown Guidelines**

Prior to entering the land, machinery must be washed in accordance with the Washdown Guidelines, or any subsequent revisions of that document.

### **OP2 Weed management**

The Land must be kept substantially free of weeds to minimise the risk of weeds being spread through the transport of products from The Land.

### **OP3 Maximum number of heavy vehicle movements**

Unless otherwise approved in writing by the Director, no more than 30 heavy vehicle movements associated with the activity may occur on the access road during any one day.

### **OP4 Access road**

- 1 Unless otherwise approved in writing by the Director, heavy vehicles and mobile machinery moving between Tea Tree Road and the quarry working area must be driven on the access road only.
- 2 Unless otherwise approved in writing by the Director, the route of the access road must not be altered from that shown on Attachment 1 of these conditions.

### **OP5 Quarry operations**



- 1** The following operations must be conducted within the quarry working area only:
  - 1.1** extraction of materials;
  - 1.2** processing of materials (including crushing);
  - 1.3** stockpiling of extracted materials and processed materials; and
  - 1.4** loading of processed materials onto vehicles.
- 2** Plant for the processing of materials including crushing and screening must be operated at the lowest practicable elevation in the quarry working area defined as the “Location of mobile crusher when operating” in accordance with the quarry layout diagram (Attachment 4 “Quarry Layout”).
- 3** No material may be crushed on The Land except material which has been extracted within the quarry working area.

- 4 No material may be crushed or screened on The Land except material which has been extracted within the quarry working area.

**OP6 Noise attenuation screen**

- 1 Noise attenuation earthen bunding must be erected and maintained along the northern and western sides of the quarry working area in accordance with the heights indicated on Attachment 5 of the Permit (the DEM of 14 July 2016 showing existing plus 500mm).
- 2 In addition clause 1 of this condition, the noise attenuation screen must be constructed and maintained to such dimensions that there is no line of sight, when taken at 1.7m meters above any point of the quarry pit floor, to any residence in other ownership.
- 3 Unless otherwise approved in writing by the Director, the earthen bunding must consist of rock, soil or other earthen material excavated on The Land.

**OP7 Heavy vehicle and machinery internal movements**

Unless otherwise approved in writing by the Director, and subject to paragraph 2 of this condition, no more than 6 movements of heavy vehicles or mobile machinery may occur between the quarry working area and other places on The Land, on routes other than the access road, during any one day.

## Schedule 3: Information

### Legal Obligations

#### **LO1 EMPCA**

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

#### **LO2 Storage and handling of dangerous goods, explosives and dangerous substances**

**1** The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

**1.1** *Work Health and Safety Act 2012* and subordinate regulations;

**1.2** *Explosives Act 2012* and subordinate regulations; and

**1.3** *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

#### **LO3 Aboriginal relics requirements**

**1** The *Aboriginal Relics Act 1975*, provides legislative protection to Aboriginal heritage sites in Tasmania regardless of site type, condition, size or land tenure. Section 14(1) of the Act states that; Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director of National Parks and Wildlife:

**1.1** destroy, damage, deface, conceal or otherwise interfere with a relic;

**1.2** make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting or other means that involve direct contact with the carving or engraving;

**1.3** remove a relic from the place where it is found or abandoned;

**1.4** sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;

**1.5** take a relic, or permit a relic to be taken, out of this State; or

**1.6** cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.

**2** If a relic is suspected and/or identified during works then works must cease immediately and the Tasmanian Aboriginal Land and Sea Council and the Aboriginal Heritage Tasmania be contacted for advice before work can continue. In the event that damage to an Aboriginal heritage site is unavoidable a permit under section 14 of the *Aboriginal Relics Act 1975* must be applied for. The Minister may refuse an application for a permit, where the characteristics of the relics are considered to warrant their preservation.

**3** Anyone finding an Aboriginal relic is required under section 10 of the Act to report that finding as soon as practicable to the Director of National Parks and Wildlife or an authorized officer under the *Aboriginal Relics Act 1975*. It is sufficient to report the finding of a relic to Aboriginal Heritage Tasmania to fulfil the requirements of section 10 of the Act.

## **Other Information**

### **OI1 Waste management hierarchy**

- 1** Wastes should be managed in accordance with the following hierarchy of waste management:
  - 1.1** waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
  - 1.2** waste should be re-used or recycled to the maximum extent that is practicable; and
  - 1.3** waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

### **OI2 Notification of incidents under section 32 of EMPCA**

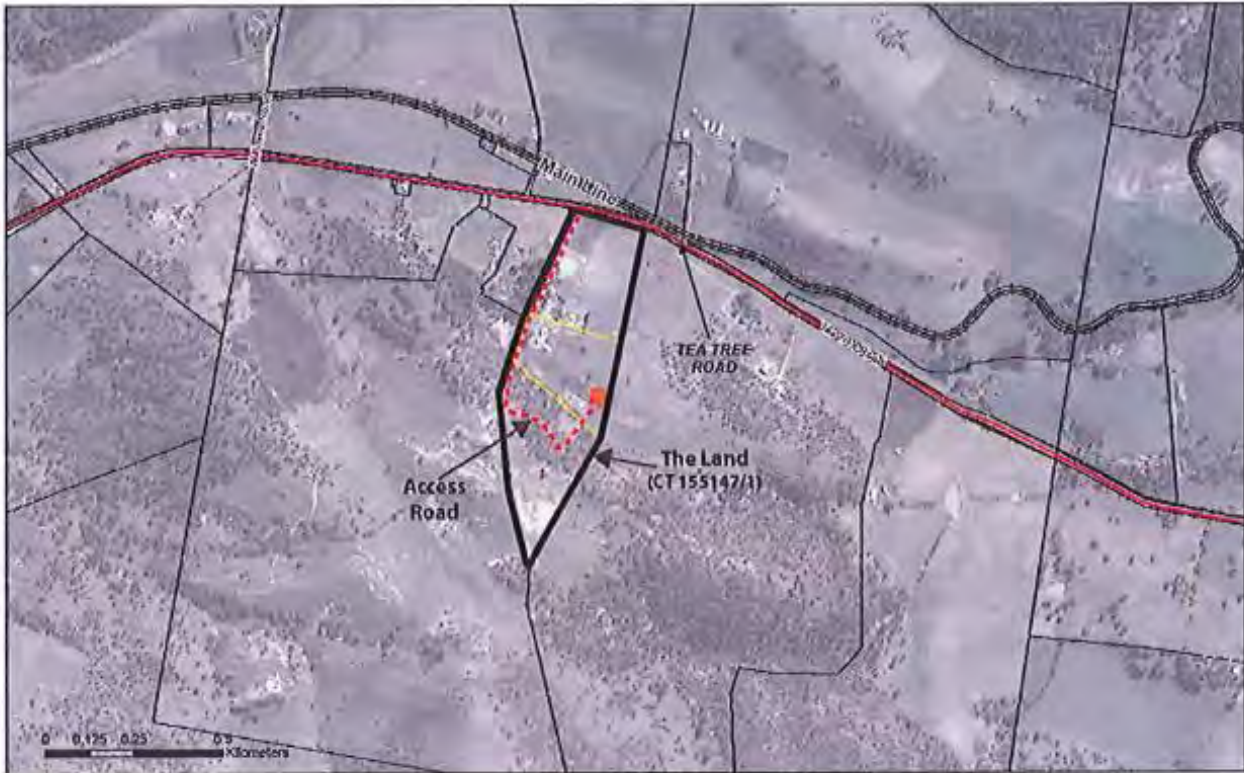
Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).

### **OI3 Commitments**

The person responsible for the activity has a general environmental duty to conduct the activity in accordance with the commitments contained in Attachment 3 of these conditions.

**Attachment 1 – The Land & Access Road**

**PCE No. 9340**  
**Attachment 1**  
**The Land & Access Road**



**Attachment 2 – Quarry Working Area**

PCE No. 9340  
**Attachment 2**  
**Quarry Working Area**





**Attachment 3 - Commitments**

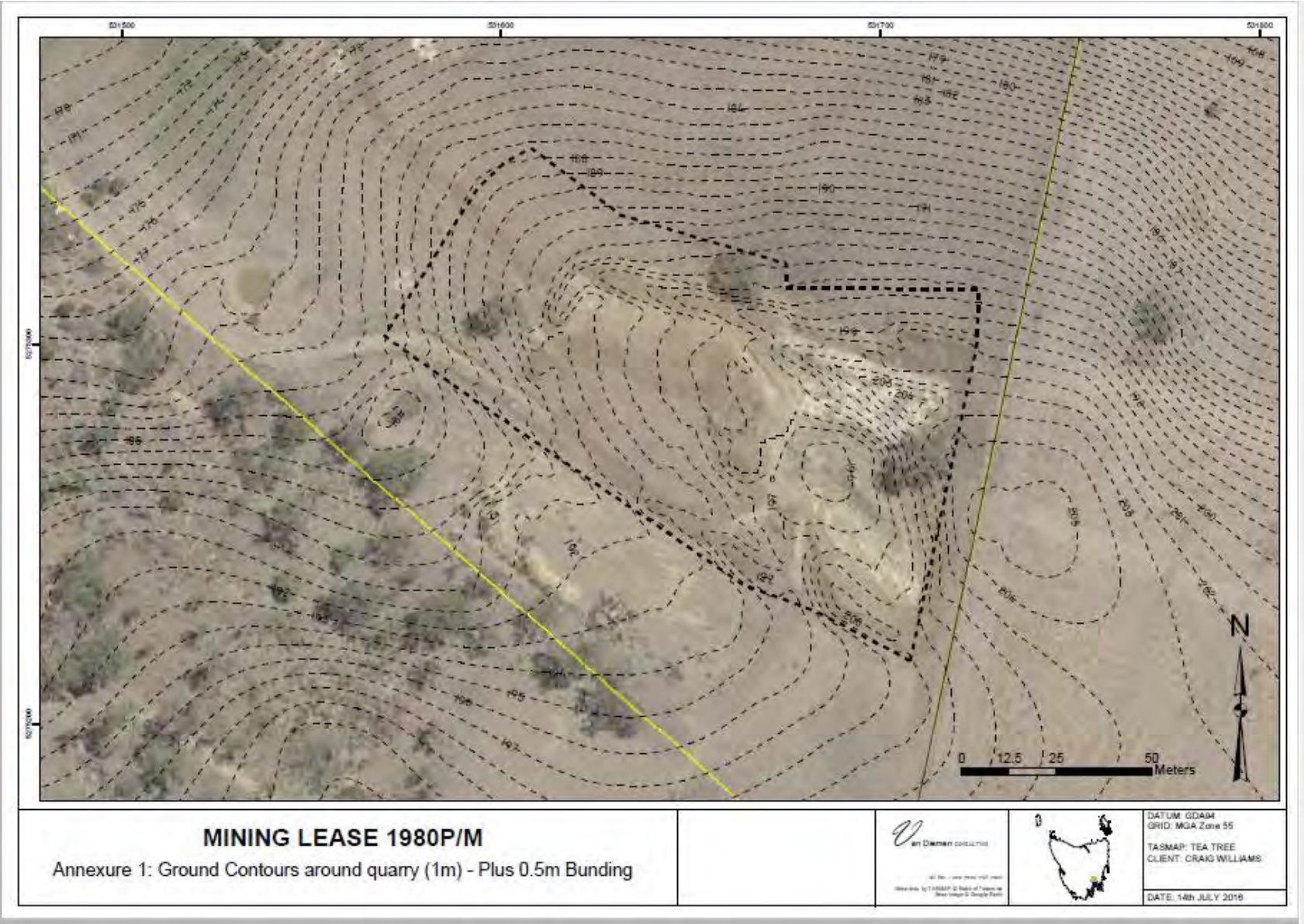
Number	Commitment
2	Crushing will be limited to 5 days per annum, and will only occur between the hours of 0800 and 1700 Monday to Friday. Crushing will not occur on Saturday, Sunday and public holidays.
3	A Weed Management Plan is implemented at the quarry operation.
4	One sediment pond (0.95ML) will be used to capture and treat for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events.
5	Sediment trapped by the pond will be removed annually. The collected sediment will be mixed with stockpiled top soil for progressive rehabilitation of disused quarry areas.
7	Waste generated by the servicing of machinery is disposed of in accordance with best practice principles.
8	Waste generated by workers from general refuse (eg lunch wrappers) at the quarry is removed each day to the waste bins at the existing dwelling.
9	The crushing of the 2,500 cubic metres will be completed within a single run of 5 consecutive days (maximum).
11	Trucks will avoid entering and leaving the quarry in the period 20 minutes either side of the school bus collection and drop-off time, as advised by the school bus operator.
13	There is no permanent storage of fuels, oils, lubricants or any other dangerous good in the quarry.
14	Fuel and oil containers are stored at the existing workshop facility adjacent to the existing residential dwelling.
15	When in the quarry, fuel and oil containers are stored at least 10 m from any drain or sediment pond and are bunded (moveable bunds) to a capacity at least 1.5 times the volume of the container.
16	One hydrocarbon spill kit is stored at the quarry to use in the event of a spillage.
17	An <i>Unanticipated Discovery Plan</i> (Attachment 2 to these Guidelines) will be on hand during ground disturbing works to aid the quarry operator in meeting the requirements under the Act should Aboriginal heritage be uncovered.
18	'Progressive rehabilitation' will occur in those areas that have been quarried and are no longer needed or used for the operation of the quarry.
19	To enable the public to respond to any concerns they may have about the operation of the quarry, a Complaints Register will be prepared and maintained for the activity.

**Attachment 4 to Permit Part B - Quarry Layout and Location of Crusher**

PCE No. 9340  
**Attachment 4**  
**Quarry Layout**



Attachment 5 to Permit Part B - DEM of 14 July 2016 showing existing plus 500mm



**Appendix 2 Williams Quarry Landscape Plan**



**WILLIAMS QUARRY, REKUNA  
LANDSCAPE PLANTING PLAN**

PLANNING PERMIT N° DA 2014/64

VERSION 3 22/4/15



**Approved**

Manager

Development & Environmental Services

Ref: DA 2014/64..... Date: 23/4/15.....

Signature: 

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## BACKGROUND

The Southern Midlands Council (SMC) approved a Level 1 Extractive Industry [quarry] development at 1356 Tea Tree Road Rekuna in 2014.

In the Environmental Effects Report submitted with the Development Application, the quarry operator committed to – Commitment 2 - A 10m setback on the side boundary will be established along the eastern side of the proposed Mining Lease within which no quarrying will occur.

The Permit granted by the SMC requires plantings based on the below conditions of the permit –

### *Landscaping*

3. The landscape planting across the eastern boundary of the site depicted in 'Figure 2: Quarry Layout' of the *Weed Management Plan* prepared by Van Diemen Consulting shall be completed within 6 months of the granting of a Mining Lease. Landscaping shall be to the satisfaction of the Manager of Development and Environmental Services.
4. The landscape planting, depicted in 'Figure 2: Quarry Layout' of the *Weed Management Plan*, shall be in accordance with a landscaping plan and species list submitted to Council prior to the plantings commencing. The plan shall be to the satisfaction of the Manager of Development and Environmental Services.

## LANDOWNER AND QUARRY MANAGER DETAILS

The quarry operator is a self-employed businessman who operates an agricultural services and machinery repair business from the property which supports the quarry.

### LANDOWNER DETAILS

The business is based at Tea Tree and is located on the same property to which he and his family reside:

Mr Craig Williams  
Trading as – CA and SM Williams  
ABN: 33 389 865 480  
1356 Tea Tree Road TEA TREE TAS 7107  
Mobile: 0407 129 562  
Email: [casmwilliams@bigpond.com](mailto:casmwilliams@bigpond.com)

### QUARRY DETAILS

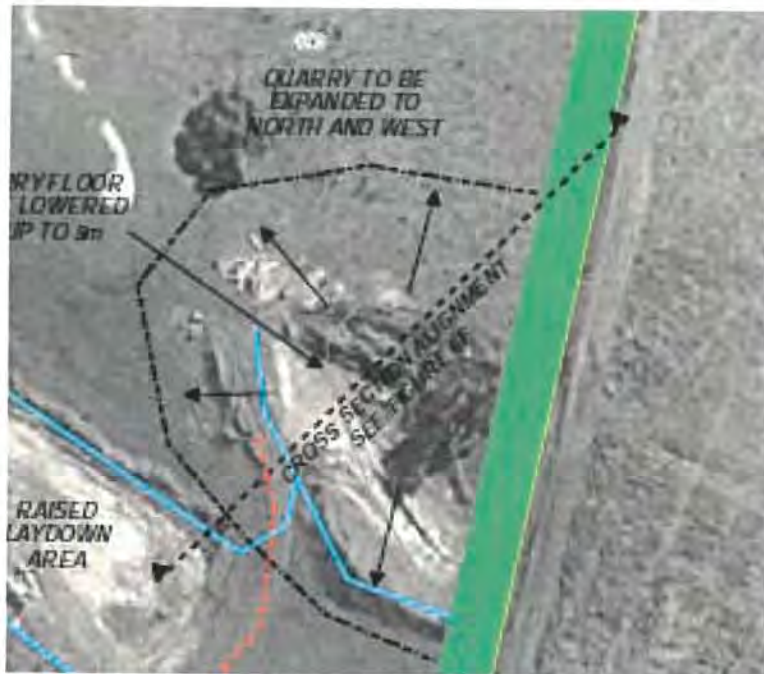
Physical address – 1356 Tea Tree Road Tea Tree TAS 7107  
Land Title – 155147/1  
PID – 2941285  
Planning Zones (*Southern Midlands Planning Scheme 1998*) – Rural Agriculture

### SITE PREPARATION

There are two components to this landscape plan – (i) the shelterbelt along the eastern boundary where it coincides with the quarry and (ii) the raised mound of stockpiled soil from the stripping of topsoil from the undisturbed areas to be quarried.

### RAISED MOUND

A raised mound of stripped topsoil has been established along the northern boundary of the quarry to store and protect the topsoil for future rehabilitation works in the quarry. The image below shows the location of the cross-section presented in Figure 3 which specifically identifies the relationship of the raised mound to the quarry floor and benches to be established in the quarry as gravel extraction progresses.



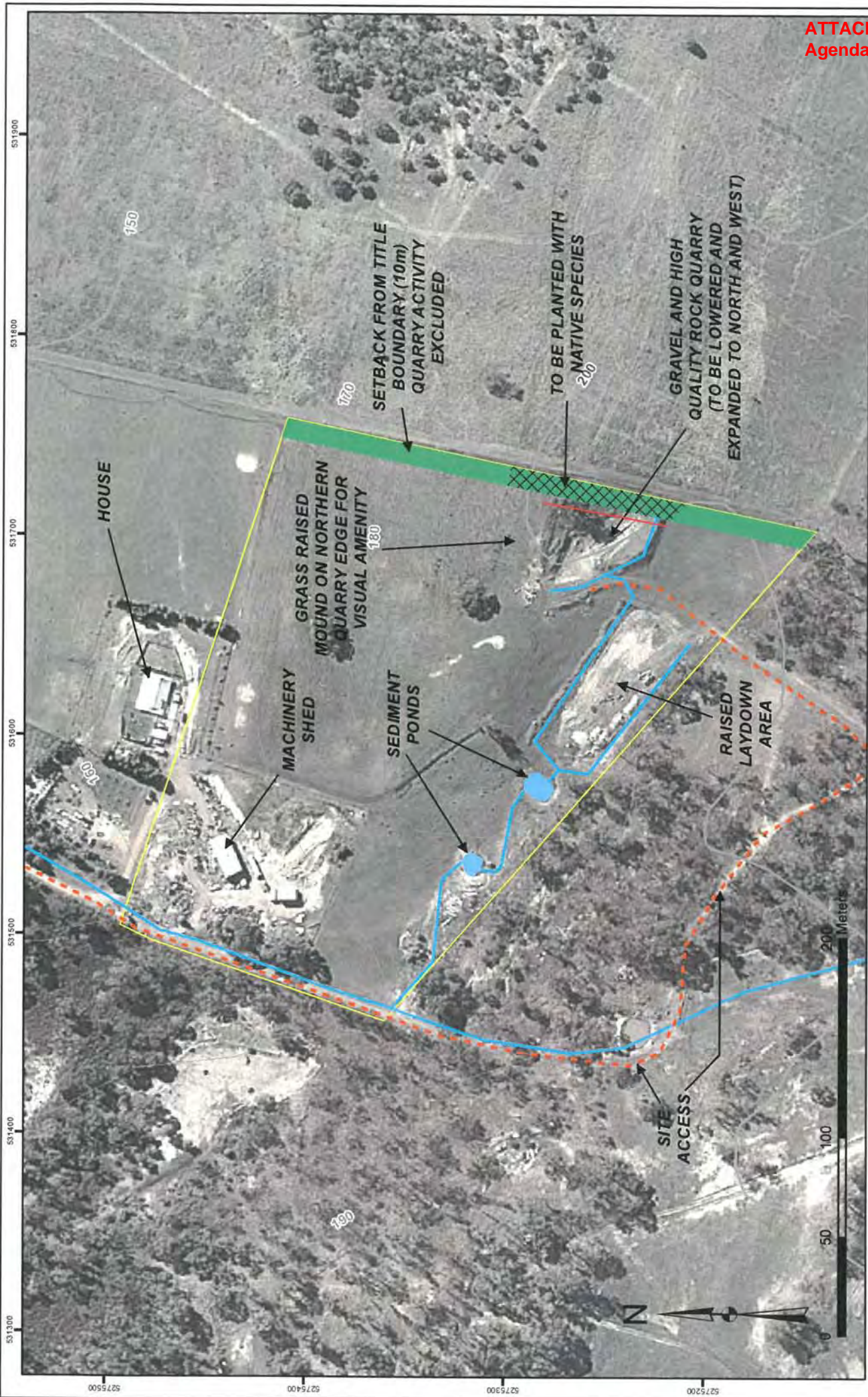
Images of the soil stockpiled along the northern extent of the quarry ready for sowing with pasture grass when weather and soil conditions are suitable





- Tree Planting Area
- Quarry Setback
- Mining Lease

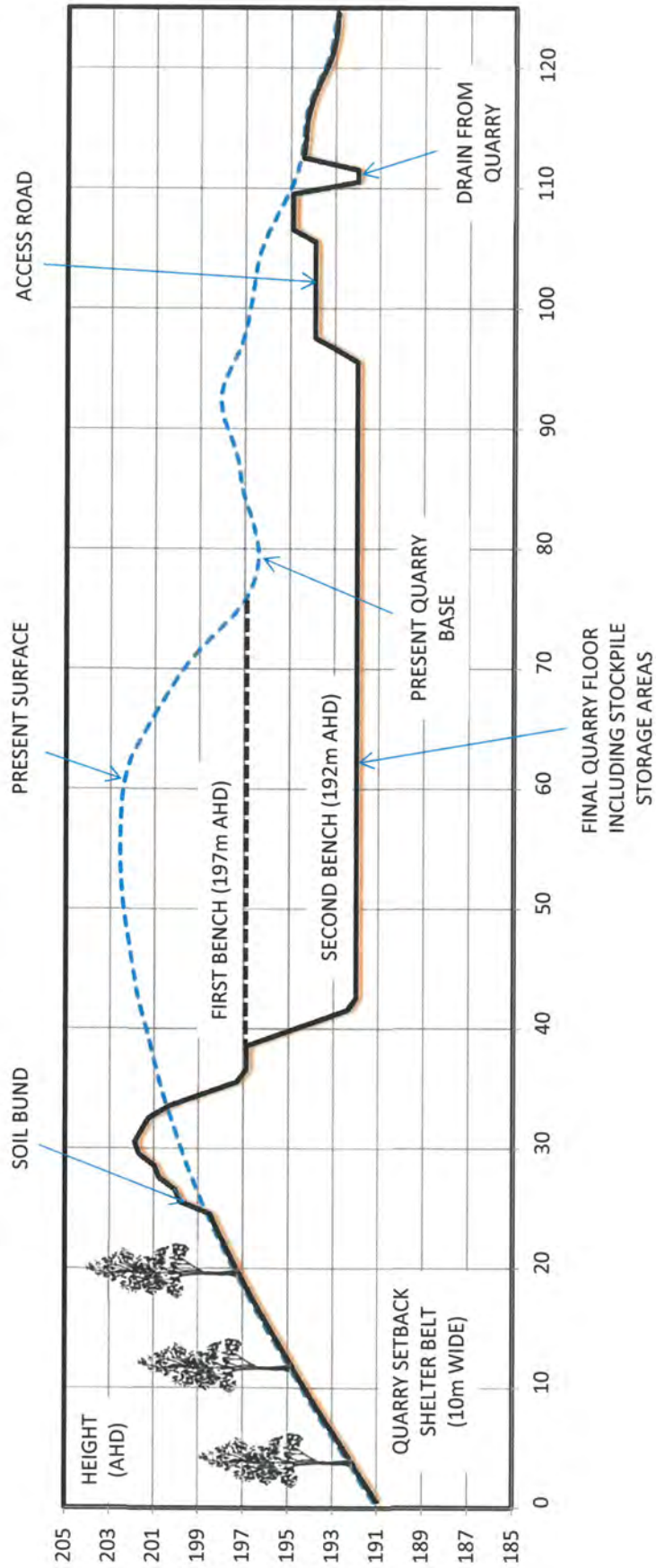
**Williams Quarry**  
Figure 2: Quarry Layout



*Handwritten signature/initials*



FIGURE 3 CROSSSECTION OF QUARRY EXTRACTION PLAN



### **SHELTERBELT**

Soil to a minimum depth of 300mm has been placed onto the cracked/shattered rock that was exposed by the previous quarry workings. This is shown in the images below. The topsoil will be well watered (either by natural rainfall or through the use of a water cart and pump) prior to the trees being planted such that the soil moisture levels are high at the time of planting.



**Images of the soil covered old quarry workings**

### **GRASS ESTABLISHMENT**

The raised mound of topsoil along the northern edge of the quarry will be sown with a pasture grass mix, standard for pasture development for adjoining pastures, when weather conditions are suitable for its application and seed germination.

### **TREE PLANTING**

The 10m wide strip along an area at the eastern edge of the Mining Lease is to be planted as per Condition 4 of the Planning Permit – shown in Figure 2 attached. The north-south extent of the pit along the eastern edge of the setback is marked as a red line in Figure 2, which means that the planting area is longer than the extent of the pit.

A selection of species will be planted based on advice from a suitably qualified and experienced person/supplier. Soil will be used to cover the exposed rock, if any, in the setback area prior to tree planting as would normally be required by MRT to stabilize the soil surface as part of rehabilitation works.

### **TREE SOURCES**

Trees used in the planting will be grown by the proponent, or purchased from a reputable native plant nursery/supplier. At the time of planting each tree will be planted with a fertilizer tablet to aid growth in the early stage of establishment.

### TREE SPECIES SELECTION

Trees species (which will all attain a mature height of at least 8m) used in the planting will include a single species planting or some combination of the following, subject to the availability of stock, plant survivorship and the landowner –

- *Eucalyptus globulus*, Tasmanian blue gum;
- *Eucalyptus viminalis*, white gum;
- *Eucalyptus rubida*, candlebark;
- *Eucalyptus perriniana*, spinning gum; and/or
- *Eucalyptus tenuiramis*, silver peppermint.

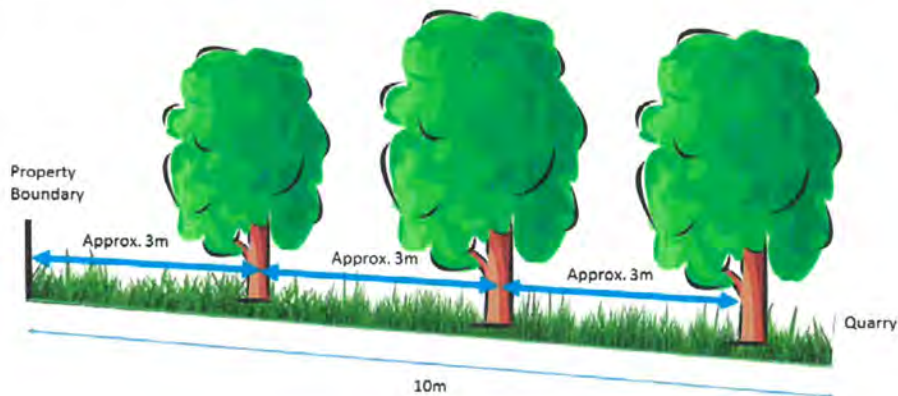
### SPACING AND ROW WIDTH

Tree planting densities and the number of rows belt are listed in Table 1.

**Table 1. Row number and density of plantings**

Rows of trees	Space between rows	Tree Spacing (planting densities)
3	3 m from property boundary, then approx. 3m apart	1 tree every 5 m

Diagrammatic representation of the tree plantings -





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This document has been prepared in accordance with the scope of services agreed upon between Van Diemen Consulting (VDC) and the Client.

To the best of VDC's knowledge, the report presented herein represents the Client's intentions at the time of completing the document. However, the passage of time, manifestation of latent conditions or impacts of future events may result in changes to matters that are otherwise described in this document. In preparing this document VDC has relied upon data, surveys, analysis, designs, plans and other information provided by the client, and other individuals and organisations referenced herein. Except as otherwise stated in this document, VDC has not verified the accuracy or completeness of such data, surveys, analysis, designs, plans and other information.

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This document does not purport to provide legal advice. Readers should engage professional legal advisers for this purpose.

**Document Status**

Revision	Author	Reviewer and Organisation	Date
1	R Barnes	R Barnes, VDC	23-1-2015
1	R Barnes	C Williams, Quarry Manager	25-1-2015
1	R Barnes	Southern Midlands Council	19-2-2015
2	R Barnes	C Williams, Quarry Manager	15-3-2015
2	R Barnes	Southern Midlands Council	15-3-2015
3	R Barnes	C Williams, Quarry Manager	19-4-2015
3	R Barnes	Southern Midlands Council	22-4-2015

**Appendix 3 Land Title Information**

**PROPERTY ID:** 2941285  
**MUNICIPALITY:** SOUTHERN MIDLANDS

**PROPERTY ADDRESS:** 1356 TEA TREE RD  
 CAMPANIA TAS 7026

**TITLE OWNER:** 155147/1 : CRAIG ANTHONY WILLIAMS, SALLY MAREE WILLIAMS

**RATE PAYERS:** WILLIAMS, CRAIG ANTHONY  
 WILLIAMS, SALLY MAREE

**POSTAL ADDRESS:** TEA TREE RD  
 CAMPANIA TAS 7026

**MAIN IMPROVEMENTS SUMMARY**

**Improvements:** House, farm impts  
**Improvement Sizes (Top 3 by Size):** **Area:** 138.0 square metres **Improvement:** HOUSE  
**Number of Bedrooms:** 3  
**Construction Year of Main Building:** 1965  
**Roof Material:** Galvanised Iron  
**Wall Material:** Weatherboard  
**Land Area:** 21.63 hectares

**LAST VALUATIONS**

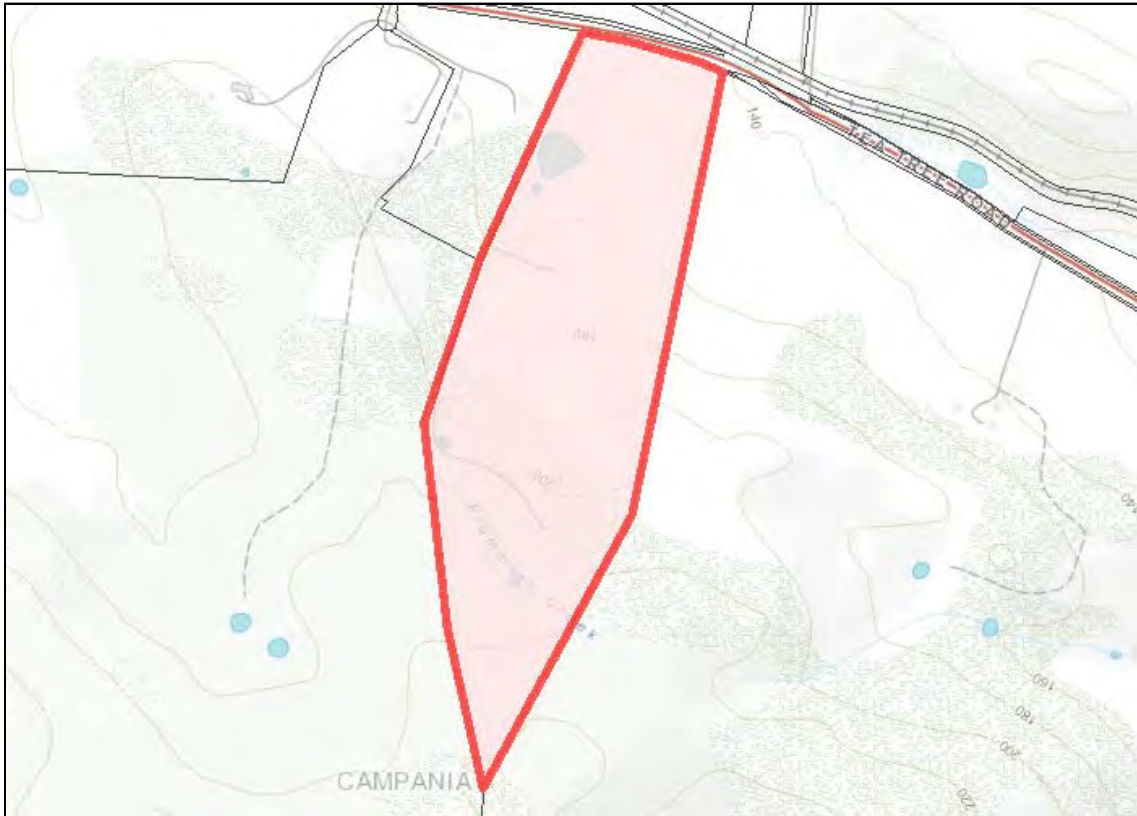
Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
01/08/2009	01/10/2008	\$200,000	\$280,000	\$11,200	Part from 1952214

**No information obtained from the LIST may be used for direct marketing purposes.**

This data is derived from the Valuation List prepared by the Valuer General under the provisions of the Valuation of Land Act 2001. These values relate to the level of values prevailing at the dates of valuation shown.

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**Explanation of Terms**

**Property ID** - A unique number used for Valuation purposes.

**Date Inspected** - The date the property was inspected for the valuation.

**Levels At** - The date at which values of properties are set to determine revaluations and any supplementary valuations in the revaluation cycle.

**Land Value** - The value of the property excluding all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees, artificially established pastures and other like improvements but does include draining, excavation, filling, reclamation, clearing and any other such like invisible improvements make to the land.

**Capital Value** - The total value of the property, excluding plant and machinery, and includes the land value.

**A.A.V.** - The gross annual rental value of the property, excluding GST, municipal rates and land tax, but is not to be less than 4% (percent) of the capital value.

**Multiple Tenancies** - Properties that have multiple tenants are assessed for separate A.A.V's. e.g. a house and flat.





SEARCH OF TORRENS TITLE

VOLUME 155147	FOLIO 1
EDITION 2	DATE OF ISSUE 21-Dec-2010

SEARCH DATE : 07-Jun-2014

SEARCH TIME : 08.53 AM

DESCRIPTION OF LAND

Parish of DRUMMOND Land District of MONMOUTH  
 Lot 1 on Plan 155147  
 Derivation : Part of 870 Acres Gtd. to J. Till  
 Prior CT 132606/2

SCHEDULE 1

C253279 TRANSFER to CRAIG ANTHONY WILLIAMS and SALLY MAREE  
 WILLIAMS Registered 30-Mar-2001 at noon  
 (MF:2616/994)

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 121755 & SP 132606 FENCING PROVISION in Schedule of  
 Easements  
 SP 121755 COUNCIL NOTIFICATION under Section 83(5) of the  
 Local Government (Building and Miscellaneous  
 Provisions) Act 1993.  
 SP132606 BENEFITING EASEMENT: a pipeline easement over the  
 Pipeline Easements 'B' 'C' 'D' & 'E' 3.00 wide on P.  
 155147  
 SP132606 BENEFITING EASEMENT: a right of carriageway over the  
 Right of Way 6.00 wide on P.155147  
 C995562 MORTGAGE to Australia and New Zealand Banking Group  
 Limited Registered 21-Dec-2010 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**Appendix 4 Weed Management Plan**

**WILLIAMS' QUARRY, TEA TREE  
WEED MANAGEMENT PLAN  
JUNE 2014**



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## OBJECTIVES OF PLAN

The meaning of weed(s) in this Plan has the same meaning as a *declared weed* in the *Weed Management Act 1999*.

The objectives of this Weed Management Plan (the Plan) are to:

- record and map the occurrence of weeds and within the Mining Lease;
- identify and implement management measures within the Mining Lease to -
  - minimise the risk of spreading propagules of weeds within the Mining Lease and to locations outside the Mining Lease;
  - control and/or eradicate weeds where practicable;
  - ensure that rehabilitation works are not compromised by the occurrence or growth of weeds; and to
  - minimise the risk of introducing soil-borne pathogens into the Mining Lease where they may be on-carried to another site.
- monitor and review the results of on-ground actions as required; and
- establish a mechanism to review the Plan, including its objectives and implementation.

## QUARRY OPERATOR

The Quarry owner and Operator is:

Mr Craig Williams  
Trading as – CA and SM Williams  
ABN: 33 389 865 480  
1356 Tea Tree Road TEA TREE TAS 7107  
Mobile: 0407 129 562  
Email: [casmwilliams@bigpond.com](mailto:casmwilliams@bigpond.com)

## WEED PLANNING AND MANAGEMENT FRAMEWORK

The Plan operates within an existing framework of legislative and planning requirements for the management and control of weeds.

### ***Weed Management Act 1999***

The objectives of the Act further the objectives of the Resource Management and Planning System (RMPS) of Tasmania. In particular the Act provides for the control and eradication of weeds having regard to the need to -

- a) minimise negative effects of weeds on the sustainability of Tasmania's productive capacity and natural ecosystems; and
- b) promote a strategic and sustainable approach to weed management; and
- c) encourage community involvement in weed management; and
- d) promote the sharing of responsibility for weed management between government, natural resource managers, the community and industry in Tasmania.

### ***Weed Management Regulations 2000***

The Regulations are the statutory rules that underpin the Act itself. They detail the requirements and measures referred to in the Act, including:



- a) Tolerance Level Requirements (in relation to seed contamination levels within grain imported into the State);
- b) Livestock Importation Prescribed Measures; and
- c) Infringement Notices and Penalties.

### **Weed Management Plans**

Once a species has been listed as a Declared Weed a Weed Management Plan (WMP) is developed for it.

A WMP should include the:

- name of the target weed (including details of how to identify the species and how it is spread through the environment);
- objectives and methods of the Plan;
- comments on the effect on the environment if strategy is implemented;
- cost of strategy and proposed funding method to implement;
- monitoring /Evaluation methods;
- time period within which the Plan operates and milestones for review; and the
- region or area of operation for the Plan.

### **Quarry Code of Practice 1999**

The Code of Practice provides guidance and advice in Section 6.8 on the prevention of weed spread within and from quarry/mine sites.

## MINING LEASE

### LOCATION

The Williams Quarry is located on private freehold land at 1356 Tea Tree Road Tea Tree (Figure 1). It is a small quarry with up to 4,999 cubic metres of rock-gravel extracted per annum.

- Physical address – 1356 Tea Tree Road TEA TREE TAS 7017
- Mining Lease Number – TBA
- Mining Lease Size – TBA

### VEGETATION

The quarry itself has been cleared of all native vegetation, with the surrounding landscape being comprised of pasture, and heavily burnt (2013 bushfire) eucalypt dry grassy forest and woodland.

### DRAINAGE

The well drained nature of the dolerite itself enables water (rainfall) to quickly drain through the quarry floor. Only during periods of heavy or sustained rainfall does ponding occur in the quarry with very infrequent periods of runoff from the quarry floor. A series of sediment ponds exist to the west of the quarry (Figure 2) which capture runoff to enable sediment to be captured – sediment removed from the ponds when they are cleaned is re-used at the quarry for rehabilitation purposes.

### GEOLOGY

The geology of the quarry is Jurassic dolerite with a thin clay-loam soil derived from in situ weathering of the bedrock. Rock to the south of the quarry is Triassic sandstone.

### WEEDS IN THE MINING LEASE

Two weeds were identified within the proposed Mining Lease (Figure 3). Descriptions of each weed are provided below. Details on the management of the weeds listed below are provided in 'Plan Implementation'.

#### CALIFORNIAN THISTLE

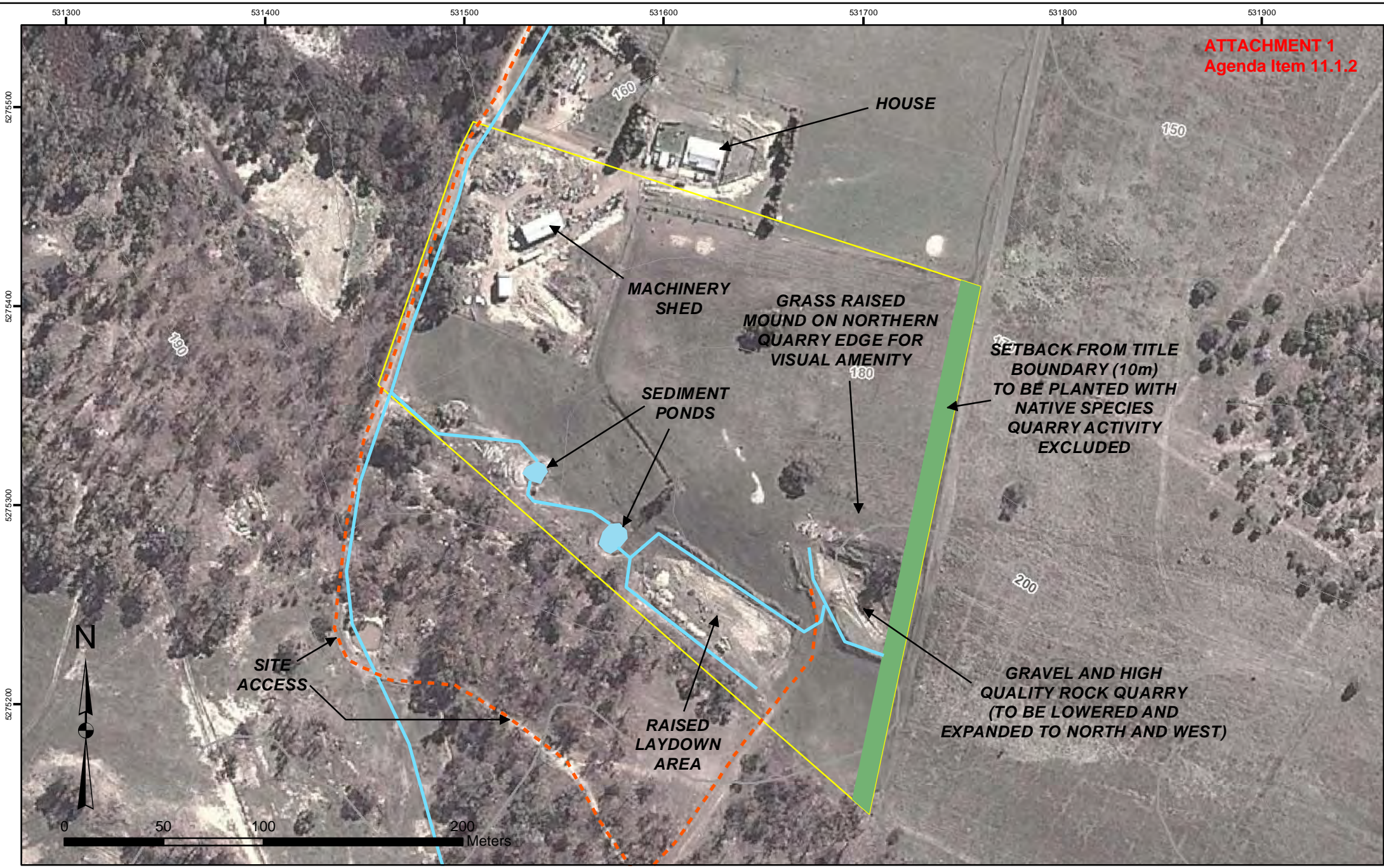
Californian thistle is a perennial (long-lived) plant. Over winter the top growth dies off leaving only the root system. The roots remain alive from year to year and actively spread through the soil. In spring the roots produce rosettes (whorls of leaves close to the ground), which send up a branched stem to about 1 metre in height. Each flower head contains a large number of rose-purple to lavender florets smelling strongly of honey. Male and female flowers are borne on separate plants. Infestations that have either all male or all female plants spread by vegetative growth only. If male and female plants are found within the same infestation, viable seed is produced and the infestation spreads both vegetatively and by seed. Californian thistle spreads vegetatively by budding from the extensive rootstock and from seed.







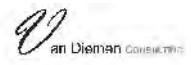






**Williams Quarry**  
Figure 2: Quarry Layout

-  Quarry Setback
-  Proposed Mining Lease

  
an Dieman CONSULTING  
PO Box 11111 TAS 7244  
Base data by TASMAR, © State of Tasmania  
Base image © Google Earth



DATUM: GDA94  
GRID: MGA Zone 55  
TASMAR: TEA TREE  
CLIENT: CRAIG WILLIAMS  
DATE: 6th JUNE 2014



## **HOREHOUND**

Horehound is a branching, perennial (long-lived) plant growing to a height of about 80 cm. The stems and lower surface of the leaves are covered with white woolly hairs, giving the plant a silvery appearance. The leaves have a “crinkly” appearance and the leaf margins have rounded teeth. The white flower clusters are densely packed, forming balls of flowers that surround the upper stems at each leaf node. Most seed germinates after autumn rains but some germination also occurs through winter into spring. Established plants flower over several months during summer and autumn and new growth is produced each year in autumn and spring. Horehound is spread by seed carried by stock as the fruit or burr readily attaches to wool and fur.







**ATTACHMENT 1**  
**Agenda Item 11.1.2**  
**Weeds**

- ▲ Californian thistle
- ▲ Horehound

**Williams Quarry**  
 Figure 3: Weeds in proposed Mining Lease

Proposed Mining Lease

*an Dieman CONSULTING*  
 CONSULTING  
 Base data by TASMAR, © State of Tasmania  
 Base image © Google Earth



DATUM: GDA94  
 GRID: MGA Zone 55  
 TASMAR: TEA TREE  
 CLIENT: CRAIG WILLIAMS  
 DATE: 6th JUNE 2014



### **ROOT-ROT FUNGUS (*PHYTOPHTHORA CINNAMOMI*)**

Root-rot fungus (*Phytophthora cinnamomi*, PC) is a soil borne pathogen that causes death in a wide range of native plant species often leading to floristic and structural changes in susceptible plant communities.

PC evolved in tropical areas and requires warm, as well as moist, soils for at least some time of the year to produce sporangia and release zoospores (Rudman 2005). Only those areas of the State that are below an altitude of about 700m above sea level have soils sufficiently warm for this to occur (Podger *et al* 1990). Vegetation types below 700m elevation may not be wholly or partly susceptible if closed canopies keep soil temperatures cool during the summer months, such as tall wet eucalypt forests over rainforest species, or rainforest communities.

PC can be spread through the movement of infected soil or plant material by people or animals, and can even be transported by water percolating through soil or via surface water, such as in creeks and other drainage lines. Transport of PC to new areas is usually through soil/dirt adhering to vehicles and machinery. Transport into non-roaded areas of high human usage is mainly via bushwalking items such as tents or footwear, but can also occur by bird activity.

The fungus is not always evident in the landscape as it attacks root systems of susceptible species, usually causing death in new growth or the yellowing of leaves followed by loss of vigour and, in most cases, death. The fungus can inhabit the root systems of resistant species without any visible signs of infection within the host plant.

It is highly unlikely that PC is active and/or can persist in the Quarry or surrounds, even if it has been transported there, because the local climatic conditions (very dry summer – autumn periods with low annual rainfall – about 550 mm per annum) are not conducive to the germination, growth and reproduction of the species in the area. On this basis, no special management requirements at the Quarry are needed to address this pathogen.

## **KEY MANAGEMENT OBJECTIVES FOR AREAS IN THE QUARRY**

For management purposes it is prudent to identify areas of activity in the proposed Mining Lease which can be the focus of specific weed control and monitoring activities. These areas have not been spatially defined as the active face and quarry floor as well as the soil stockpiles will change over time.

### **QUARRY OPERATIONAL AREA**

The Operational Area includes the active face, quarry floor, gravel-rock stockpiles, sediment pond and vehicle parking area. The operational area is where the gravel/rock material is extracted, crushed and stored prior to collection by trucks for delivery so it should be kept weed-free to –

- minimise the risk of contaminating the gravel product with weed propagules; and to
- minimise the risk of vehicles leaving the quarry with weed propagules.

Weeds not already in the quarry that may be introduced to the quarry by trucks and vehicles are most likely to be first seen in the quarry or immediate surrounds. The Quarry Operator will be vigilant in observing any new plants that appear in the quarry and seek advice from a suitably qualified person as to their identification. This approach should ensure that any new weeds that enter the quarry are detected and eradicated before they become established in the quarry.

### **TOPSOIL STOCKPILES**

The topsoil that is stockpiled around the quarry should be assessed regularly by the quarry operator for horehound, Californian thistle and other weeds. Weed outbreaks should be sprayed as soon as possible (noting the appropriate time of the year for the spraying to occur which can vary for each species) as part of the Weed Spraying Program. There are already existing outbreaks on some stockpiles.

### **ACCESS ROAD**

The section of Access Road that occurs within the Mining Lease should be regularly assessed (at least once every month during spring and summer and three monthly in autumn and winter) for weed occurrence and growth. Weed outbreaks should be sprayed as soon as possible (noting the appropriate time of the year for the spraying to occur which can vary for each species) as part of the Weed Spraying Program.

## PLAN IMPLEMENTATION

### ROLES AND RESPONSIBILITIES

#### Quarry Owner and Operator

Responsible for ensuring that:

- all staff and contractors are briefed on the requirements of the Plan and its importance to the overall success of quarry operation;
- this Plan is applied and implementation monitored through regular assessments of the proposed Mining Lease;
- variations to this Plan are developed and approved prior to their implementation.
- this Plan is appropriately implemented and reviewed from time to time; and
- staff and contractors are trained in weed hygiene measures, with emphasis on those relevant to their appointed tasks.

#### Staff and Contractors

All staff and contractors that work within the proposed Mining Lease are responsible for:

- applying weed hygiene measures for which they have received training;
- reporting any breaches of this Plan to the Quarry Operator as soon as practical, providing written details of the breach, and any measures that were immediately taken to reduce the likelihood of any environmental harm; and
- reporting new occurrences of weeds to the Quarry Operator within a reasonable timeframe of detection.

### SPRAYING PROGRAM

The Quarry Operator will implement a targeted Weed Spraying Program on-site as they have the expertise and equipment to conduct their own weed spraying rather than out-source it to a contractor. The program will be reviewed each year and updated as new information about the occurrence of weeds within the proposed Mining Lease become available. The Weed Spraying Program will form part of this Plan and carry with it the same responsibilities of implementation outlined in 'Role and responsibilities'.

The Plan each year will take the form of a Works Plan which will comprise the following –

1. A **map** showing the areas where weeds occur, what species they are and a works area number (to reference to the associated spreadsheet); and
2. A **spreadsheet** similar to that contained in Appendix B which will identify the works area, weed of concern and the management of that weed or group of weeds.

The spreadsheet will be updated electronically with a new worksheet for each Work Plan, thus maintaining a record of the works recorded and completed. The printed version of the Works Plan once implemented will be signed by the officer responsible for the works and filed at the office of the Quarry Operator for future reference.

For all weed spraying at the Quarry, the Rivercare 'Guideline for Safe and Effective Herbicide Use near Water' (Appendix A) will be applied.

### HEAVY MACHINERY WASHDOWN

The highest risk of transporting propagules is from heavy machinery, such as excavators, as these have the ability to carry large clods of dirt and mud in which seed propagules can be lodged. Transport trucks pose

little risk to the transportation of weed propagules if they remain on the hard surface of the roads and the gravel loading area and that these areas are well managed to exclude weeds.

Wherever possible machinery will be brought into the quarry and surrounds in a clean condition; free of weed propagules, clods of dirt and vegetative matter. This approach will also assist to minimise the risk of introducing root-rot fungus to the quarry.

### **Site Selection**

The exact location of any required washdown site in the quarry should be decided on the following criteria:

- Stormwater settlement ponds or areas designed for the capture of runoff from roads should be preferentially used for washdown if they are practical to access;
- If stormwater settlement ponds are not readily accessed, ensure washdown is conducted as close as possible to the source of the material being removed;
- Ensure run-off does not directly enter a watercourse or waterbody, a 30m buffer from any waterway or waterbody is desirable;
- Select a mud-free location (e.g. well grassed, gravel) which is gently sloped to drain effluent away from the washdown area;
- Allow adequate space to safely move tracked vehicles and allow safe vehicle access around the heavy machinery; and
- Pay particular attention to potential hazards near or at the washdown site (e.g. overhead powerlines, powerpoles and fences).

If there will be large quantities of effluent or there is a risk of extensive run-off, the washdown area should be bunded and a sump constructed to safely dispose of the effluent. Take particular care where the effluent is likely to be contaminated with oil or fuel.

### **Washdown prescriptions**

For each of the washdown sites the following prescriptions will be applied: Note: Do NOT apply water to equipment that may be damaged by water.

1. Locate washdown site as close as possible to the source of the materials being removed, and prepare the surface or construct bunding as required.
2. Safely park the vehicle free of any hazards (e.g. electrical), ensure the engine is off and the vehicle is immobilised.
3. Look over the vehicle, inside and out, for where dirt, plant material including seeds are lodged. Pay attention to the underside of the vehicle, radiators, spare tyres, foot wells and bumper bars.
4. Remove any guards, covers or plates if required, being careful of any parts that may cause injury.
5. Knock off large clods of mud, use a crow bar if required and sweep out the cabin.
6. Brush off dried plant material like weed seeds and chaff in radiators and other small spaces where this material lodges.
7. Clean down with a high pressure hose (using potable drinking water) and stiff brush/crowbar.
8. Start with the underside of the vehicle, wheel arches, wheels (including spare). Next do the sides, radiator, tray, bumper bars etc and finally upper body.
9. Clean associated implements, e.g. buckets.
10. Check there is no loose soil or plant material that could be readily dislodged or removed.



11. Wash effluent away from the machinery; do not drive through wash effluent.

Contractors should keep a log book of where and when they wash down machinery, and of where they then took the machinery. These data are useful in ensuring that checks are made of the washdown locations in the event that any undesirable plants become established in these locations.

## **MONITORING AND REVIEW**

The Plan is intended to be flexible and allow change to the focus of management actions, especially the weed spraying program, as the occurrence, extent and severity of weed infestations change across the site.

The Figures attached to this Plan may be reviewed and modified from time to time as new data become available, especially following field surveys to identify, record and map new and current weed occurrences in the proposed Mining Lease.

### **MONITORING**

The early detection of any weeds that enter the proposed Mining Lease is important to ensure that any control or eradication program has the highest likelihood of success. A survey to identify new weed species within the proposed Mining Lease should be conducted at the intervals decided by a suitably qualified person. This approach should enable early detection of weed species before they reach an extent where control and eradication is very costly and/or difficult to achieve. Key weed species of concern if they are detected in the proposed Mining Lease are listed in Table 1.

The following survey regime will be applied during the life of the quarry operation:

1. Surveys and assessments by a suitably qualified person will be made at intervals to –
  - a. identify, record and map any new weed species not previously recorded;
  - b. assess and map the extent of known weed infestations to determine if they are becoming larger and/or more significant such that control measures can be modified; and
  - c. review/assess the weed control works that have been conducted and to provide advice, where necessary, on the management of weeds.
2. Areas where weed control/eradication works have occurred (eg spraying) will be assessed no more 12 months after the treatment occurred to determine if the measures implemented were successful. Where measures have proved unsuccessful, repetition and/or modification of the weed control technique(s) will be employed.

### **REVIEW OF PLAN**

The objectives, responsibilities and management actions within this Plan will need to adapt to new information about the site as it becomes available. The Plan will be reviewed each year in or as needed (eg. when a significant infestation of a weed on the site is detected).

**REFERENCES**

- Podger F, Mummery DC, Palzer CR and Brown MJ (1990) Bioclimatic analysis of the distribution of damage to native plants in Tasmania by *Phytophthora cinnamomi*. *Australian Journal of Botany* **15**, 281-289.
- Rudman T (2005). Interim *Phytophthora cinnamomi* Management Guidelines. Nature Conservation Report 05/7, Biodiversity Conservation Branch, Department of Primary Industries, Water and Environment, Hobart

**Table 1.** Weeds of concern that may enter the proposed Mining Lease

<b>Weed Common Name</b>	<b>Scientific Name</b>	<b>Significance if it was detected in Mining Lease</b>
Viper's bugle	<i>Echium vulgare</i>	High
Paterson's curse	<i>Erica plantagineum</i>	High
Spanish heath	<i>Erica lusitanica</i>	Moderate
Onopordum thistles	<i>Onopordum</i> species	Moderate
saffron thistle	<i>Carthamus lanatus</i>	Low
ragwort	<i>Senecio jacobea</i>	Low
nodding thistle	<i>Carduus nutans</i>	Low

**APPENDIX A**

'Guideline for Safe and Effective Herbicide Use near Water', DPIPWE





Photograph: Lynn Broos

# Guidelines for Safe and Effective Herbicide Use Near Waterways

The control and management of weeds near waterbodies is a challenge faced by many landholders across Tasmania. Waterbodies are particularly sensitive to herbicide contamination, so the decision to apply herbicides in the vicinity must be taken with great care.

Weed control near waterbodies requires a long-term commitment to eradication, perhaps 5–10 years or more, as the seed banks of many 'woody' weed species (eg blackberries, gorse) may remain viable for decades. Weeds can also spread along watercourses, making their control difficult. A staged, planned approach to weed control, alongside a program to re-establish native riparian species, is necessary to ensure the safe restoration of riparian areas. Restoring native vegetation helps to reduce the presence of weed species, ensures the stability of banks, shades the waterway (which helps prevent future weed invasion), and provides habitat for local fauna.

## Definitions

For the purposes of this guideline, the following definitions apply:

<b>Riparian land</b>	Any land that adjoins, directly influences, or is influenced by a body of water at any time of the year.
<b>Waterbody</b>	Includes natural watercourses (streams, creeks, rivers), natural wetlands, ponds, lagoons, constructed drainage channels, dams and ponds, reservoirs and lakes.
<b>Permanently inundated/perennial</b>	These areas have water all year round.
<b>Occasionally inundated/intermittent</b>	These areas have water some time of the year.
<b>Rarely inundated/ephemeral</b>	These are areas that rarely contain water (eg areas that flood on rare occasions).
<b>Toxicity</b>	The inherent poisonous quality/qualities of a substance, measured by what size dose is likely to cause harm (acute toxicity is measured by the amount of active ingredient - mg/kg live body weight - required to kill 50% of a test group of animals - this is called LD50).

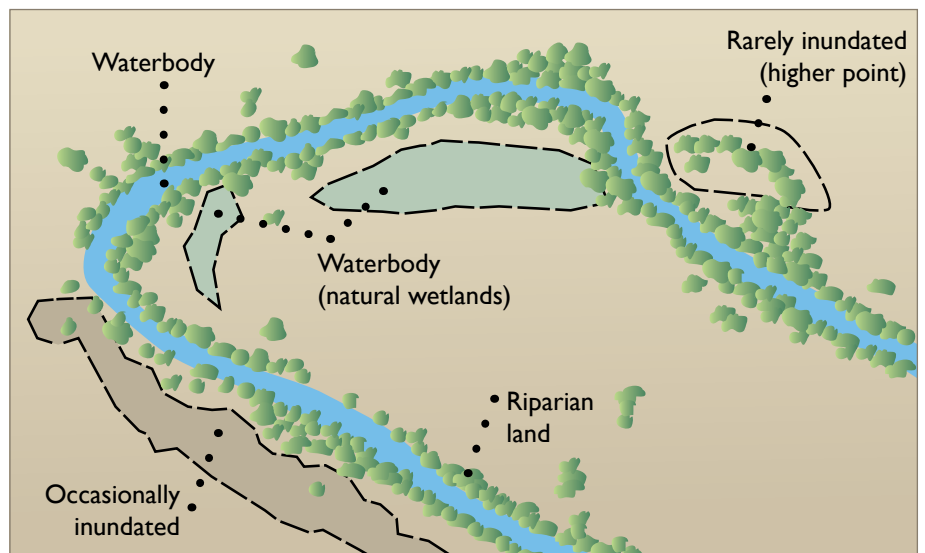


Figure 1: Appropriate and effective herbicide usage near water requires consideration of specific situations

## A Planned Approach

### Assess your site

#### What type of waterbody is it?

If your site is permanently inundated, you need to consider very carefully the choice of herbicide, recognising the risk to your aquatic ecosystem and the danger that the herbicide may pose to the surrounding environment. You also need to identify points of access to the site.

If your site is occasionally or rarely inundated, choose a time when the chance of rainfall is low and therefore the risk of runoff contaminated with herbicide is likely to be low. Figure 1. illustrates the different zones found in aquatic situations which may affect herbicide use.

#### What types of weeds are present?

Identify the species of weed and the extent of the infestation. Table 2 details the recommended herbicide control for a number of riparian weeds, the method and time of year for application. It also suggests alternatives to the use of chemicals.

#### Do the weeds have value at the site?

Consider whether the weeds are serving a useful purpose at the site. They may be acting as a buffer to control erosion, or as a filter to promote water quality. They may have a value to animal species as a source of food or shelter.

If you believe that you have native plants or animals that might be adversely affected by your proposed weed control, seek professional advice.

You may be able to stage the removal of weeds to minimise any impact on erosion or on animal life. You will almost certainly need to restore the habitat once weeds have been eradicated.

#### Are native species present at the site?

Identify any native plant species at your site. You may need to protect these species from overspray or mark them to prevent accidental spraying. These native plants will be the starting point to restoring the riparian zone.

### Choose your control method

Landholders should always consider non-chemical solutions as a preferred option before deciding to use herbicides. These include biological control (eg by introduction of gorse mite, see photo below), slashing, mulching, controlled grazing (controlling timing, intensity and frequency), or hand removal. Often a combination of chemical and non-chemical methods is most appropriate. Whichever method or combination of methods is used, it is important to consider the potential negative impacts on the environment and limit these as much as possible.



Biological agents such as Gorse spider mite may be options for use near waterways, courtesy of Tasmanian Institute of Agriculture.

#### Understanding herbicides

Herbicides are designed to control and eradicate pest plants ('weeds'). However, it is important to realise that many herbicides have toxic effects in aquatic ecosystems. Native plants, invertebrates, frogs and fish may be harmed by herbicides. The inappropriate use of herbicides may also cause significant risks to human health where water is pumped from a bore for domestic use, or flows to reservoirs.

Herbicides can enter waterbodies either directly through spray or spray drift, or they can move into waterbodies via surface water run-off or leaching and sub-surface draining.

Herbicides can be broadly classified according to their chemical structures and modes of action. Table 1 shows the three major types of herbicide.

Table 1: Herbicide classification

<b>Pre-emergent (residual)</b>	These herbicides are designed to inhibit the germination of pest plants. They are therefore applied before the pest plant germinates and are often residual in the soil for long periods. They are generally not considered to be safe for use near waterbodies and are not recommended for use due to their persistence in the environment.
<b>Knockdown non-selective</b>	These herbicides are designed to be applied directly to the target pest plant, either through being sprayed onto foliage or applied directly to the cambium layer using any of the direct application methods described in Table 3. They may vary in mode of action and some may persist as residues in the environment.
<b>Selective</b>	Selective herbicides are designed to act on only one type of pest plant. Generally, selective herbicides will control either broadleaf (eg capeweed), grasses (eg phalaris) or woody weeds (eg broom). These herbicides are useful when the focus may be on controlling a particular weed species (eg phalaris amongst native shrubs). These herbicides may persist as residues in the environment.

Herbicides applied to the edge of a waterbody, or in wetted areas around its edge, must be registered for use in aquatic environments by the Australian Pesticides & Veterinary Medicines Authority (APVMA).

## Consider the tools available to mitigate against offsite movement of your pesticide

### PIRI-Tas

PIRI-Tas is a simple screen tool that predicts the off-site migration potential of pesticides into surface or ground-water. PIRI-Tas assesses both the likelihood of off-site-migration and the risk to different species based on the toxicity of the pesticide to a range of aquatic organisms.

PIRI-Tas is a risk indicator and uses a risk-based approach to decision making by taking into consideration a range of factors associated with site conditions, soil and environmental scenarios, pesticide properties, application rates and time of spraying as well as considering impacts on target species being protected by receiving environments. PIRI-Tas outputs can also be used to construct annual spray schedules to assist with future planning.

PIRI was first developed by CSIRO and is being used both nationally and internationally by a number of organisations. PIRI-Tas CD's and onsite training are available for free through the DPIPWE to key users of chemical pesticides, including those in the agriculture, forestry, amenity, glasshouse and municipal sectors.

Further information is available at <http://www.dpipwe.tas.gov.au/inter.nsf/WebPages/SSKA-7JA3N4?open>

### Consider integrated pest management (IPM)

Integrated pest management (IPM) is a planned approach that coordinates environmentally acceptable methods of pest control with careful and minimal use of toxic pesticides. IPM programs are based on a comprehensive assessment of local conditions, including factors such as climate, season, the biology of the pest species, and government regulations.

Strategies employed may include the staged removal of weeds, biological control and re-planting of riparian areas with native species to discourage the regeneration of weeds.

## Consult and plan

Draw up a calendar for action. The time of year when herbicides will be most effective on the weed should be a major influence on the make-up of this calendar. Herbicides are generally most effective during the growing season of the weed rather than when it is dormant or approaching dormancy. The staged removal of weeds over several seasons may be less disturbing to your aquatic environment and minimise any adverse impact on fauna.

Consult with neighbours who may be affected by your weed control operation, especially if you think there is any risk of spray drift to adjoining properties or downstream. You may also decide to seek advice from experts before taking further action, or approach commercial spray contractors to assess your particular situation.

If the work involves a significant length of river or multiple properties it is advisable to develop a plan that covers all aspects of the weed control work and restoration, including potential risks. You should also be mindful of:

- feasibility/practicability of the work
- physical characteristics of the job site
- optimal pest control method, including alternatives to herbicides
- characteristics of the herbicide (physical, chemical and environmental)
- buffer zones
- the possibility of spray drift and other off-target migration
- weather conditions.

## Do you need to spray?

It is recommended that only trained, licensed contractors carry out spraying operations near waterbodies because of the sensitivity of these environments. Check that they have experience and an understanding of the issues around using herbicides near aquatic environments.

The following points are critical to the application of herbicides near waterbodies:

- Always follow the label
- When you are working near the edge of a waterbody, direct the spray away from the waterbody where possible.
- Spray only to the extent of covering foliage with droplets.
- Spray when weather is calm; strong winds may carry herbicide drift into waterbodies.
- Use a flat fan nozzle and a low pump/spray pressure to reduce the likelihood of spray drift.
- Do not spray when rainfall is forecast within four hours as herbicide can be washed off the pest plant and run off into aquatic ecosystems.

## Appropriate herbicides and application

The type of weed problem will determine both the type of herbicide and its application method. Table 2 shows recommended herbicide and application methods for some common weeds, along with alternatives to herbicide use. Table 3 illustrates application techniques and equipment need to undertake control works.

Uses described in this table are either covered by the respective product label or Off-label Permit No. 13160 issued by the Australian Pesticides and Veterinary Medicines Authority.

Table 2. Common weeds and recommended treatment and herbicides

Area	Weed	Permitted Herbicide (active ingredient)	Example of commercial product (concentration of active ingredient)	Recommended Herbicide Control Technique	Non-chemical Alternatives
Permanently inundated/ perennial	<b>Submerged and partially submerged plants</b>				
	Parrot's feather ( <i>Myriophyllum aquaticum</i> )	Glyphosate (registered for aquatic use only) <b>Don't add surfactants!</b>	Roundup Biactive® or Weedmaster Duo®	Foliar spray	Hand removal and excavation (with roots/rhizomes) can be used as part of a well planned approach. Care must be taken to avoid losing fragments
	Egeria ( <i>Egeria densa</i> )				
	Canadian Pondweed ( <i>Elodea canadensis</i> )				
	Cumbungi ( <i>Typha</i> spp)				
	Glyceria (syn. Poa aquatica or reed sweet grass) ( <i>Glyceria maxima</i> ) NB Take extreme caution not to spread Glyceria seed through soil transport (eg on machinery)			Foliar spray (combine with dense local native species revegetation for long-term results through stream shading) Wiper	Clearance or drainage of growth area (combine with dense re-vegetation of local native species for long-term results through stream shading)
	<b>Woody weeds</b>				
	Blackberry ( <i>Rubus fruticosus</i> )	Glyphosate (registered for aquatic use only) <b>Don't add surfactants!</b>	Roundup Biactive® or Weedmaster Duo®	Cut and paint with Roundup Biactive® or Weedmaster Duo®	Hand removal (small plants) Controlled grazing (goats or sheep only) can be effective Bio-control (eg gorse mite, blackberry rust) where other techniques are not suitable Gorse mulching combined with follow-up grazing and revegetation on mulched sites
	Gorse ( <i>Ulex europaeus</i> )				
	<b>Trees</b>				
Hawthorn ( <i>Crataegus monogyna</i> )	Glyphosate (registered for aquatic use only) <b>Don't add surfactants!</b>	Roundup Biactive® or Weedmaster Duo®	Cut and paint Drill or stem injection Axe or frill and paint Foliar spray hawthorn and crack willow (only spray to a height of 2m)	Hand removal (small plants) Controlled grazing can assist in limiting Hawthorn regrowth and thicket density	
Crack Willow ( <i>Salix fragilis</i> )					
Sycamore ( <i>Acer pseudoplatanus</i> )					

The product trade names in this publication are supplied on the understanding that no preference between equivalent products is intended and that the inclusion of a product does not imply endorsement by DPIPWE over any other equivalent product from another manufacturer.



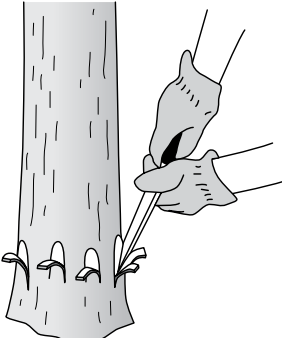
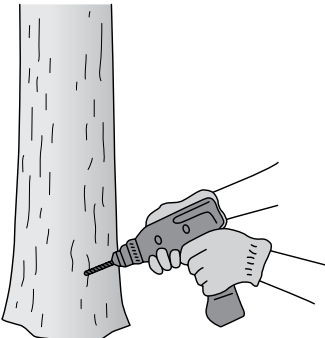
Table 2. Common weeds and recommended treatment and herbicides continued

Area	Weed	Permitted Herbicide (active ingredient)	Example of commercial product (concentration of active ingredient)	Recommended Herbicide Control Technique	Non-chemical Alternatives
Occasionally or rarely inundated sites	<b>Woody weeds</b>				
	Blackberry ( <i>Rubus fruticosus</i> )	Metsulfuron-methyl Triclopyr Triclopyr + Picloram	eg Associate or Brush-Off® eg Garlon 600® eg Grass-up™ or Grazon Extra®)	Foliar spray	Hand removal (small infestations) Controlled grazing by goats can be effective Bulldoze and deep cultivate (in suitable circumstances) Bio-control (a rust with limited impact)
	Gorse ( <i>Ulex europaeus</i> )	Glyphosate (registered for aquatic use only) Triclopyr Triclopyr + Picloram	eg Roundup Biactive® or Weedmaster Duo® eg Garlon 600® eg Grass-up™ or Grazon Extra®)	Cut and paint Foliar spray, preferably Garlon 600®	Mulching/bulldozing/slashing combined with follow-up grazing and revegetate on mulched sites Bio-control (e.g gorse mite) where other techniques are not suitable
	English Broom ( <i>Cytisus scoparius</i> )	Glyphosate (registered for aquatic use only). Metsulfuron-methyl Triclopyr herbicide Triclopyr + Picloram	eg Roundup Biactive® or Weedmaster Duo® eg Associate or Brush-Off® eg Garlon 600® eg Grass-up™ or Grazon Extra®)	Cut and paint. Foliar spray, preferably Garlon 600® (only if under 2m in height)	Hand removal. Mechanical removal (eg rip or bulldoze) Mulching/bulldozing/slashing of hawthorn combined with follow-up grazing and revegetate on mulched sites
	Montpellier Broom ( <i>Genista monspessulana</i> )				
	<b>Trees</b>				
	Hawthorn ( <i>Crataegus monogyna</i> )	Glyphosate (registered for aquatic use only). Metsulfuron-methyl Triclopyr herbicide Triclopyr + Picloram	eg Roundup Biactive® or Weedmaster Duo® eg Associate or Brush-Off® eg Garlon 600® eg Grass-up™ or Grazon Extra®)	Cut and paint Foliar spray, preferably Garlon 600® (only if under 2m in height)	Hand removal Mechanical removal (eg rip or bulldoze) Mulching/bulldozing/slashing of hawthorn combined with follow-up grazing and revegetate on mulched sites
	Sycamore ( <i>Acer pseudoplatanus</i> )	Glyphosate (registered for aquatic use only)	eg Roundup Biactive® or Weedmaster Duo®	Stem injection, cut and paint (plus foliar spray for young plants)	Hand removal Bulldoze and revegetate Plough-in small plants
	<b>Herbaceous plants</b>				
	Ragwort ( <i>Senecio jacobaea</i> )	MCPA Metsulfuron-methyl	eg MCPA 500 or L.V.E Agritone eg Associate or Brush-Off®	Foliar spray	Hand removal Controlled grazing (sheep) Ploughing/cultivation (combine with dense revegetation of local native plants for long-term results through shading)
Paterson's curse ( <i>Echium plantagineum</i> )					
Thistles (eg <i>Cirsium arvense</i> )					

More information on weed identification and weed control can be found at [www.dpipwe.tas.gov.au/weeds](http://www.dpipwe.tas.gov.au/weeds)



Table 3. Herbicide application techniques

Illustration	Method	Type of weed	Equipment Required	Notes
	Foliar Spray	Herbaceous plants, Woody weeds	Knapsack Vehicle mounted tank Herbicide mix Personal protective equipment (see product label)	Ensure herbicide is being applied at right concentration and rate to cover the foliage of the pest plant with fine droplets and avoid run-off. A flat fan nozzle and low pump pressure will assist in reducing spray drift
	Cut and paint	Woody weeds, shrubs and trees	Saw, chainsaw, loppers Herbicide mix Personal protective equipment (goggles and gloves as a minimum) Brush/sponge for herbicide application	Ensure herbicide is applied quickly to cut stump (within 15 seconds in most cases) Apply during active growth period of plant for best results Do not apply herbicide to the point of run-off
	Frilling	Shrubs and trees	Axe, hatchet Herbicide mix Personal protective equipment (goggles and gloves as a minimum) Brush for herbicide application	Frill trunk thoroughly, also treat major surface roots where visible Expose sapwood and apply herbicide to it immediately For deciduous species, apply during active growth period
	Drill and poison	Shrubs and trees	Drill Application bottle, injection gun Herbicide Personal protective equipment (goggles and gloves as a minimum)	Drill to sapwood only and apply herbicide to drill hole immediately Drill and fill major surface roots where appropriate For deciduous species, apply during active growth period

Illustrations: Brett Littleton ILS Design Unit

## **After Spraying**

### **Clean up**

Equipment should always be cleaned in a safe location where spills can be contained and will not result in environmental harm. Using water to clean equipment will further dilute any residual herbicide to low levels, and the resulting solution is best sprayed onto a lawned area or bare ground taking the following precautions:

- Do not apply wash-water to the point of saturation so that run-off occurs.
- Do not apply wash-water along boundary fence lines as this will increase the chance of herbicides escaping from your property.
- Do not dispose of wastewater into areas where children play, or pets have access, as low levels of herbicide are still likely to be present.
- Do not deposit wastewater where it will run into waterways, drainage lines or stormwater systems.

### **Disposal**

If you do happen to have surplus spray mix or herbicide waste, label it with the herbicide name, including any risk and safety information displayed on the original label. Store it safely until it can be disposed of appropriately. Contact a chemical collection organisation eg Chem Clear.

You must follow label directions for the disposal of wastes and herbicide containers. Only dispose of waste herbicides at authorised collection centres, such as licensed waste disposal centres.

Do not dispose herbicide waste:

- through sewerage systems, where it can interfere with the sewage treatment process
- down the drain or gutter; where it can pass through the stormwater system and into waterways
- to landfill via dumping or domestic waste, as it can contaminate soil and leach into groundwater and stormwater.

## **Monitor, evaluate and follow up**

### **Monitor**

Observe and keep records of your weed problems and the impact of any measures you take to control them. This could involve:

- the use of visual records, including property maps, aerial and other photography
- the use of a calendar or diary to record when actions were taken.

### **Evaluate**

Evaluate the success of any weed control program by considering the current extent of the weed problem and reviewing your control measures. Important questions might include:

- Is my weed control work going to plan, or do my goals need reviewing?
- What is the appropriate weed control measure now?
- Is there a need for external (expert) assistance?

### **Follow up**

Re-implement weed control actions following the results of your monitoring and evaluation. Continue to monitor this follow-up work, and so begin an ongoing cycle of weed management.

These guidelines have been updated by Kiowa Fenner and are based on guidelines prepared by Michael Noble and Janice Miller.

### **Important disclaimer**

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CONTACT DETAILS

Invasive Species Branch

1300 668 550

[www.dpipwe.tas.gov.au/weeds](http://www.dpipwe.tas.gov.au/weeds)

**APPENDIX B**

TEMPLATE - Weed Spraying Program Spreadsheet Williams Quarry

Date or period of program

**ATTACHMENT 1**  
**Agenda Item 11.1.2**

Zones on Maps	Weed	Actions required	Responsible person	Estimated start date	Estimated completion date	Tasks conducted	Date Completed	Signed

**NOTES**



**Appendix 5 Williams Quarry Sediment Basin Assessment (Hydrodynamica)**

# SEDIMENT BASIN FOR QUARRY OPERATIONS ASSESSMENT

FOR VAN DIEMEN CONSULTING

## WILLIAMS QUARRY

### Rekuna

August 2015

**Project:** Williams Quarry Sediment Basin Assessment

**Authors:** Cameron Oakley  
Consulting Engineer

B.Eng (Hons), B.Tech (Env.), MBA



DATE	NATURE OF REVISION	REVISION NUMBER	PREPARED BY	AUTHORISED BY
31/08/2015	Final	1	Cameron Oakley	Cameron Oakley

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## 1. EXISTING SITE & PROPOSAL

The Williams dolerite quarry is located at 1356 Tea Tree Road Rekuna, which is approximately 3.2 km south-west of Campania. It is proposed that existing quarrying operations will be expanded and will include the following activities (Van Diemen Consulting, 2015):

- surface site preparation by soil removal and stockpiling;
- excavation and ripping of rock and gravel material;
- crushing of some rock material to reduce material size;
- stockpiling of material in quarry area;
- loading trucks with wheel loader from stockpile area in quarry; and the
- transport of materials by truck with/without trailer.

Being fractured dolerite stormwater runoff quickly drains through the quarry floor. This will continue to occur with expansion of the quarry. It is anticipated that only during periods of heavy or sustained rainfall that runoff from the quarry floor will occur. If this eventuates it is likely to contain entrained sediment from the quarry.

It is proposed that the existing dam at the north west of the site be used to intercept any potentially sediment-laden runoff and provide protection of downstream waterways from pollution.

It is currently proposed that the existing dam be increased to 0.95 ML in capacity. The following assessment was conducted to determine whether this capacity is suitable using methodology contained in Landcom's *Blue Book: Volume 1 Managing Urban Stormwater- Soils and Construction - 4<sup>th</sup> ed* (2004) and *Volume 2E Managing Urban Stormwater- Soils and Construction – Soils and Construction – Mines and Quarries* (2008).

## 2. DATA & ASSUMPTIONS

The methodology contained in the *Blue Book* is based on the Revised Universal Soil Loss Equation (RUSLE) to predict the long term, average, annual soil loss from sheet and rill flow under specified management conditions (Landcom, 2004). This enables sedimentation basins to be designed to effectively mitigate sediment pollution to downstream lands and waterways. Table 2 of this report shows the full calculation.

The methodology takes into account the ability of rainfall to cause erosion which has been found to be a function of the 2 year ARI, 6 hour event (5mm/hr). This site specific rainfall intensity was obtained from the Bureau of Meteorology's (BOM) rainfall Intensity-Frequency-Duration (IFD) for the site (refer to Table 1).

For developments which are ongoing for greater than 3 years which discharge to sensitive receiving environments the Blue Book *Volume 2E - Managing Urban Stormwater- Mines and Quarries* (Landcom, 2008) also recommends designing sediment basins to provide adequate volume to retain the 5-day, 95<sup>th</sup>-percentile rainfall event. That is that the basin will have the capacity to retain the volume of water generated 95% of all 5-day rainfall accumulations.

The BOM has intermittently recorded nearly 55 years of rainfall data at their Campania (The Pines) weather station no. 94009. From this data set the 5-day, 95<sup>th</sup>-percentile rainfall depth was calculated to be 38.4mm. This value was checked against rainfall record from the Richmond (Brookbank) BOM station no. 94055 which, although 10km from the site, has 91.7 years of data. Using this data the 5-day, 95<sup>th</sup>-percentile rainfall depth was calculated at 33.1mm. The Campania depth was greater and was therefore used for the calculations.

**Intensity-Frequency-Duration Table**

Location: 42.675S 147.375E NEAR.. Rekuna Issued: 31/8/2015

Rainfall intensity in mm/h for various durations and Average Recurrence Interval

**Average Recurrence Interval**

Duration	1 YEAR	2 YEARS	5 YEARS	10 YEARS	20 YEARS	50 YEARS	100 YEARS
5Mins	34.0	46.2	66.7	81.1	100	128	152
6Mins	31.9	43.2	62.2	75.5	93.2	119	141
10Mins	26.6	35.6	49.9	59.7	72.8	91.6	107
20Mins	20.1	26.3	35.0	40.7	48.3	59.0	67.8
30Mins	16.6	21.5	27.8	31.8	37.3	44.9	51.0
1Hr	11.5	14.7	18.4	20.7	23.9	28.3	31.7
2Hrs	7.64	9.78	12.1	13.6	15.6	18.4	20.6
3Hrs	5.96	7.65	9.52	10.7	12.3	14.5	16.2
6Hrs	3.88	5.00	6.30	7.12	8.24	9.78	11.0
12Hrs	2.50	3.24	4.13	4.70	5.47	6.54	7.39
24Hrs	1.57	2.05	2.63	3.00	3.51	4.20	4.76
48Hrs	.951	1.24	1.60	1.83	2.15	2.58	2.93
72Hrs	.689	.901	1.17	1.35	1.59	1.93	2.20

(Raw data: 15.06, 3.32, 0.92, 26, 6.15, 1.8, skew=0.32, F2=3.88, F50=15.38) © Australian Government, Bureau of Meteorology

**Table 1. BOM IFD Data for Rekuna**

In addition to rainfall data the RUSLE considers the combined effect of slope length and gradient on soil loss. To inform these calculations it was determined that the maximum distance from the top of the Williams Quarry catchment to the proposed dam is approximately 150m, and the average slope to be at worst 5%.



Finally, Table F3 in Volume 1 of the Blue Book recommends volumetric runoff coefficient ( $C_v$ ) values based on design rainfall depth and runoff potential based on soil hydrologic groups. From discussions with Dr Richard Barnes it was decided to assume there is low to moderate runoff potential as per soil hydrologic group B defined by Landcom (2004) as:

*Water moves into and through these soil materials at a moderate rate when thoroughly wetted. Usually, they consist of well-drained soils with medium, loamy textures or clay loams with moderate structure. They shed runoff only infrequently.*

This gives a recommended  $C_v$  coefficient of 0.34 (34%).

### **3. CALCULATIONS**

The following table shows the calculations used to determine the minimum dam capacity required to effectively remove sediment. It determines the sediment zone volume of the basin, which is the volume needed to hold captured sediment, and the settling zone volume, which is the volume required to facilitate efficient settling.

**Basin Volume = Sediment Zone Volume + Settling Zone Volume**

**1. Sediment Zone Volume**

Blue Book Vol.1 Appendix J Sheet J-5

Site area	Williams Quarry	Remarks
Total catchment area (ha)	1	Data provided by Dr R Barnes
Disturbed catchment area (ha)	0.7	
<b>Rainfall data</b>		
Design rainfall depth (days)	5	Ref Vol.2E Table 6.1
Design rainfall depth (percentile)	95	Assumed 'sensitive' receiving environment and operations ongoing for > 3 years
5-day, 95th-percentile rainfall event (mm)	38.4	Calculated from Campania (The Pines) rainfall record, BOM station 94009
Rainfall intensity: 2-year, 6-hour storm (mm/hr)	5	See IFD data for the site Table 1 of Report
<b>RUSLE Factors</b>		
Rainfall erosivity ( <i>R</i> -factor)	820	Automatic calculation from above data
Soil erodibility ( <i>K</i> -factor)	0.05	RUSLE data can be obtained from Vol 1, Appendixes A, B and C
Slope length (m)	150	Data provided by Dr R Barnes
Slope gradient (%)	5	
Length/gradient ( <i>LS</i> -factor)	1.7	From Vol. 1 Table A 1
Erosion control practice ( <i>P</i> -factor)	1.3	Default
Ground cover ( <i>C</i> -factor)	1	Default
<b>Calculations</b>		
Soil loss (t/ha/yr)	91	Calculated
Soil Loss Class	1	See Section 4.4.2(b)
Soil loss (m <sup>3</sup> /ha/yr)	70	Calculated
Soil Loss Volume (Sediment Zone Volume) (m <sup>3</sup> )	98	Based on clean-out every 2 years

<b>2. Settling Zone Volume</b>		
Blue Book Vol.1 Appendix J Page J-4		
Site area	Williams Quarry	Remarks
Disturbed catchment area, A (ha)	0.7	
Volumetric runoff coefficient, C <sub>v</sub>	0.34	Vol.1 F-3, assume Soil Hydrologic Group B
5-day, 95th-percentile rainfall event	38.4	Campania rainfall record
Settling Zone Volume (m <sup>3</sup> )	91	Calculated
<b>3. Total Basin Volume = Settling Zone Volume + Sediment Zone Volume</b>		
Sediment Zone Volume (m <sup>3</sup> )	98	
Settling Zone Volume (m <sup>3</sup> )	91	
Total Required Capacity (m <sup>3</sup> )	<b>189</b>	

Table 2. Sediment basin capacity calculations

## 4. CONCLUSION

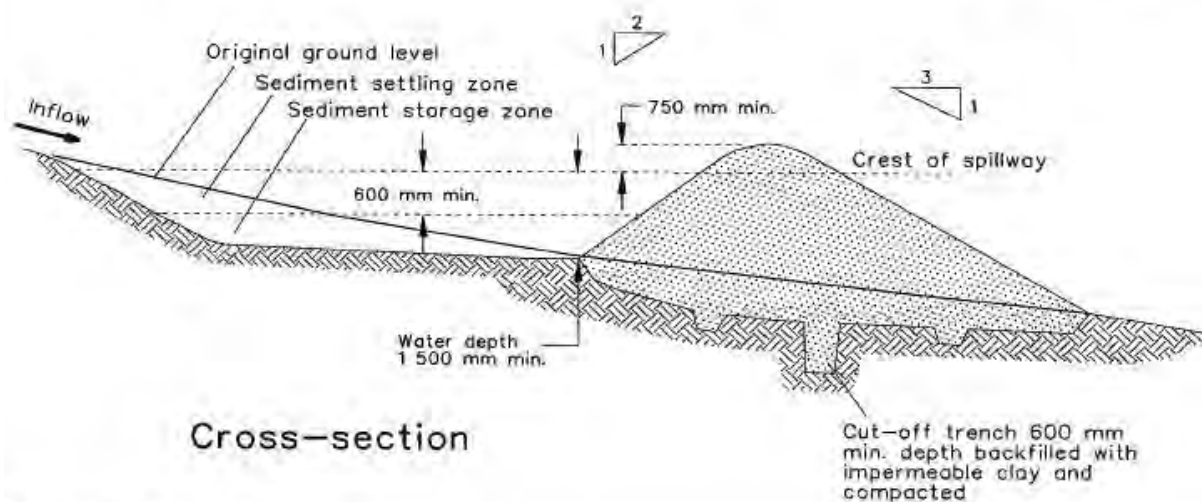
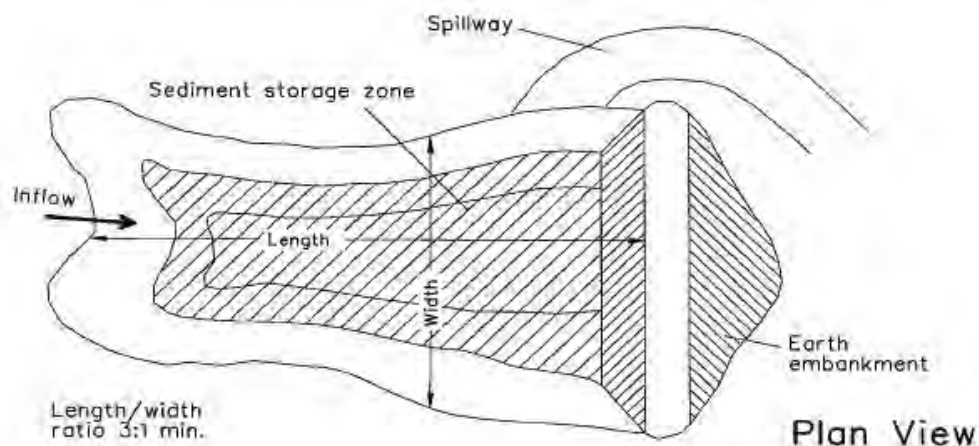
In order to detain and treat stormwater runoff from the 1 ha catchment (assuming at worst 0.7 ha is disturbed) the dam must total 189 kL. A settling zone volume of 98 kL cannot be reduced. The required sediment zone volume of 91 kL is based on a 2 year cleanout period; as such it can be increased or decreased if shorter or longer duration between cleanouts is preferred.

As it stands the proposed 0.95 ML dam has sufficient capacity to require the removal of collected sediment from it after approximately 17 years. In addition the quarry floor will retain and discharge a majority of stormwater through its floor. Therefore there will be sufficient capacity in the quarry pit and the dam to retain sediment onsite and protect the receiving environment.

Minimum basin dimensions are detailed in the Blue Book is shown in Appendix A.

## **APPENDIX A**

### **SEDIMENT BASIN CONCEPT DESIGN**

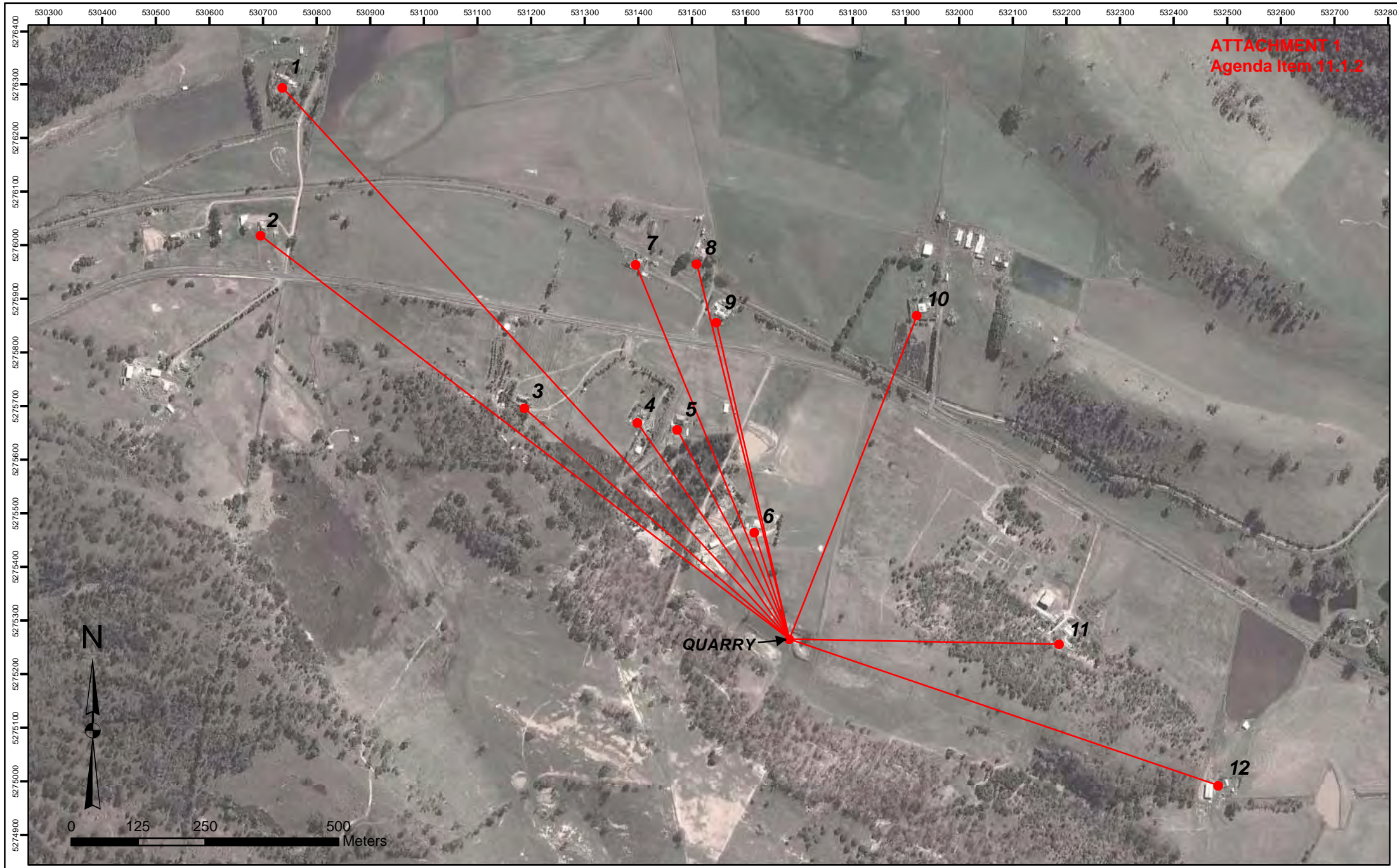


### Construction Notes

1. Remove all vegetation and topsoil from under the dam wall and from within the storage area.
2. Construct a cut-off trench 500 mm deep and 1,200 mm wide along the centreline of the embankment extending to a point on the gully wall level with the riser crest.
3. Maintain the trench free of water and recompact the materials with equipment as specified in the SWMP to 95 per cent Standard Proctor Density.
4. Select fill following the SWMP that is free of roots, wood, rock, large stone or foreign material.
5. Prepare the site under the embankment by ripping to at least 100 mm to help bond compacted fill to the existing substrate.
6. Spread the fill in 100 mm to 150 mm layers and compact it at optimum moisture content following the SWMP.
7. Construct the emergency spillway.

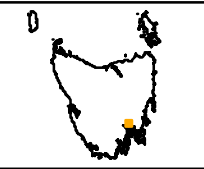


**Appendix 6 Noise Topographical Profiles**



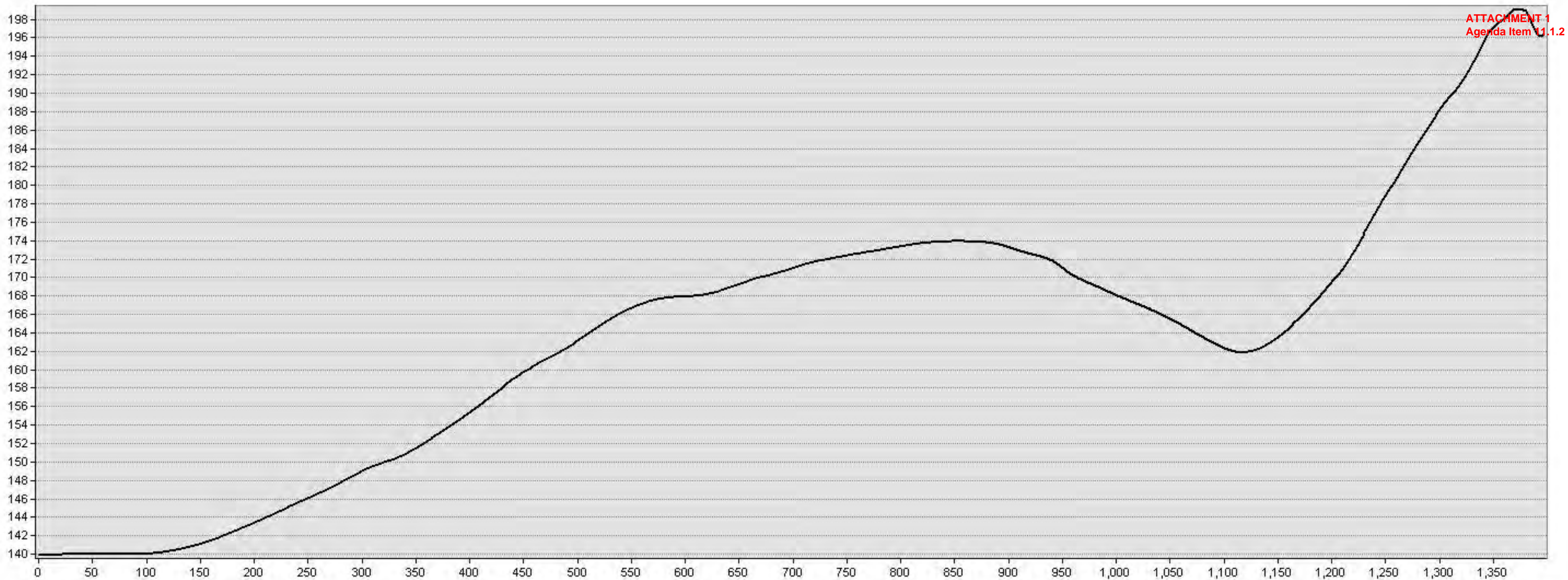
# Williams Quarry

Location of Nearest Neighbours

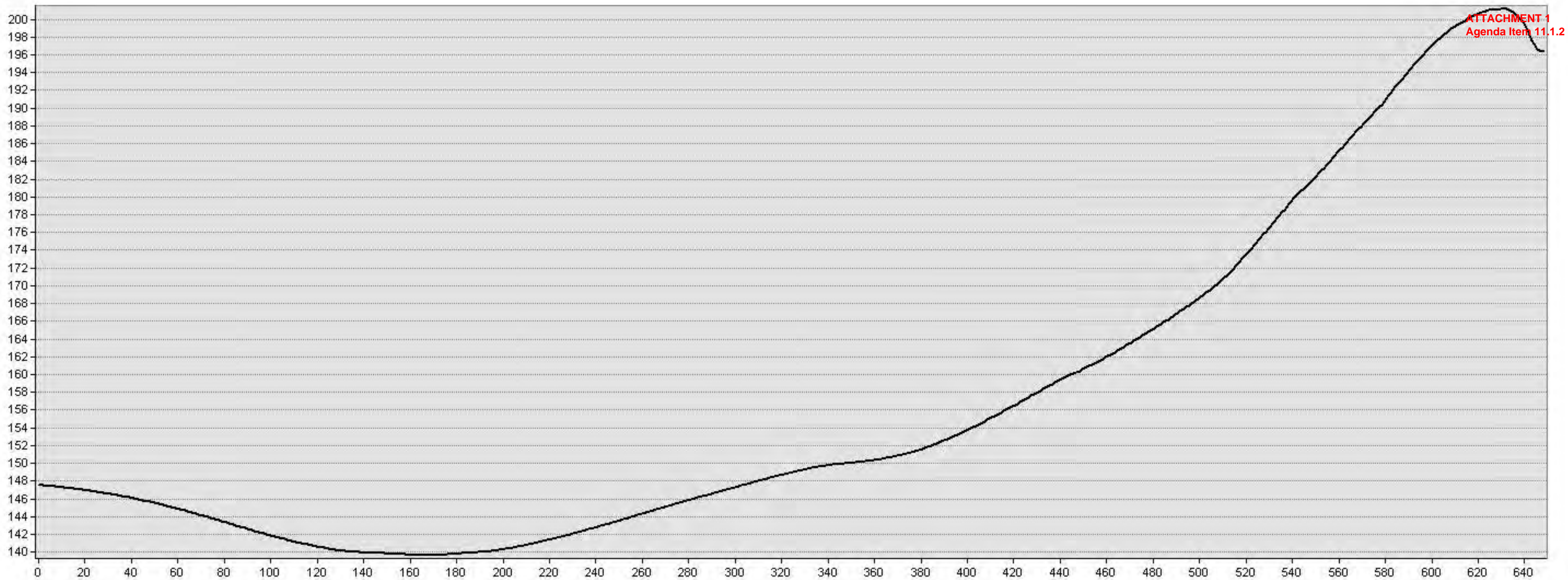


DATUM: GDA94  
GRID: MGA Zone 55  
TASMAR: TEA TREE  
CLIENT: CRAIG WILLIAMS  
DATE: 22nd JULY 2014



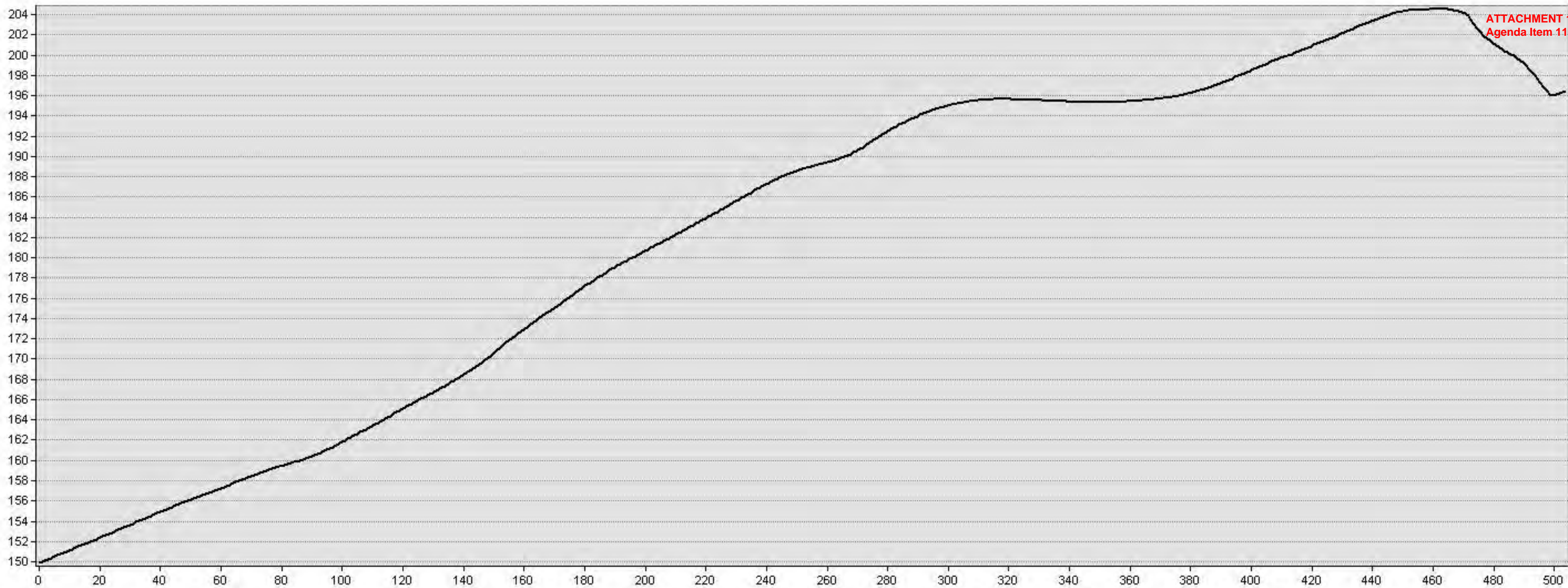


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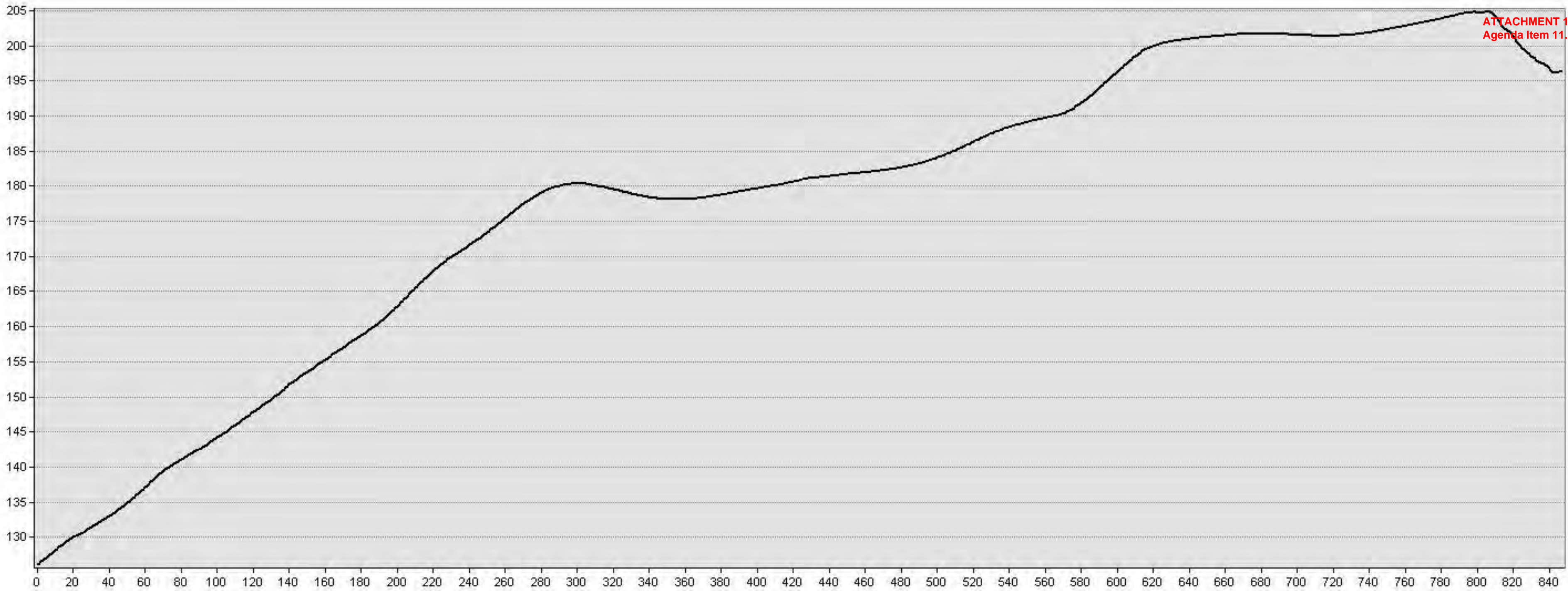
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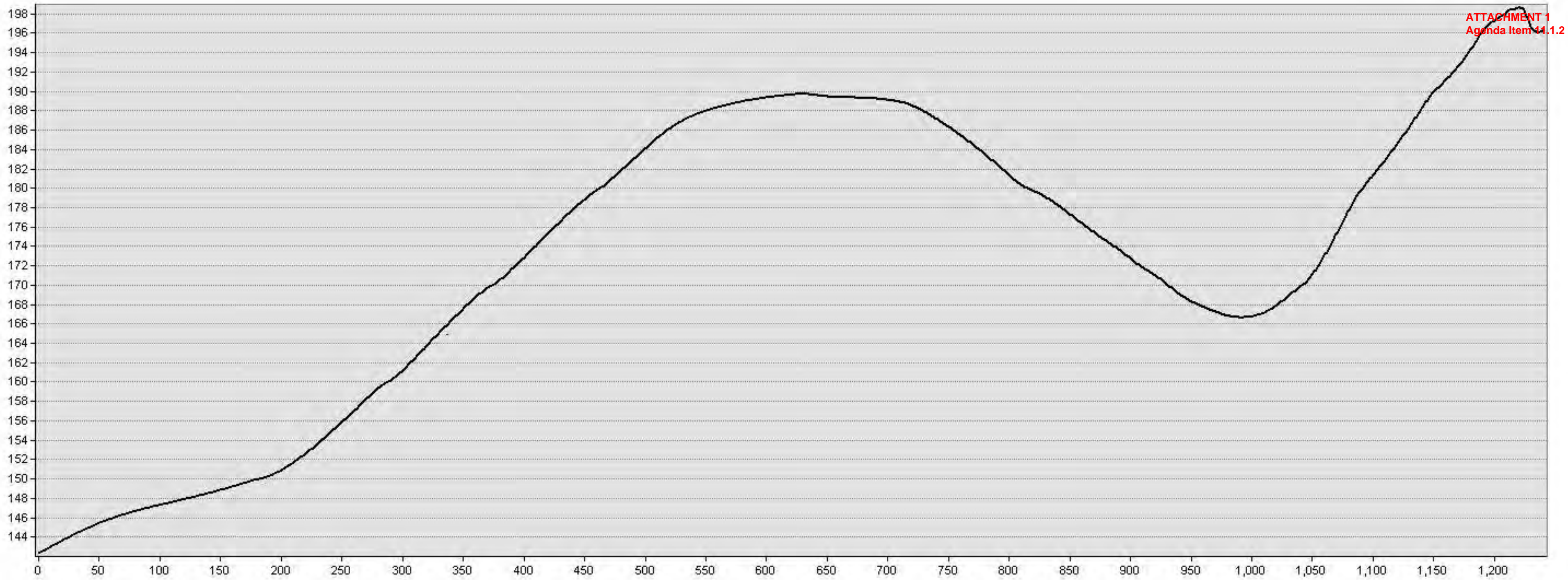


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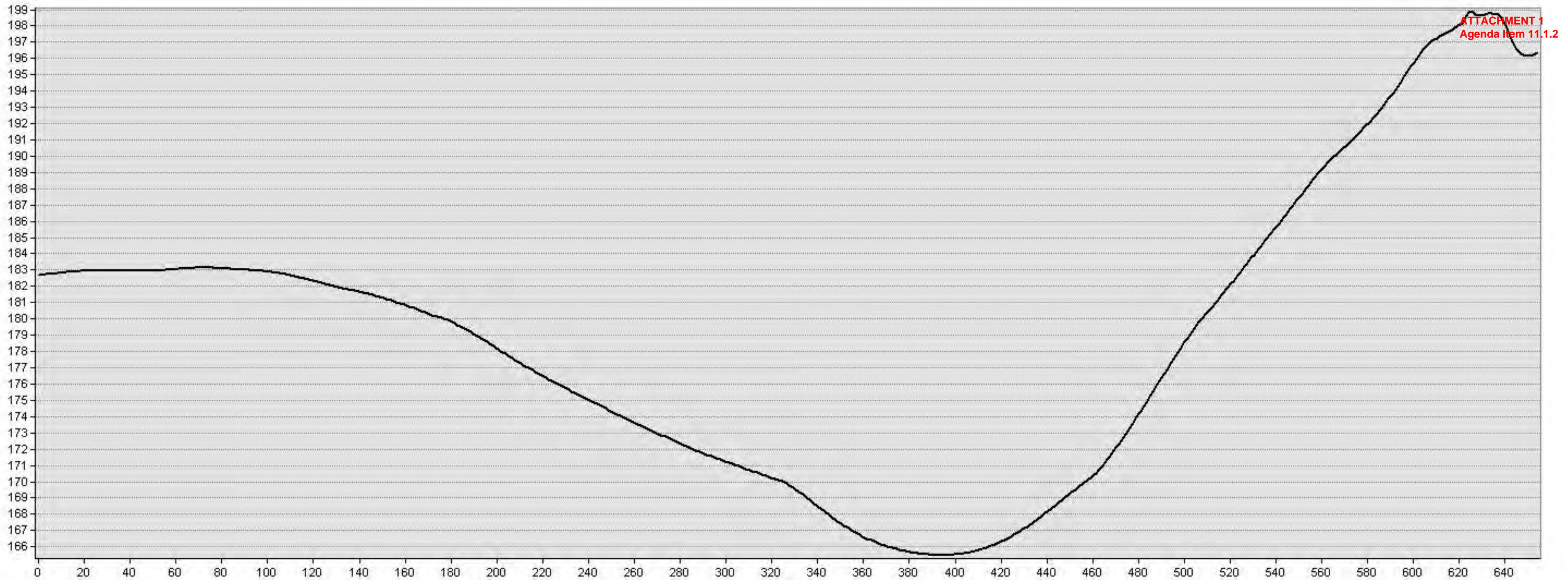


ATTACHMENT 1  
Agenda Item 11.1.2

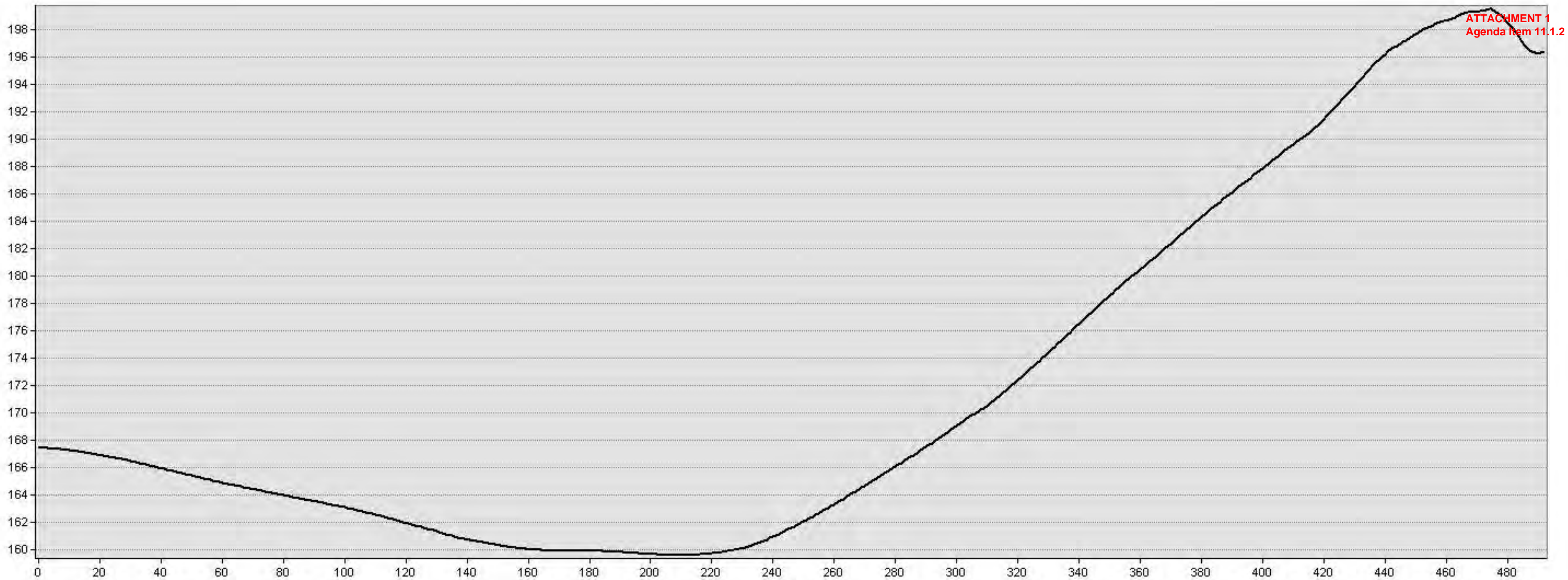


ATTACHMENT 1  
Agenda Item 11.1.2



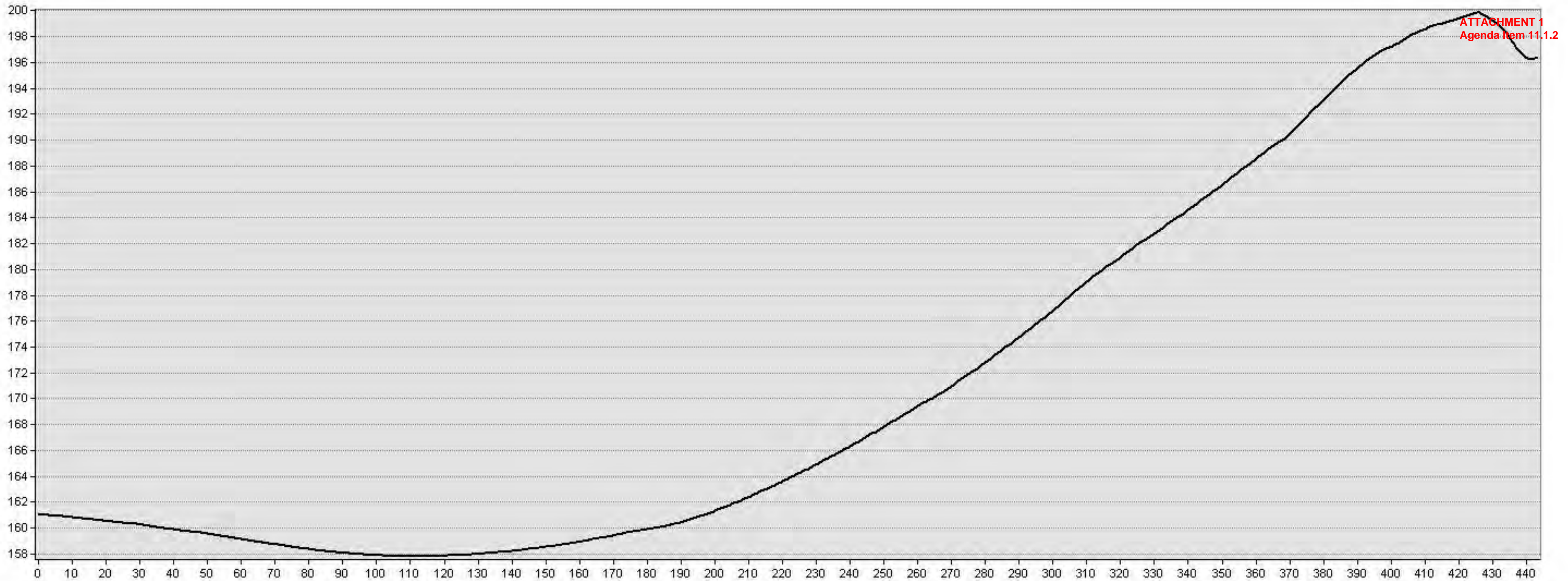


ATTACHMENT 1  
Agenda Item 11.1.2



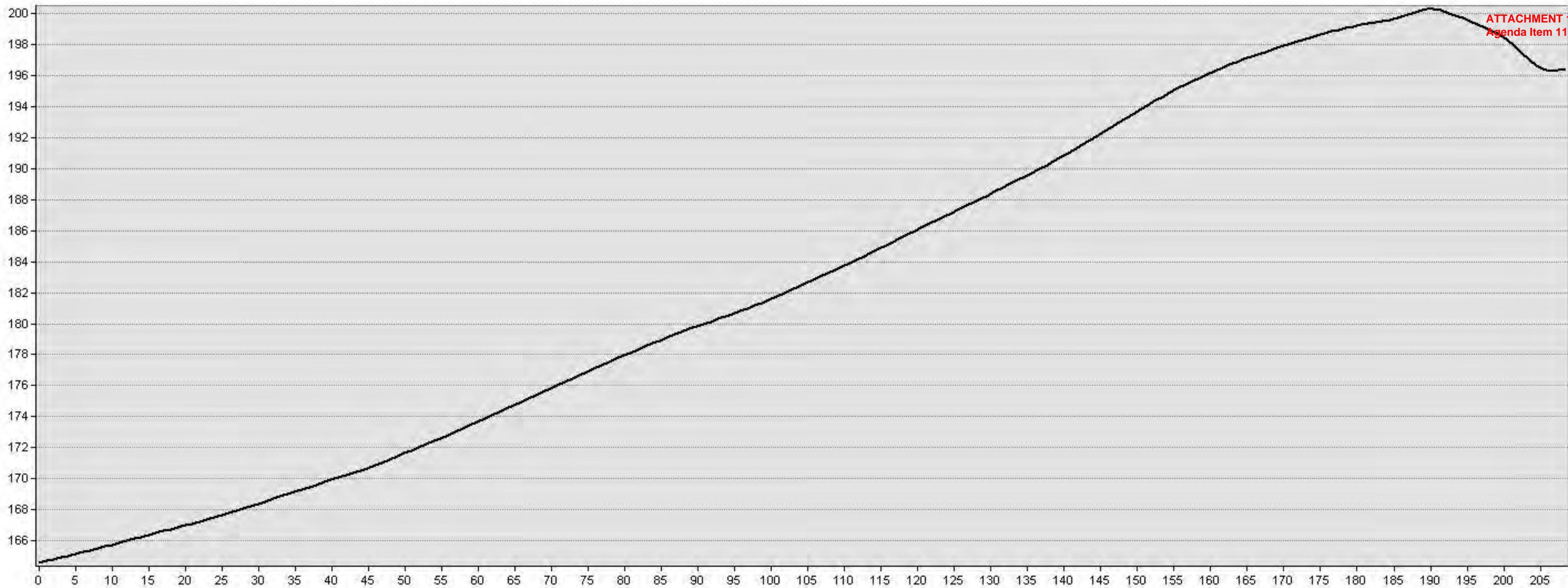
ATTACHMENT 1  
Agenda Item 11.1.2



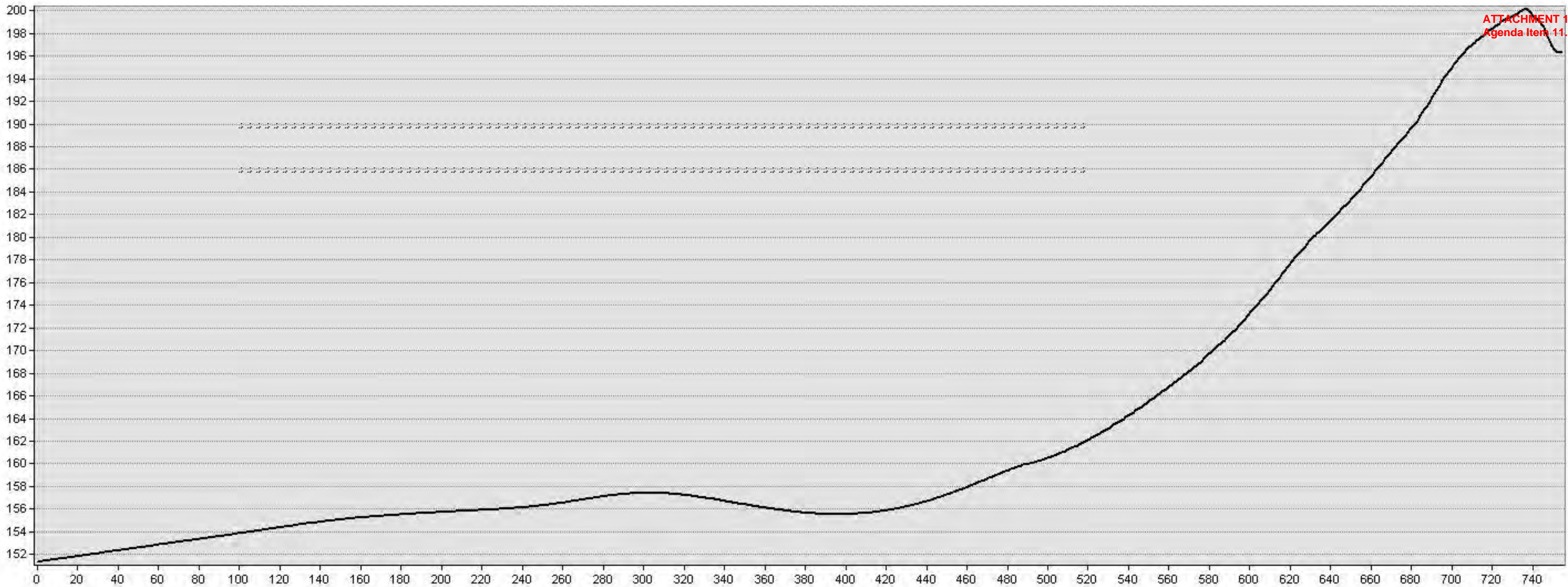


ATTACHMENT 1  
Agenda Item 11.1.2



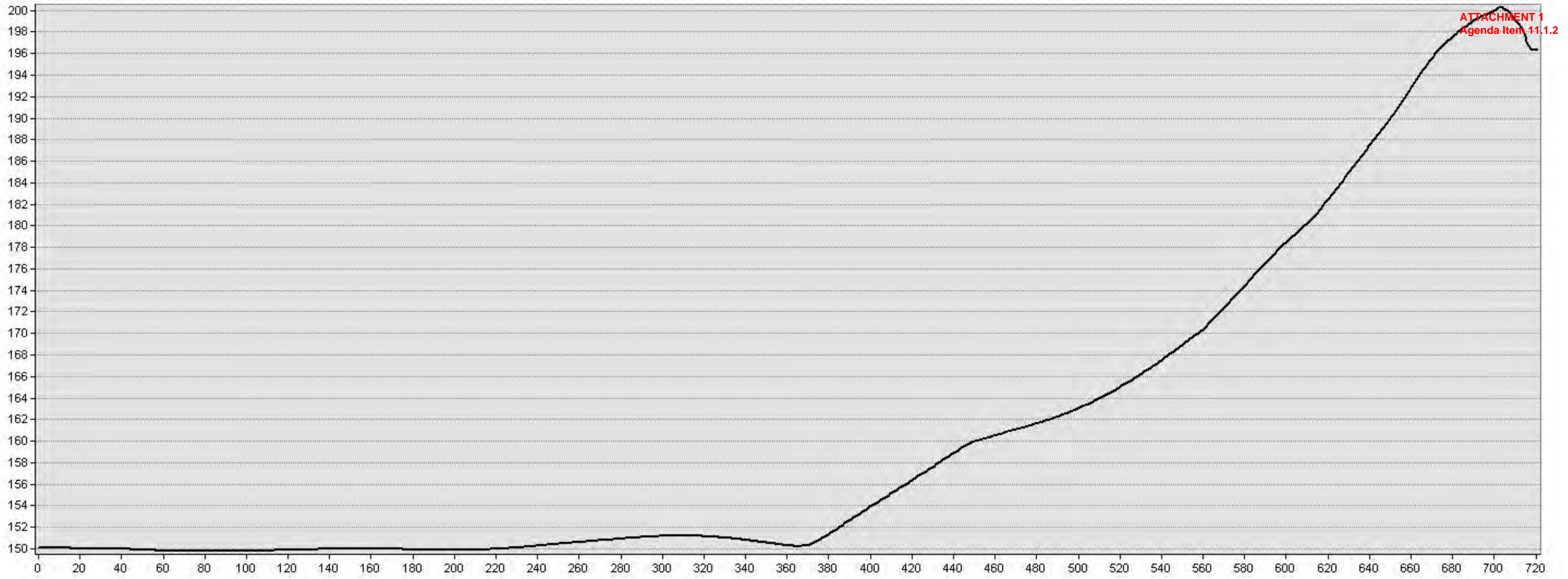


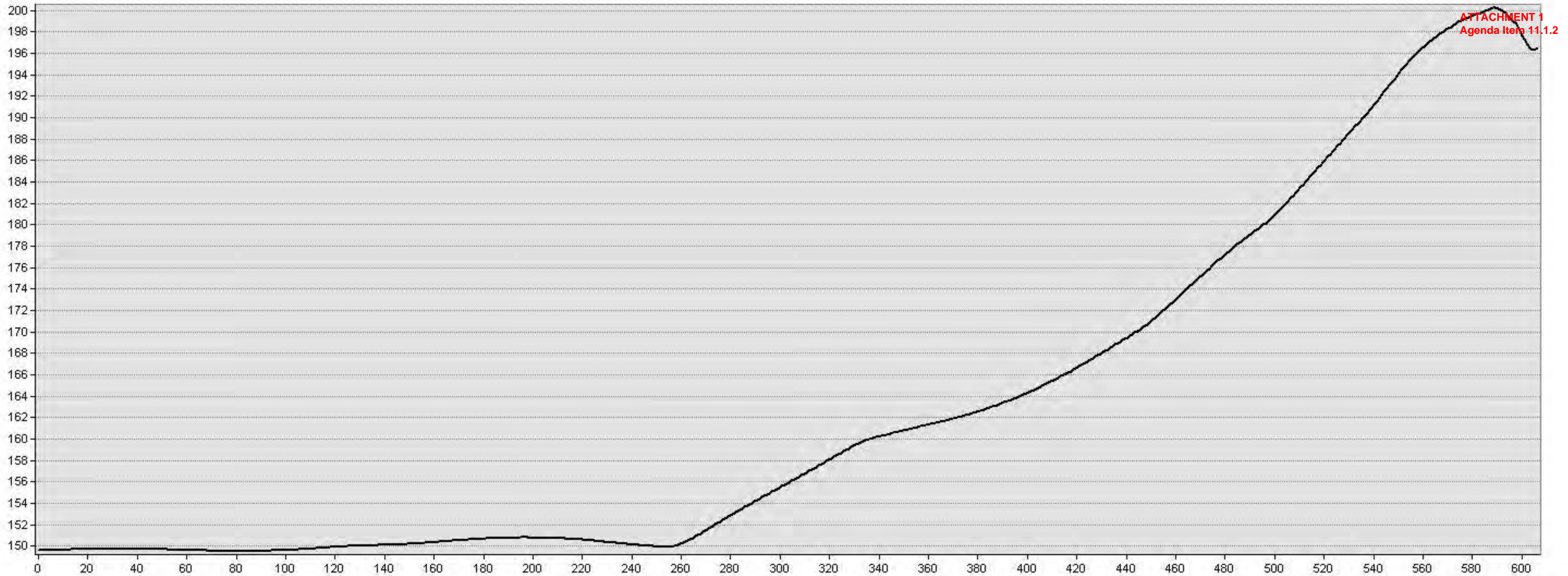
ATTACHMENT 1  
Agenda Item 11.1.2



ATTACHMENT 1  
Agenda Item 11.1.2







ATTACHMENT 1  
Agenda Item 11.1.2

**Appendix 7   Crushing and Quarry Activity (trucks) Noise Assessment 2014**



**PEARU TERTS**

BA, Grad. Dip. Env. Stud. (Hons.), MIE Aust., CPENG, MAAS  
Consulting Engineer

33 Falcon Rd  
Claremont 7011  
Tasmania AUSTRALIA

**ARCHITECTURAL ACOUSTICS  
NOISE CONTROL**

Phone 03 6249 7165  
Fax 03 6249 1296  
Email [pterts@southcom.com.au](mailto:pterts@southcom.com.au)

Proposed Quarry, 1356 Tea Tree Road, Rekuna

**S U M M A R Y.**

1. The crusher and general quarry noise at the nearest residence 440 m away is estimated to be 35 dB(A) with no or little wind and 45.0 dB(A) with wind towards the nearest residence.
2. The ambient noise level near the boundary of the nearest neighbour, with the quarry shut is 39 dB(A) and the background L90 noise level was 30 dB(A) during the day.
3. The proposed quarry is likely to meet the noise requirements of the Tasmanian Quarry Code of Practice.

CLIENT: Mr. Craig Williams  
1356 Tea Tree Road,  
Rekuna, Tea Tree  
Tasmania 7017  
Tel. 62604404

**INTRODUCTION:**

Noise annoyance depends on the following factors:

1. the level of the existing ambient noise
2. the level of the new noise with the quarry in operation
3. whether the new noise has tonal components
4. whether the new noise has impulsive components
5. the time of the day the new noise occurs
6. whether the new noise carries unwanted intelligence such as waning announcements
7. noise annoyance is also dependent on the listener's perception of whether the noise is regretfully caused, imposed in ignorance or inflicted as an act of aggression.

The Tasmania Quarry Code of Practice (June 1999), page 10 states: "With the exception of blasting where permitted, noise from activities in a quarry affecting residential premises, must not exceed 10 dB(A) above the normal ambient noise levels during daytime operations".

For interest, in relation to blasting, the Code states on page 12, "Blasting must be carried out such that, when measured at the curtilage of the nearest residence (or sensitive use) in other occupation or ownership, air blast and ground vibration comply with the following:

- a) for 95 % of the blasts, air blast overpressure must not exceed 115 dB(Lin, peak);
- b) air blast overpressure must not exceed 120 dB(Lin, peak) at all; and
- c) ground vibration must not exceed 5 mm/s peak particle velocity”.

However, blasting will not take place in this quarry.

Noise measurements were conducted on 17/8/2014 at two locations, with the quarry not operating, to obtain ambient and background noise levels.

## RESULTS:

Pages A 1 to A9 give the results of field measurements.

The main results are shown on page A 8 and A 9. In the table, Ln is the noise level exceeded for n % of the time. Hence, L90 is a good descriptor of the base or background noise level. L90 = 30.5 dB(A) means that for 90 % of the 10 minute sample, that is, 9 minutes, the noise level was 30.5 dB(A) or more. Similarly, L10 is a good descriptor of the average of the higher noise events encountered. L10 = 45.3 dB(A) means that for 10 % or 1 minute, the noise level was 45.3 dB(A) or more.

Leq is the equivalent ‘A’ weighted noise level. A fluctuating noise having an Leq = 43.7 dB(A) has the same acoustic energy as a steady noise of 43.7 dB(A).

Pages B 1 and B 6 show calculations of likely noise levels at the nearest neighbours, the nearest being 440 m away.

They include effects of meteorological effects such as gentle winds blowing from the quarry towards the nearest house as well as the geometric spreading of noise from a crusher. The calculations considered the noise barrier effect due to the topography but did not include the excess attenuation over grasslands.

The calculations are based on actual measurements of noise generated by an impact crusher and shifter located at the Clives Hill quarry, Old Beach.

The crusher is usually the loudest noise source in a quarry. Crusher and shifter noise is calculated at the nearest neighbour (loc. 5) to be 35.3 dB(A) with no wind and 45.0 dB(A) with a gentle breeze towards the residence. See page B 3. The noise levels at the other neighbours are shown on pages B 4 to B 6 and they are less than at the predicted noise levels at the nearest neighbour.

The crusher is used, for about 14 days a year and is likely to generate during those 14 days at the nearest neighbour, a noise level between about 35dB(A) with no wind and 45 dB(A) with a gentle breeze. Stronger winds increase the background noise level because of the wind in trees and bushes.

Pages C 1 and C 6 give the topographic profiles from the quarry to the neighbours at locations 5,9,10 and 11 as shown on page B 2. Page C 7 gives the wind roses for Campania. These give an indication of wind directions likely at the quarry.

## DISCUSSION:

The quarry and quarry activities are not seen from the nearest residence due to the topography and trees. Consequently any received quarry activity noise is not the direct sound but attenuated sound.

The quarry operates during daylight and does not operate on Sundays.

The measured noise levels in terms of Leq indicate that the 10 dB(A) differential requirement of the Quarry Code of Practice, between the noise level with the quarry operating and when shut down, is likely to be met 440 m away. The Leq noise levels are generally higher near residential premises due to human activities and equipment such as pumps or heat pumps.

The World Health Organization's (WHO) Guideline for noise levels outside bedrooms is that with the window open, Leq = 45 dB(A) and Lmax = 60 dB(A). These conditions too, are likely to be met.

The calculated noise levels at the nearest neighbour, with no wind is 35 dB(A) which increases to 45 dB(A) with a gentle breeze from the quarry to the neighbour. The day time ambient noise level is about 39 dB(A). The noise was due to bird life, farm animals, distant traffic, aeroplanes and dog barks. The difference between the ambient noise of 39 dB(A) and the predicted quarry noise of 45 dB(A) (wind from quarry to neighbour) is  $45 - 39 = 6$  dB(A) which meets the Tasmanian Quarry Code of Practice requirement of an exceedance of no greater than 10 dB(A).

Yours sincerely,

Pearu Terts

31-10-2014

## **1356 Tea Tree Rd, Rekuna – Data report 31 October 2014**

Appendix C to be read in conjunction with main report and Appendices A and B

### **General**

The owner, Mr Williams, seeks to operate an existing quarry within the property of 1356 Tea Tree Rd. Neighbour locations and topographic profiles from quarry to four key receivers are shown as well as wind roses for nearby Campania.

### **Acknowledgements**

Source for plot of neighbourhood on airphoto, and topographic profiles: courtesy, Mr Barnes, Van Diemen Consulting Pty Ltd, provided 7/9/2014.

Source for Campania Wind Roses: Australian Bureau of Meteorology website, extracted 31/10/2014.

### **Comments**

- Receiver Locations (page C2) 5, 9, 10, 11 are used in modelling for nearest neighbours, and labelled as such in Appendix B.
- Monitoring Locations 1 and 2 (described in Appendix A page 1) are very different positions from Receiver Locations 1 and 2, and should not be confused. However, Monitoring Location 1 is close to Receiver Location 6 (client's own dwelling).
- Comparing pages A2 with C2 makes the distinct identifications of Locations clear.

[Last revised 31/10/2014]

### Locations – plotted airphoto indicating receiver positions at nearby dwellings in relation to quarry



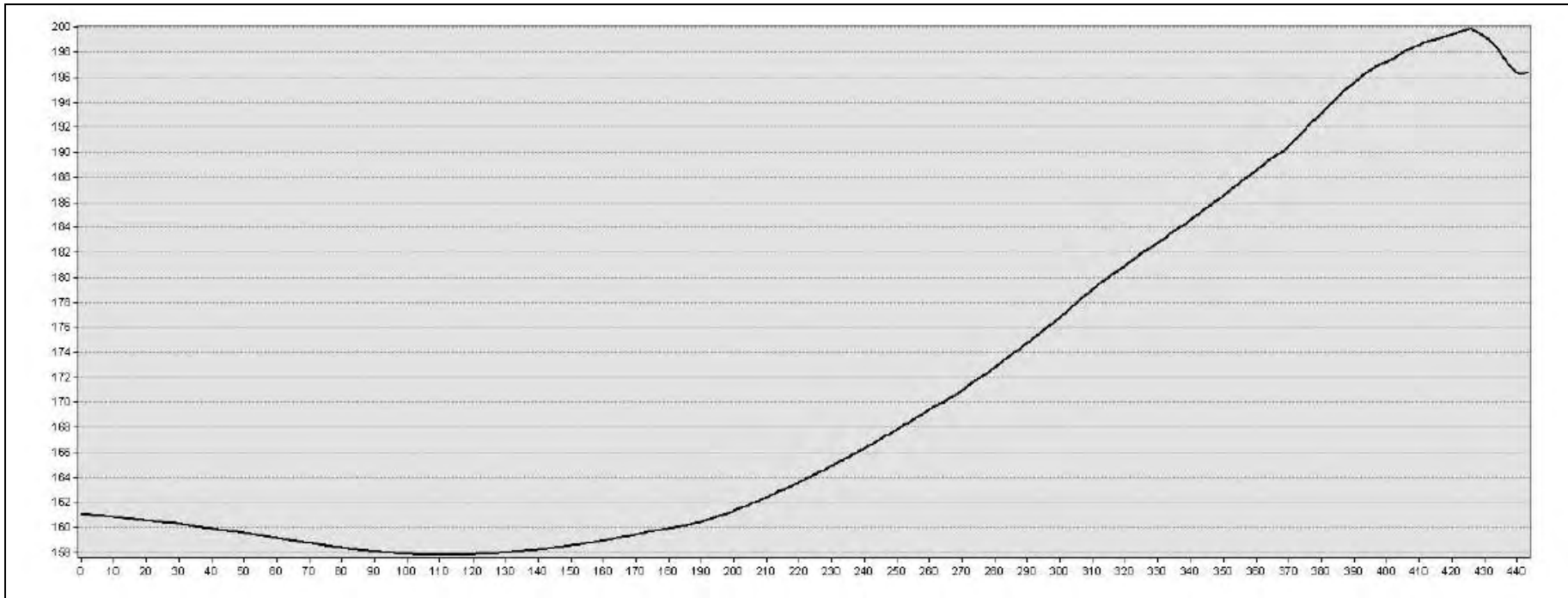
**Williams Quarry**  
Location of Nearest Neighbours



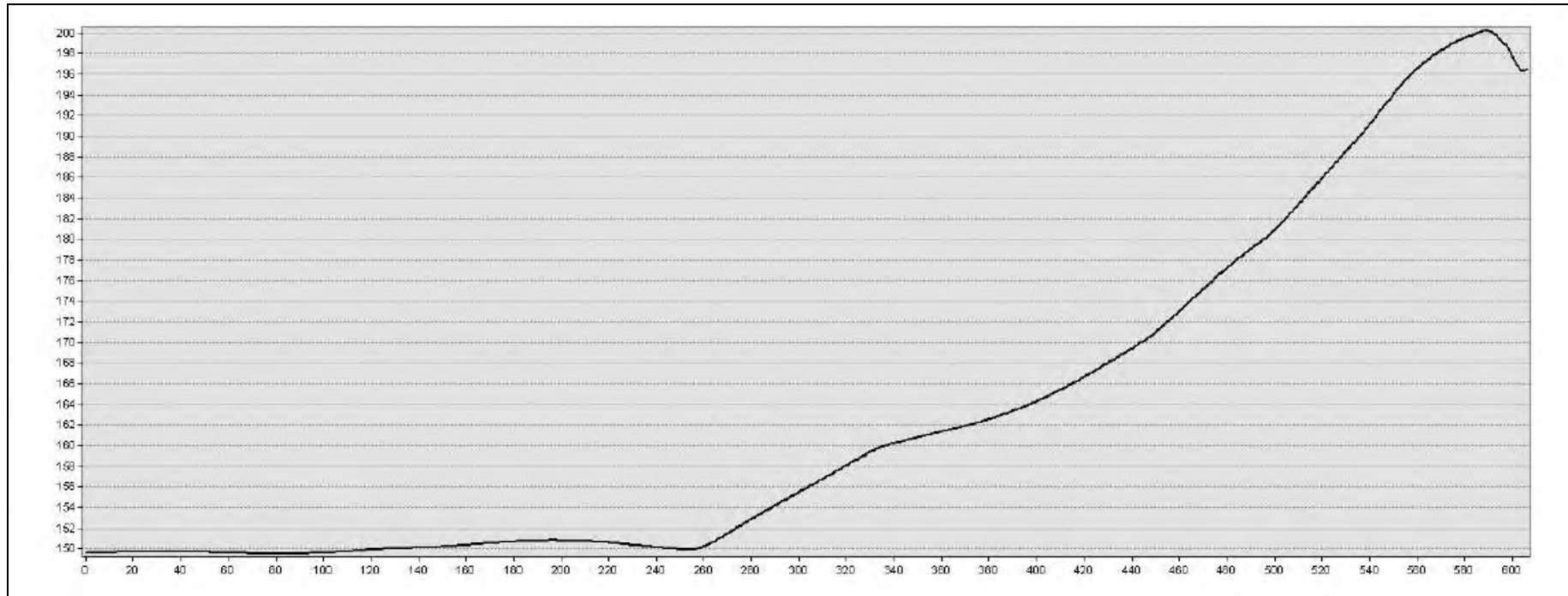
DATUM: GDA84  
GRID: MGA Zone 55  
TASMAP: TEA TREE  
CLIENT: CRAIG WILLIAMS  
DATE: 22nd JULY 2014



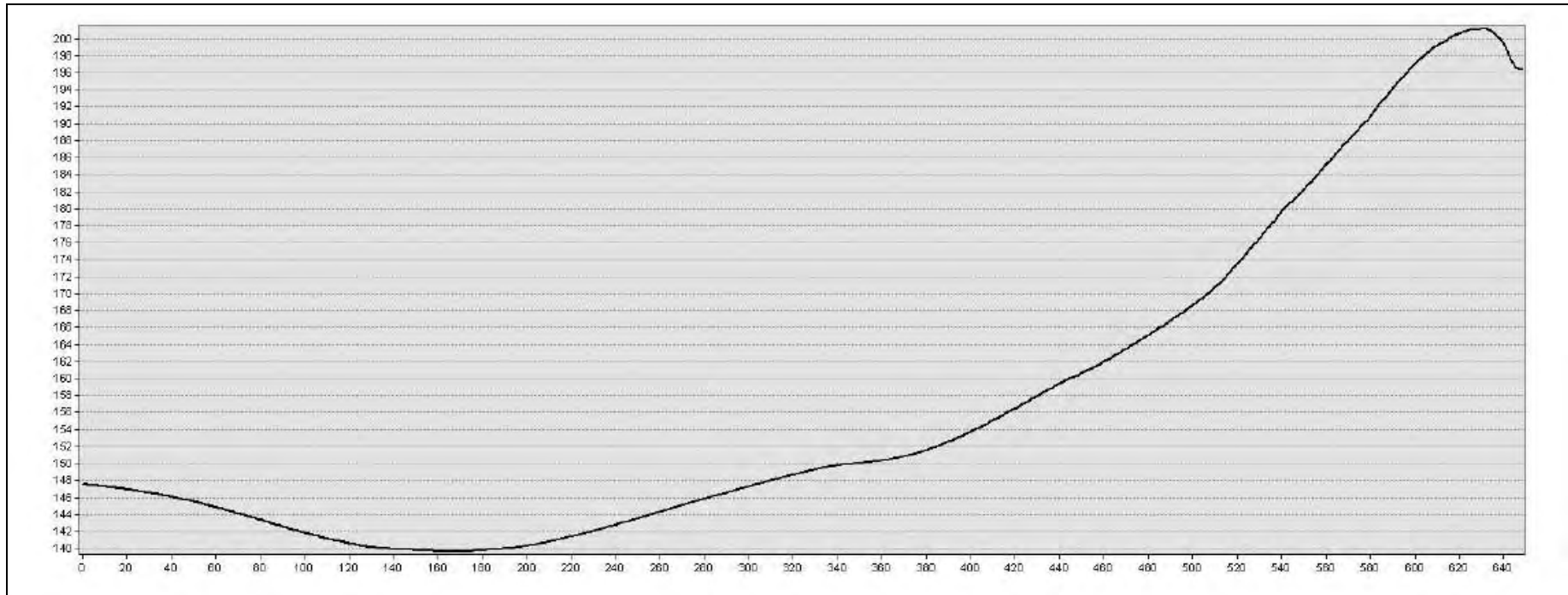
### Topographic profile from Location 5 to Quarry



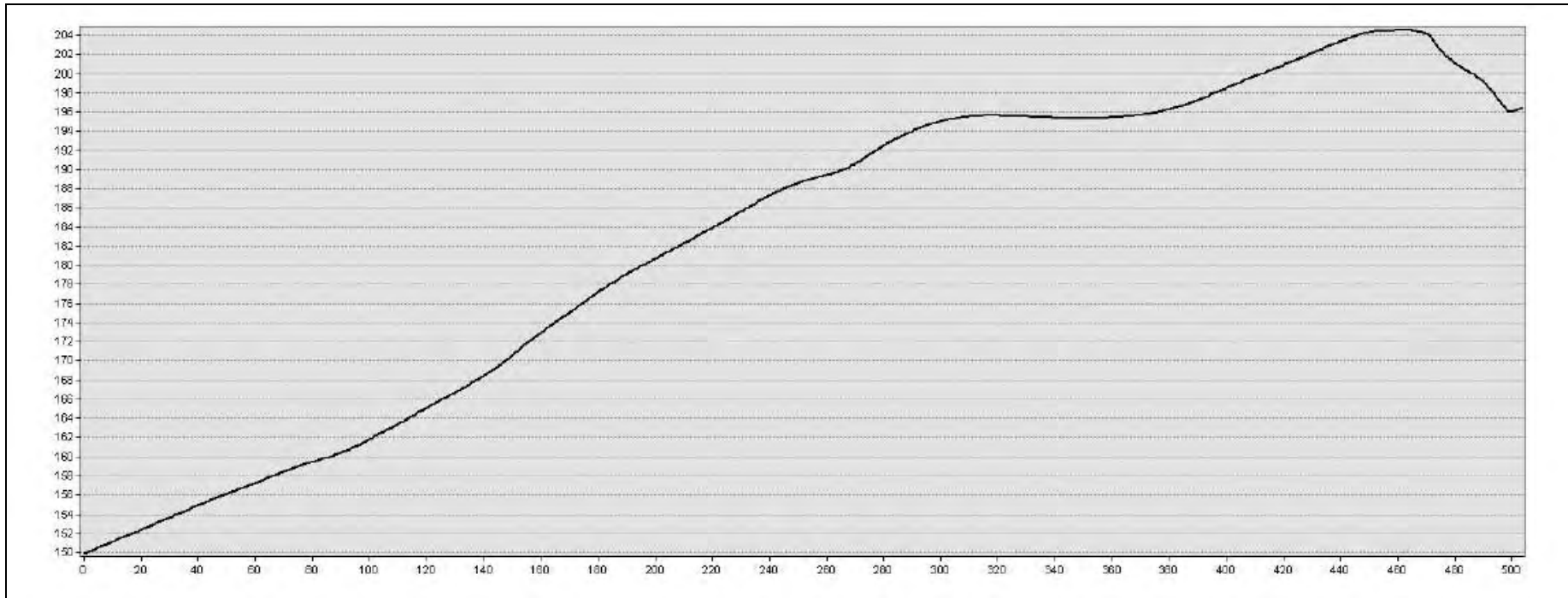
### Topographic profile from Location 9 to Quarry



### Topographic profile from Location 10 to Quarry



### Topographic profile from Location 11 to Quarry



# Wind roses for 9am and 3pm at Campania - 10 years

## Rose of Wind direction versus Wind speed in km/h (12 Apr 2000 to 30 Sep 2010)

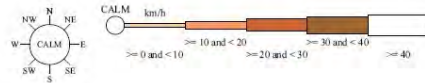
Custom times selected, refer to attached note for details

### CAMPANIA (KINCORA)

Site No: 094212 • Opened Apr 2000 • Still Open • Latitude: -42.6867° • Longitude: 147.4258° • Elevation 45m

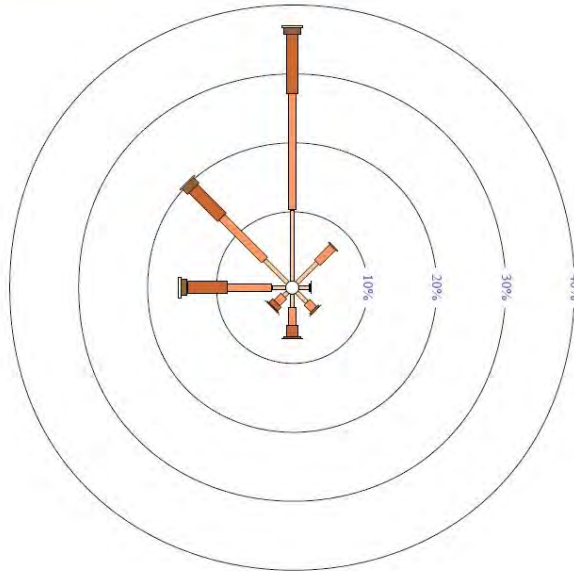
An asterisk (\*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



9 am  
3788 Total Observations

Calm 5%



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Prepared by National Climate Centre of the Bureau of Meteorology.  
Contact us by phone on (03) 9669 4082, by fax on (03) 9669 4515, or by email on [climatedata@bom.gov.au](mailto:climatedata@bom.gov.au)  
We have taken all due care but cannot provide any warranty nor accept any liability for this information.

## Rose of Wind direction versus Wind speed in km/h (12 Apr 2000 to 30 Sep 2010)

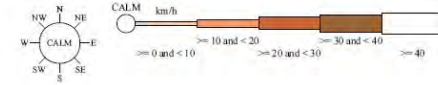
Custom times selected, refer to attached note for details

### CAMPANIA (KINCORA)

Site No: 094212 • Opened Apr 2000 • Still Open • Latitude: -42.6867° • Longitude: 147.4258° • Elevation 45m

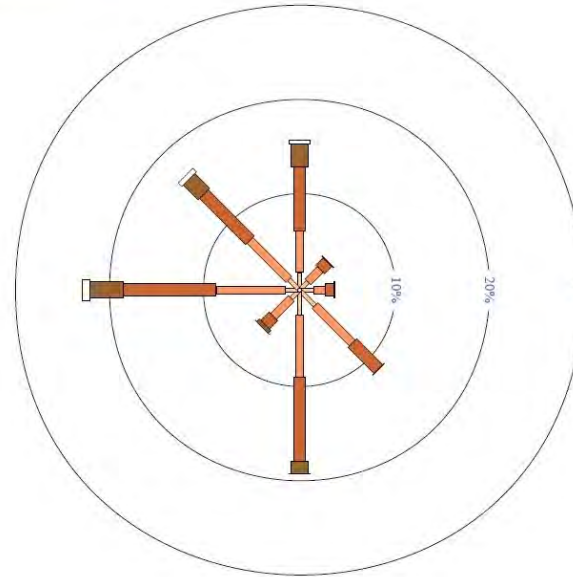
An asterisk (\*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm  
3793 Total Observations

Calm 1%



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Contact us by phone on (03) 9669 4082, by fax on (03) 9669 4515, or by email on [climatedata@bom.gov.au](mailto:climatedata@bom.gov.au)  
We have taken all due care but cannot provide any warranty nor accept any liability for this information.



**1356 Tea Tree Rd, Rekuna – Field report from site visit 17 August 2014**

Appendix A to be read in conjunction with main report

**General**

The owner, Mr Williams, seeks to operate an existing quarry within the property of 1356 Tea Tree Rd. The site was visited 12:00-15:00, Sunday 17/8/2014 for noise measurements and observations during the daytime.

**Instruments used**

- Brüel & Kjær Sound Level Calibrator Type 4230 s/n s/n 1169836, Laboratory Certified December 2013;
- Rion Precision Integrating Sound Level Meter Model NL-11, s/n 150321, with Rion Octave Band Filter Model NX-01A, s/n 10851228;
- Brüel & Kjær Statistical Noise Analyser Type 4426 s/n 957489,
- Weather Instruments (Aneroid barometer, Zeal Wet/Dry bulb Psychrometer, Suunto KB-14/360R compass, Kaindl Windmaster 2 wind speed meter);
- Hema Navigator 5" GPS, s/n HN5A1209001368,

**Location definitions**

The locations for measurements were defined as follows:

GPS datum AMG 1966 - 55G				Definition/Comments
Loc #	Location	m East	m North	
1	Owners house	531513	5275268	Beside clothes line to the rear of the house, Microphone at 1.2 m height
2	Dam	531452	5275402	By driveway, adjacent top of small dam, Microphone at 1.2 m height

Position plotted on aerial photo and photographs of location are on the following pages.

**Weather observations**

Conditions suitable for noise measurements.  
Details are shown alongside.

Weather observations	
Date	17/8/2014
Location	Loc 2
Time	13:20
Temp °C	12
Relative Humidity %	57
Pressure hPa	1005
Wind speed average m/s	0.9
Wind speed max m/s	4
Wind direction	W
Cloud cover x/8	4

[Last revised 30/10/2014]

### Location – plotted airphoto indicating monitoring positions



Monitoring location plotted approximately. Base image sourced from TheList 23/7/2014.

Included overlay of boundary lines, 10 m contours and 100 m scale bar. Note: changes have occurred since this image was captured by satellite

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24/09/2019



### Panorama photograph



Panorama of Location 1 showing wide northern arc. 17/8/2014.  
Note the 2-photo composite has some join error and distortion.

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### Panorama photograph



Panorama of Location 2 showing wide northern arc. Neighbour house in left background. 17/8/2014.  
Note the 2-photo composite has some join error and distortion.

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24/09/2019



### Panorama photograph



Panorama of existing quarry showing wide western arc. 17/8/2014.  
Note the 3-photo composite has some join error and distortion.

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### Site photographs



View northeast at Location 2, 17/8/2014.



View to north from quarry, 17/8/2014.

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**RECEIVED**  
24/09/2019

## Noise descriptions

For each location, ambient noise by source noted during the site visit is listed (in descending order of significance by loudness, noticeability, duration and incidence):

### Location 1

- Birds, including noisy mynas, crow
- Tea Tree Rd traffic, 100 km/h zone, including cars, motorbikes, truck
- Aircraft, including jet airliners and light aircraft
- Dog (neighbour)
- Crickets
- Cow

### Location 2

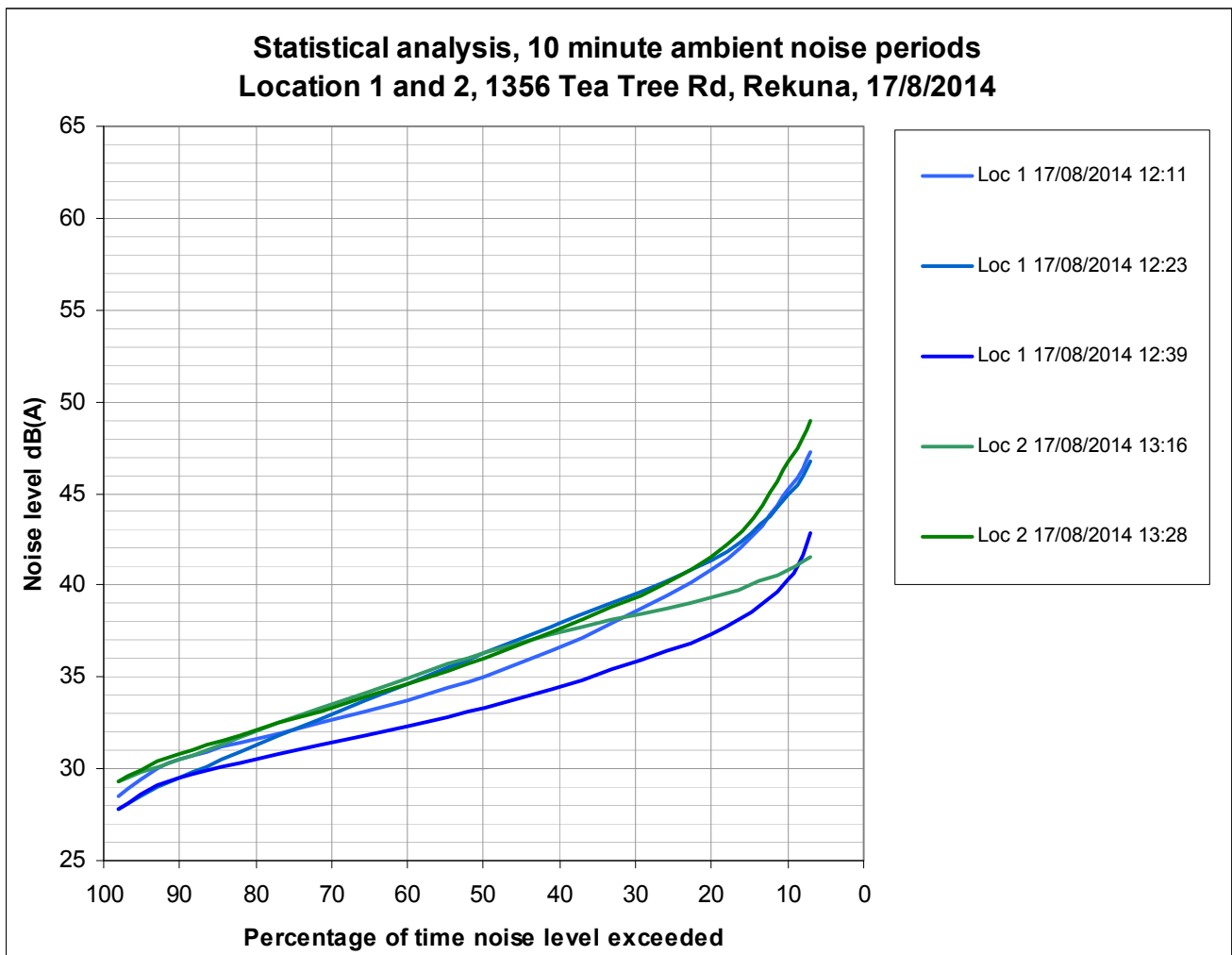
- Dog (neighbour)
- Tea Tree Rd traffic, 100 km/h zone, including cars, motorbikes, truck
- Birds, including crows, mynas, magpie
- Aircraft, including jet airliners and light aircraft
- Frogs
- Sheep

## Comments

- Daytime noise measurements were conducted under suitable conditions.
- Beside Tea Tree Rd is the Hobart-Launceston railway, with substantial grade rising to the west.
- Quarry depth is currently 3-5 m, with a landing area a short distance to WSW.

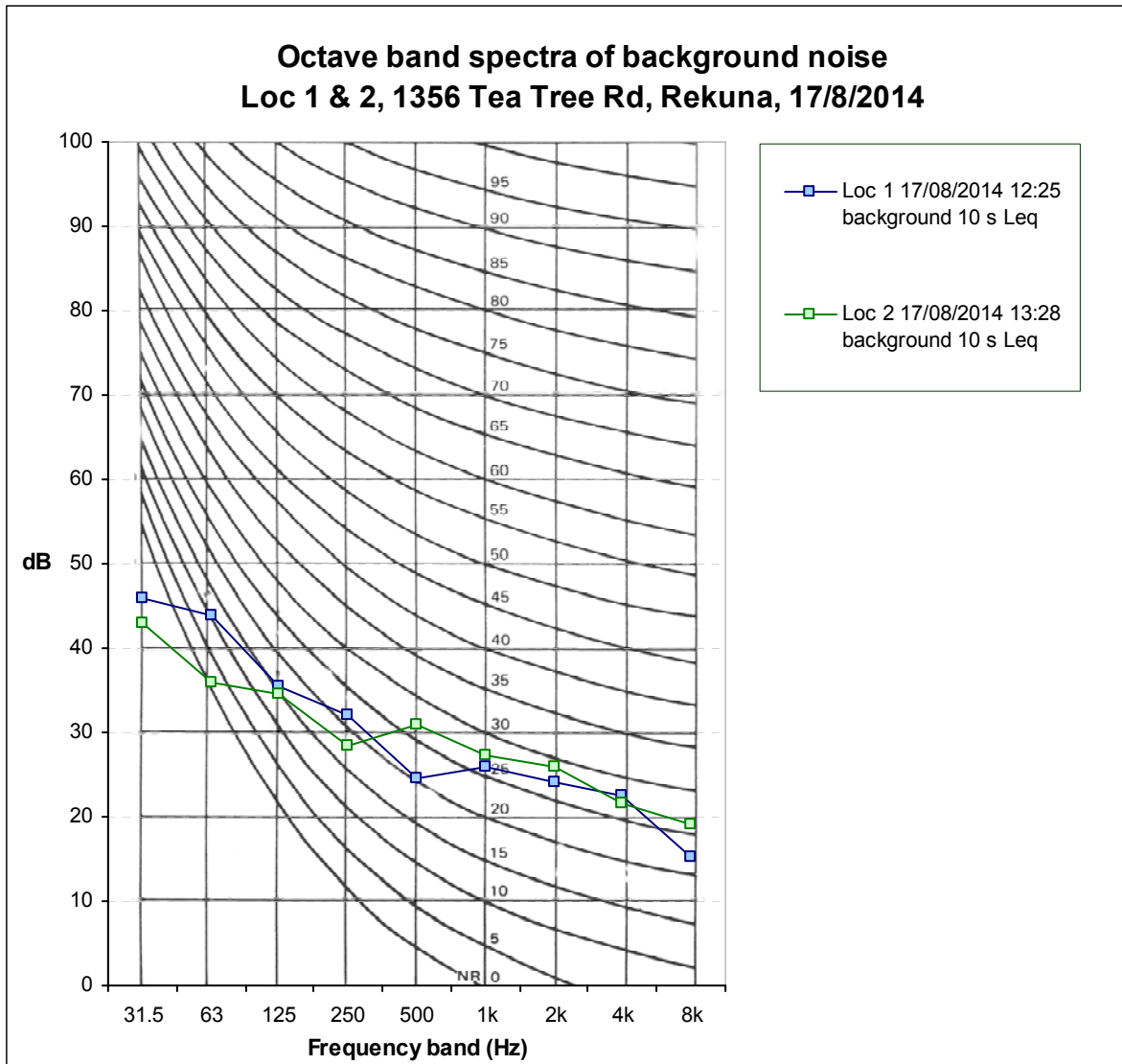
**Measurements and statistical analysis of noise over 10 minute periods**

Location	Loc 1	Loc 1	Loc 1	Loc 2	Loc 2
Date	17/08/2014	17/08/2014	17/08/2014	17/08/2014	17/08/2014
Time	12:11	12:23	12:39	13:16	13:28
Duration	10	10	10	10	10
Samples	6000	6000	6000	6000	6000
Noise	ambient	ambient	ambient	ambient	ambient
Cars	15	14	15	17	12
Trucks	0	0	0	0	1
Motorbikes	1	1	0	1	5
Comment	birds	birds	-	-	neighbour dog
L10	45.3	45.0	40.3	40.8	46.8
L20	40.8	41.3	37.3	39.3	41.5
L50	35.0	36.3	33.3	36.3	36.0
L90	30.5	29.5	29.5	30.5	30.8
Leq A	43.7	41.2	41.6	38.8	44.2



**Spectral analysis of background noise**

Location	Loc 1	Loc 2
Date	17/08/2014	17/08/2014
Start time	12:25	13:28
Noise	background	background
Duration	10 s Leq	10 s Leq
Octave band Hz		
31.5	45.9	43.0
63	43.9	35.9
125	35.5	34.5
250	32.1	28.3
500	24.6	30.8
1k	25.9	27.3
2k	24.0	25.8
4k	22.6	21.5
8k	15.3	19.2



**1356 Tea Tree Rd, Rekuna – Prediction report 23 October 2014**

Appendix B to be read in conjunction with main report and Appendix A

**General**

The owner, Mr Williams, seeks to operate an existing quarry within the property of 1356 Tea Tree Rd. Site background measurements are compared with quarry noise received at neighbouring locations modelled for topography and distance based on quarry crusher measurements from Old Beach.

**Instruments used**

- Brüel & Kjær Sound Level Calibrator Type 4230 s/n 1169836, Laboratory Certified December 2013;
- Rion Precision Integrating Sound Level Meter Model NL-11, s/n 150321, with Rion Octave Band Filter Model NX-01A, s/n 10851228;
- Brüel & Kjær Statistical Noise Analyser Type 4426 s/n 957489,
- Weather Instruments (Aneroid barometer, Zeal Wet/Dry bulb Psychrometer, Suunto KB-14/360R compass, Kaindl Windmaster 2 wind speed meter);

**Location definitions**

The locations for measurements were defined as follows:

GPS datum AMG 1966 - 55G				Definition/Comments
Loc #	Location	m East	m North	
1	Owners house	531513	5275268	Beside clothes line to the rear of owners house, Microphone at 1.2 m height
2	Dam	531452	5275402	By driveway, adjacent top of small dam, Microphone at 1.2 m height
A	Old Beach quarry	Off site		38 m from crusher, direct line of sight. Clive Hill, Baskerville Rd, Old Beach

Positions of onsite and receiver locations are plotted on aerial photo on following page.

**Comments**

- Spectral data measured at Location 2 is BACKGROUND noise in absence of traffic. It is expected that background noise is similar around the neighbourhood, unless localised continuous noise is present, such as heat pump operation.
- Ambient noise at Locations 1 and 2, shown on page A8, is significantly above background levels, dominated by traffic, and hence is influenced by distance from Tea Tree Rd. Ambient noise at neighbour locations would vary with distance from Tea Tree Rd, and perhaps influenced by local sources such as dogs.
- Clive Hill Quarry, Old Beach: Jakes crusher noise measured over 1 minute, at a position in direct line of sight at 38 m distance.
- Predictions were undertaken for receivers at the nearest neighbour dwellings. Predictions include modelling for distance, topography, under for neutral calm conditions, and for light breeze towards quarry (favourable) and light breeze towards receiver (unfavourable).

[Last revised 31/10/2014]



### Location – plotted airphoto indicating monitoring positions



Monitoring and modelling locations plotted approximately. Base image sourced from TheList 23/7/2014.

Included overlay of boundary lines, 10 m contours and 100 m scale bar. Note: changes have occurred since this image was captured by satellite

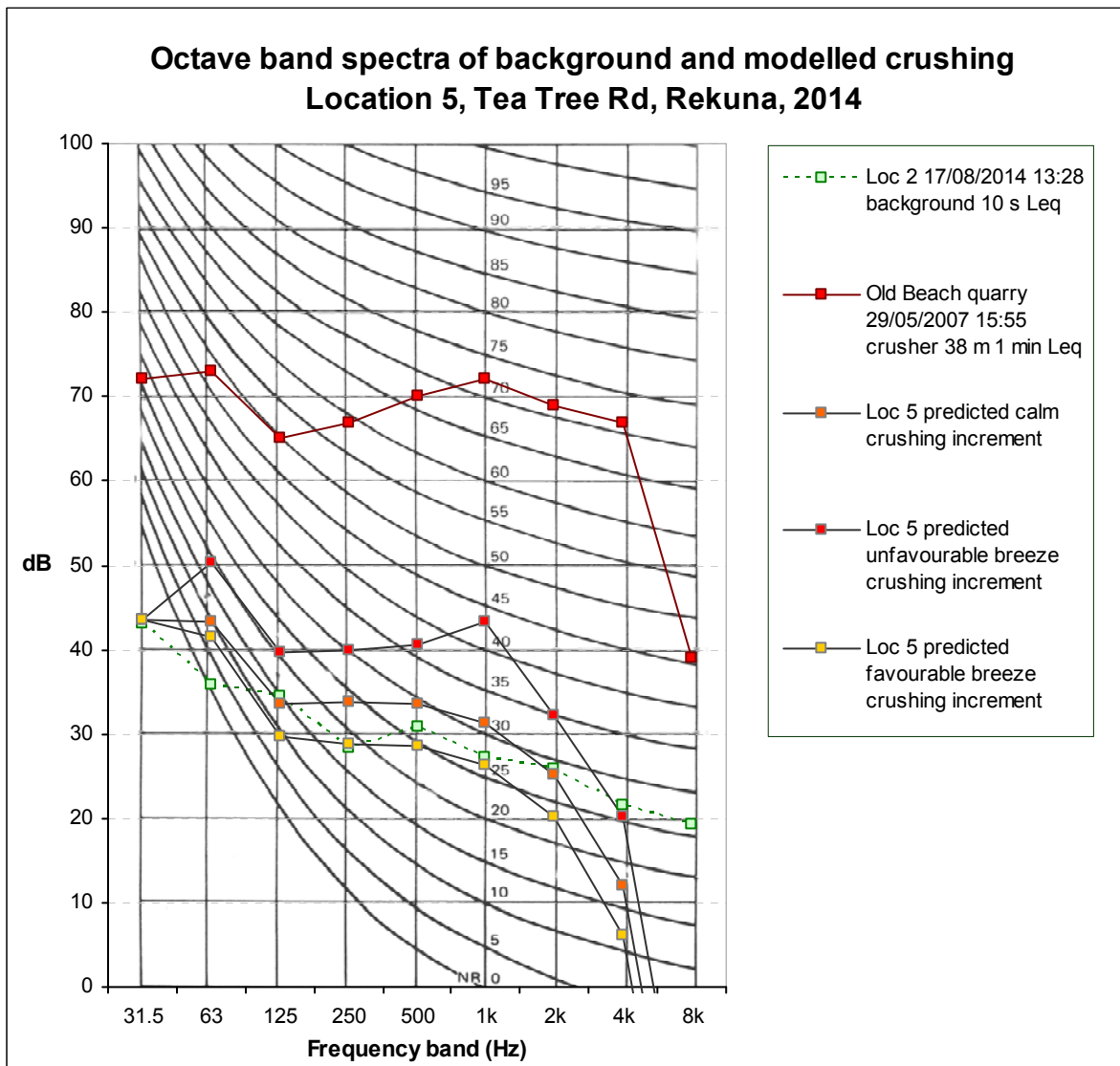
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24/09/2019

**Spectral analysis of background, source model and predicted noise for Loc 5**

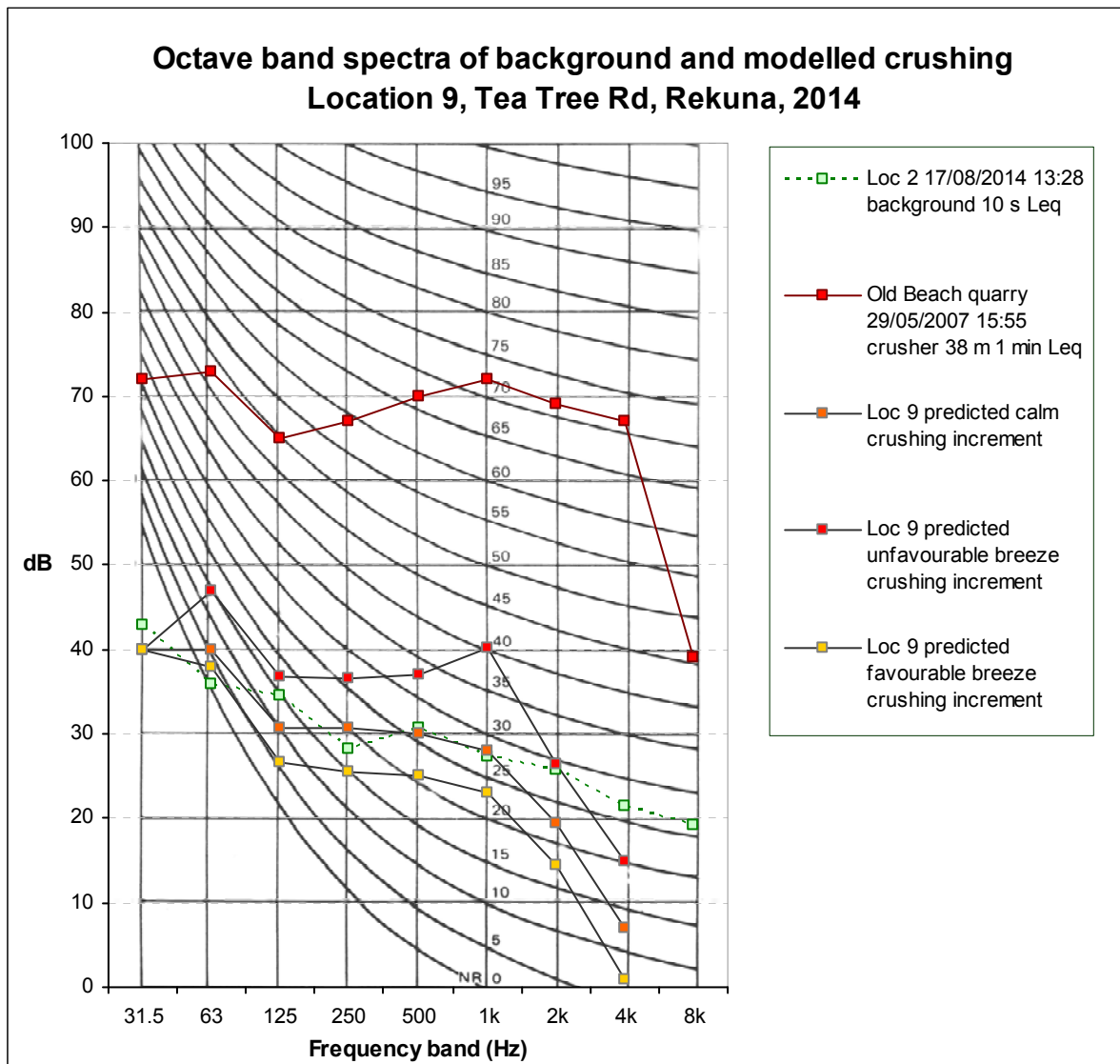
Location	Loc 2	Old Beach quarry	Loc 5	Loc 5	Loc 5
Date	17/8/2014	29/5/2007	predicted	predicted	predicted
Start time	13:28	15:55			
Noise	background	crusher 38 m	crushing increment	crushing increment	crushing increment
Duration/condition	10 s Leq	1 min Leq	calm	unfavourable breeze	favourable breeze
A	33.1	75.8	35.3	45.0	30.4
C	42.8	78.4	45.7	51.8	44.0
Octave band Hz 31.5	43.0	72.0	43.6	43.6	43.6
63	35.9	73.0	43.4	50.4	41.4
125	34.5	65.0	33.6	39.6	29.6
250	28.3	67.0	33.8	39.8	28.8
500	30.8	70.0	33.6	40.6	28.6
1k	27.3	72.0	31.4	43.4	26.4
2k	25.8	69.0	25.2	32.2	20.2
4k	21.5	67.0	12.1	20.1	6.1
8k	19.2	39.0	-	-	-





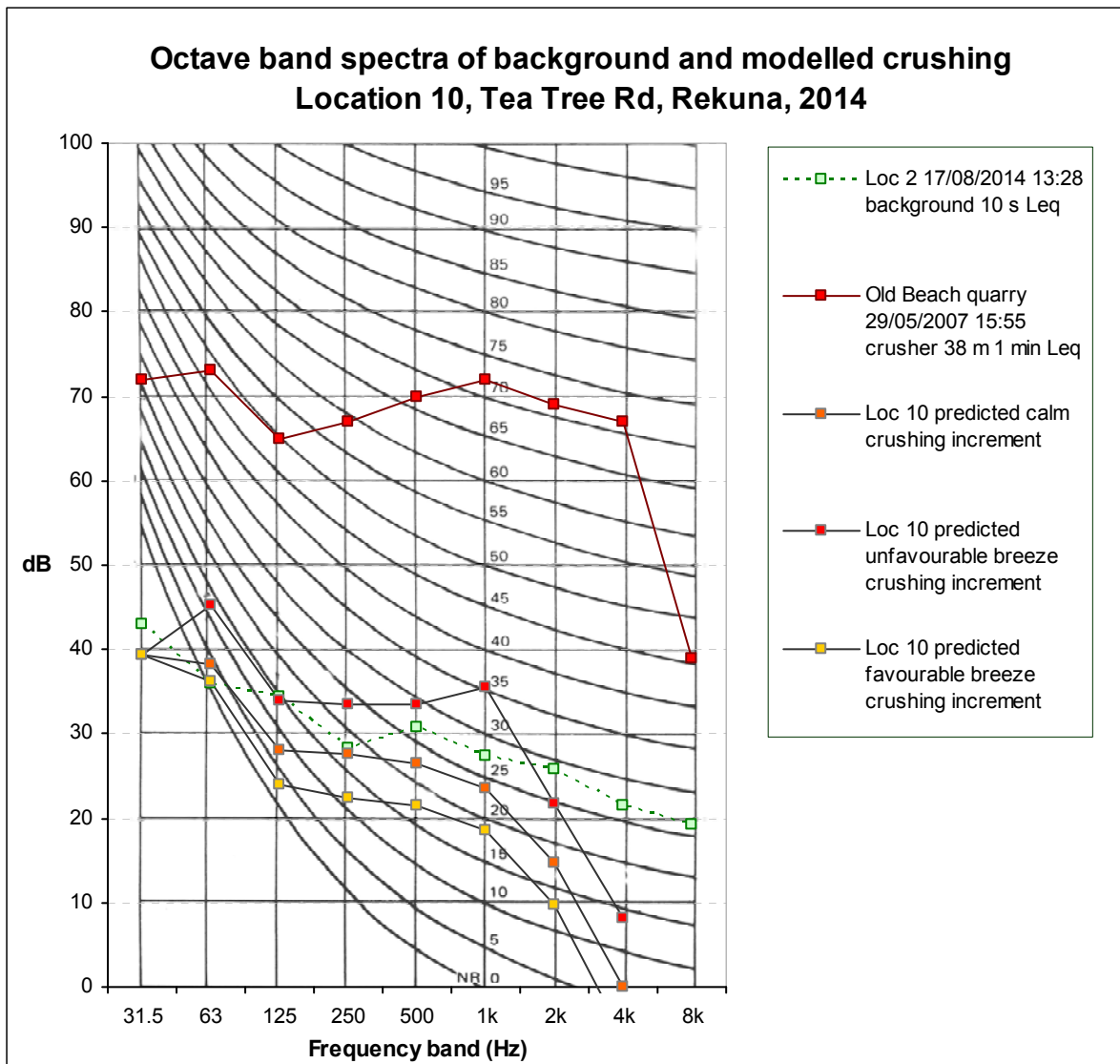
**Spectral analysis of background, source model and predicted noise for Loc 9**

Location	Loc 2	Old Beach quarry	Loc 9	Loc 9	Loc 9
Date	17/8/2014	29/5/2007	predicted	predicted	predicted
Start time	13:28	15:55			
Noise	background	crusher 38 m	crushing increment	crushing increment	crushing increment
Duration/condition	10 s Leq	1 min Leq	calm	unfavourable breeze	favourable breeze
A	33.1	75.8	31.7	41.5	26.8
C	42.8	78.4	42.2	48.4	40.5
Octave band Hz 31.5	43.0	72.0	39.9	39.9	39.9
63	35.9	73.0	39.9	46.9	37.9
125	34.5	65.0	30.7	36.7	26.7
250	28.3	67.0	30.6	36.6	25.6
500	30.8	70.0	30.1	37.1	25.1
1k	27.3	72.0	28.1	40.1	23.1
2k	25.8	69.0	19.4	26.4	14.4
4k	21.5	67.0	6.9	14.9	0.9
8k	19.2	39.0	-	-	-



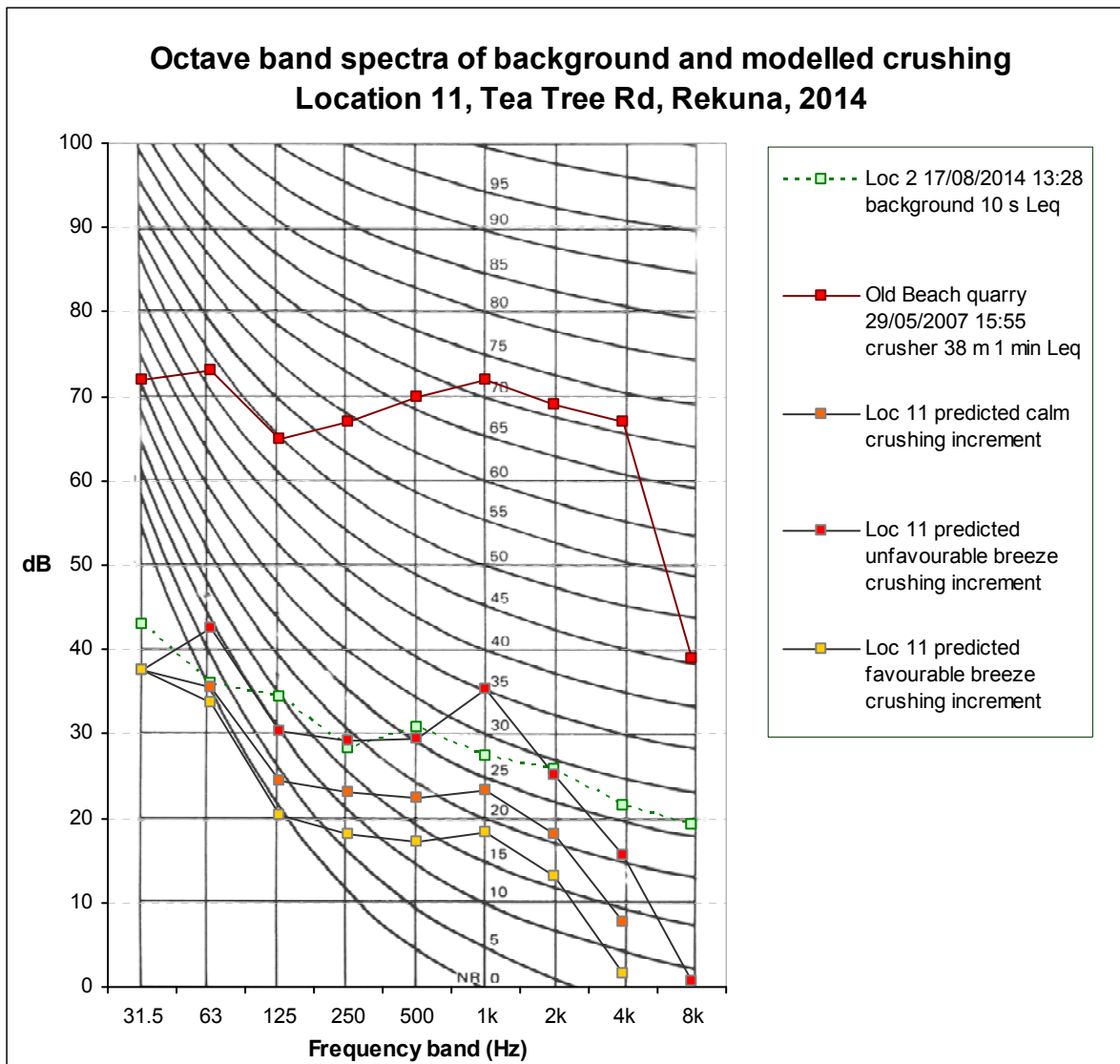
**Spectral analysis of background, source model and predicted noise for Loc 10**

Location	Loc 2	Old Beach quarry	Loc 10	Loc 10	Loc 10
Date	17/8/2014	29/5/2007	predicted	predicted	predicted
Start time	13:28	15:55			
Noise	background	crusher 38 m	crushing increment	crushing increment	crushing increment
Duration/condition	10 s Leq	1 min Leq	calm	unfavourable breeze	favourable breeze
A	33.1	75.8	27.8	37.3	22.9
C	42.8	78.4	40.6	46.2	39.2
Octave band Hz 31.5	43.0	72.0	39.3	39.3	39.3
63	35.9	73.0	38.3	45.3	36.3
125	34.5	65.0	28.0	34.0	24.0
250	28.3	67.0	27.5	33.5	22.5
500	30.8	70.0	26.5	33.5	21.5
1k	27.3	72.0	23.6	35.6	18.6
2k	25.8	69.0	14.8	21.8	9.8
4k	21.5	67.0	0.1	8.1	-
8k	19.2	39.0	-	-	-



**Spectral analysis of background, source model and predicted noise for Loc 11**

Location	Loc 2	Old Beach quarry	Loc 11	Loc 11	Loc 11
Date	17/8/2014	29/5/2007	predicted	predicted	predicted
Start time	13:28	15:55			
Noise	background	crusher 38 m	crushing increment	crushing increment	crushing increment
Duration/condition	10 s Leq	1 min Leq	calm	unfavourable breeze	favourable breeze
A	33.1	75.8	26.3	36.5	21.5
C	42.8	78.4	38.3	43.8	37.0
Octave band Hz 31.5	43.0	72.0	37.6	37.6	37.6
63	35.9	73.0	35.6	42.6	33.6
125	34.5	65.0	24.4	30.4	20.4
250	28.3	67.0	23.1	29.1	18.1
500	30.8	70.0	22.3	29.3	17.3
1k	27.3	72.0	23.3	35.3	18.3
2k	25.8	69.0	18.1	25.1	13.1
4k	21.5	67.0	7.6	15.6	1.6
8k	19.2	39.0	-	0.6	-





**PEARU TERTS**BA, Grad. Dip. Env. Stud. (Hons.), MIE Aust., CPENG, MAAS  
Consulting Engineer33 Falcon Rd  
Claremont 7011  
Tasmania AUSTRALIA**ARCHITECTURAL ACOUSTICS  
NOISE CONTROL**Phone 03 6249 7165  
Fax 03 6249 1296  
Email [pterts@southcom.com.au](mailto:pterts@southcom.com.au)Proposed Quarry, 1356 Tea Tree Road, Rekuna  
Response to EPA queries

23/3/2015

## S U M M A R Y.

1. Empty and loaded trucks travelling on the quarry access road gave the following noise levels at 84 m:

	Leq (10 min) dB(A)		
Loaded from quarry	Empty to quarry		Ambient
44.8	47.0		46.2
48.6	47.4		43.6
46.6	45.3		45.7

The results included Tea Tree Rd. traffic.

2. The maximum noise levels at 84 m were as follows:

Loaded	Empty	Tea Tree Rd traffic
60.1	58.5	63.1

3. We estimate that at the nearest house (# 5 on page C 2 of previous report), the access road is 111 m away and therefore there will be a reduction of truck noise by 2.4 dB(A) and possibly more because the road/tyre interaction is not visible because of the embankment. The Tea Tree Road is closer than our measuring location near the dam and therefore the Tea Tree Rd. traffic is about 1 dB or more louder. The quarry truck noise levels are acceptable.
4. The reflection effect off the irregular quarry face is likely to increase the noise level by no more than 2.5 dB(A). There are no sensitive areas south of the quarry face on which the noise can impinge. and therefore it does not cause environmental nuisance.
5. The acoustic climate near the nearest residence is not tranquil. The Tea Tree Rd., traffic noise dominates with high speed heavy vehicles and large tyred 4  
..... WD vehicles. In addition there are jet air liners, motor bikes and goods trains  
..... blowing their warning horns twice near each railway crossing.

CLIENT: Mr. Craig Williams  
1356 Tea Tree Road,  
Rekuna, Tea Tree  
Tasmania 7017  
Tel. 62604404  
Cc Dr R. Barnes, e-mail: [rwbarnes@gmail.com](mailto:rwbarnes@gmail.com)

## INTRODUCTION:

On Friday 20/3/2015 we set up sound level measuring instruments to record the noise made by empty and loaded quarry trucks on the quarry access road. The measuring station was 84 m from the access road, near Mr Williams' dam and approximately 220 m from Tea Tree Road. Two trucks were used.

Truck No 1 was a 1998 Mack, model CH, Reg. No B 25 Q 3, powered by a 6 cylinder diesel engine of 400 HP. It was rated at 21.5 t gross.

Truck No 2 was a Volvo, Model NH 12, VIN YV5B4B 3D9WD 120350, powered by a 6 cylinder diesel turbo engine of 420 HP. It is rated at 21.5 t gross.

The weather was windy at times but there was no rain and the road surface was dry. The wind was WNW, that is, blowing from the access road towards the measuring station.

We did not measure any train noise during the period but did record jet air liners and Tea Tree Rd. traffic.

On one occasion, the Tea Tree Rd. traffic noise dominated our truck noise tests and the test had to be repeated.

## RESULTS:

The results are given in appendix D, consisting of paged D 1 to D 19.

The main results are shown on page D 6. In the table,  $L_n$  is the noise level exceeded for  $n$  % of the time. Hence,  $L_{90}$  is a good descriptor of the base or background noise level.  $L_{90} = 36.9$  dB(A) means that for 90 % of the 10 minute sample, that is, 9 minutes, the noise level was 36.9 dB(A) or more. Similarly,  $L_{10}$  is a good descriptor of the average of the higher noise events encountered.  $L_{10} = 48.4$  dB(A) means that for 10 % or 1 minute, the noise level was 48.4 dB(A) or more.

$L_{eq}$  is the equivalent 'A' weighted noise level. A fluctuating noise having an  $L_{eq} = 44.8$  dB(A) has the same acoustic energy as a steady noise of 44.8 dB(A).

Pages D 8 and D 9 show the spectral content of the measured noise. The slight increase in the 1000 Hz frequency band is due to the road/tyre interaction noise from Tea Tree Rd. high speed traffic.

Pages D 10 to D 19 show time recordings of test truck and other ambient noise events.

The empty and loaded trucks travelling on the quarry access road gave the following noise levels at 84 m:

		Leq ( 10 min) dB(A)		
	loaded	empty		ambient
	from quarry	to quarry		
	44.8	47.0		46.2
	48.6	47.4		43.6
	46.6	45.3		45.7
Mean	46.7	46.6		45.2

The above results included Tea Tree Rd. traffic noise

The maximum noise levels at 84 m were as follows:

	dB(A)		
	Loaded	Empty	Tea Tree Rd. traffic noise
	60.1	58.5	63.1

The nearest house (# 5 on page C 2 of previous report) is 111 m from the access road and 200 m from Tea tree Road. Consequently, the quarry truck noise is reduced by  $10 \log (111/84) = 2.4$  dB(A) or possibly more because the quarry road/tyre interaction is not visible at the house because of the embankment. The Tea Tree Rd. traffic noise is increased by  $20 \log (200/220) = 0.9$  dB(A) or possibly more because house # 5 ( 220 m) is closer to Tea Tree Rd than was our measuring location at about 200 m.

Consequently, the quarry truck noise is likely to be 2.4 dB(A) or more lower than the measured noise levels in the above table and the Tea Tree Rd traffic noise is likely to be slightly higher than shown in the above table.

### REFLECTIVE NOISE OFF THE QUARRY FACE

The quarry face has a surface that is irregular and somewhat curved. Noise reflecting off a flat surface increases the sound pressure level 1 m from such a surface by 3 dB but in practice, about 2.5 dB. The quarry face has protrusions and recesses that help to diffuse the sound, particularly mid and high frequency sound. Low frequency sound having a wavelength much larger than the length of the protrusions will reflect and possibly focus at an area in front of the quarry but to the south of the quarry on Mr Williams' land. There are no sensitive areas or buildings in front of the quarry face and any increase in noise is unlikely to cause an environmental nuisance.

### DISCUSSION:

The quarry operates during daylight and does not operate on Sundays.

The noise climate near the nearest neighbour is not tranquil because of high speed Tea Tree Rd. traffic, jet airliners and proximity to a railway that carries goods trains that have to legally blow their warning horns twice at each railway crossing.

On an average there will be 3 quarry truck movements per hour. The difference between the quarry truck noise and the ambient noise from the above tests is only  $46.7 - 45.2 = 1.5$  dB(A). This difference is marginal and may be within experimental error. The octave band spectra on page D 8 shows that for all the measurements, the variation in the 1000 Hz octave band centre frequency levels was least, implying that the dominant steady noise was the Tea Tree Road tyre/road interaction noise.

The maximum noise level generated by the quarry truck was 60.1 dB(A). At the nearest house this is likely to be  $60.1 - 2.4 = 57.7$  dB(A). To this we add the façade effect of 2.5 dB(A) making a total of 60.2 dB(A). Such a noise event, perhaps once every 20 minutes is not intrusive. To put it into context, a traffic noise criterion often used by road authorities is that L10 (18 h) = 63 dB(A). When this is exceeded, noise complaints start gradually to increase. L10 is the 10<sup>th</sup> percentile and this is measured and averaged over 18 hours from 0600 to mid night.

The World Health Organization's (WHO) Guideline for noise levels outside bedrooms at night with the window open is 45 dB(A) and the maximum noise level (L<sub>max</sub>) should not exceed 60 dB(A). These conditions are likely to be met as the quarry is inoperative at night.

Yours sincerely,

Pearu Terts

**1356 Tea Tree Rd, Rekuna – Field report from site visit 20 March 2015**

Appendix D to be read in conjunction with main report

**General**

The owner, Mr Williams, seeks to operate an existing quarry within the property of 1356 Tea Tree Rd. The site was visited 10:15-14:15, Friday 20/3/2015 for noise measurements and observations during the daytime, with a focus on measuring noise of test truck movements.

**Instruments used**

- Brüel & Kjær Sound Level Calibrator Type 4230 s/n 1169836, Laboratory Certified February 2014;
- Norsonic Precision Sound Level Meter Nor131, s/n 1312829, Laboratory Certified December 2014;
- Rion Precision Integrating Sound Level Meter Model NL-11, s/n 150321, with Rion Octave Band Filter Model NX-01A, s/n 10851228,
- Brüel & Kjær Precision Sound Level Meter Type 2232 s/n 1129761;
- Brüel & Kjær Precision Sound Level Meter and Octave Analyser Type 2215 s/n 1010392,
- Brüel & Kjær Level Recorder Type 2306;
- Standard Sound Level Meter/Datalogger ST8852, s/n 12104155
- Weather Instruments (Aneroid barometer, Zeal Wet/Dry bulb Psychrometer, Suunto KB-14/360R compass, Kaindl Windmaster 2 wind speed meter);
- 100 m fiberglass tape

**Location definitions**

The locations for measurements were defined as follows:

#	Location	Definition/Comments
3	Field opposite neighbour	84 m from main driveway along inter-dam & farm service track, Approximately opposite the adjacent neighbour dwelling Microphone at 1.2 m height

Position plotted on aerial photo and photographs of location are on the following pages.

**Weather observations**

Conditions suitable for noise measurements.  
Gusts of wind raised ambient noise at times.  
Details are shown alongside.

Weather observations	
Date	20/03/2015
Location	Loc 3
Time	11:00
Temp °C	16
Relative Humidity %	54
Pressure hPa	1000
Wind speed average m/s	3.1
Wind speed maximum m/s	9.8
Wind direction	WNW
Cloud cover x/8	3

[Last revised 23/3/2015]



### Location – plotted airphoto indicating monitoring positions



Monitoring location plotted approximately. Base image sourced from TheList 23/7/2014.

Included overlay of boundary lines, 10 m contours and 100 m scale bar. Note: changes have occurred since this image was captured by satellite

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### Site photographs



View of loaded test truck passing downhill at Location 3, 20/3/2015.



View of empty test truck passing downhill at Location 3, 20/3/2015.

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## Noise descriptions

For each location, ambient noise by source noted during the site visit is listed (in descending order of significance by loudness, noticeability, duration and incidence):

### Location 3

- Tea Tree Rd traffic, 100 km/h zone, including cars, trucks, motorbike,
- Test truck movements
- Birds, including crows, magpies, cockatoos
- Aircraft, including jet airliners
- Dog (neighbour)
- Crickets (persistent)

## Test details

- Location 3 is 84.0 m from the access road where it rises at 3° gradient from Tea Tree Rd. Tea Tree Rd passes approximately 250 m from Location 3
- Loaded test truck: Mack CH (1998) dump truck, 400 HP, 21.5 GVM with 12 t gravel, Reg B25Q3, driven 20 km/h.
- Prime mover only: Volvo NH12 (1998), 420 HP, 21.5 GVM, VIN YV5B4B3D9WD, driven 30 km/h
- Empty test truck: Volvo as above, fitted with dump tray, driven 30 km/h

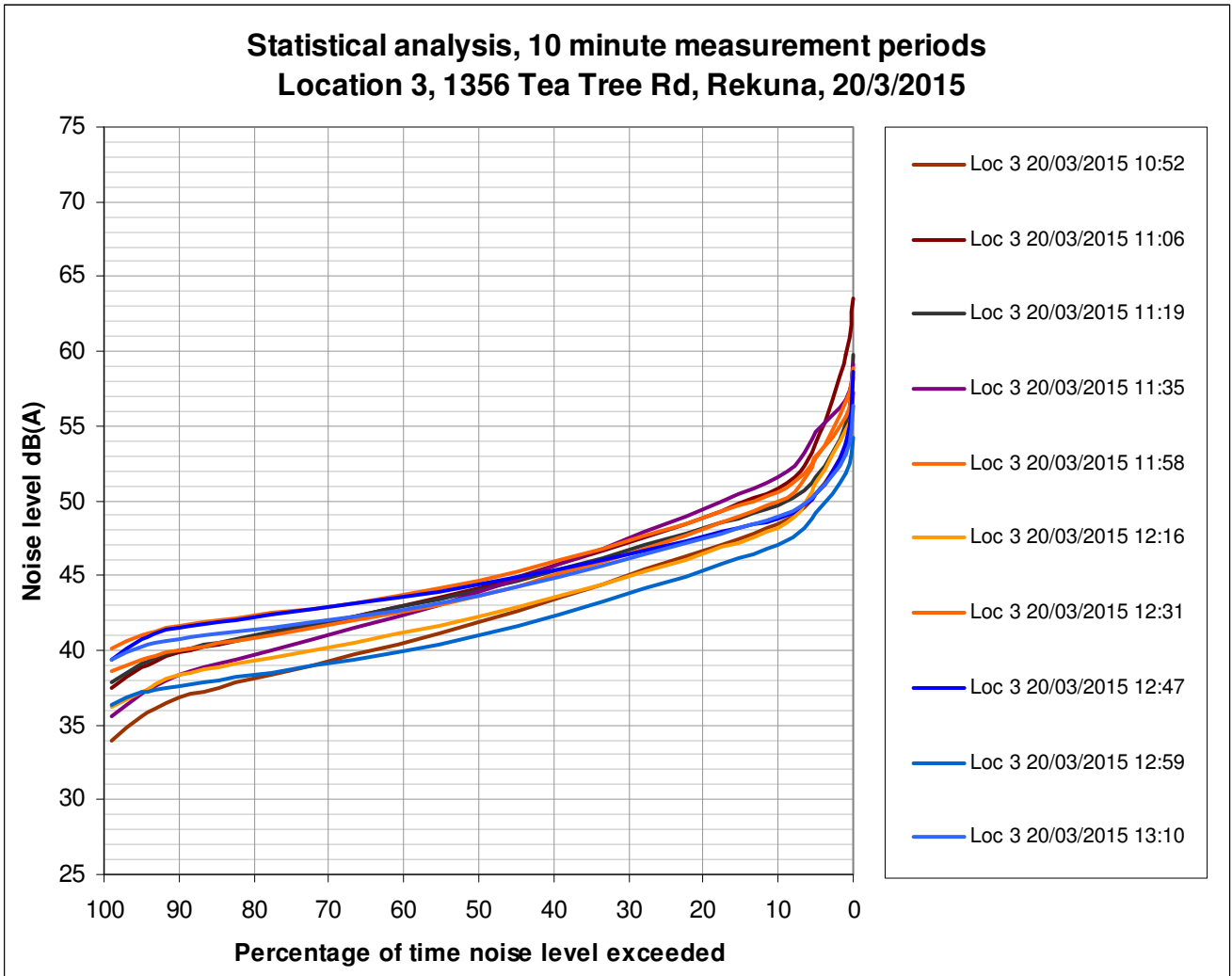
## Comments

- Daytime noise measurements were conducted under suitable conditions.
- Ambient noise is dominated by traffic on Tea Tree Rd, 100 km/h zone, including trucks.
- Noise increment of test truck pass was of marginal significance over 10 minute measurement periods. The major factor determining noise variation among measurement periods was fluctuation in traffic numbers and vehicle mix passing Tea Tree Rd.
- Beside Tea Tree Rd is the Hobart-Launceston railway, with substantial grade rising to the west. No trains passed during the visit.

### Measurements and statistical analysis of noise over 10 minute periods

Location	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3
Date	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015
Time	10:52	11:06	11:19	11:35	11:58	12:16	12:31	12:47	12:59	13:10
Duration	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min
Samples	6000	6000	6000	6000	6000	6000	6000	6000	6000	6000
Test	Loaded UP	Loaded DOWN	Loaded DOWN	Prime DOWN + UP	Empty UP	Empty DOWN	Empty UP	Ambient	Ambient	Ambient
LAmx	58.1	64.7	62.3	61.9	63.7	61.8	59.3	61.5	56.1	57.8
LA0.1	57.2	63.5	59.8	59.1	58.9	56.3	58.3	58.6	54.2	56.3
LA1	53.7	59.8	55.1	56.8	56.6	54.7	55.6	53.8	51.8	53.1
LA5	50.5	53.9	51.6	54.6	52.8	51.2	53.0	50.5	49.2	50.4
LA10	48.4	50.8	49.7	51.6	50.0	48.2	50.6	48.8	47.1	48.9
LA50	41.9	44.2	44.0	43.9	43.6	42.3	44.6	44.4	41.0	43.7
LA90	36.9	39.9	40.0	38.4	40.0	38.4	41.6	41.5	37.6	40.8
LA95	35.6	38.9	39.1	37.1	39.4	37.2	41.0	40.7	37.2	40.3
LA99	33.9	37.5	37.9	35.6	38.6	36.2	40.1	39.4	36.3	39.4
LAmn	32.1	36.1	36.2	33.6	37.6	35.0	39.2	38.6	34.7	37.6
Leq A	44.8	48.6	46.6	47.7	47.0	45.3	47.4	46.2	43.6	45.7
Leq C	62.4	71.2	70.3	66.4	70.8	65.3	68.1	68.7	61.2	66.3

Statistical analysis of noise over 10 minute periods



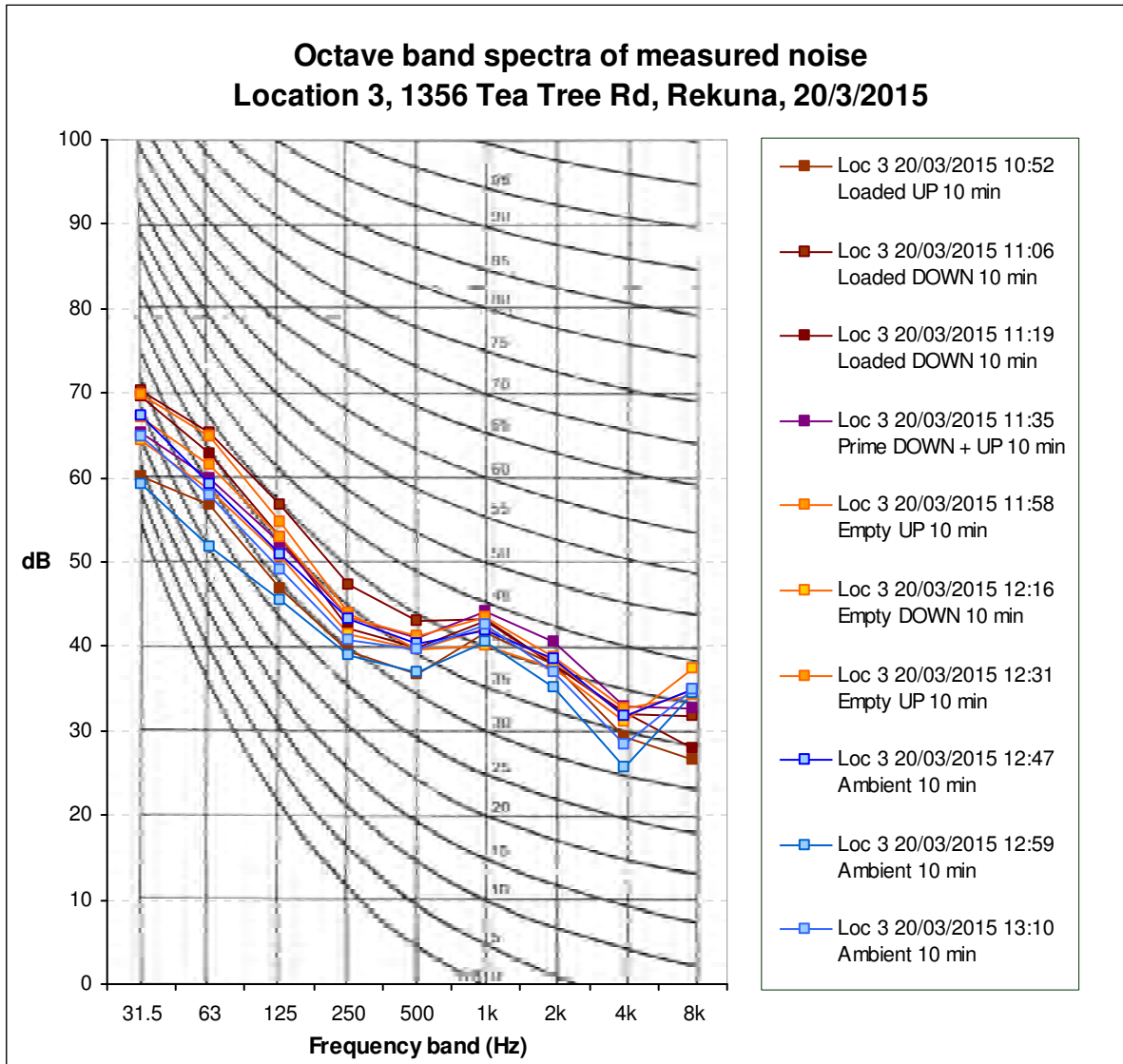
The statistical curves of all tests and ambient measurements fall within a 5 dB envelope



## Spectral analysis of ambient and test noise periods

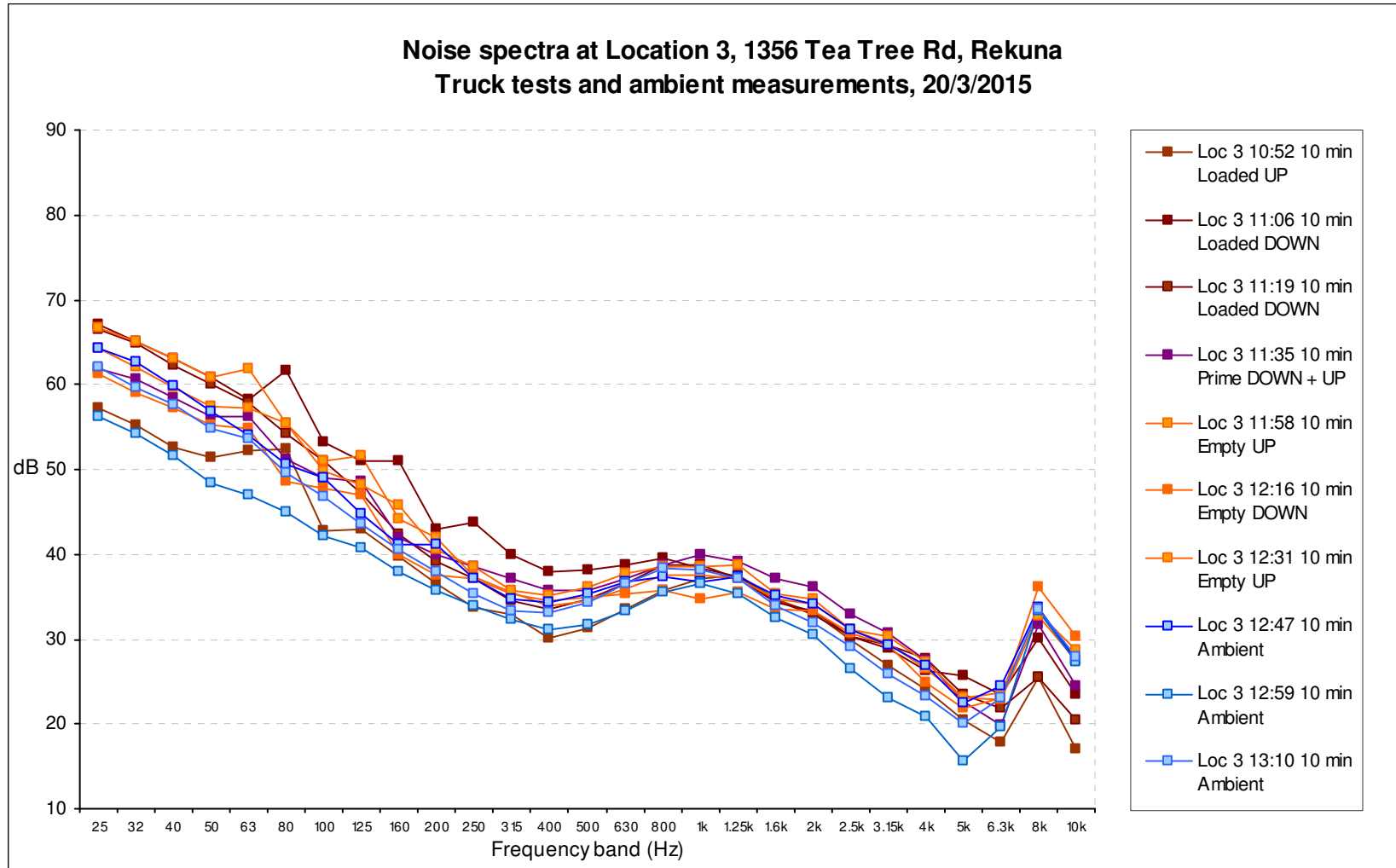
Location	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3
Date	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015	20/03/2015
Start time	10:52	11:06	11:19	11:35	11:58	12:16	12:31	12:47	12:59	13:10
Test	Loaded UP	Loaded DOWN	Loaded DOWN	Prime DOWN + UP	Empty UP	Empty DOWN	Empty UP	Ambient	Ambient	Ambient
Duration	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min
Measured A	44.8	48.6	46.6	47.7	47.0	45.3	47.4	46.2	43.6	45.7
C	62.4	71.2	70.3	66.4	70.8	65.3	68.1	68.7	61.2	66.3
Octave Hz 31.5	60.2	70.2	69.7	65.3	69.9	64.3	67.1	67.3	59.2	64.9
63	56.8	65.2	62.8	59.9	64.9	58.6	61.6	59.3	51.8	58.0
125	46.8	56.7	53.0	52.2	54.8	50.8	53.0	50.8	45.4	49.1
250	39.4	47.3	42.1	43.5	43.9	41.5	43.5	43.2	39.0	40.8
500	36.6	43.0	39.9	41.1	39.7	39.7	41.3	40.4	37.0	39.7
1k	41.6	43.3	43.0	44.1	42.1	40.2	43.4	41.9	40.6	42.7
2k	37.8	37.7	37.8	40.5	38.4	37.4	38.8	38.5	35.2	36.9
4k	29.3	32.0	32.2	32.9	31.8	31.1	32.6	31.7	25.6	28.4
8k	26.6	31.7	27.9	32.8	34.9	37.4	34.2	35.0	34.4	34.9

### Spectral analysis of ambient and test noise periods



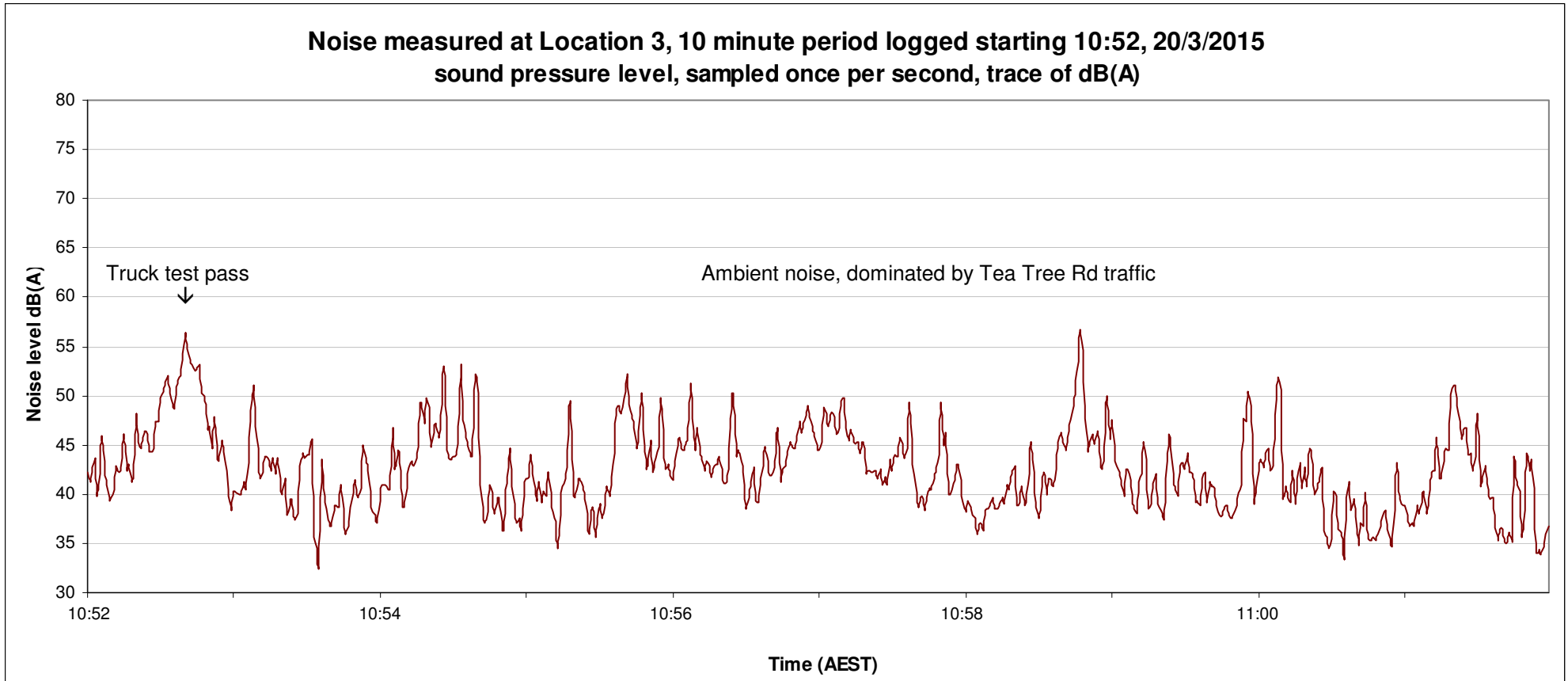
The spectral curves of all tests and ambient measurements form a tight cluster broadly reflecting variation in traffic on Tea Tree Rd

Third octave spectral analysis of measured noise



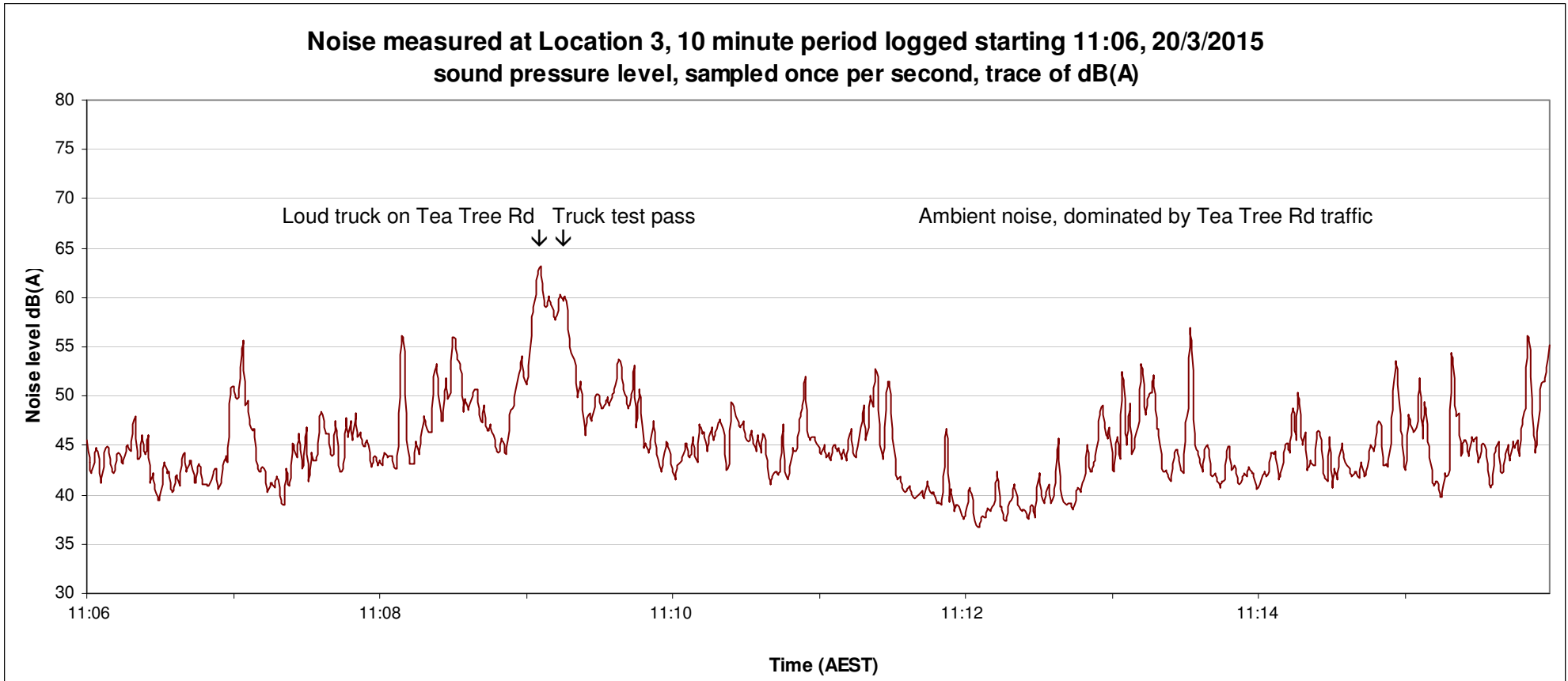
Notes: Very low frequency noise due to wind and buffeting  
 Traffic and test truck generates 63-250 Hz from engine noise whereas the 1 kHz peak is from road-tyre noise at 100 km/h  
 The 8 kHz spike is due to crickets.

### Logged noise at Location 3



Test pass: Loaded Mack dump truck, up hill 20 km/h, Lmax = 56.3 dB(A).

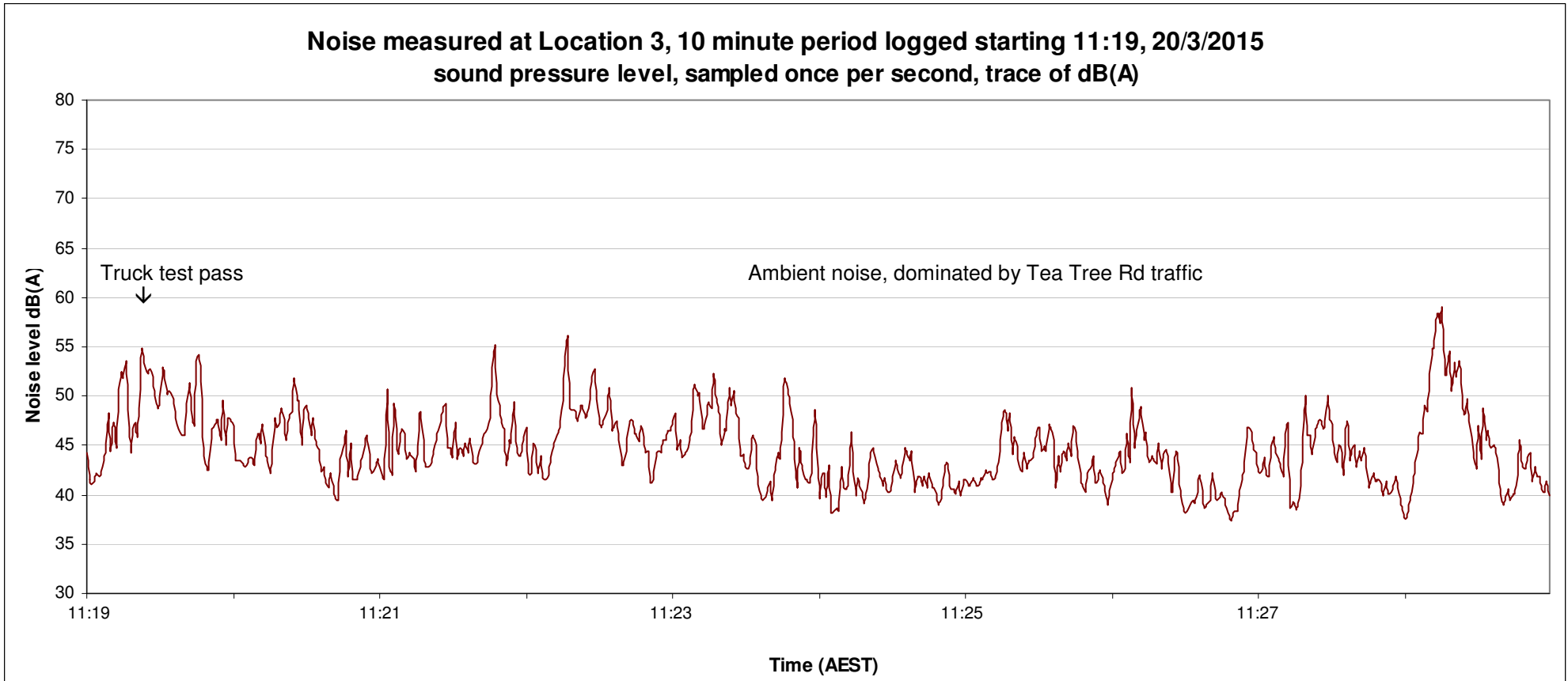
### Logged noise at Location 3



Test pass: Loaded Mack dump truck, down hill 20 km/h, Lmax = 60.1 dB(A).

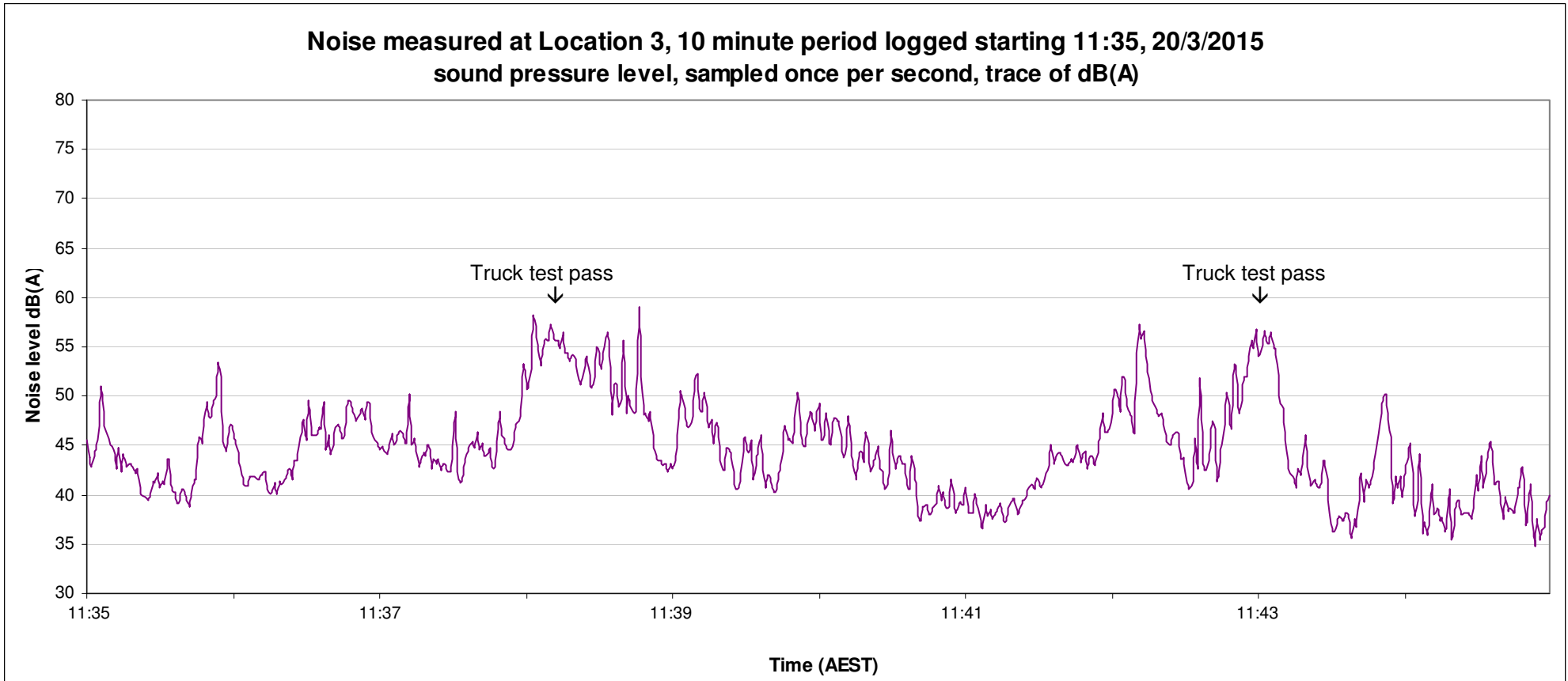


### Logged noise at Location 3



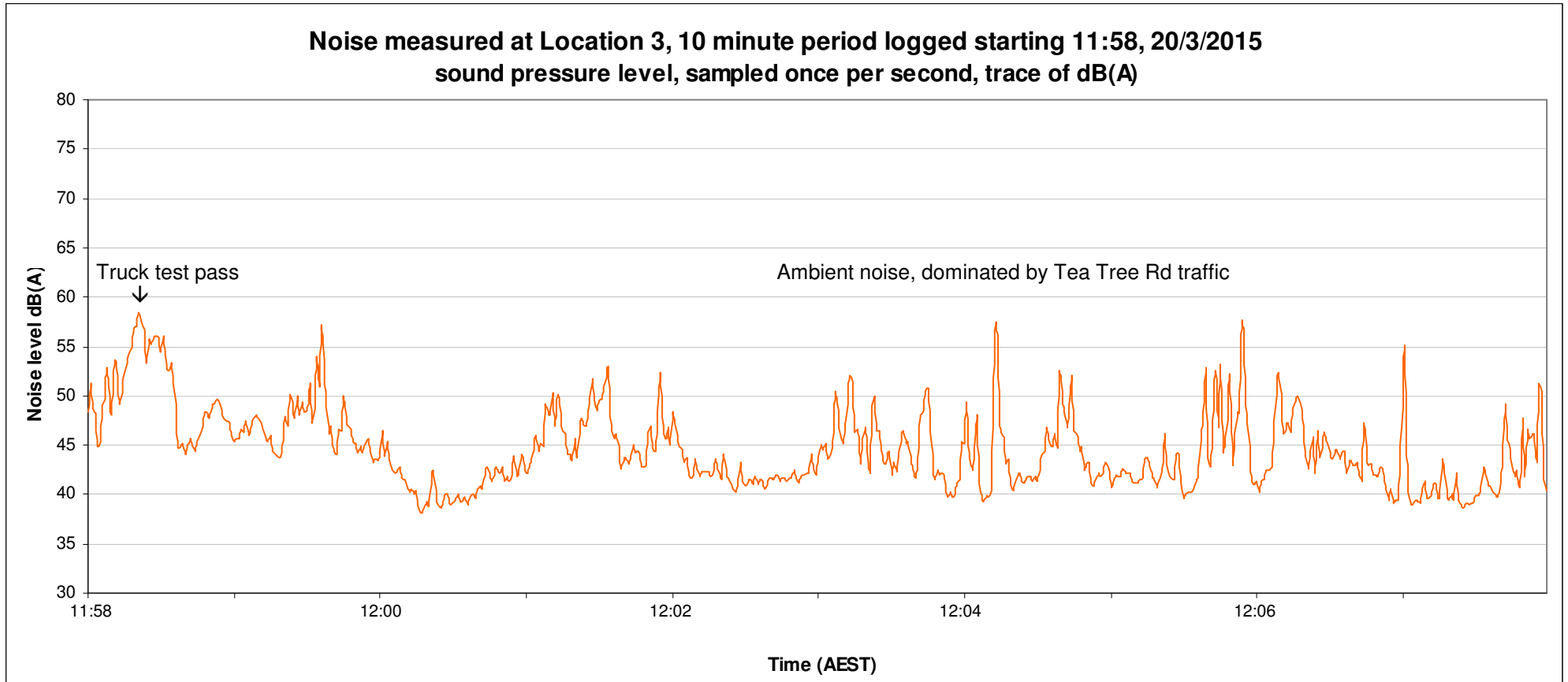
Test pass: Loaded Mack dump truck, down hill 20 km/h, Lmax = 54.8 dB(A).

### Logged noise at Location 3



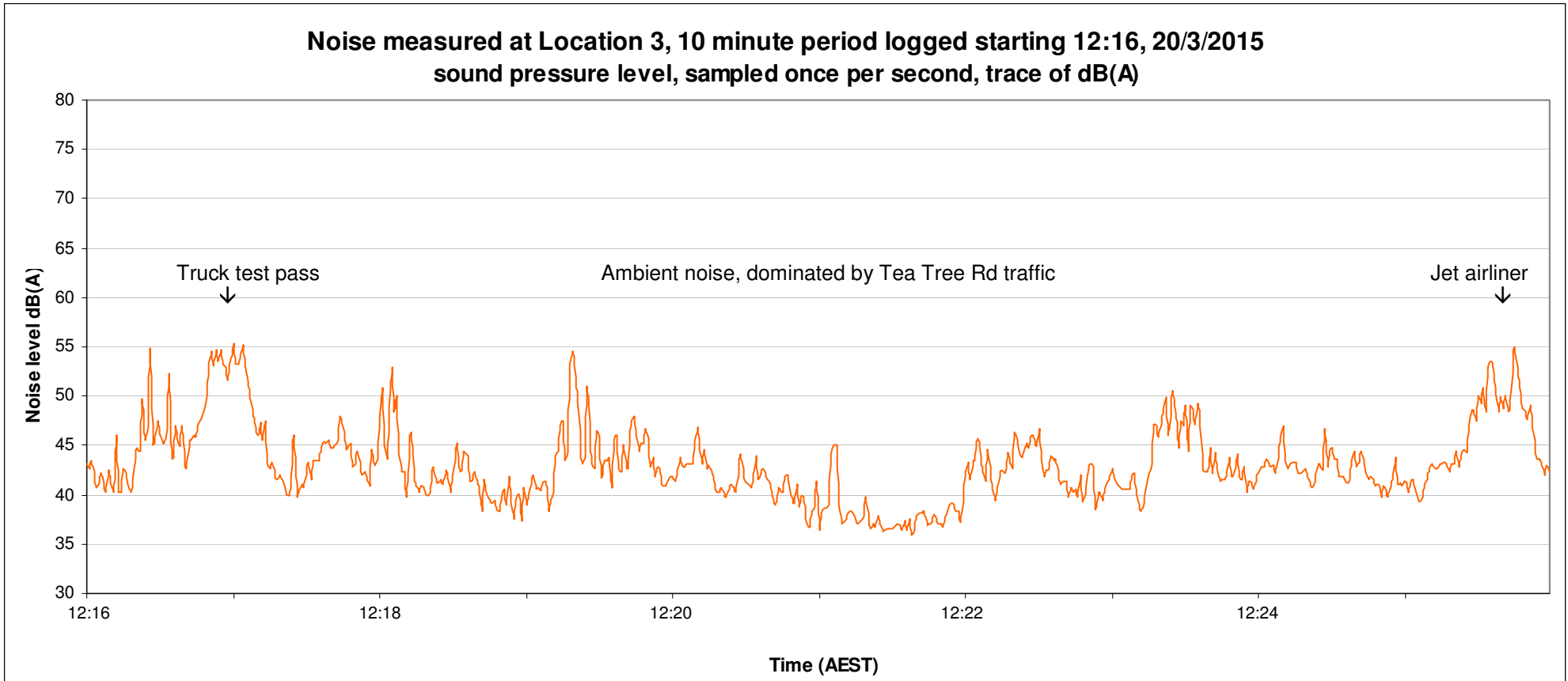
Test pass: Volvo prime mover, down hill 30 km/h, Lmax = 57.2 dB(A), and up hill 30 km/h, Lmax = 56.7 dB(A).

### Logged noise at Location 3



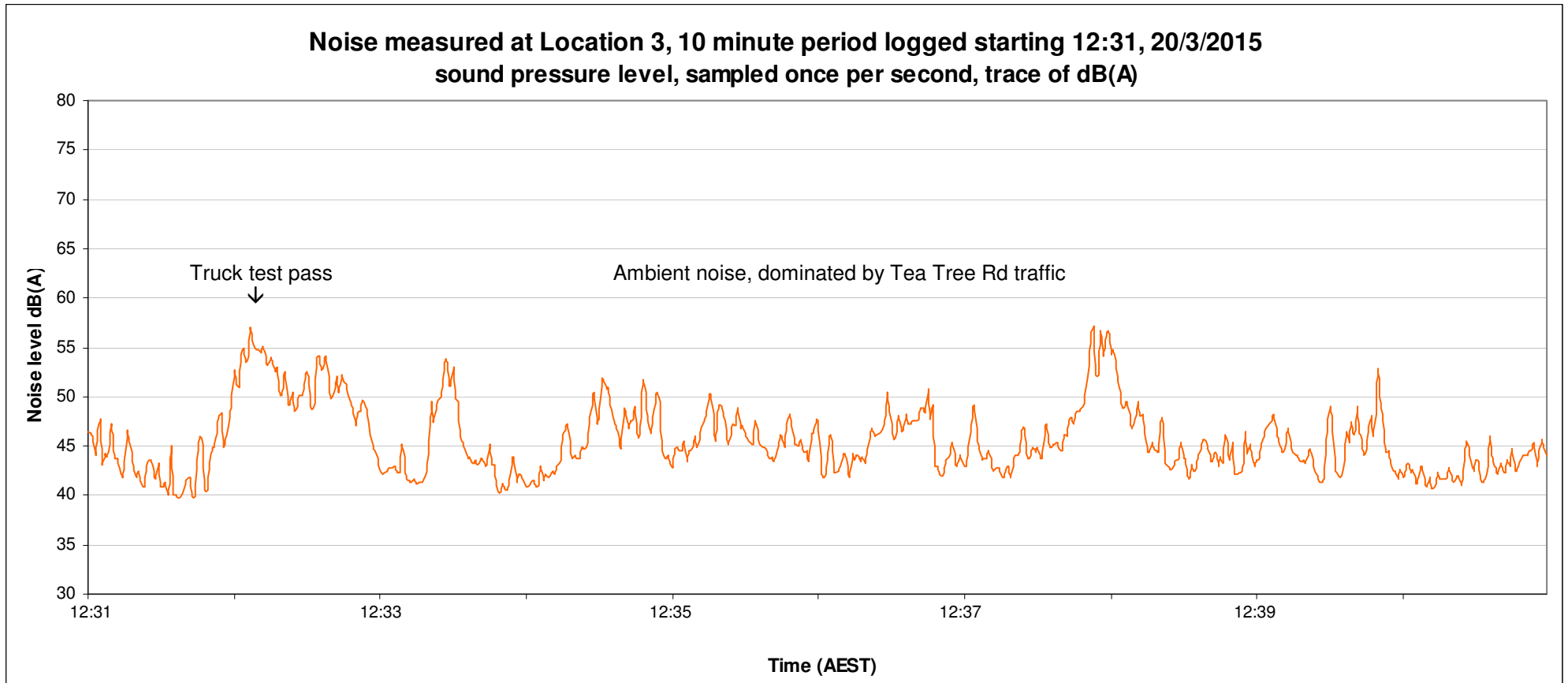
Test pass: Volvo with empty tray, up hill 30 km/h, Lmax = 58.5 dB(A).

### Logged noise at Location 3



Test pass: Volvo with empty tray, down hill 30 km/h, Lmax = 55.4 dB(A).

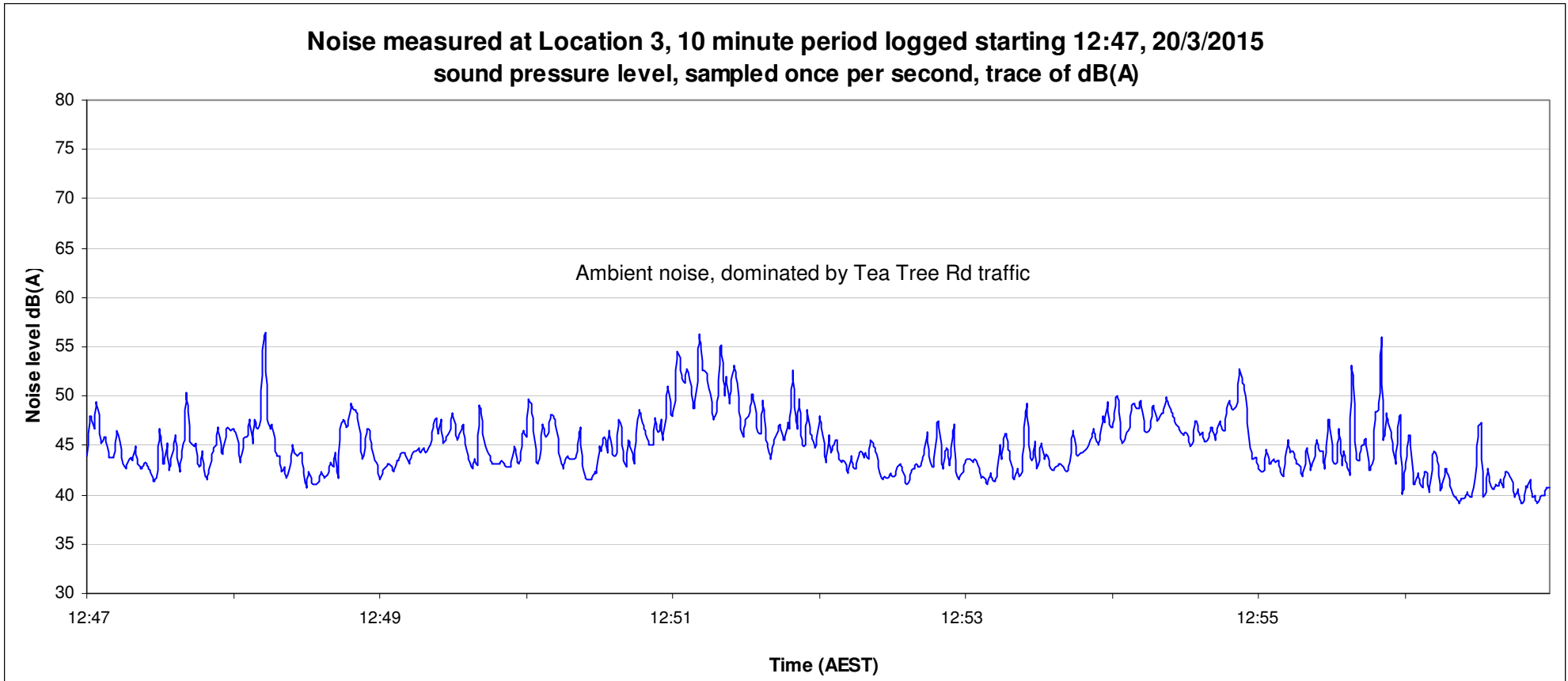
### Logged noise at Location 3



Test pass: Volvo with empty tray, up hill 30 km/h, Lmax = 57.0 dB(A).

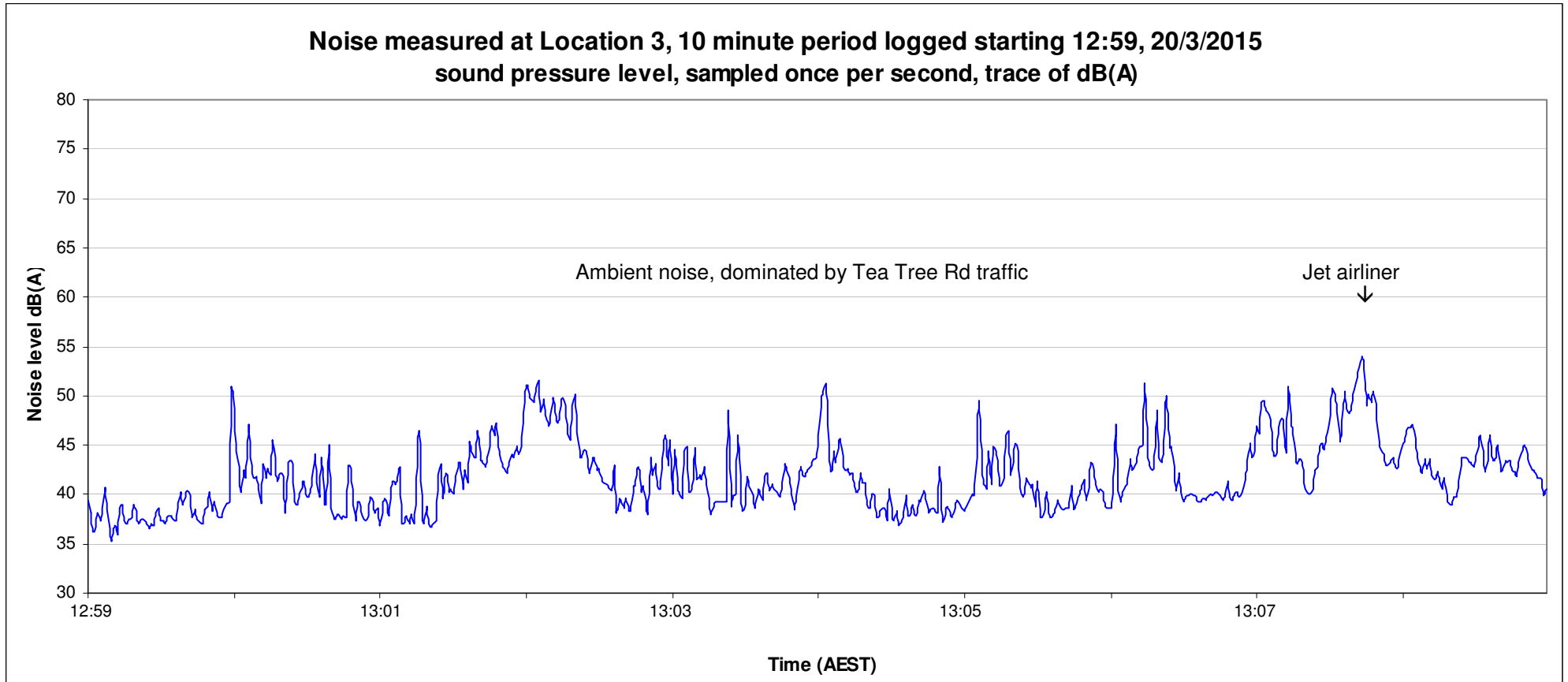


### Logged noise at Location 3



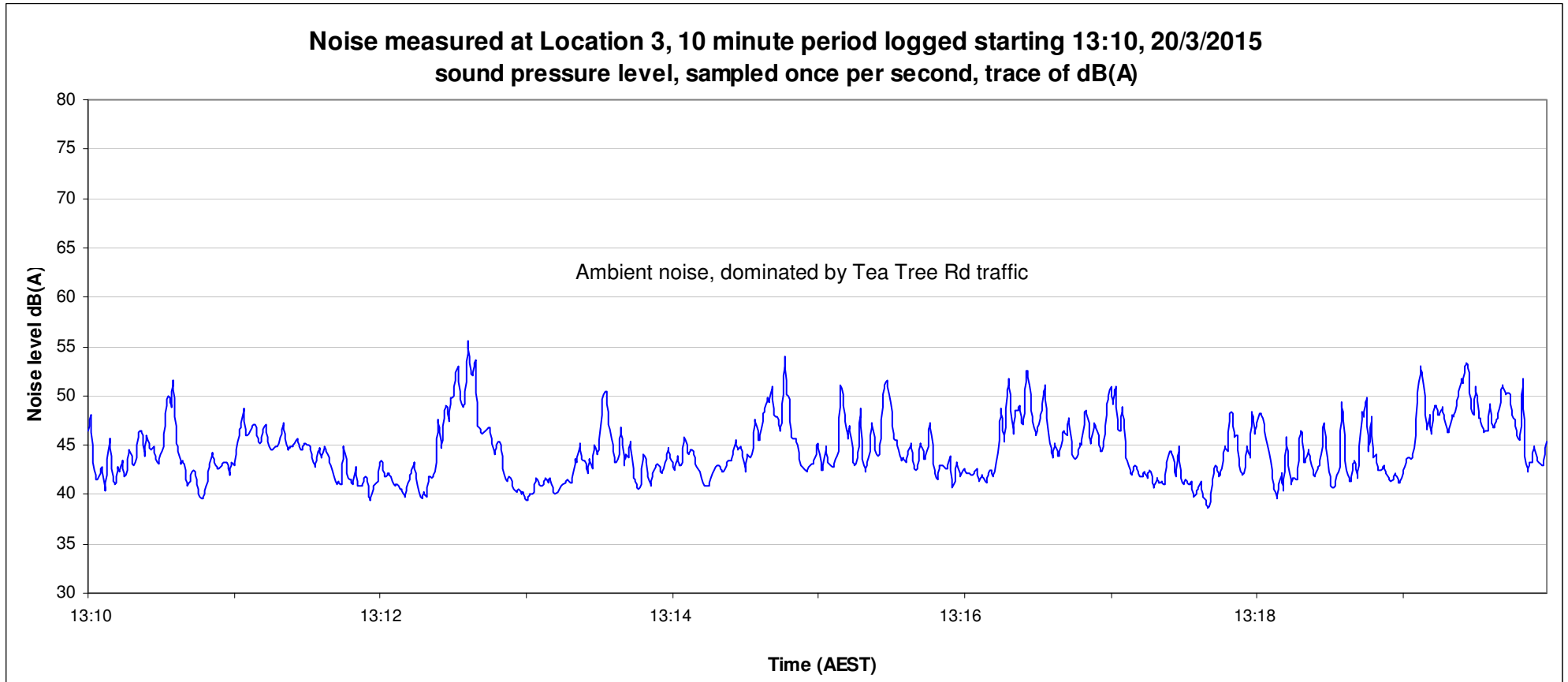
Ambient noise in absence of test truck

### Logged noise at Location 3



Ambient noise in absence of test truck (

### Logged noise at Location 3



Ambient noise in absence of test truck

**Appendix 8 Crusher Noise Test 2017**

Level 7, 134 Macquarie Street, Hobart TAS  
GPO Box 1550, Hobart, TAS 7001 Australia

Enquiries: Damien Jones  
Phone: +61 3 6165 4623  
Email: Damien.Jones@environment.tas.gov.au  
Web: www.epa.tas.gov.au  
Our Ref: (H692503/EN-EM-PE-EX-252264) sma



26 May 2017

Mr Craig Williams  
1356 Tea Tree Road  
CAMPANIA TAS 7026

Dear Mr Williams

**CRUSHER NOISE SURVEY  
TEA TREE ROAD QUARRY, CAMPANIA**

I wish to acknowledge receipt of the document titled "*Proposed Crusher Noise Test*", dated 22 May 2017 and prepared by Pearu Terts.

The document has been prepared and submitted under Condition N7 of Permit Conditions - Environmental No. 9340, Part B of Permit No. DA 2015/122 (the Permit).

I can advise you that the above mentioned document has been reviewed and I consider it to adequately address the elements required in Condition N7(1) and N7(2) of the Permit, on the proviso that no crushing commences before 31 May 2017. The document is therefore accepted.

Further to the above, I specifically draw your attention to the requirements of Noise Control Conditions N3, N4 and N6 of the Permit.

Should you have any queries regarding this correspondence, please contact Damien Jones on (03) 6165 4623.

Yours sincerely



Darryl Cook  
**MANAGER, ENVIRONMENTAL OPERATIONS SOUTH**  
**Delegate for the Director, Environment Protection Authority**

cc: Dr.Richard Barnes, Van Diemen Consulting Pty Ltd, PO Box 1 NEW TOWN TAS 7008



**1356 Tea Tree Rd, Rekuna – Field report from site visit 13 June 2017**

Appendix A to be read in conjunction with main report

**General**

The owners, Mr Craig and Mrs Sally Williams, seek to operate an existing quarry within the property of "Fairfield", 1356 Tea Tree Rd. The site was visited 13:00-17:15, Tuesday 13/6/2017 for ambient and test noise measurements with and without quarry's crushing operation and observations during the daytime.

**Instruments used**

- Brüel & Kjær Sound Level Calibrator Type 4230 s/n 1169836, Laboratory Certified May 2017;
- Norsonic Precision Sound Level Meter Nor131, s/n 1312829, Laboratory Certified May 2017;
- Rion Precision Integrating Sound Level Meter Model NL-11, s/n 150321, with Rion Octave Band Filter Model NX-01A, s/n 10851228,
- Weather Instruments (Aneroid barometer, Zeal Wet/Dry bulb Psychrometer, Suunto KB-14/360R compass, Kaindl Windmaster 2 wind speed meter);
- 100 m fiberglass tape

**Location definitions**

The locations for measurements were defined as follows:

#	Location	Definition/Comments
1	Owners house	Beside clothes line on raised level to the rear of the house, Microphone at 1.2 m height
4	Dam wall opposite neighbour	55.5 m downslope from Location 3 oriented to internal fenceline. 15.5 m above fenceline corner. 162 m from front boundary along fenceline. Microphone at 1.2 m height.
5	Workshop yard	By pole at northern edge of workshop yard next to EPA monitor. Microphone at 1.2 m height.
6	Western gate	By quarry access road gate at western boundary, WNW of quarry. Microphone at 1.2 m height.

Positions plotted on aerial photo and photographs of locations are on the following pages.

**Weather observations**

Conditions suitable for noise measurements.  
Details are shown alongside.

Weather observations		
Date	13/6/2017	13/6/2017
Location	Loc 4	Loc 4
Time	13:15	16:00
Temp °C	14	-
Relative Humidity %	60	-
Pressure hPa	1013	-
Wind speed average m/s	1.7	calm
Wind speed maximum m/s	3.6	calm
Wind direction	WNW	calm
Cloud cover x/8	4	1

[Last revised 29/6/2017]

### Location – plotted airphoto indicating monitoring positions



Monitoring locations plotted approximately. Base image sourced from TheList 23/7/2014.

Included overlay of boundary lines, 10 m contours and 100 m scale bar. Note: changes have occurred since this image was captured by satellite

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**Panorama photograph**

Panorama at dam wall, showing wide southeastern arc of Location 4, owners house and quarry. 13/6/2017.  
Note the 2-photo composite has some join error and distortion.

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**Site photographs**



Monitoring crusher and excavator operation 14.0 m from crusher's exhaust end, 13/6/2017.



View of Location 1 and owner's house, 13/6/2017.



View of Location 5 and quarry in background, 13/6/2017.



**Site photographs**



View of Location 6 and quarry in background, 13/6/2017.



View of loader (above) and dozer (below), 13/6/2017.



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## Noise descriptions

For each location, ambient noise by source noted during the site visit is listed (in descending order of significance by loudness, noticeability, duration and incidence):

### Location 1

- Tea Tree Rd traffic, 100 km/h zone, including cars, trucks, motorbikes,
- Crusher and loader (when operating)
- Dog (owner)
- Birds, including crows, magpies, parrots
- Aircraft, including jet airliners and light aircraft

### Location 4

- Tea Tree Rd traffic, 100 km/h zone, including cars, trucks, motorbikes,
- Train movements, both eastbound (downhill)
  - at 15:00; 2 locos + 32 wagons, multiple use of horn
  - at 17:02; 1 locos + 17 wagons, multiple use of horn
- Tractor and Quad bike (opposite neighbour)
- Crusher and loader (when operating)
- Birds, including crows, magpies, parrots
- Aircraft, including jet airliners and light aircraft
- Dog (owner and neighbour)
- Frogs
- Voices (neighbour)

### Location 5

- Tea Tree Rd traffic, 100 km/h zone, including cars, trucks, motorbikes,
- Crusher and loader (when operating)
- Birds, including crows, magpies, parrots
- Dog (owner)

### Location 6

- Tea Tree Rd traffic, 100 km/h zone, including cars, trucks, motorbikes,
- Crusher and loader (when operating)
- Birds, including crows, magpies, parrots

## Airphoto distances

Location	Distance to Tea Tree Rd m	Distance to Quarry floor m
Loc 1	315	180
Loc 4	155	340
Loc 5	310	240
Loc 6	390	240
Nearest neighbour NW of quarry	130	430

## Comments

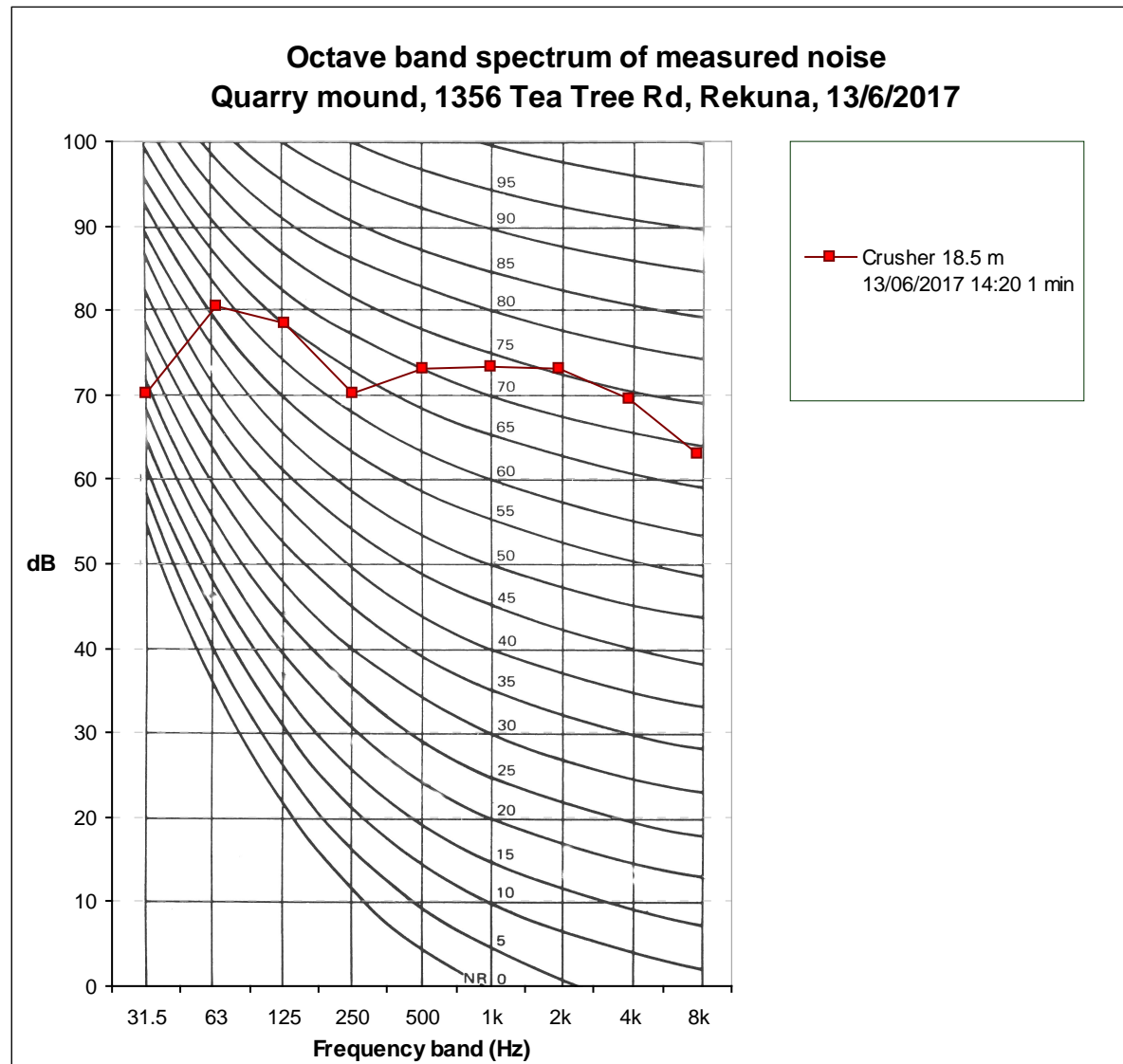
- Daytime noise measurements were conducted under suitable conditions.
- Processing of rock is sited on the floor of the quarry, with substantial quarry walls and mounds providing enclosing visual and acoustic barriers that attenuate operations from neighbouring receivers and surrounding monitoring Locations.
- Crushing measured 10 min Leq = 78.4 dB(A) at 14 m direct line of sight from the exhaust end at 5° elevated receiver, while producing 40 mm road base from 100 mm dry feed rock.
- Machinery details noted at the quarry:
  - trailer crusher on quarry floor, 73 HP Perkins engine, operating during all test measurements
  - excavator Hitachi EX55UR, operating during all test measurements
  - articulated loader Allis-Chalmers 605 Series B , operating during measurements after 14:30
  - bulldozer Fiat-Allis 14-B, not used during site visit
- Ambient noise at Location 4 is dominated by traffic on Tea Tree Rd, 100 km/h zone, including trucks. Quarry test noise was audible at Location 4 but only during lulls in traffic. No reversing alarms were heard.
- Ambient noise at Locations 1, 5 and 6 is also dominated by traffic on Tea Tree Rd. Quarry test noise was readily audible at these Locations during lulls in traffic. No reversing alarms were heard.

**Measurements of quarrying noise over 1 minute periods within the quarry area, dB(A)**

Location	Machine	Distance (m) to nearest part of machine	Time	Noise level dB(A)	Approx azimuth from exhaust end (°)	Approx elevation above machine (°)
Quarry	Crusher	14.0	13:50	78.4	0	5
Quarry	Crusher	14.0	13:55	80.6	90	15
Quarry	Crusher	14.0	13:40	81.9	135	20
Quarry	Crusher	14.0	13:45	74.7	180	15
Quarry	Crusher	14.0	13:50	73.6	240	15
Buddhist boundary	Crusher	36.5	14:00	62.0	180	-
Quarry mound/lip	Crusher	18.5	14:10	78.1	90	20
Beyond mound	Crusher	32	14:15	52.7	90	-
Quarry mound/lip	Crusher	18.5	14:20	78.9	90	20
Quarry mound/lip	Crusher	18.5	14:43 (10 minutes)	78.8	90	20
Quarry	Loader	34	15:20	67.3	135	15

## Spectrum of Quarrying noise over 1 minute period, dB(A)

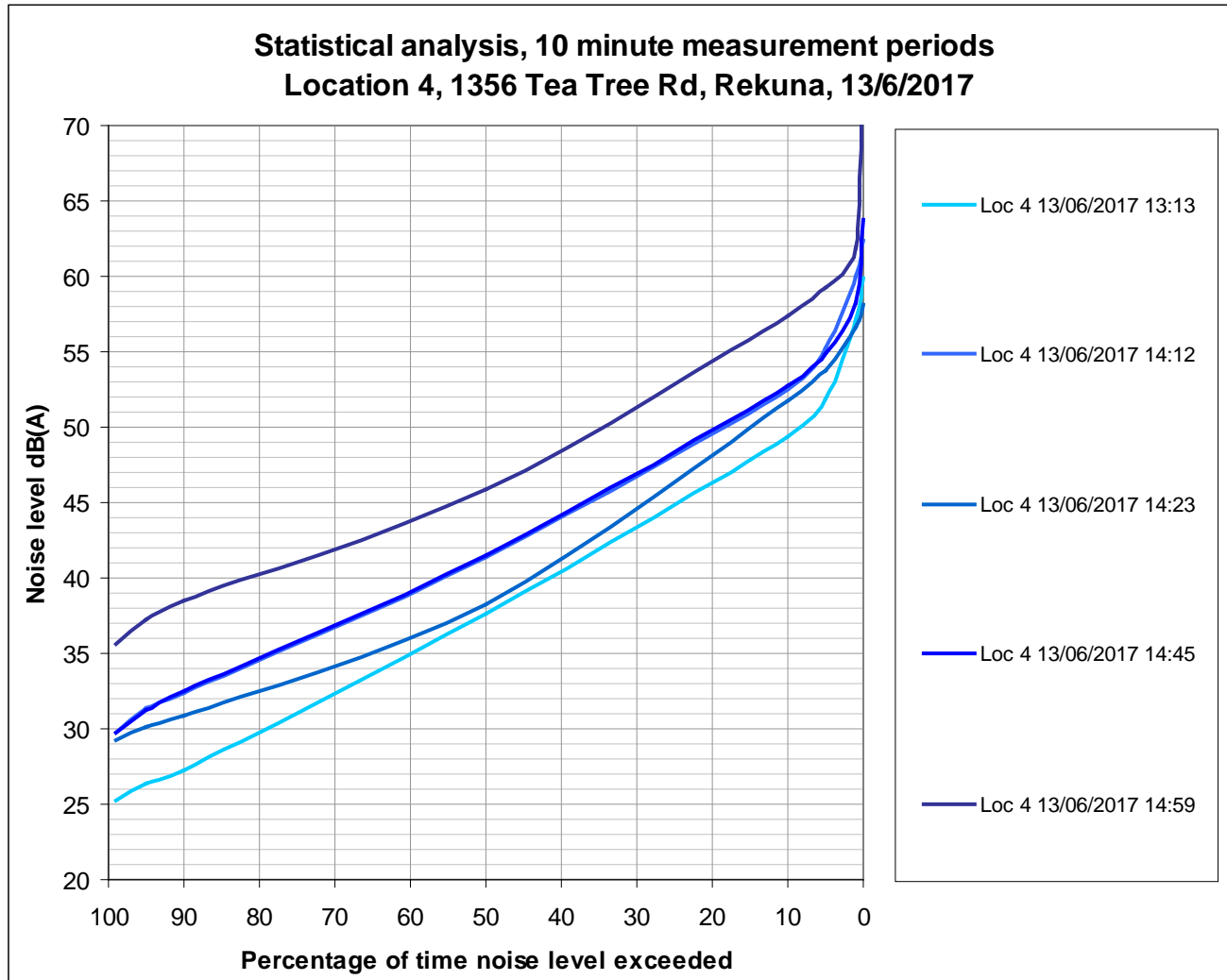
Location	Quarry mound/lip Crusher 18.5 m
Date	13/06/2017
Time	14:20
Duration	1 min
Comment	20° elevation
Measured A	78.9
C	84.3
Octave Hz	31.5
	63
	125
	250
	500
	1k
	2k
	4k
	8k



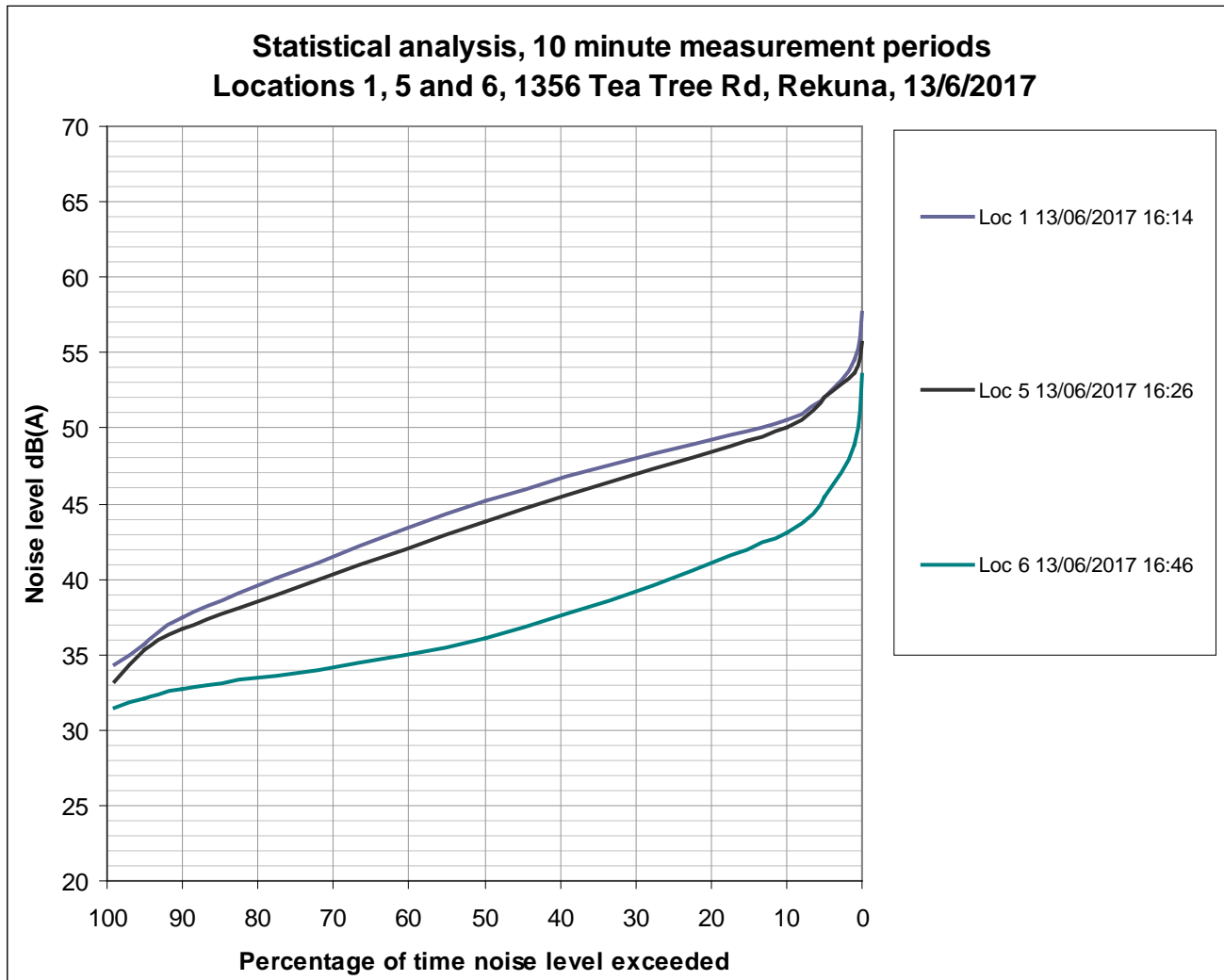
### Measurements and statistical analysis of noise over 10 minute periods, dB(A)

Location	Loc 4	Crusher 14.0 m	Loc 4	Loc 4	Crushing 18.5 m	Loc 4	Loc 4	Loc 1	Loc 5	Loc 6
Date	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017
Time	13:13	13:50	14:12	14:23	14:43	14:45	14:59	16:14	16:26	16:46
Duration	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min	10 min
Samples	6000	6000	6000	6000	continuous	6000	6000	6000	6000	6000
Test	ambient	crushing	crushing	crushing	crushing	crushing	crushing	crushing	crushing	crushing
Comment	-	-	-	-	-	-	train	-	-	-
Lmax	60.5	85.2	63.1	58.6	-	65.0	85.7	59.2	56.9	55.7
L0.1	59.9	82.6	62.4	58.1	-	63.8	76.8	57.6	55.7	53.5
L1	57.1	80.7	60.0	56.6	-	58.3	61.9	54.6	53.7	48.9
L5	51.9	79.7	55.3	53.8	-	54.9	59.3	52.0	52.0	45.4
L10	49.4	79.3	52.5	51.7	-	52.7	57.4	50.6	50.1	43.1
L50	37.6	78.3	41.4	38.3	-	41.5	45.9	45.2	43.8	36.1
L90	27.3	77.5	32.4	30.9	-	32.5	38.5	37.4	36.7	32.7
L95	26.4	77.3	31.4	30.1	-	31.2	37.3	35.7	35.3	32.1
L99	25.3	76.8	29.7	29.3	-	29.8	35.6	34.3	33.2	31.5
Lmin	24.2	74.1	27.9	28.3	-	28.4	32.5	33.0	31.8	28.4
Leq A	45.5	78.4	48.9	46.7	78.8	48.5	56.0	47.0	46.1	39.6

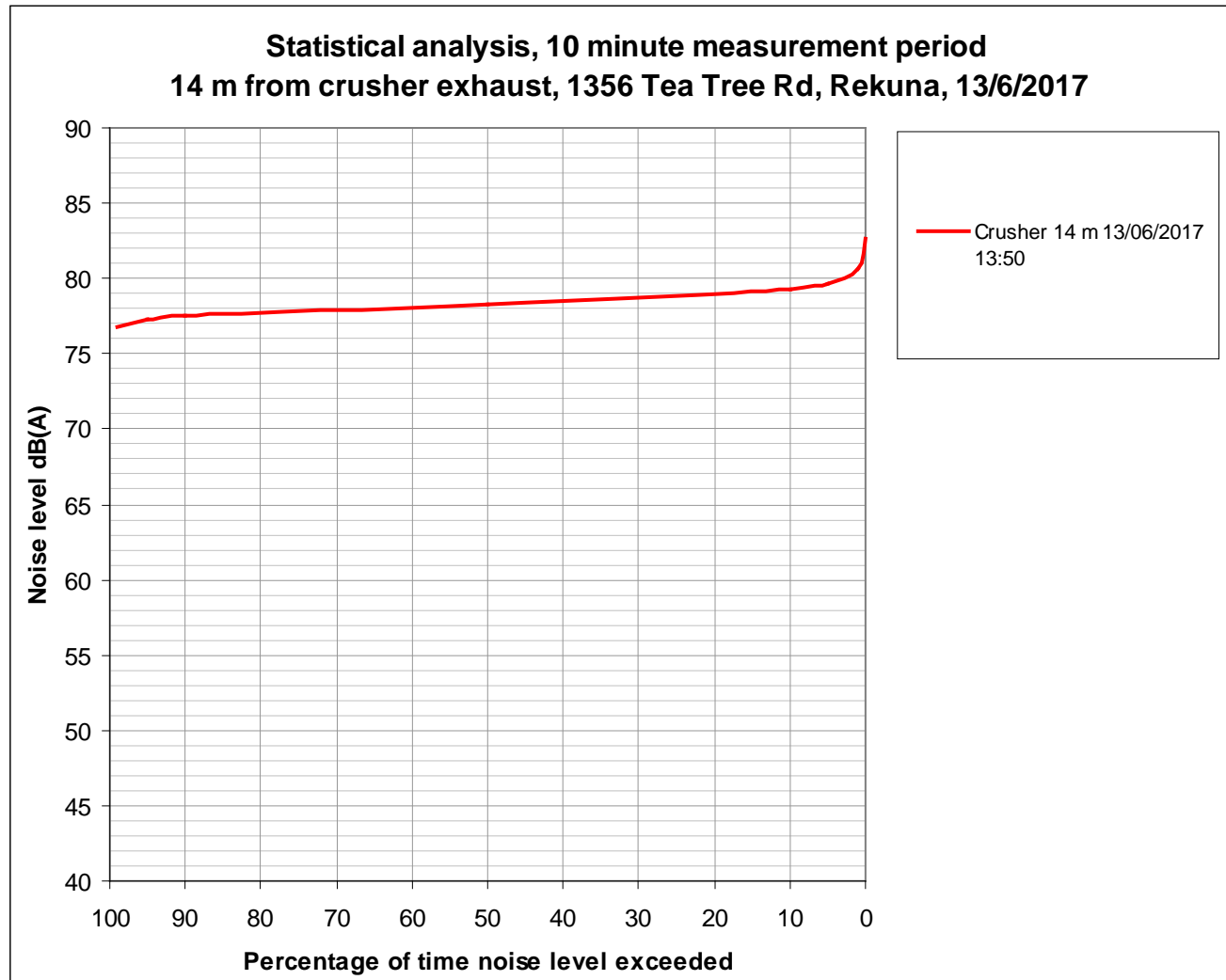




Note: the 14:59 measurement featured a train event

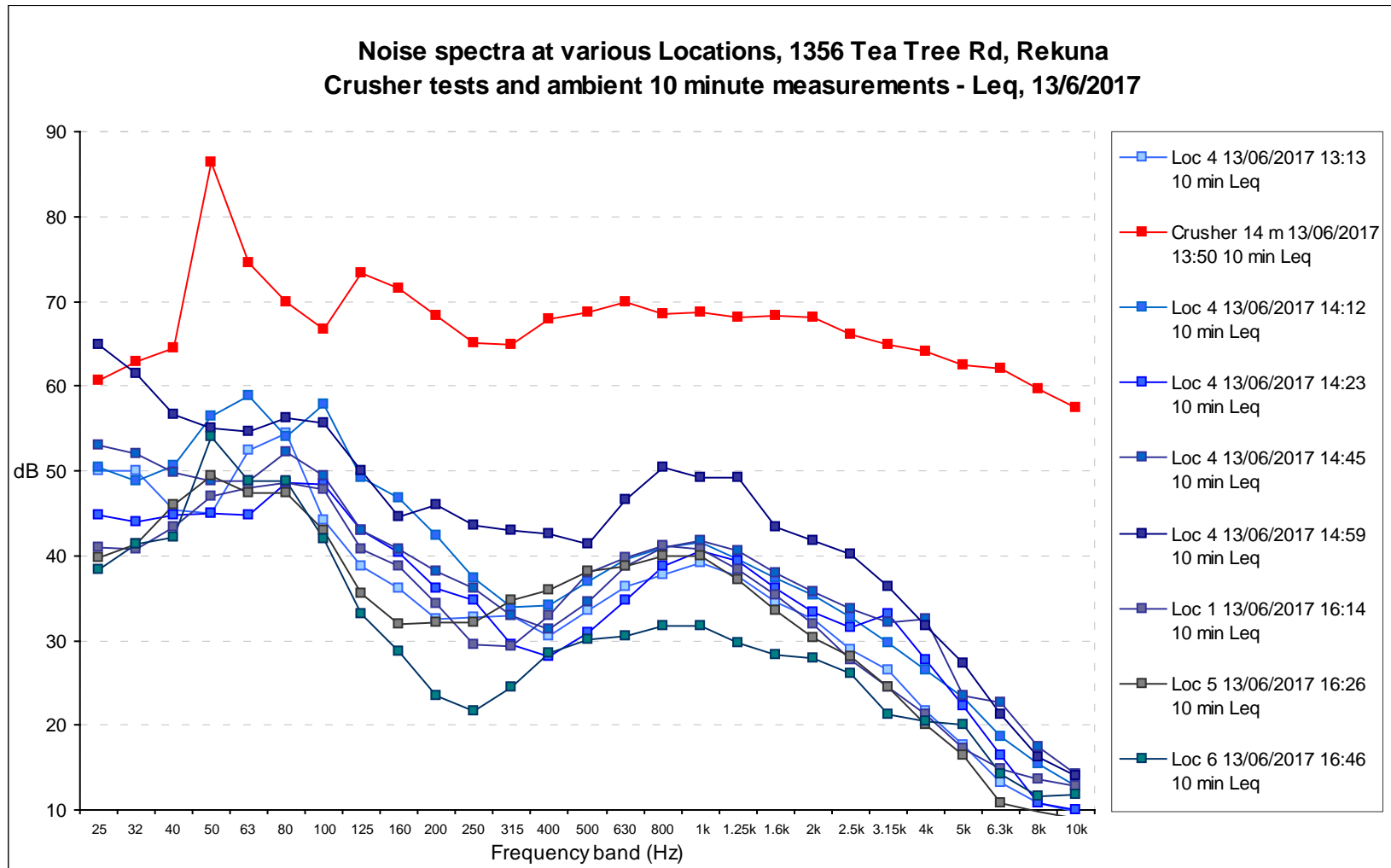


Location 6 benefits from topographic shielding by valley..



## Spectral analysis (third octave) and measurements of noise – 10 min Leq

Location	Loc 4	Crusher 14 m	Loc 4	Loc 4	Loc 4	Loc 4	Loc 1	Loc 5	Loc 6
Date	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017
Time	13:13	13:50	14:12	14:23	14:45	14:59	16:14	16:26	16:46
Duration	10 min Leq	10 min Leq	10 min Leq	10 min Leq	10 min Leq	10 min Leq	10 min Leq	10 min Leq	10 min Leq
Band Hz									
25	49.9	60.7	50.4	44.7	53.1	64.8	40.9	39.8	38.3
32	49.9	62.9	48.8	44.0	52.0	61.4	40.8	41.4	41.4
40	45.4	64.5	50.6	44.7	49.7	56.6	43.3	45.9	42.2
50	44.9	86.3	56.4	45.0	48.7	55.1	46.9	49.3	54.1
63	52.5	74.5	58.8	44.8	48.7	54.7	48.0	47.4	48.8
80	54.4	69.9	54.0	48.6	52.3	56.3	48.6	47.3	48.8
100	44.2	66.7	57.9	48.3	49.3	55.6	47.8	42.9	42.0
125	38.8	73.3	49.1	42.9	42.9	49.9	40.8	35.5	33.1
160	36.1	71.6	46.7	40.3	40.8	44.5	38.7	32.0	28.7
200	32.5	68.2	42.3	36.1	38.1	45.9	34.4	32.1	23.5
250	32.7	65.0	37.3	34.7	36.1	43.6	29.5	32.2	21.7
315	32.9	64.9	33.9	29.4	33.0	43.0	29.3	34.8	24.4
400	30.6	67.9	34.2	28.1	31.3	42.6	33.0	36.0	28.5
500	33.5	68.6	36.9	31.0	34.5	41.4	38.0	38.1	30.2
630	36.4	69.8	39.6	34.7	38.8	46.6	39.8	38.7	30.6
800	37.7	68.5	41.0	38.7	41.0	50.5	41.1	39.9	31.7
1k	39.2	68.7	41.5	40.6	41.7	49.1	40.7	40.0	31.8
1.25k	37.6	68.0	39.6	39.4	40.5	49.1	38.3	37.2	29.6
1.6k	34.5	68.2	37.4	36.1	38.0	43.4	35.3	33.5	28.2
2k	32.5	68.1	35.4	33.3	35.8	41.7	31.9	30.4	27.9
2.5k	28.8	66.1	32.7	31.5	33.7	40.1	27.7	28.0	26.0
3.15k	26.4	64.9	29.6	33.2	32.2	36.3	24.4	24.4	21.3
4k	21.7	64.0	26.4	27.6	32.6	31.7	21.3	20.0	20.5
5k	17.7	62.5	23.3	22.2	23.4	27.3	17.3	16.4	20.1
6.3k	13.2	62.0	18.7	16.5	22.6	21.2	14.8	10.8	14.3
8k	10.8	59.7	15.5	10.9	17.4	16.3	13.6	9.7	11.6
10k	9.7	57.5	12.8	10.0	14.2	14.0	12.8	9.0	11.9
A	45.5	78.4	48.9	46.7	48.5	56.0	47.0	46.1	39.6
C	58.5	86.8	63.7	55.5	59.8	66.3	55.0	54.4	55.7



Variation in Leq measurements reflect variations in Tea Tree Rd traffic, particularly truck events, or incidence of trains.

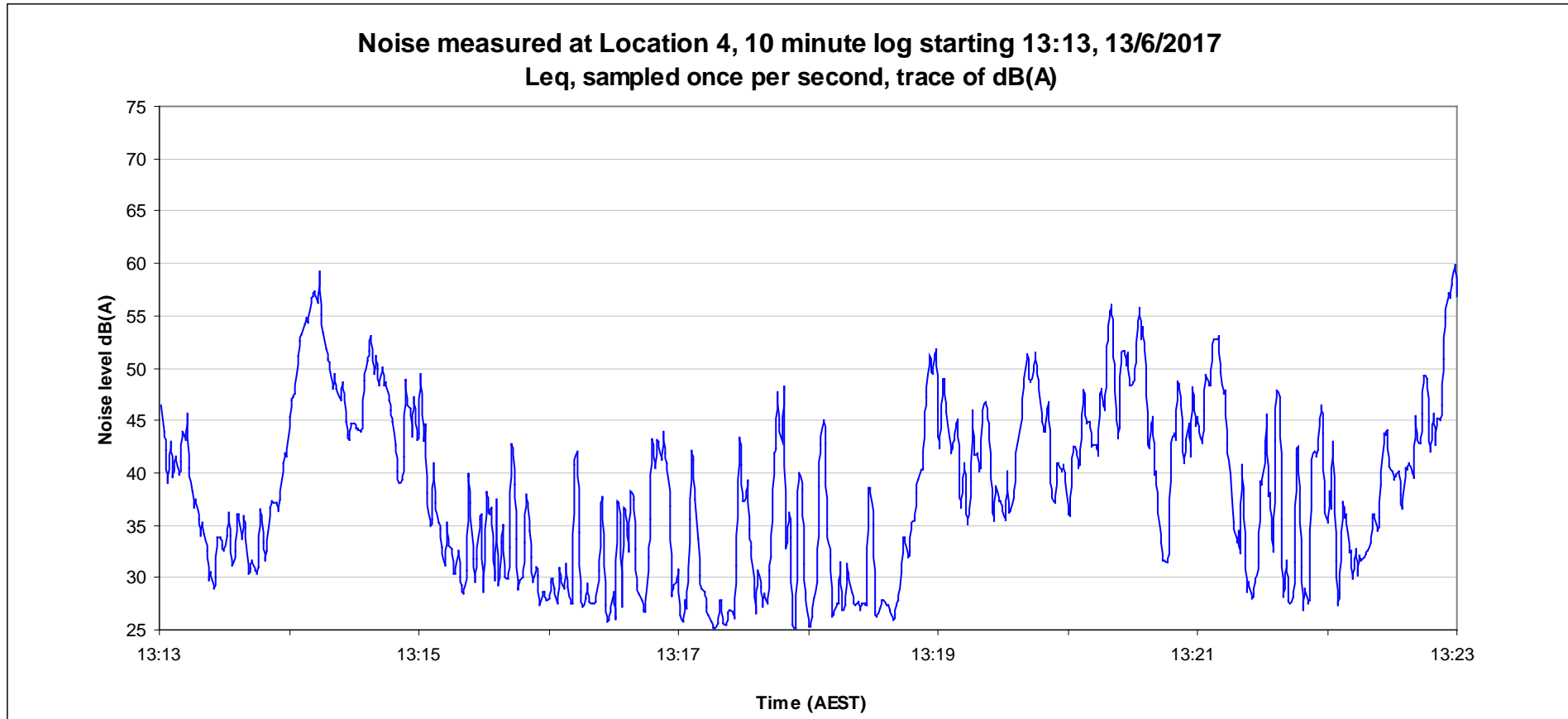


## Spectral analysis (third octave) and measurements of noise – 10 min L90

Location	Loc 4	Crusher 14 m	Loc 4	Loc 4	Loc 4	Loc 4	Loc 1	Loc 5	Loc 6
Date	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017	13/06/2017
Time	13:13	13:50	14:12	14:23	14:45	14:59	16:14	16:26	16:46
Duration	10 min L90	10 min L90	10 min L90	10 min L90	10 min L90	10 min L90	10 min L90	10 min L90	10 min L90
Band Hz									
25	39.5	52.1	37.2	34.3	46.1	41.2	33.2	33.3	31.5
32	36.5	57.4	37.1	35.1	47.2	39.0	34.3	35.9	35.3
40	36.2	62.6	37.7	37.4	38.0	38.3	35.4	36.9	35.9
50	36.6	85.8	39.5	39.1	41.4	41.8	43.0	45.1	52.8
63	35.0	73.8	38.1	36.1	40.4	41.6	41.7	41.0	44.5
80	34.6	65.5	37.3	34.0	36.8	42.5	36.4	34.5	35.4
100	32.3	63.9	34.0	32.9	34.0	37.9	37.7	37.0	35.5
125	28.4	69.5	30.3	29.3	29.8	35.7	32.8	30.9	29.6
160	24.7	68.6	26.8	26.4	26.6	32.3	29.2	25.0	24.6
200	21.2	65.3	24.8	23.6	23.7	28.4	23.6	20.3	<19.8
250	<19.8	62.0	22.0	21.1	20.4	25.9	20.0	20.9	<19.8
315	<19.8	62.1	23.0	22.4	21.9	24.4	19.9	23.0	<19.8
400	<19.8	65.3	20.6	19.9	20.0	22.5	20.0	25.1	<19.8
500	<19.8	66.6	20.3	19.9	20.0	22.9	24.0	26.5	19.9
630	<19.8	67.9	20.2	19.9	19.9	24.1	25.7	27.7	19.9
800	<19.8	67.0	20.6	19.9	20.2	27.4	27.6	28.4	20.1
1k	<19.8	67.1	21.9	20.0	22.0	29.5	29.0	27.8	20.8
1.25k	<19.8	66.7	22.3	20.4	23.3	29.0	28.6	25.8	21.8
1.6k	<19.8	66.7	20.4	19.9	21.0	25.9	26.4	23.9	20.2
2k	<19.8	66.5	20.1	19.9	20.6	23.7	26.2	22.8	21.4
2.5k	<19.8	65.0	19.9	19.9	19.9	20.0	22.3	20.5	19.9
3.15k	<19.8	63.8	<19.8	<19.8	<19.8	19.9	20.3	19.9	<19.8
4k	<19.8	62.7	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8
5k	<19.8	61.2	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8
6.3k	<19.8	60.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8
8k	<19.8	58.4	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8
10k	<19.8	56.0	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8	<19.8
A	27.3	77.5	32.4	30.9	32.5	38.5	37.4	36.7	32.7
C	48.5	86.2	49.2	46.5	51.3	52.7	50.4	50.1	53.6

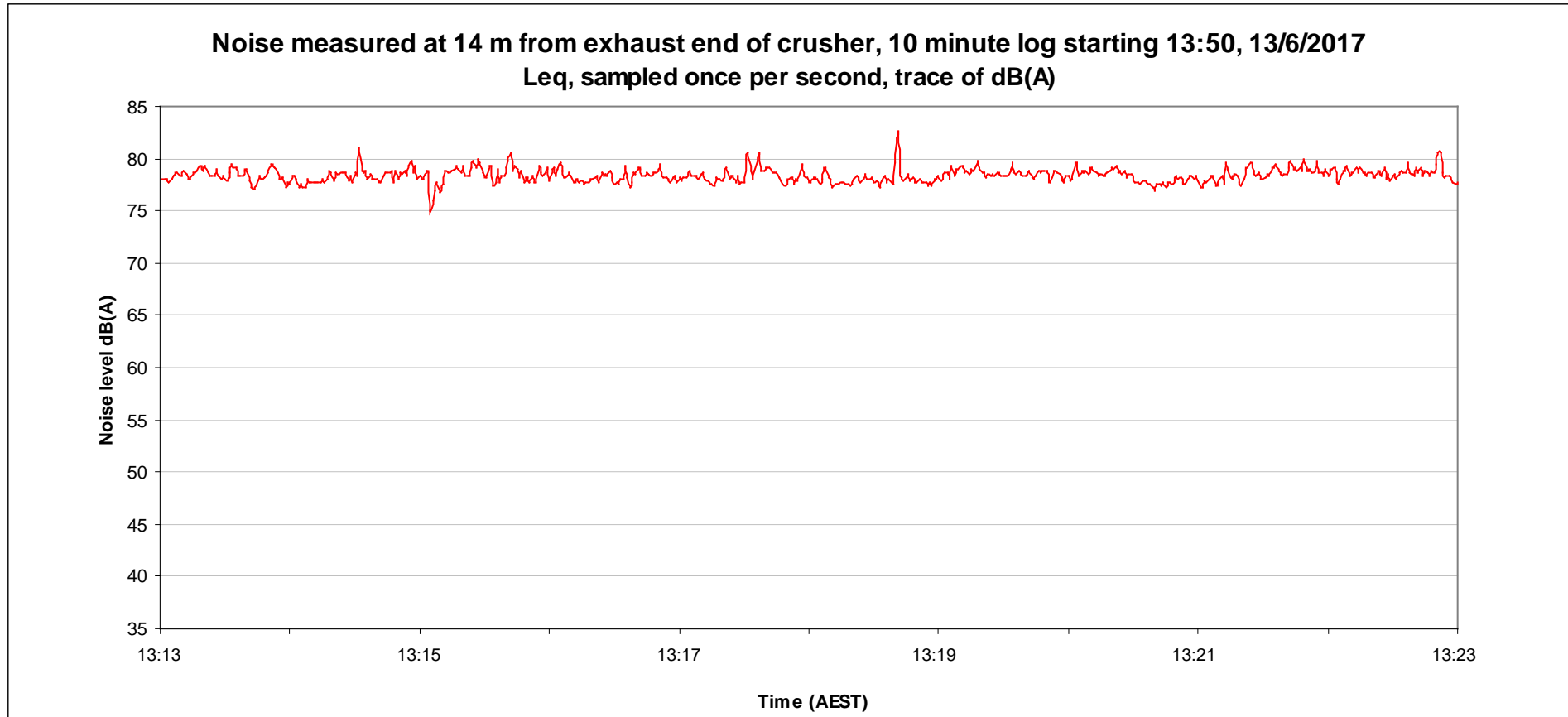


**Ambient noise trace at Location 4**

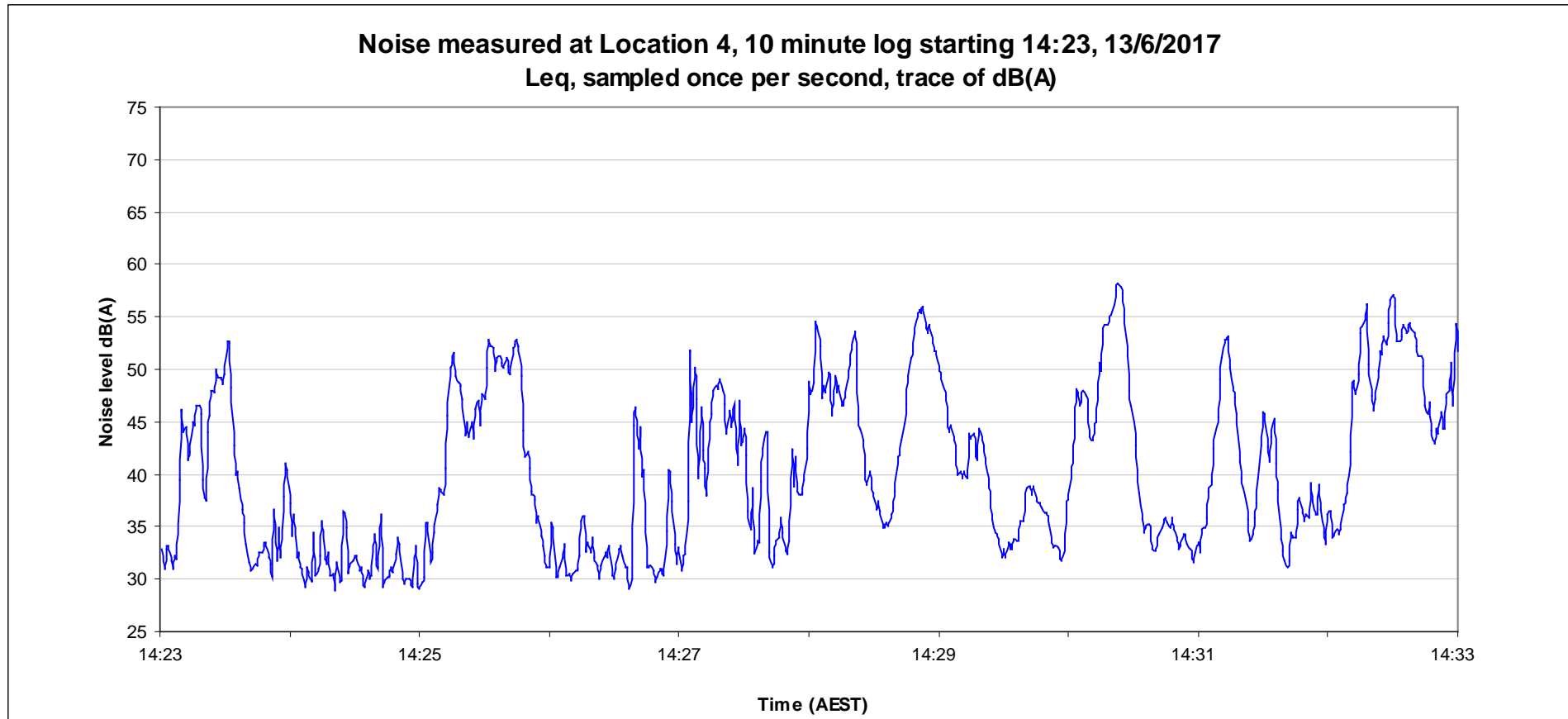


Traffic on Tea Tree Rd dominates the noise at Location 4.

### Crushing noise trace at 14.0 m from exhaust end



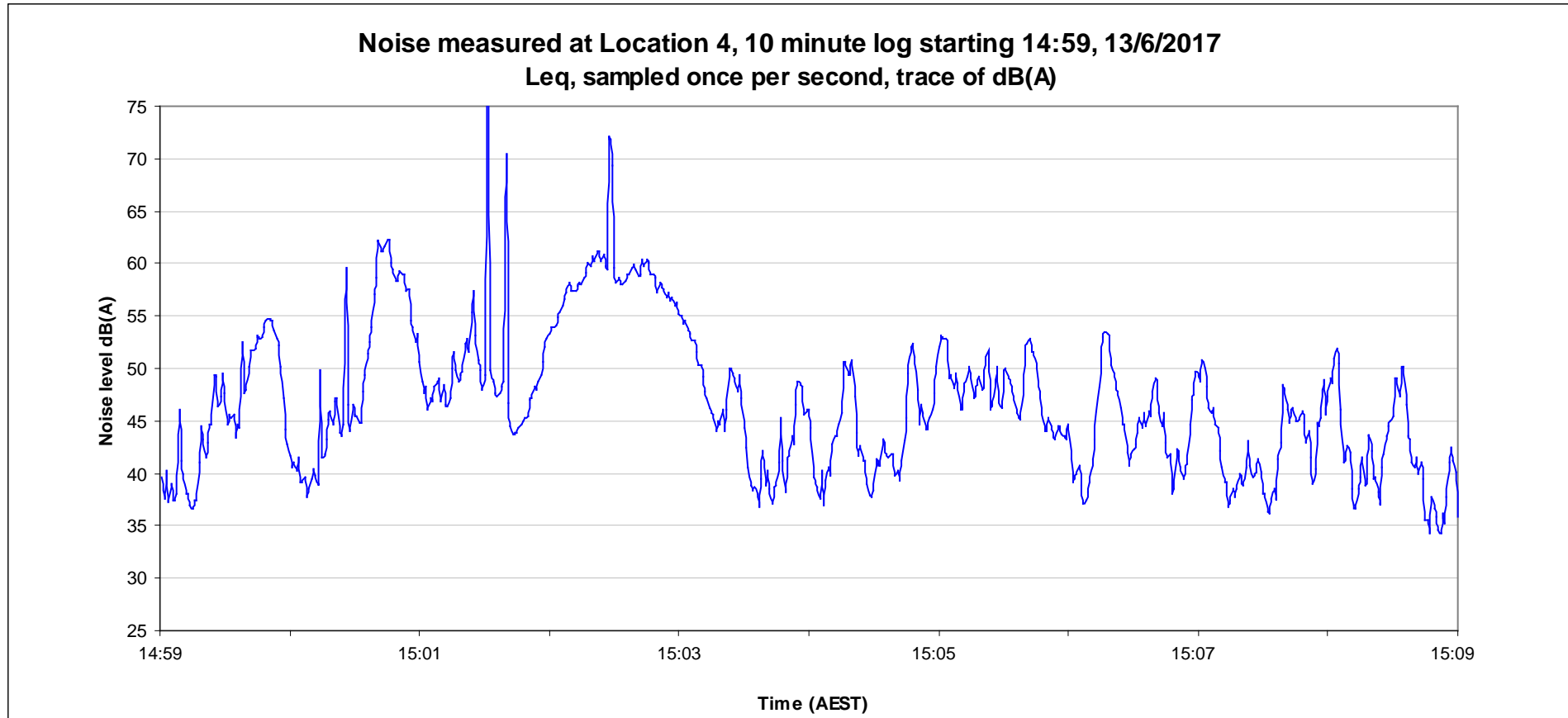
Note: vertical scale differs from other traces  
Noise is dominated by crusher engine.

**Example ambient and test noise trace at Location 4**

Traffic dominates the noise at Location 4. The test crushing operation raised the background during traffic lulls.



### Ambient and test noise trace at Location 4, including train event



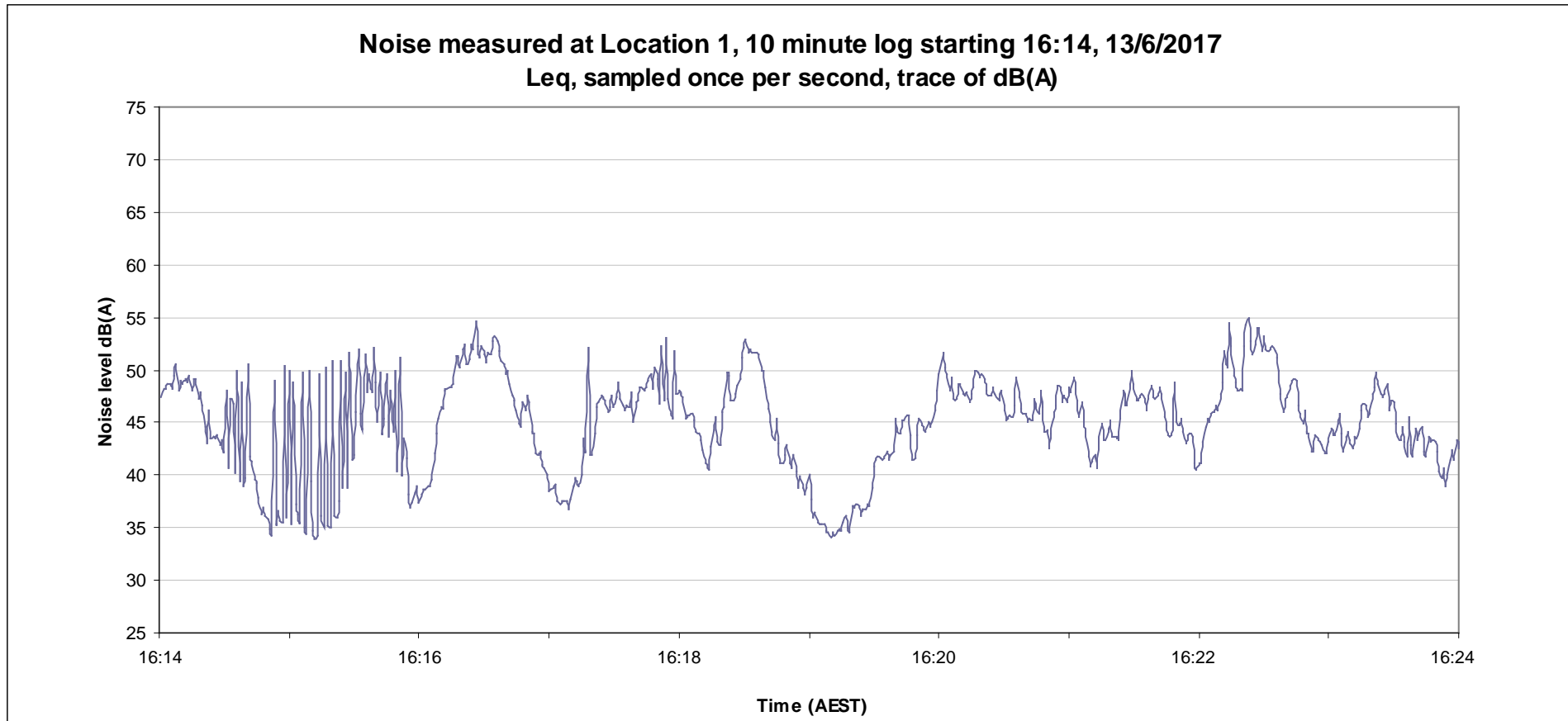
Traffic and train event dominated the noise at Location 4.

The main train pass event commenced 15:02 and lasted about 2 minutes, while low rumble was present during much of the period.

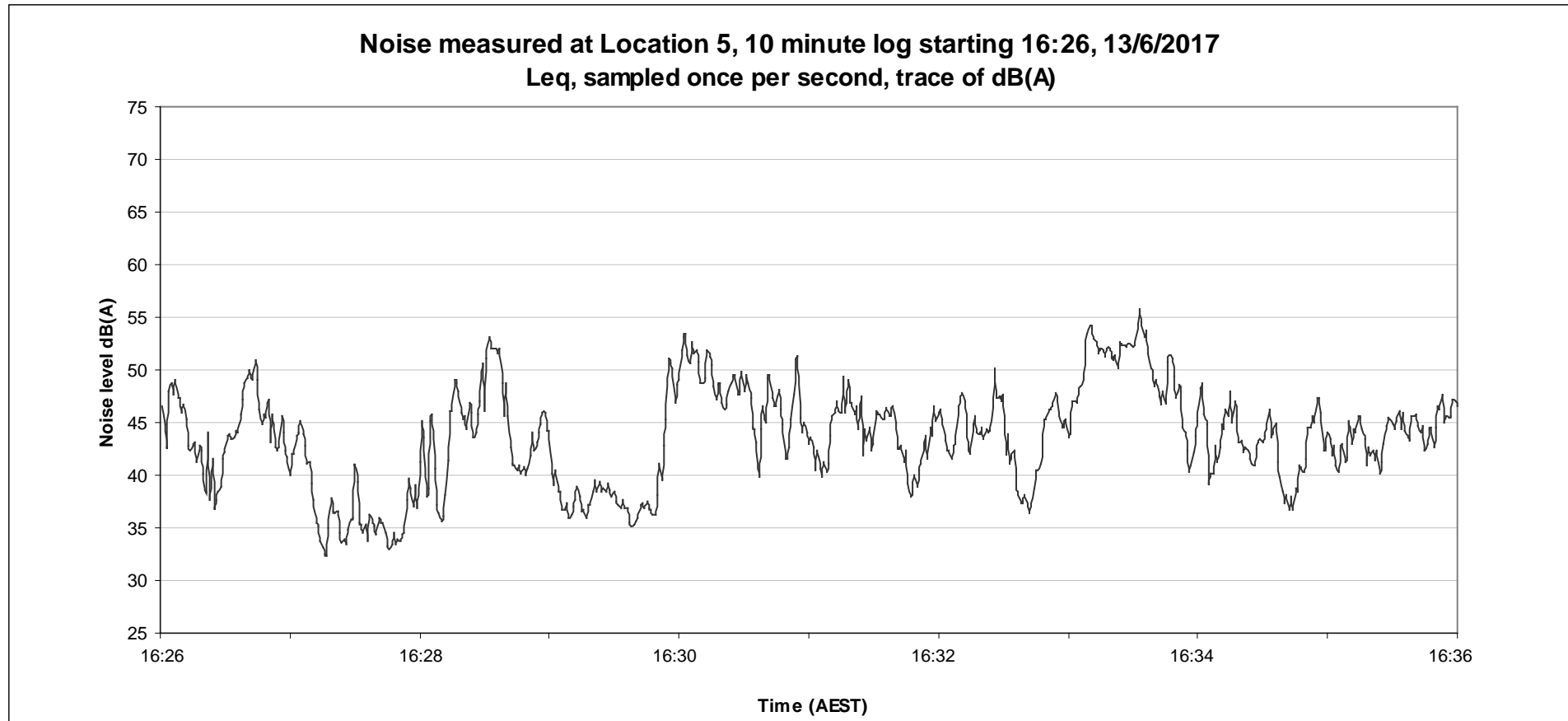
Horn toots noted at 15:00: Lmax 54.6 and 65.4 dB(A), at 15:01: Lmax 85.7 and 78.0 dB(A), and at 15:02: Lmax 77.1 dB(A).

The train consisted of 2 locomotives and 32 wagons, passing eastbound down the gradient.

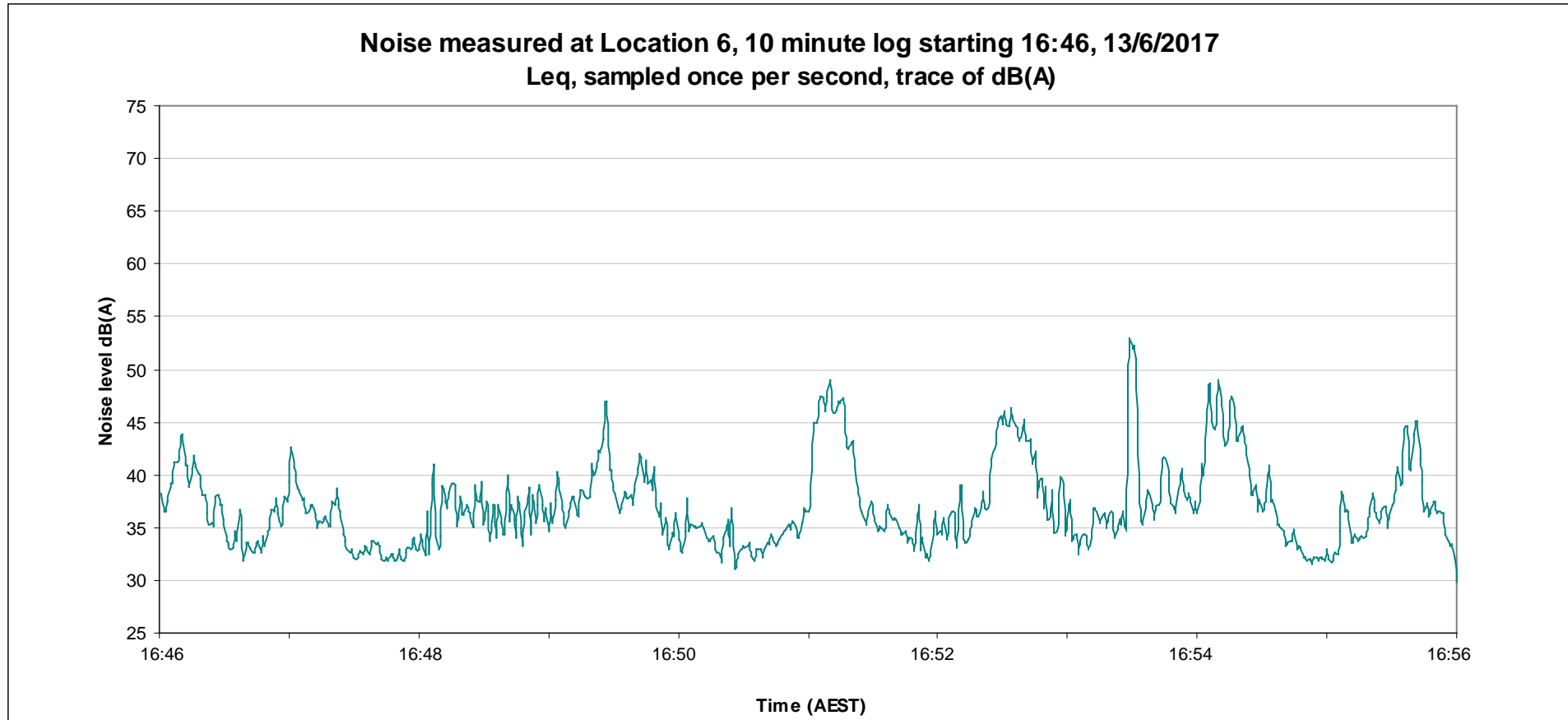
The broad peak before 15:01 was due to a log truck.

**Ambient and test noise trace at Location 1**

Traffic dominates the noise at Location 1. The test crushing operation raised the background during traffic lulls. Owner dog barks featured, particularly in the first 2 minutes.

**Ambient and test noise trace at Location 5**

Traffic dominates the noise at Location 5. The test crushing operation raised the background during traffic lulls.

**Ambient and test noise trace at Location 6**

Traffic dominates the noise at Location 6. The test crushing operation raised the background during traffic lulls.  
This Location benefits from some valley shielding from both traffic and quarry sources

**Appendix 9 Noise Survey and Assessment 2019 – Screen and Additional Access Spur Road**



## PEARU TERTS

BA, Grad. Dip. Env. Stud. (Hons.), MIE Aust., CPENG, MAAS  
Consulting Engineer

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Mr. Craig Williams  
1356 Tea Tree Road,  
Rekuna, Tea Tree,  
Tasmania 7017

6/8/2019

Tel. 6260 4404

#### Screen Noise Tests and Access Road Partial Reroute

Dear Mr. Williams,

Attached with this letter are the results of the rock screen noise test presented as Appendix J.

The main results are shown on page J6. At 10.0 m from the operating screen we measured the following 10 minute Leq's (from four directions), expressed as dB(A):

82.5   80.5   82.3   79.5

The mean Leq was determined as follows:

$$\begin{aligned} \text{Leq} &= 10 \log\left[\frac{10^{8.25} + 10^{8.05} + 10^{8.23} + 10^{7.95}}{4}\right] \\ &= 81.4 \text{ dB(A)} \end{aligned}$$

Using the formula for hemispherical radiation, which relates sound power level (SWL) to sound pressure level (SPL) and distance (R);

$$\begin{aligned} \text{SWL} &= \text{SPL} + 20 \log R + 8 \\ &= 81.4 + 20 \log 10 + 8 \end{aligned}$$

we obtain a sound power level = 109.4 dB(A)

The mapped overlay is still current and is not exceeded.

The new access road, in my opinion, will cause no noise issues.

Yours sincerely,

Pearu Terts

**Quarry, 1356 Tea Tree Rd, Rekuna**  
**Richmond Quarry tests - Field report for site visit May 2019**  
 Appendix J to be read in conjunction with main report

## General

The Logie Farm dolerite gravel quarry lies off Prossers Rd, and includes a mobile screen. It is proposed to operate a similar screen in the Rekuna quarry. Tests were conducted with local rock. This report describes the findings of noise monitoring and observations from the site visit 11:50-14:05, Monday 13/5/2019.

## Photograph



Logie Farm Quarry, 13/5/2019

## Instruments used

- Brüel & Kjær Sound Level Calibrator Type 4230 s/n 1169836, Laboratory Certified February 2014;
- Norsonic Precision Sound Level Meter Nor131, s/n 1312829, Laboratory Certified December 2014;
- Rion Precision Integrating Sound Level Meter Model NL-11, s/n 00150321, Cert Feb 2014 with Rion Octave Band Filter Model NX-01A, s/n 11140944,
- Weather Instruments (Aneroid barometer, Zeal Wet/Dry bulb Psychrometer, Suunto KB-14/360R compass, Kaindl Windmaster 2 wind speed meter);
- 100 m measuring tape,

## Weather observations

Conditions were suitable for noise measurements.  
Gusty winds. Details are shown alongside.

Weather observations	
Date	13/05/2019
Location	Quarry
Time	12:35
Temp °C	12.5
Relative Humidity %	46
Pressure hPa	1011
Wind speed average m/s	2.4
Wind speed maximum m/s	5.4
Wind direction	WSW
Cloud cover x/8	2

[Last revised 20/5/2019]

## Location definitions

The locations for measurements were defined as follows:

Location	Definition/comments
Loc 1	10.0 m from screen engine exhaust, with clear line of sight. Perpendicular to the main screen conveyor alignment 25° elevation relative to engine, microphone at 1.2 m height.
Loc 2	10.0 m from screen engine (opposite exhaust), with clear line of sight. Perpendicular to the main screen conveyor alignment Ground level relative to engine, microphone at 1.2 m height.
Loc 3	10.0 m from screen output rattler, with clear line of sight. Approximately 15 m from engine and 20 m from loading. End-on to the main screen conveyor alignment at output rattler Ground level relative to engine, microphone at 1.2 m height.
Loc 4	10.0 m from screen engine exhaust, with clear line of sight. Perpendicular to the main screen conveyor alignment 25° elevation relative to engine, microphone at 1.2 m height.

Aerial photo, and photographs are on the following pages.

Airphoto showing overview of the test site



Image sourced from TheList 13/5/2019; note 20 m scale bar. Quarry development has progressed since image capture.



Site photographs



Location 1, 10 m direct line of sight from screen engine exhaust, 13/5/2019



Location 2, 10 m direct line of sight from screen engine, 13/5/2019



### Site photographs



Location 3, 10 m direct line of sight from screen rattler output, 13/5/2019



Location 4, 10 m direct line of sight from screen engine from top of product heap, 13/5/2019

## Noise descriptions

For each location, ambient noise by source noted during the site visit is listed (in descending order of significance by loudness, noticeability, duration and incidence):

### In-quarry Locations 1-4

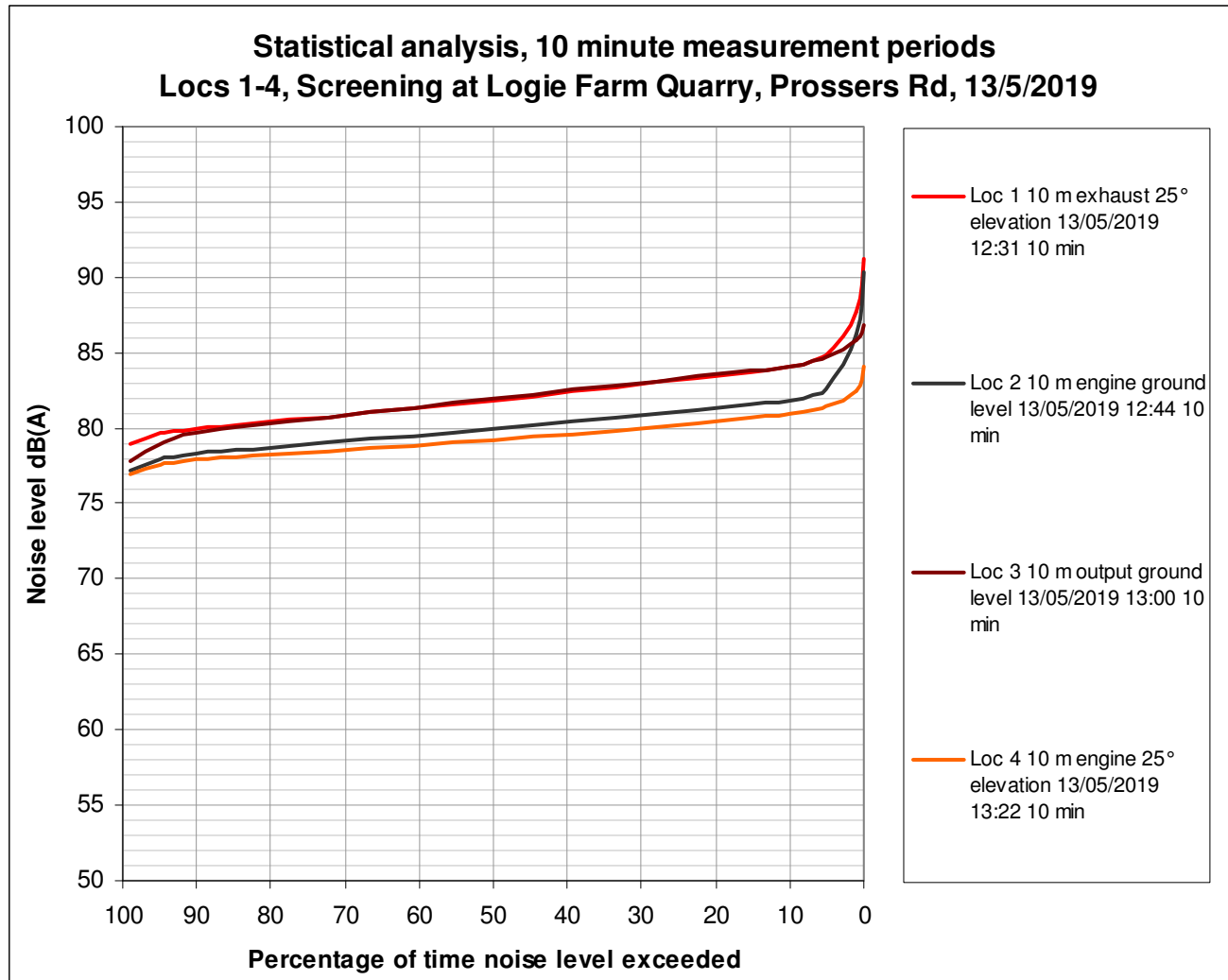
- Screening engine, excavator, rattler, rocks

## Comments

- Daytime noise measurements were conducted under suitable conditions.
- Machinery used in tests at the Quarry:  
Hydraulic power screen, 3 cylinder 35 HP Lister engine, 9.5 m in length  
CAT 320D Excavator (loading material into screen)
- On the exhaust side the hopper fills include rocks striking and rolling off the slanted inlet grate
- At the output end the vibrating/rattling causes localised noise

## Statistical analysis and measurements over 10 minute periods, dB(A)

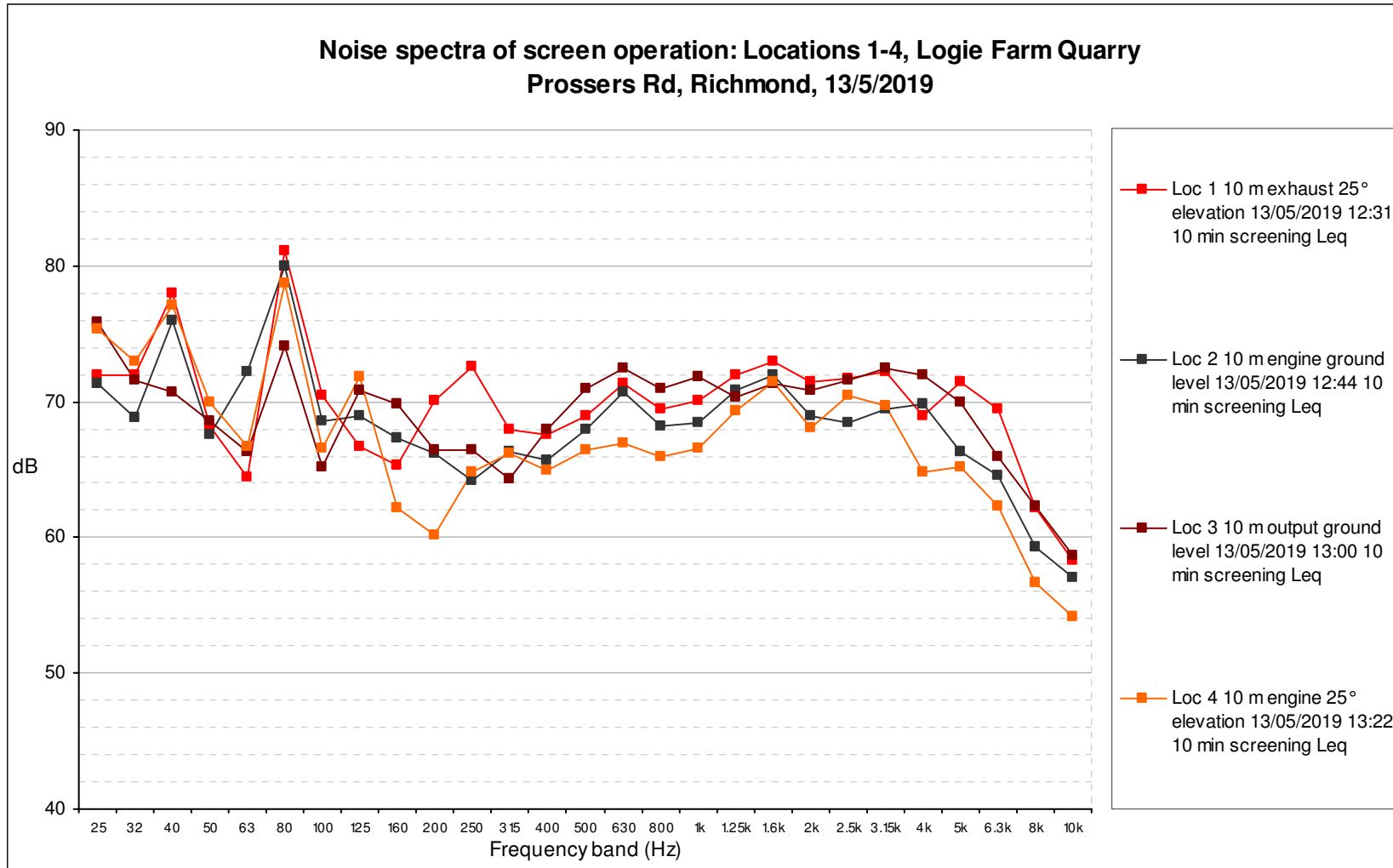
Loc #	Loc 1	Loc 2	Loc 3	Loc 4
Location	10 m exhaust 25° elevation	10 m engine ground level	10 m output ground level	10 m engine 25° elevation
Date	13/05/2019	13/05/2019	13/05/2019	13/05/2019
Time	12:31	12:44	13:00	13:22
Duration	10 min	10 min	10 min	10 min
Samples	6000	6000	6000	6000
Event	screening	screening	screening	screening
Lmax	93.2	93.0	88.0	88.5
L0.1	91.2	90.4	86.8	84.1
L1	87.7	86.2	85.8	82.5
L5	84.8	82.6	84.7	81.4
L10	84.1	81.8	84.1	80.9
L50	81.8	79.9	82.0	79.2
L90	80.0	78.3	79.7	77.9
L95	79.7	78.0	79.0	77.6
L99	79.0	77.2	77.8	77.0
Lmin	78.0	76.1	75.8	75.9
Leq A	82.5	80.5	82.3	79.5



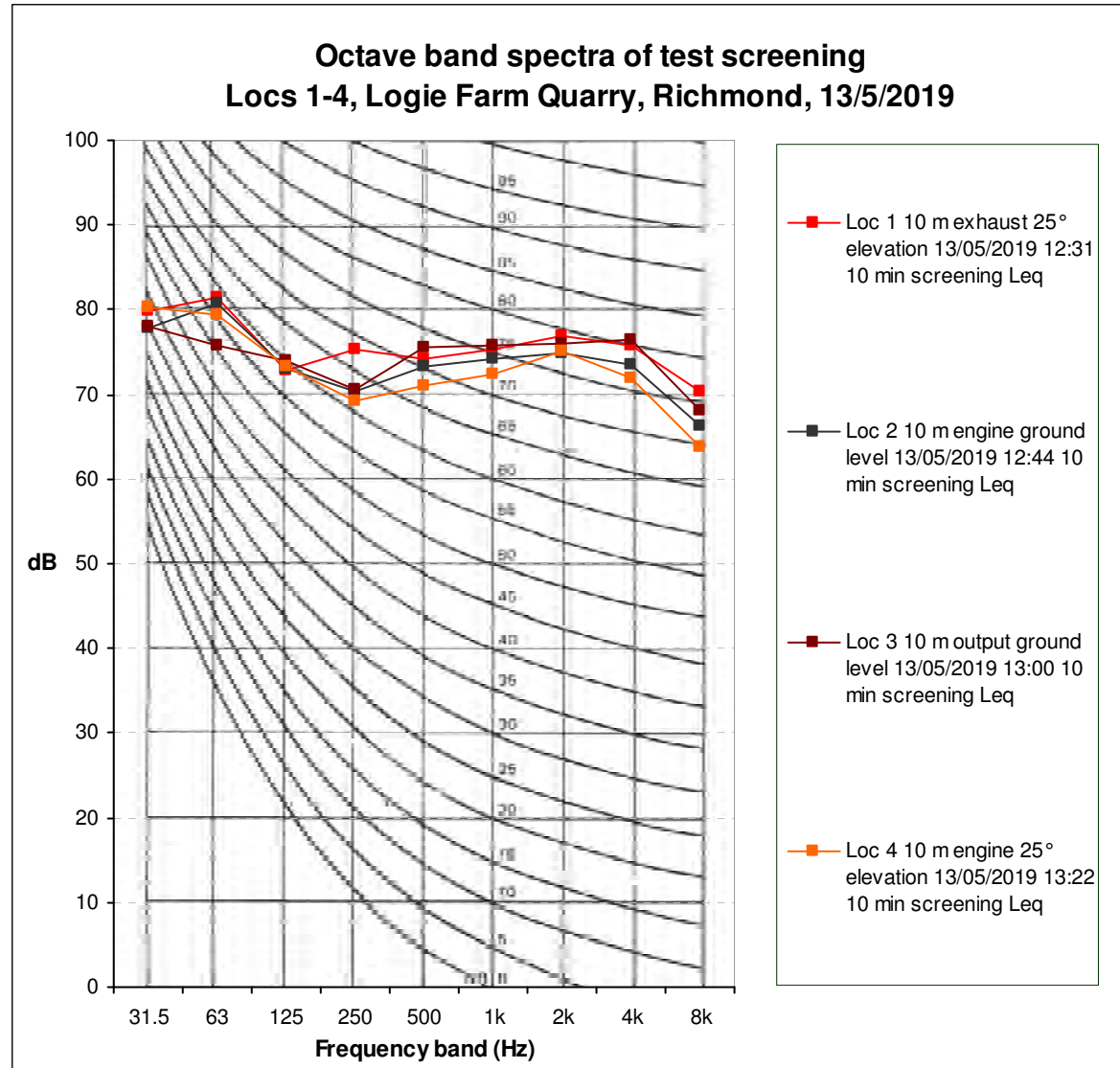
## Spectral analysis of measured noise

Loc #	Loc 1	Loc 2	Loc 3	Loc 4
Location	10 m exhaust 25° elevation	10 m engine ground level	10 m output ground level	10 m engine 25° elevation
Date	13/05/2019	13/05/2019	13/05/2019	13/05/2019
Time	12:31	12:44	13:00	13:22
Duration	10 min	10 min	10 min	10 min
Event	screening	screening	screening	screening
Measure	Leq	Leq	Leq	Leq
Thirds Hz 25	71.9	71.3	75.8	75.4
32	72.0	68.8	71.6	72.9
40	78.0	76.0	70.7	77.1
50	68.2	67.6	68.6	69.9
63	64.4	72.2	66.3	66.7
80	81.1	80.0	74.1	78.7
100	70.4	68.6	65.2	66.6
125	66.7	69.0	70.8	71.8
160	65.3	67.3	69.8	62.2
200	70.1	66.2	66.4	60.2
250	72.6	64.2	66.5	64.8
315	68.0	66.3	64.3	66.2
400	67.6	65.7	68.0	64.9
500	68.9	68.0	70.9	66.5
630	71.3	70.7	72.5	66.9
800	69.4	68.2	70.9	66.0
1k	70.1	68.5	71.8	66.6
1.25k	72.0	70.8	70.3	69.3
1.6k	72.9	71.9	71.3	71.5
2k	71.4	69.0	70.8	68.1
2.5k	71.7	68.5	71.6	70.5
3.15k	72.2	69.4	72.4	69.7
4k	68.9	69.8	72.0	64.8
5k	71.5	66.3	70.0	65.2
6.3k	69.4	64.5	66.0	62.3
8k	62.2	59.3	62.3	56.7
10k	58.3	57.1	58.7	54.1
Overall A	82.5	80.5	82.3	79.5
C	85.9	84.6	84.6	84.6
Octave Hz 31.5	79.8	77.8	78.1	80.2
63	81.4	80.9	75.7	79.5
125	72.8	73.1	74.0	73.3
250	75.4	70.4	70.6	69.2
500	74.3	73.4	75.6	71.0
1k	75.4	74.1	75.8	72.3
2k	76.8	74.8	76.0	75.0
4k	75.9	73.5	76.4	71.9
8k	70.4	66.2	68.1	63.8

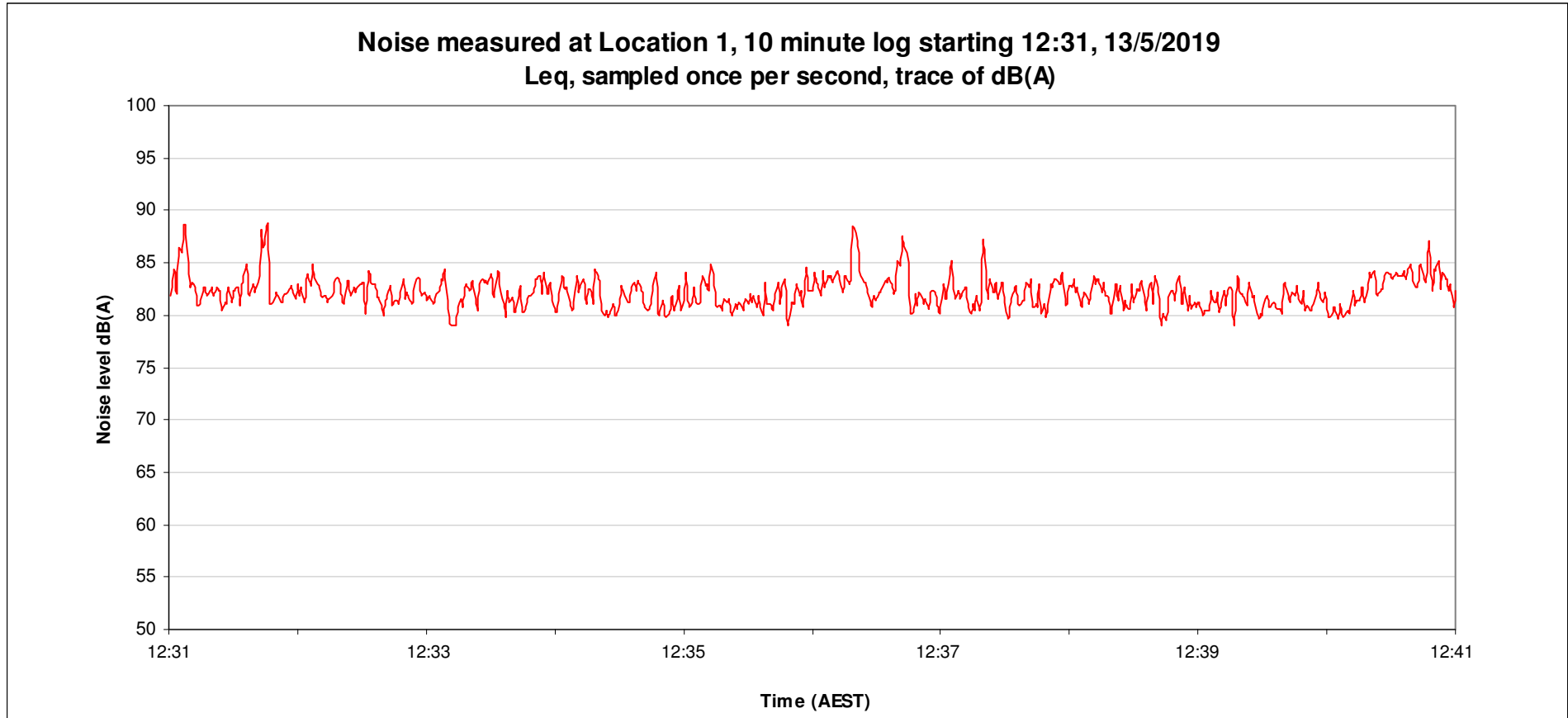
### Third octave analysis





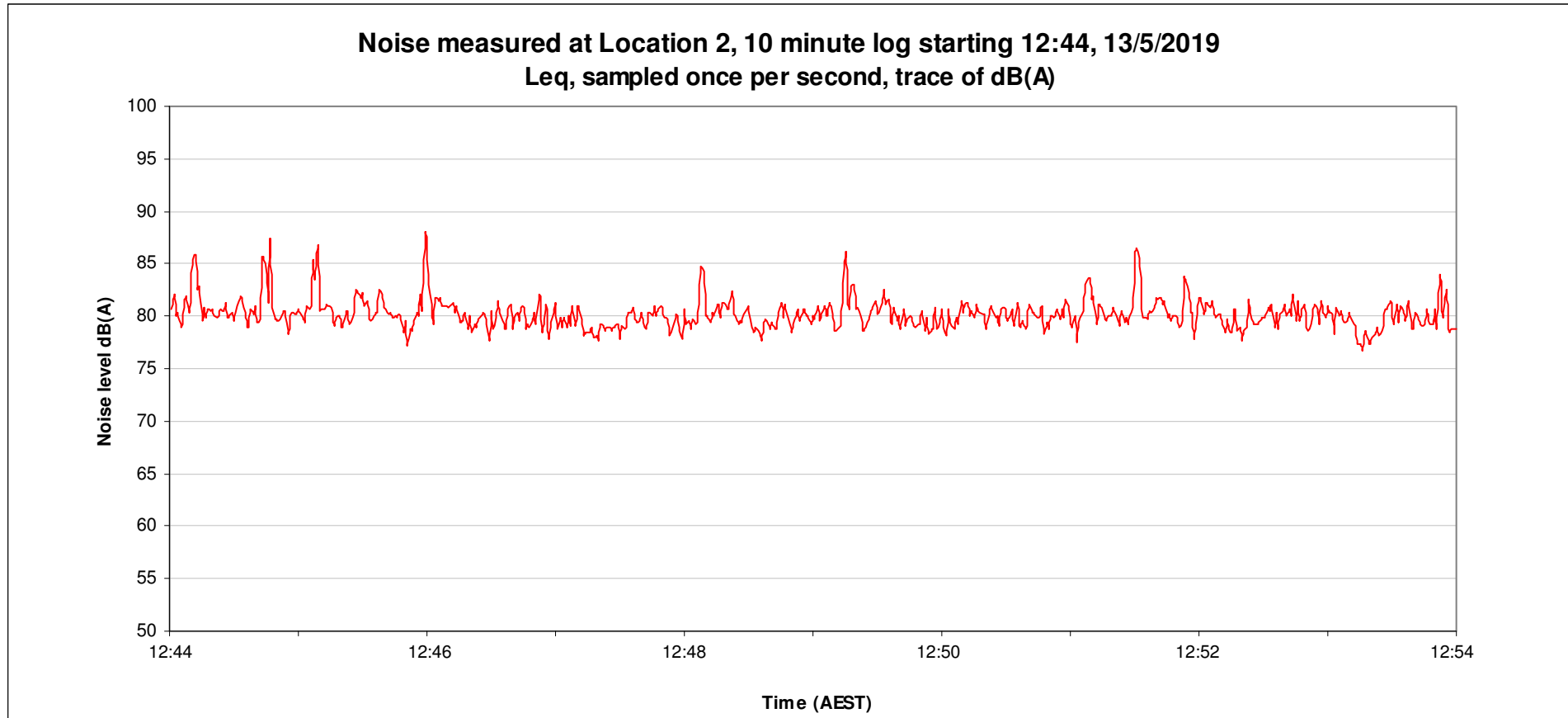


### Monitoring trace of screen test noise



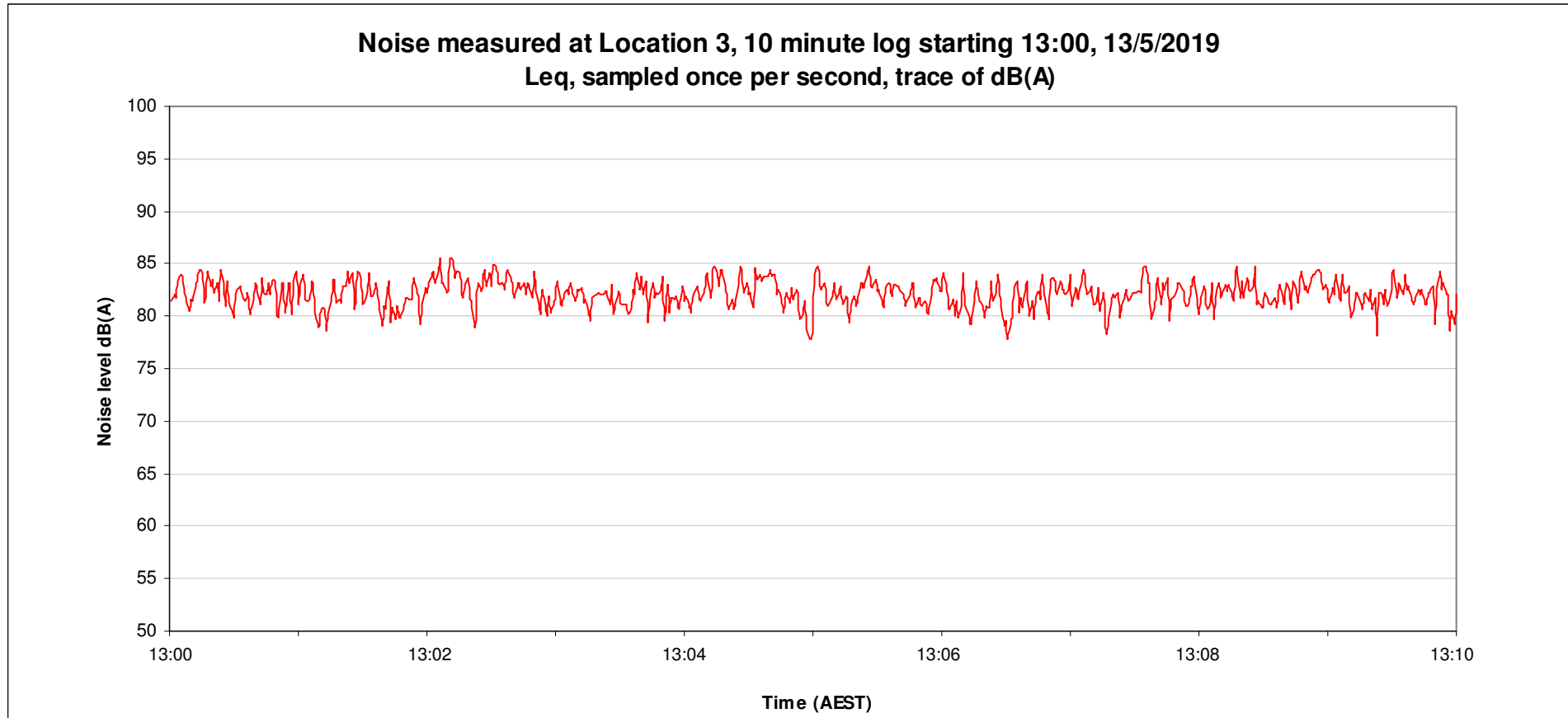
Screen noise varied little with throughput. Peaks were a result of excavator dropping rocks on to the grille of the hopper.

### Monitoring trace of screen test noise



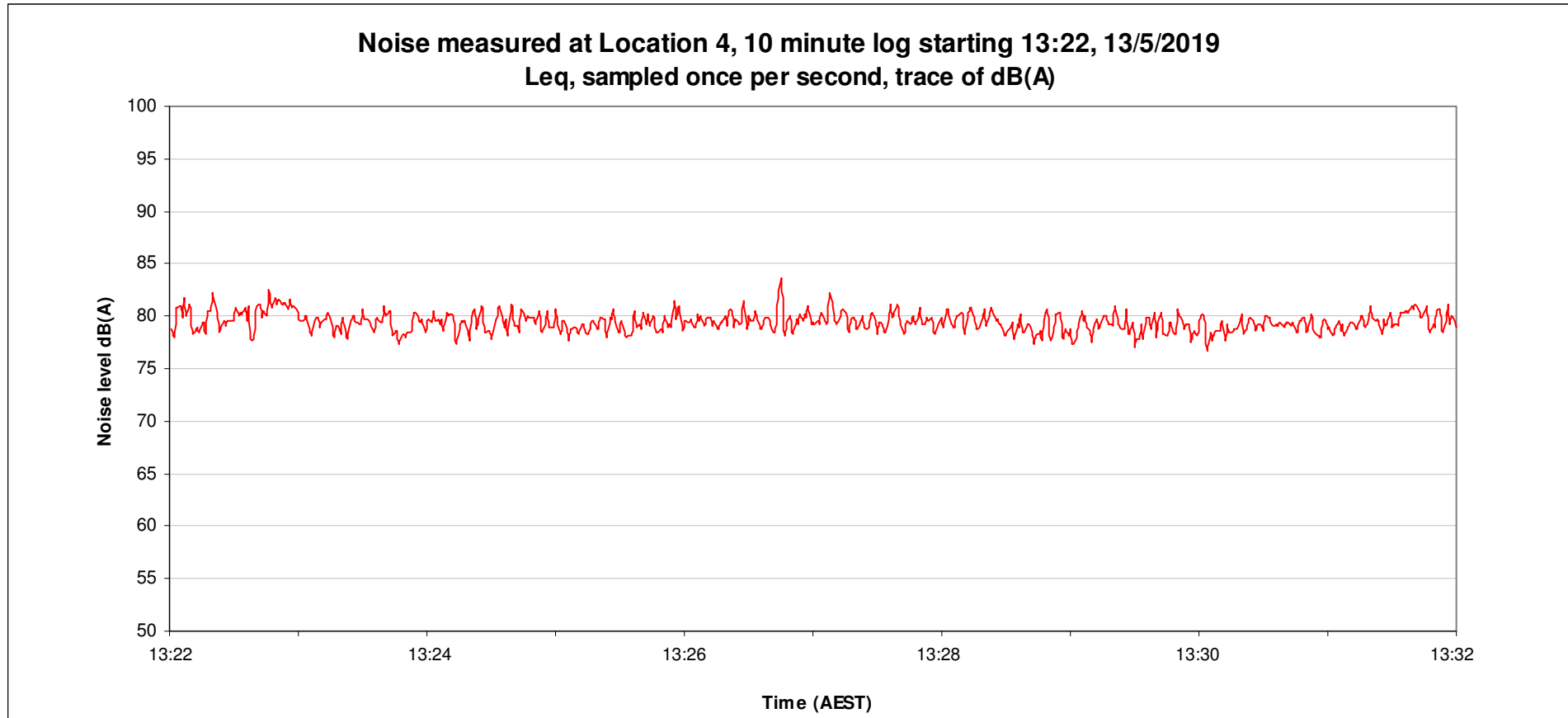
Screen noise varied little with throughput. Peaks were a result of excavator dropping rocks on to the grille of the hopper.

### Monitoring trace of screen test noise



Screen noise varied little with throughput. The rattler screen created local noise.

### Monitoring trace of screen test noise



Screen noise varied little with throughput. The rattler screen created local noise, equidistant to the engine.





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Our Ref: EN-EM-EV-DE-258170/M537634

24 September 2019

CA and SM Williams  
1356 Tea Tree Road  
Tea Tree TAS 7107

Email: [casmwilliams@bigpond.com](mailto:casmwilliams@bigpond.com)

Dear Mr Williams

**WILLIAMS QUARRY - REKUNA  
SUFFICIENT INFORMATION RECEIVED**

I acknowledge receipt of the document titled dated Williams Quarry, Rekuna, Environmental Effects Report September 2019 (Revision 2) and advise it has been prepared in accordance with the guidance provided by the Board of the Environment Protection Authority (the Board) under section 74(4) of the *Environmental Management and Pollution Control Act 1994* (EMPC Act).

It is recommended you now submit a permit application to Southern Midlands Council under the *Land Use Planning and Approvals Act 1993*. The EER referred to above should accompany the permit application. When Council refers the permit application to the Board, and the statutory requirements for the application under the LUPA Act have been met, arrangements will be made for public consultation. You will be contacted in due course in relation to this.

If you have any queries regarding the above, please contact Liz Richardson on (03) 6165 4508.

Yours sincerely

Wes Ford  
**DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY**

Cc: General Manager, Southern Midlands Council, PO Box 21 Oatlands TAS 7120, [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)  
Richard Barnes, Van Diemen Consulting Pty Ltd, [rwarnes73@gmail.com](mailto:rwarnes73@gmail.com)

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**PERMIT PART B**  
**PERMIT CONDITIONS - ENVIRONMENTAL No. 10168**

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Issued under the *Environmental Management and Pollution Control Act 1994*

Activity:           **The operation of a quarry (ACTIVITY TYPE: Crushing, grinding, milling or separating into different sizes (rocks, ores or minerals))**  
                          **1356 TEA TREE ROAD**  
                          **CAMPANIA TAS 7026**

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994*.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality:                           **SOUTHERN MIDLANDS**  
Permit Application Reference:       **DA2019-87**  
EPA file reference:                   **258170**

Date conditions approved:                  29 January 2020          

Signed:   Warren Jones                                    
  CHAIRPERSON, BOARD OF THE ENVIRONMENT  
  PROTECTION AUTHORITY

## **DEFINITIONS**

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

## **ENVIRONMENTAL CONDITIONS**

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

## **INFORMATION**

Attention is drawn to **Schedule 3**, which contains important additional information.



CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

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*Attachments*

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Attachment 3: PCE 10168 Attachment 3 (modified: 17/01/2020 15:00)..... 1 page





### Schedule 1: Definitions

In this Permit Part B:-

**10,000 cubic metres per year** is considered to be equivalent to 17,000 tonnes per year.

**access roads** means the roads used for the activity to which this document relates, as further delineated by Attachment 2 of these conditions

**Activity** means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

**Control Location (Noise)** means a location chosen to represent the general ambient sound without contribution from noise sources at the activity.

**Director** means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

**EMPCA** means the *Environmental Management and Pollution Control Act 1994*.

**Environmental Harm** and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

**Environmental Nuisance** and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

**Environmentally Hazardous Material** means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

**heavy vehicles** means any vehicle or machinery used for the activity to which this document relates that has a gross vehicle mass or aggregate trailer mass exceeding 4.5 tonnes.

**Noise Sensitive Premises** means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

**Person Responsible** is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

**Quarry Code of Practice** means the document of this title published by the Environment Protection Authority in May 2017, and includes any subsequent versions of this document.

**quarry working area** means the area delineated Attachment 3 of these conditions.

**Stormwater** means water traversing the surface of The Land as a result of rainfall.

**Tasmanian Noise Measurement Procedures Manual** means the document titled *Noise Measurement Procedures Manual*, by the Department of Environment, Parks, Heritage and the Arts, dated July 2008, and any amendment to or substitution of this document.

**The Land** means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

- 1 certificate of title 155147/1; and
- 2 as further delineated at Attachment 1 of these conditions.

**Weed** means a declared weed as defined in the *Weed Management Act 1999*.

**Weed And Disease Guidelines** means the document titled *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*, by the Department of Primary Industries, Parks, Water and Environment, dated March 2015, and any amendment to or substitution of this document.



## Schedule 2: Conditions

### Maximum Quantities

#### **Q1 Regulatory limits**

- 1 The activity must not exceed the following limits :
  - 1.1 2,500 cubic metres per year of rocks, ores or minerals processed.
  - 1.2 10,000 cubic metres per year of material extracted.

### General

#### **G1 Access to and awareness of conditions and associated documents**

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

#### **G2 Incident response**

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

#### **G3 No changes without approval**

- 1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the *Land Use Planning and Approvals Act 1993*, or approved in writing by the Director:
  - 1.1 a change to a process used in the course of carrying out the activity; or
  - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
  - 1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

#### **G4 Change of responsibility**

If the person responsible for the activity intends to cease to be responsible for the activity, that person must notify the Director in writing of the full particulars of any person succeeding him or her as the person responsible for the activity, before such cessation.

#### **G5 Change of ownership**

If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.

**G6 Complaints register**

- 1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - 1.1 the date and time at which the complaint was received;
  - 1.2 contact details for the complainant (where provided);
  - 1.3 the subject matter of the complaint;
  - 1.4 any investigations undertaken with regard to the complaint; and
  - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

**G7 Quarry Code of Practice**

Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken on The Land must comply with the Acceptable Standards provisions of the *Quarry Code of Practice*.

**Atmospheric****A1 Control of dust emissions from plant**

- 1 Dust produced by the operation of all crushing and screening plant must be controlled by the use of one or more of the following methods to the extent necessary to prevent environmental nuisance:
  - 1.1 the installation of fixed water sprays at all fixed crushers and at all points where crushed material changes direction due to belt transfer;
  - 1.2 the installation of dust extraction equipment at all fixed crushers and at all points where crushed material changes direction due to belt transfer, and the incorporation of such equipment with all vibrating screens;
  - 1.3 the enclosure of the crushing and screening plant and the treatment of atmospheric emissions by dust extraction equipment; and
  - 1.4 any other method that has been approved in writing by the Director.

**A2 Control of dust emissions**

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

**A3 Covering of vehicles**

Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins or load dampening.

**A4 Dust emissions from traffic areas**

Dust emissions from areas of The Land used by vehicles must be limited or controlled by dampening or by other effective measures.

**Blasting****B1 No Blasting on The Land**

Blasting must not be carried out on The Land



## Decommissioning And Rehabilitation

### **DC1 Stockpiling of surface soil**

Prior to commencement of extractive activities on any portion of The Land, surface soils must be removed in that portion of The Land to be disturbed by the conduct of the activity and stockpiled for later use in rehabilitation of The Land. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

### **DC2 Progressive rehabilitation**

Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is one hectare.

### **DC3 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

### **DC4 Rehabilitation on cessation**

- 1 Unless otherwise approved in writing by the Director, rehabilitation upon permanent cessation of the activity must be undertaken in accordance with relevant provisions of the *Quarry Code of Practice* and in accordance with the following:
  - 1.1 rehabilitation earthworks must be substantially completed within 12 months of cessation of the activity; and
  - 1.2 rehabilitated areas must be monitored and maintained for a period of at least three years after rehabilitation works have been substantially completed, after which time the person responsible for the activity may apply in writing to the Director for a written statement that rehabilitation has been successfully completed.

### **DC5 Temporary suspension of activity**

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity:
  - 2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and
  - 2.2 If required by the Director a Care and Maintenance Plan for the activity must be submitted, by a date specified in writing by the Director, for approval. The person responsible must implement the approved Care and Maintenance Plan, as may be amended from time to time with written approval of the Director.
- 3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.





## Hazardous Substances

### **H1 Storage and handling of hazardous materials**

- 1 Unless otherwise approved in writing by the Director, environmentally hazardous materials held on The Land must be:
  - 1.1 stored within impervious bunded areas, spill trays or other containment systems; and
  - 1.2 managed to prevent unauthorised discharge, emission or deposition of pollutants:
    - 1.2.1 to soils within the boundary of The Land in a manner that is likely to cause serious or material environmental harm;
    - 1.2.2 to groundwater;
    - 1.2.3 to waterways; or
    - 1.2.4 beyond the boundary of The Land.

### **H2 Spill kits**

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

## Noise Control

### **N1 Operating hours**

- 1 Unless otherwise approved by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and crushing/screening must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays.
- 2 Unless otherwise approved in writing by the Director, heavy vehicles must not be operated or driven on the access roads for the purpose of cartage of quarry products outside the hours of 0800 hours to 1800 hours on weekdays, and 0800 hours to 1200 hours on Saturdays.
- 3 Unless otherwise approved in writing by the Director, heavy vehicles and mobile machinery must only be driven to or from the quarry on the access roads between 0800 hours to 1800 hours on weekdays and 0800 hours to 1200 hours on Saturdays.
- 4 Notwithstanding the above paragraph, activities must not be carried out on public holidays that are observed Statewide (Easter Tuesday excepted).

### **N2 Noise emission limits**

- 1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
  - 1.1 47 dB(A) between 0700 hours and 1900 hours (Day time); and
  - 1.2 40 dB(A) between 1900 hours and 2200 hours (Evening time); and
  - 1.3 35 dB(A) between 2200 hours and 0700 hours (Night time).
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.



- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

### N3 Crusher and screen noise levels

- 1 The maximum combined sound power output of the crushing and screening units used to process material must not exceed 118 dB(A).
- 2 Two (2) weeks before any plant for the crushing and/or screening of extracted material is operated on The Land, the sound power output of the plant must be provided in writing to the Director, to demonstrate that the sound power output in the above subcondition will not be exceeded.

### N4 Noise complaints

In the event that a noise complaint is received in relation to the activity, the complaint must be reported to the Director within 24 hours.

### N5 Noise survey requirements

A noise survey must be carried out at times as may reasonably be required by the Director by notice in writing.

### N6 Noise survey method and reporting requirements

- 1 Noise surveys must be undertaken in accordance with a survey method approved in writing by the Director, as may be amended from time to time with written approval of the Director.
- 2 Without limitation, the survey method must address the following:
  - 2.1 measurements must be carried out at day, evening and night times (where applicable) at each location; and
  - 2.2 measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).
- 3 Measurements and data recorded during the survey must include:
  - 3.1 operational status of noise producing equipment and throughput of the activity;
  - 3.2 subjective descriptions of the sound at each location;
  - 3.3 details of meteorological conditions relevant to the propagation of noise;
  - 3.4 the equivalent continuous ( $L_{eq}$ ) and  $L_{1,10}$ ,  $L_{10,50}$ ,  $L_{50,90}$  and  $L_{99}$  A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval approved by the Director;
  - 3.5 one-third octave spectra over suitably representative periods of not less than 1 minute; and
  - 3.6 narrow-band spectra over suitably representative periods of not less than 1 minute.
- 4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed.
- 5 The noise survey report must include the following:
  - 5.1 the results and interpretation of the measurements required by these conditions;
  - 5.2 a map of the area surrounding the activity with the boundary of The Land, measurement locations, and noise sensitive premises clearly marked on the map;
  - 5.3 any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and



- 5.4 recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

### Operations

#### **OP1 Weed management**

The Land must be kept substantially free of weeds to minimise the risk of weeds being spread through the transport of products from The Land.

#### **OP2 Machinery washdown**

Prior to entering The Land, machinery must be washed in accordance with the Weed and Disease Guidelines, or any subsequent revisions of that document.

#### **OP3 Quarry operations**

- 1 The following operations must be conducted within the quarry working area only:
  - 1.1 extraction of materials;
  - 1.2 processing of materials (including crushing and screening);
  - 1.3 stockpiling of extracted materials and processed materials; and
  - 1.4 loading of processed materials onto vehicles.
- 2 Unless otherwise approved in writing by the Director, no material may be crushed or screened on The Land except material which has been extracted within the quarry working area.

#### **OP4 Noise attenuation screen**

- 1 A noise attenuation screen must be erected and maintained along the northern and western sides of the quarry working area.
- 2 The screen must be of such dimensions that there is no line of sight at any time between machinery operating within the quarry working area and any existing residence in other ownership.
- 3 Unless otherwise approved in writing by the Director, the screen must consist of rock, soil or other earthen material excavated on The Land.

### Stormwater Management

#### **SW1 Perimeter drains or bunds**

- 1 Perimeter cut-off drains, or bunds, must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains, or bunds, remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.
- 2 Drains, or bunds, must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

#### **SW2 Stormwater**

- 1 Polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.



- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.
- 4 Stormwater discharged in accordance with this condition must not be directed to sewer without the approval of the operator of the sewerage system.

**SW3 Maintenance of settling ponds**

Sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

### Schedule 3: Information

#### Legal Obligations

##### **LO1 Storage and handling of dangerous goods, explosives and dangerous substances**

- 1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:
  - 1.1 *Work Health and Safety Act 2012* and subordinate regulations;
  - 1.2 *Explosives Act 2012* and subordinate regulations; and
  - 1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

##### **LO2 EMPCA**

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

#### Other Information

##### **OI1 Waste management hierarchy**

- 1 Wastes should be managed in accordance with the following hierarchy of waste management:
  - 1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
  - 1.2 waste should be re-used or recycled to the maximum extent that is practicable; and
  - 1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

##### **OI2 Notification of incidents under section 32 of EMPCA**

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).





Attachment 1: PCE 10168 Attachment 1



Figure A1. Certificate of Title 155147/1

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY



Attachment 2: PCE 10168 Attachment 2

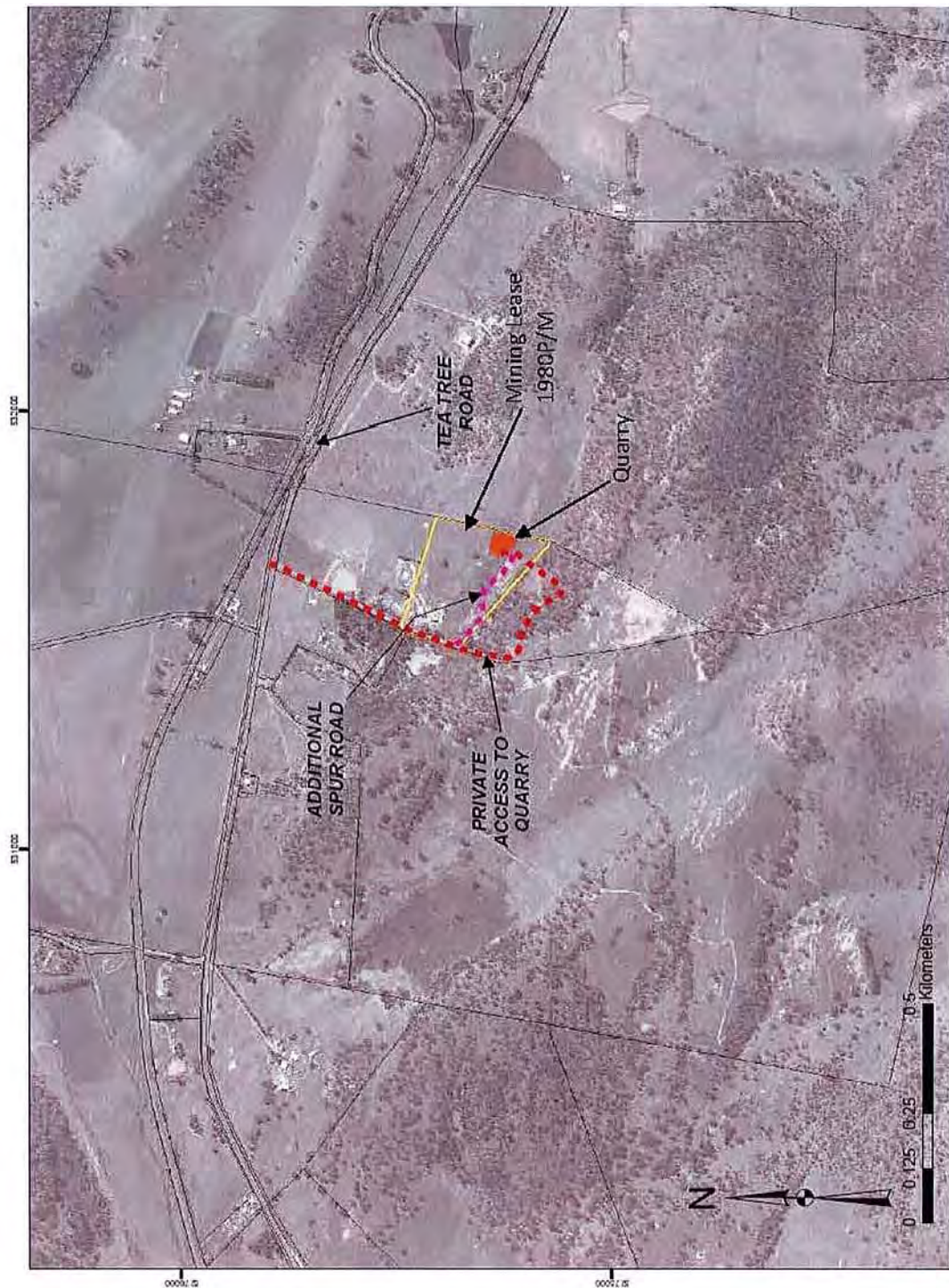


Figure A2. Access Roads, Mining Lease and Quarry

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY



Attachment 3: PCE 10168 Attachment 3

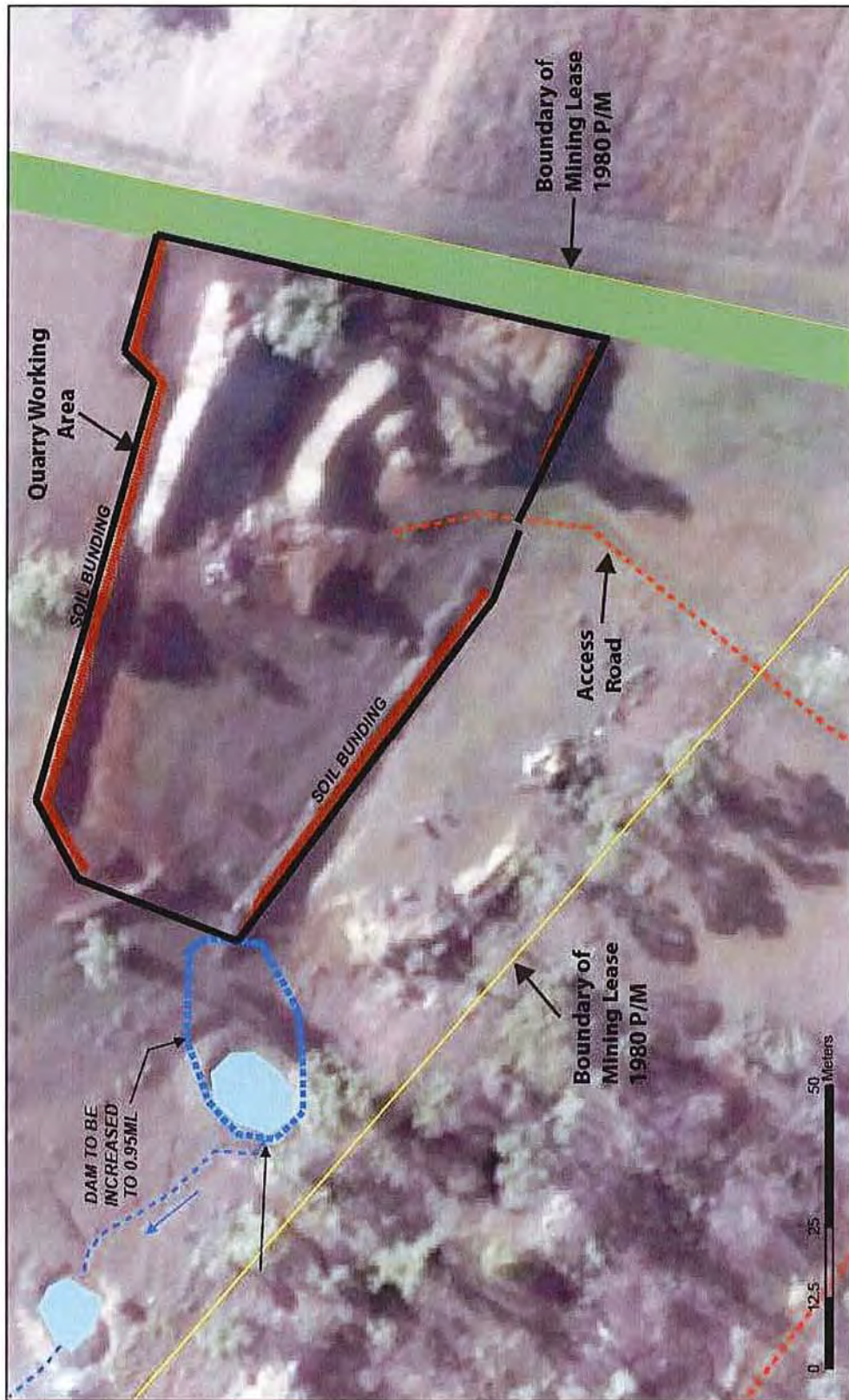


Figure A3. Quarry Working Area

Environmental Assessment  
Report  
**Williams Quarry**  
*Campania*  
CA & SM Williams



ENVIRONMENT PROTECTION AUTHORITY

### Environmental Assessment Report

Proponent	CA and SM Williams
Proposal	Modification, Williams Quarry
Location	Campania
NELMS no.	PCE 10168
Permit Application No.	DA2019-87, Southern Midlands Council
Electronic Folder No.	EN-EM-EV-DE-258170
Document No.	M551579
Class of Assessment	2B

### Assessment Process Milestones

1 April 2019	Notice of Intent lodged
21 May 2019	Guidelines Issued
24 September 2019	Permit Application submitted to Council
26 September 2019	Referral received by the Board
12 October 2019	Start of public consultation period
9 November 2019	End of public consultation period
9 December 2019	Additional information (Supplement) submitted to the Board
16 January 2020	Date draft conditions issued to proponent
31 January 2020	Statutory period for assessment ends



## Acronyms

Board	Board of the Environment Protection Authority
DPEMP	Development Proposal and Environmental Management Plan
DPIPWE	Department of Primary Industries, Parks, Water and Environment
EIA	Environmental impact assessment
EL	Environmental licence
EMPC Act	<i>Environmental Management and Pollution Control Act 1994</i>
EMPCS	Environmental management and pollution control system
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
LUPA Act	<i>Land Use Planning and Approvals Act 1993</i>
QCP	Quarry Code of Practice
RMPS	Resource management and planning system
SD	Sustainable development
SWL	Sound Power (Watt) Level
TSP Act	<i>Threatened Species Protection Act 1995</i>

## Report Summary

This report provides an environmental assessment of CA and SM Williams' proposed modification of Williams' Quarry, Campania.

The proposed modification involves extraction of the same volume of material as under the current permit, 10,000 cubic metres. It also proposes crushing and/or screening 2,500 cubic metres, using an independent mechanised screening unit. This differs from the existing permit, granted in 2017, which only permits crushing and not the use of an independent screen. The proposed modification would allow crushing and screening to occur on any day the quarry is permitted to operate. Currently crushing and screening is only permitted to take place on 5 consecutive days per year. Under the proposed changes, neighbour notification before any crushing and/or screening, as currently required by the existing permit, would no longer be required. The proposal also includes changes to the operational hours and relocation of part of the access road to the quarry. The existing permit was subject to a decision of the Tribunal in *C A Williams v Southern Midlands Council and Environment Protection Authority & Ors* [2017].

This report has been prepared based on information provided in the permit application Environmental Effects Report (EER) and Supplement to the EER. Relevant government agencies and the public were consulted and their relevant submissions, representations and comments considered as part of the assessment.

On 25 November 2019, the Director requested that the proponent submit additional information to address issues raised during the public inspection period. The proponent submitted satisfactory additional information on 9 December 2019, in the form of a Supplement to the EER.

Further details of the assessment process are presented in section 1 of this report. Section 2 describes the statutory objectives and principles underpinning the assessment. Details of the proposal are provided in section 3. Section 4 reviews the need for the proposal and considers the proposal, site and design alternatives. Section 5 summarises the public and agency consultation process and the key issues raised in that process. The detailed evaluation of key issues is in section 6, and other issues are evaluated in sections 7 and 8 and Appendix I. The report conclusions are contained in section 9.

Appendix 2 contains details of matters raised by the public and referral agencies during the consultation process. Appendix 3 contains a table of proponent commitments. Appendix 4 contains the environmental permit conditions for the proposal.

The environmental conditions in Appendix 4 are a new set of operating conditions for the entire, intensified activity that will supersede the existing permit conditions.

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## I Approval Process

The Board of the Environment Protection Authority (the Board) received a Notice of Intent in relation to the proposal on 1 April 2019.

An application for a permit under the *Land Use Planning and Approvals Act 1993* (LUPA Act) in relation to the proposal was submitted to Southern Midlands Council on 24 September 2019.

The proposal is defined as a 'level 2 activity' under clause 5(a)(i) and 6(a)(ii) Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPC Act), being Extractive Activities, Quarries and Materials Handling.

The Board required that information to support the proposal be provided in the form of an Environmental Effects Report (EER) prepared in accordance with guidelines issued by the Board on 21 May 2019. Two drafts of the EER were submitted to EPA Tasmania for review against the guidelines before finalisation and acceptance on behalf of the Board 23 September 2019. The final EER was submitted to Council with the permit application on 24 September 2019.

Section 25(1) of the EMPC Act required Council to refer the application to the Board of the Environment Protection Authority (the Board) for assessment under the Act. The application was received by the Board on 26 September 2019.

The EER was released for public inspection for a 28 day period commencing on 12 October 2019. Advertisements were placed in *the Mercury* and on the EPA website. The EER was also referred to relevant government agencies for comment. Two representations were received.

On 25 November 2019, the Director requested that the proponent submit additional information to address matters raised during the public consultation period. Satisfactory additional information was submitted by the proponent on 9 December 2019.

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## 2 SD Objectives and EIA Principles

The proposal must be considered by the Board in the context of the objectives of the Resource Management and Planning System of Tasmania (RMPS), and in the context of the objectives of the Environmental Management and Pollution Control System (EMPCS) (both sets of objectives are specified in Schedule 1 the EMPC Act). The functions of the Board are to administer and enforce the provisions of the Act, and in particular to use its best endeavours to further the RMPS and EMPCS objectives.

The Board must assess the proposal in accordance with the Environmental Impact Assessment Principles defined in Section 74 of the EMPC Act.



### 3 The Proposal

Williams Quarry is situated in Campania, and is currently permitted as a Level 2 Activity as an extractive industry, limited to extraction of 10,000 cubic metres of material, and crushing 2,500 cubic metres. The existing permit was granted in 2017 and was subject to a decision of the Tribunal in *C A Williams v Southern Midlands Council and Environment Protection Authority & Ors [2017]*

The proposed modification involves extraction of the same volume of material, 10,000 cubic metres, and crushing and/or screening 2,500 cubic metres using an independent mechanised screening unit. This differs from the current permit, granted in 2017, which only allows for crushing (not both crushing and screening). The current permit requires that crushing must take place on 5 consecutive days per year, while under the proposed changes the crushing and screening would occur on any day that the quarry is permitted to operate.

Under the proposed changes, neighbour notification would not be required before any crushing and/or screening, which must take place under the existing permit. The proposal also includes changes to the operational hours, and relocation of part of the access road to the quarry.

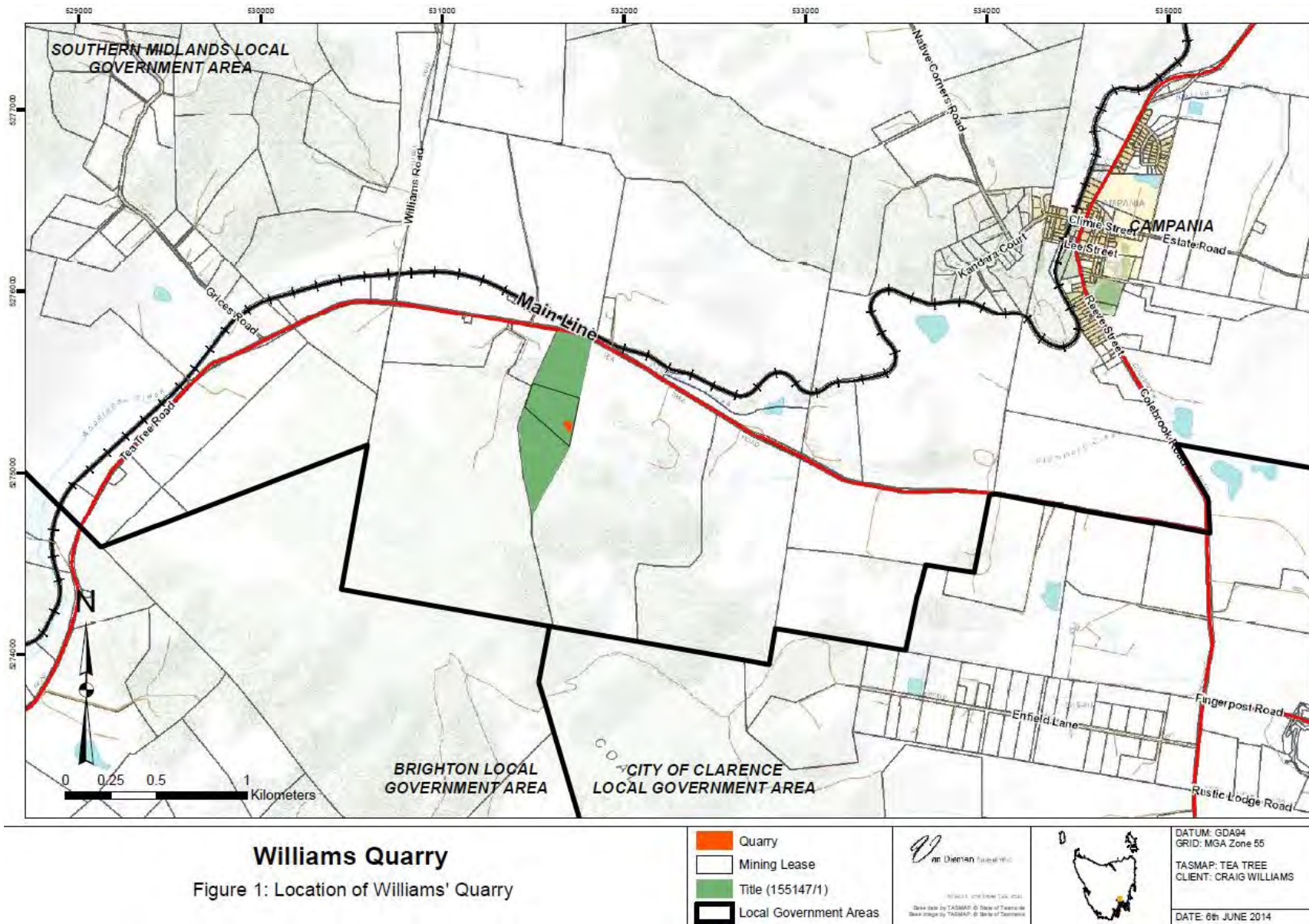
The main characteristics of the proposal are summarised in Table I. A detailed description of the proposal is provided in Section B of the EER.

**Table I: Summary of the proposal's main characteristics**

Activity	
Extraction 10,000 m <sup>3</sup> (equivalent to 17, 000 tonnes extracted material) and crushing/screening 2,500 m <sup>3</sup>	
Location and planning context	
<b>Location</b>	1356 Tea Tree Road, Campania (as shown in Figure I below).  The EER describes the locality as Rekuna, however there is no clear definition of this locality and it no longer has a discrete postcode. The quarry is situated within the defined locality of Campania.
<b>Land zoning</b>	The site is zoned as Rural Resource under the <i>Southern Midlands Interim Planning Scheme 2015</i> .
<b>Land tenure</b>	The proposed activity lies within private land belonging to the proponent, certificate of title Volume 155147 Folio 1.
<b>Mining lease</b>	1980 P/M (lease held by proponent)
<b>Lease area</b>	6 Hectares
<b>Bond</b>	\$5,000
Existing site	
<b>Land Use</b>	The proposal site has been used for some years as a small quarry. The EER provides no information on previous land use.  The balance of the mining lease is highly modified agricultural land and a machinery workshop area.
<b>Topography</b>	The quarry is located on the southern side of a small hill, in an elevated position above the small valley through which Tea Tree Road passes. The northern slope of this hill leads down towards Tea Tree Road.

<b>Geology</b>	<p>The geology of the quarry is Jurassic dolerite with a thin clay-loam soil derived from in situ weathering of the bedrock.</p> <p>Rock to the south of the quarry is Triassic sandstone. The mining lease also contains tertiary sediments, and undifferentiated Cainozoic sediments.</p>
<b>Soils</b>	<p>Shallow, skeletal, rocky soils. Thin clay-loam soil derived from in situ weathering of the bedrock.</p>
<b>Hydrology</b>	<p>The quarry (and existing mining lease) lie within the Plummers Creek catchment which flows eastward to the Coal River near Campania.</p> <p>There are no natural watercourses within the mining lease. Drainage is directed to the west and north via constructed surface drains, dams and ponds (<b>Figure 4</b>).</p>
<b>Natural Values</b>	<p>The EER provides no general information about fauna on or near the site.</p> <p>The quarry site and immediate surrounds are pasture used for livestock grazing. Pastures are actively maintained, being ploughed and fertilised on a regular basis. There is <i>Eucalyptus viminalis</i> dry forest and woodland at the south and west boundaries of the mining lease.</p> <p>Notable weeds within or directly adjacent to the active quarry are horehound and Californian thistle.</p>
<b>Local region</b>	
<b>Climate</b>	<p>Mean annual rainfall at Campania is 494.9 mm. Slightly more rain falls in the spring compared to the rest of the year.</p> <p>Winds at Campania are predominantly north, north-west to westerly throughout the year. There is a distinct peak in strong southerly and gentle south-easterly winds in the afternoon period which reflects sea breezes in summer and southerly changes in the winter-autumn period. Some of the stronger southerly winds recorded at Campania are likely to be more gentle at the quarry site, due to the quarry's location on the northern side of the Coal River Tier, which deflects southerly winds.</p>
<b>Surrounding land zoning, tenure and uses</b>	<p>The surrounding area is predominantly used for farming and is zoned as Rural Resource and Significant Agricultural under the <i>Southern Midlands Interim Planning Scheme 2015</i>. The township of Campania is located approximately three kilometres to the north-east of the quarry.</p> <p>It has been widely publicised that there is interest in the property immediately to the east of the quarry being developed as a 'Chinese Buddhist Cultural Park', although this is not referenced in the EER. At time of preparation of the EAR, a planning scheme amendment is in place to Rezone this neighbouring property from Rural Resource to Particular Purpose Zone 3 under the <i>Southern Midlands Interim Planning Scheme 2015</i>.</p>
<b>Species of conservation significance</b>	<p>Sickle speargrass (<i>Austrostipa scabra</i> subsp. <i>falcata</i>) and Woolly new-holland daisy (<i>Vittadinia gracilis</i>) (both listed as rare under the <i>Threatened Species Protection Act 1995</i> (TSP Act)) and curly sedge (<i>Carex tasmanica</i>) (vulnerable under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are recorded as occurring on a neighbouring property to the east of the quarry.</p> <p>There are records of three Tasmanian Wedge-tailed eagle (<i>Aquila audax</i> subsp. <i>fleayi</i>) nests within five kilometres of the quarry, however none are within one kilometre of the quarry. The EER states that the sparse surrounding vegetation is not able to support a nest.</p>
<b>Proposed infrastructure</b>	
<b>Major equipment</b>	<p>Bulldozer, loader, excavator, and 10 tonne truck.</p> <p>A crusher (track-mounted, noise shielded, mobile and jaw-type) will be brought to the quarry when required.</p> <p>A mobile vibratory screen will be used independently of the crusher.</p>

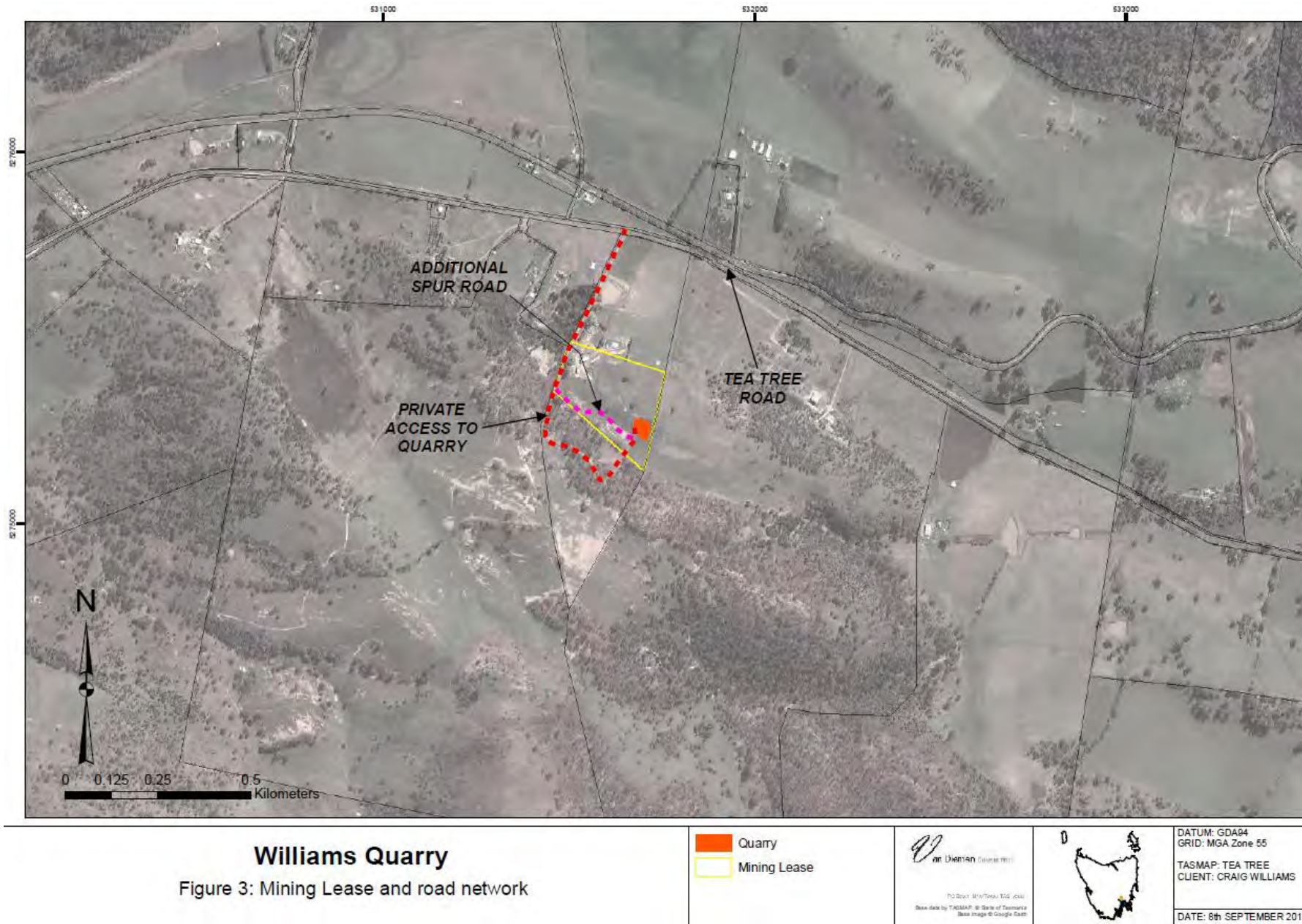
<b>Other infrastructure</b>	All machinery, except the crusher and the screen, is owned and maintained by the proponent using the machinery workshop located on the same property (approved by Council as an Industrial (Limited Impact) use).  Amenities for workers will be provided at the proponent's home near the site.
<b>Inputs</b>	
<b>Water</b>	Water will be used for dust suppression at the quarry, on stockpiles, and on access tracks, which will be taken from sediment settlement ponds and/or from the farm dam located at the northern end of the proponent's property.
<b>Energy</b>	Machinery will be powered by diesel fuel.
<b>Other raw materials</b>	None.
<b>Wastes and emissions</b>	
<b>Liquid</b>	Stormwater runoff from extraction and stockpile areas.
<b>Atmospheric</b>	Dust from internal and external traffic, materials handling, crushing and blow-off from stockpiles.
<b>Solid</b>	General refuse including food scraps, paper and packaging.
<b>Controlled wastes</b>	Wastes generated by servicing of machinery, such as waste engine oil, oil filters, waste tyres.
<b>Noise</b>	Noise generated by heavy machinery for extraction, crushing and screening rock material, and by loading and transporting material.
<b>Greenhouse gases</b>	Greenhouse gases generated by use of diesel for powering machinery and vehicles.
<b>Construction, commissioning and operations</b>	
<b>Proposal timetable</b>	The proponent proposes to commence new operations within a few months of approvals, which would allow extraction of the same volume as currently permitted, but include the addition of crushing and screening independent of each other (up to 2,500 cubic metres per annum) on any day of the year.  The 10 year strategy for gravel/rock extraction is to develop a second bench after the existing active face has been pushed northwards (about 10 m) and westward (about 30 m) and made about 5 m deeper.
<b>Operating hours (ongoing)</b>	The proposed new operating hours for all quarry operations are those recommended in the <i>Quarry Code of Practice</i> :  0700 to 1900 hours Monday to Friday  0800 to 1600 hours Saturday  No operations on Sunday and public holidays.



**Williams Quarry**  
 Figure 1: Location of Williams' Quarry

Figure 1: Location of Williams Quarry, adapted from Figure 1 of Williams' Quarry Rekuna EER, Van Diemen Consulting September 2019





**Williams Quarry**
  
 Figure 3: Mining Lease and road network

Figure 2: Quarry location, mining lease and access roads, including additional spur road, adapted from Figure 3 of Williams' Quarry Rekuna EER, Van Diemen Consulting September 2019





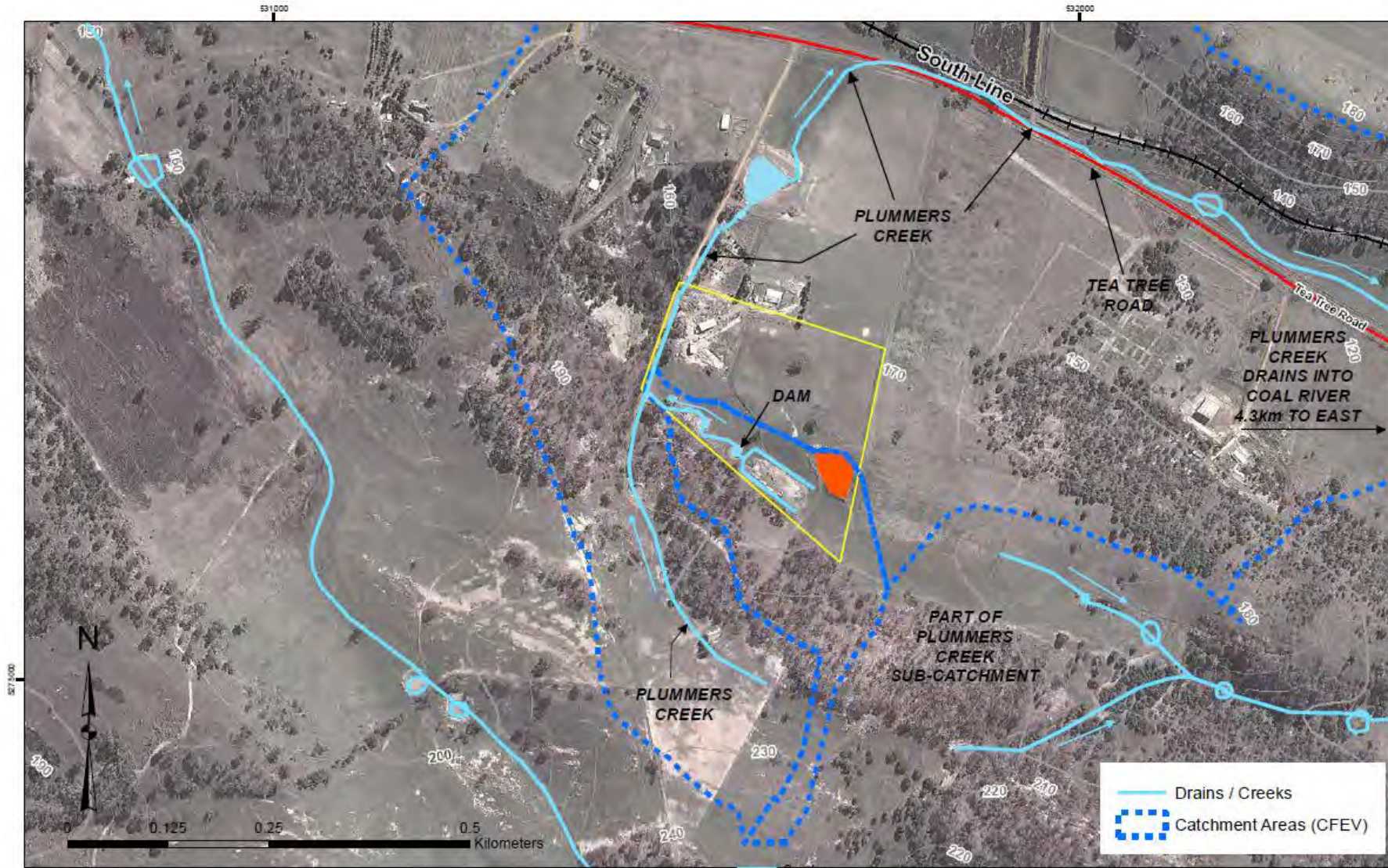
**Williams Quarry**

Figure 5: Proposed Quarry Layout

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> 10m Quarry Setback</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Mining Lease</li> </ul>	 an Australian Business <small>PO Box 1 New Town TAS 7401                  Base data by TASMAP © State of Tasmania                  Base image © Google Earth</small>		DATUM: GDA94 GRID: MGA Zone 55 TASMAP: TEA TREE CLIENT: CRAIG WILLIAMS DATE: 8th SEPTEMBER 2019
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Figure 3: Proposed Quarry Layout, including additional spur road and location of crusher and screen, adapted from Figure 5 of Williams' Quarry Rekuna EER, Van Diemen Consulting September 2019

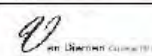




### Williams Quarry

Figure 4a: Natural drainage and catchments around and through the proposed Mining Lease

Quarry  
 Mining Lease



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 ENVIRONMENTAL & PLANNING SERVICES

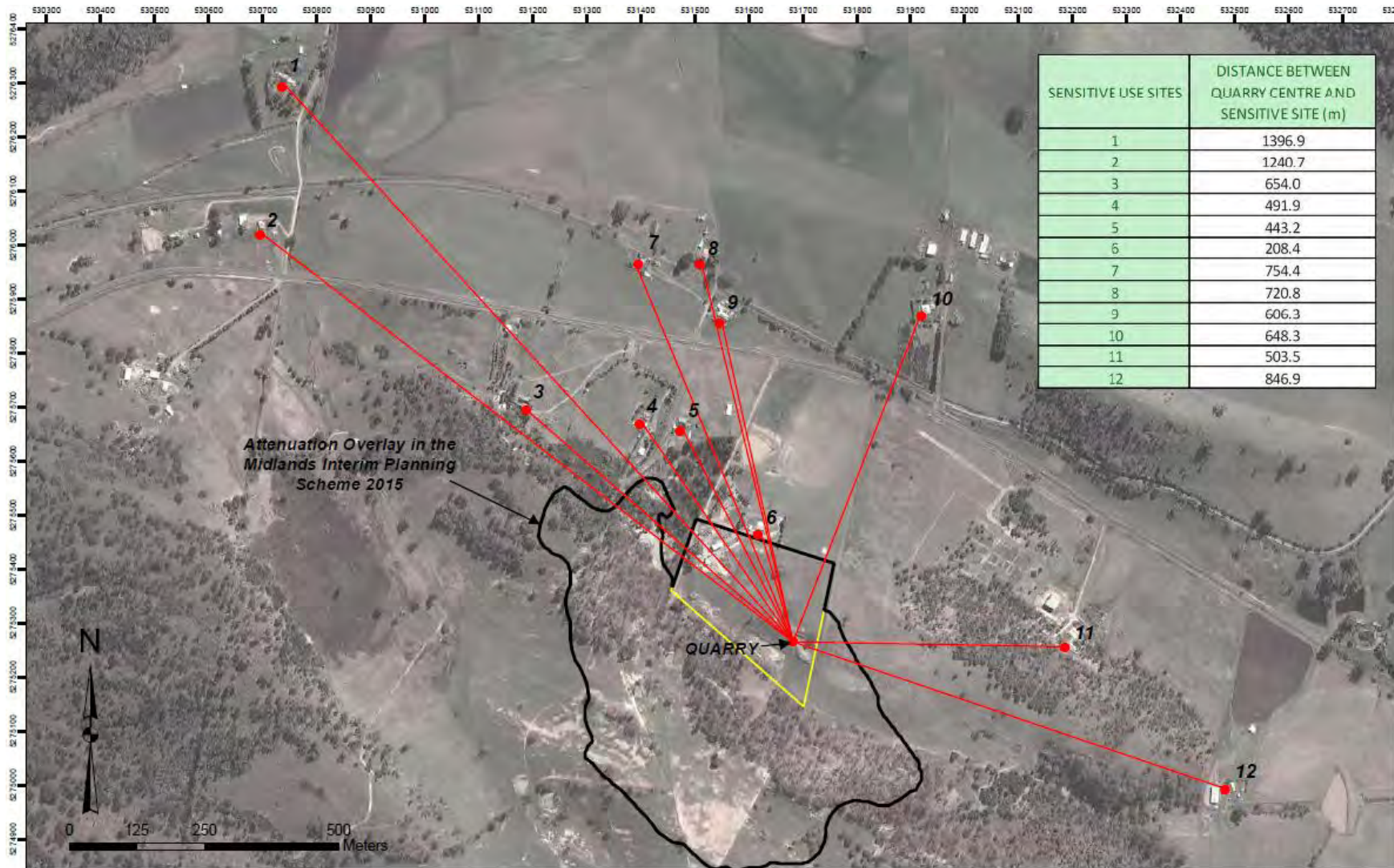


DATUM: GDA94  
 GRID: MGA Zone 55  
 TASMAP: TEA TREE  
 CLIENT: CRAIG WILLIAMS

DATE: 6th JUNE 2014

Figure 4: Site and area hydrology, adapted from Figure 4a of Williams' Quarry Rekuna EER, Van Diemen Consulting September 2019





**Williams Quarry**  
 Figure 9: Sensitive Use Locations



DATUM: GDA94  
 GRID: MGA Zone 55  
 TASMAR: TEA TREE  
 CLIENT: CRAIG WILLIAMS  
 DATE: 21 SEPT 2019

Figure 5: Nearest sensitive receptors, and Attenuation Overlay in the *Midlands Interim Planning Scheme 2015*, adapted from Figure 9 of Williams' Quarry Rekuna EER, Van Diemen Consulting September 2019

## 4 Need for the Proposal and Alternatives

No alternatives for the proposal are identified in the EER. The quarry is currently operated as a level 2 activity by the proponent/landowner, and supplies part of the local market for gravel and rock products for construction related works including road base for private property road works, driveway gravel, fill for concrete slab construction and public road works. The EER provides no rationale for the proposed changes in operating hours (other than to align with the *Quarry Code of Practice 2017*), or the change in operations to include screening independently of crushing. The addition of the Spur Access Road route is proposed to shorten the distance that trucks need to travel to gain access to the quarry.

## 5 Public and Agency Consultation

A summary of the public representations and government agency/body submissions is contained in Appendix I of this report.

Two public representations were received. In summary, the main issues raised in the representations included:

- Concern that there is inadequate information on impacts of crushing and screening (including independent screen).
- Concern that evidence is insufficient to consider noise impact of additional spur road on neighbours.
- Concern about changes to operational hours and increase in days of crushing, with desire to maintain the relevant conditions agreed to between parties at the Tribunal in *C A Williams v Southern Midlands Council and Environment Protection Authority & Ors [2017]*.
- Concern that there is inadequate rationale to consider changing some of the conditions which resulted from the previous agreement between parties at the Tribunal in 2017.

The EER was referred to a number of government agencies/bodies with an interest in the proposal. Submissions were received from the following:

- The Southern Midlands Council raised matters related to the history of the proposal, adjoining landowners, previous appeals, and the Attenuation Code Overlay inserted in the *Southern Midlands Interim Planning Scheme 2015* (detailed further in section 6.1).
- Mineral Resources Tasmania noted the proposed changes and had no comments for the current proposal.
- The Department of State Growth provided comment that they had no recommendations for the proposal.

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The following Divisions/areas of the Department of Primary Industries, Parks, Water and Environment also provided advice on the EER:

- Regulatory Officer, EPA Tasmania
- Noise Specialist, EPA Tasmania
- Air Specialist, EPA Tasmania
- Policy and Conservation Advice Branch, Natural & Cultural Heritage, indicated that they have no comment to add to that given during the Board's previous assessment in 2016.

The Supplement to the EER prepared by the proponent provides a response to relevant environmental issues raised during public consultation.



## 6 Evaluation of Key Issues

The key environmental issues relevant to the proposal that were identified for detailed evaluation in this report were:

- Noise
- Dust
- Traffic impacts – noise and dust

Each of these issues are discussed in the following subsections.

### **General conditions**

The following general conditions will be imposed on the activity:

- **Q1** Regulatory Limits
- **G1** Access to and awareness of conditions and associated documents
- **G2** Incident response
- **G3** No changes without approval
- **G4** Change of responsibility
- **G5** Change of ownership
- **G6** Complaints register
- **G7** Quarry Code of Practice

## 6.1 Noise Emissions

### 6.1.1 Description

#### *Existing Environment*

The quarry is located in a rural agricultural environment, in a wide valley dissected by Tea Tree Road, and located behind a small topographic rise which visibly shields the quarry from Tea Tree Road. In addition to noise from normal rural agricultural activities, traffic noise from Tea Tree Road creates a low to moderate level of background noise at the site. Infrequent passing of trains on the rail line to the north of Tea Tree Road and sounding of the train horn at nearby uncontrolled crossings is also a source of noise in the area.

Additionally, the proponent operates an agricultural services and machinery repair business on the property, and lives on site.

#### *Potential emissions*

Noise emissions will originate from use of a crusher, screen, bulldozer, loader, excavator and trucks, for ripping, excavation, and transport of materials onto stockpiles, loading into trucks and cartage from the site. Trucks travelling along the access road at the western boundary of the property, and the proposed new access road will also be a source of noise (that issue is addressed in section 6.3 of this report). No blasting is to occur at the quarry.

Currently, a crusher is brought on site as required to crush up to 2,500 cubic metres of material of the total 10,000 cubic metres per year proposed for excavation (within the 5 consecutive days per year imposed by the current permit). The proposal includes addition of a mobile screen, independent of the crusher, which would screen up to 2,500 cubic metres of material per year.

The EER (section C.4) indicates that the crusher is likely to be the loudest noise source in the quarry. A noise impact assessment was conducted in 2014 (Appendix 7 of the EER), using noise level estimates based on measurements taken of a stationary, unshielded, impact-type crusher and shifter located at another quarry. The proponent states that the crushing under this proposal will be substantially quieter as the crusher actually used is track-mounted, noise-shielded, mobile and jaw-type.

A noise impact assessment was also conducted for the current proposal to assess the impacts of introducing screening (Appendix 9 of the EER), and found that the sound power output of the type of screen to be used will be less than the crusher. This assessment was also supported by the Supplement to the EER, which demonstrated the combined sound power output of the crusher and the screen to be 114 dB(A). The permit conditions for the existing operation (dated 10 February 2017, following RMPAT Decision 30/16P) require that the maximum sound power output of the crushing unit used to crush extracted material must not exceed 118 dB(A) SWL.

The crusher and screen will be positioned in the deeper part of the quarry when in use (see Figure 3). The EER states that existence of the topographic 'lip' directly north of the quarry pit, which has been raised by an earthen bund, is sufficient to shield nearby residences from noise generated by quarry operations. It also states that the decrease in elevation between the hill which supports the quarry and nearby residences provides extra noise attenuation (EER section C.4.3).

### *Potential impacts*

The nearest residence in other ownership (1220 Tea Tree Road, house #5 in the EER) is located 443 metres to the north-west of the quarry pit and approximately 95 metres from the access road. The proponent's residence (designated as house #6 in the EER) is located 208 metres from the quarry (Figure 5). A specific attenuation area exists around the quarry after it was inserted into the Attenuation Code overlay of the *Midlands Interim Planning Scheme 2015* (Figure 5), following a decision of the Tasmanian Planning Commission (dated 31 August 2016). The boundaries of the mapped area reflect a 47 dB(A) modelled noise level based on the operational noise outputs of the quarry, a noise level previously determined by the EPA as an acceptable level for sensitive land uses in the area. The specific attenuation area replaces the standard 750m attenuation area which would otherwise apply to the separation distances from the mining lease as set by the *Quarry Code of Practice* (QCP).

The proponent's noise assessment (Appendix 7 of the EER) found the ambient noise level (quarry not operating) at the boundary of the house #5 property is 39 dB(A). The assessment estimates quarry noise (including use of crusher) at this residence to be 35 dB(A) with little or no wind, and 45 dB(A) with wind blowing towards the residence. Another noise assessment was commissioned by the proponent to consider the addition of screening (Appendix 9 of the EER). It found that when both a crusher and screen were operating, the 47 dB(A) limits imposed by the existing Attenuation Overlay would not be exceeded.

The EER states that the main noise source for residences in other ownership is Tea Tree Road, as they are located closer to Tea Tree Road than to the quarry.

Potential noise emissions from vehicles using the private access road and associated impacts are addressed in section 6.3 of this report.

#### **6.1.2 Management measures**

Section C.4 of the EER provides discussion on noise impacts and proposed management actions. The main management measures and other factors which would lower risk of noise nuisance at nearby residences include:

- The crusher and screen will be located in the quarry pit, in order to shield noise emissions (Figure 3).
- Most noise will be generated in the quarry pit itself and deflected to the south, away from the nearest residences.
- Machinery operating in the laydown area will be shielded by the ridgeline, preventing direct noise emissions reaching residences.
- Operating hours of extraction machinery and trucks will adhere to the Quarry Code of Practice guidelines.
- Background noise is already experienced by nearby residences from Tea Tree Road traffic and rail movements, and from agricultural machinery used in the area (tractors and diesel machinery).
- No blasting will occur.

#### **6.1.3 Public and agency comment and responses**

Southern Midlands Council (SMC) provided comment on the proposal, and identified several noise related issues, including:

- The Attenuation Code overlay was created in 2017 as an amendment to the *Southern Midlands Interim Planning Scheme 2015*, as a result of, and in conjunction with, an appeal (30/16P) against the Council's decision to refuse to grant a Permit for the existing Level 2 Activity in 2016.
- If the sound power output of the crushing and/or screening equipment is less than 118 dB(A), and there is no expansion of the 47 dB(A) contour (which the Attenuation Code overlay is based on) through relocation of operations or plant equipment, then the current mapped Attenuation Code overlay will not require modification (which is SMC's preferred outcome).
- SMC stated that they would be unable to consider the DA as a Planning Authority unless a condition remains which requires an equipment sound power output of 118 dB(A), and that no modification will be required of the overlay boundary to protect both quarry operations and amenity and land use of adjoining land.

Some concerns related to noise impacts were raised by public submissions during the public consultation process, and required response in the form of a supplement to the EER.

- One public submission raised concerns that evidence is insufficient to determine impacts on neighbouring sensitive uses, as required by noise standard in *Quarry Code of Practice 1999*, and that there is inadequate information on impacts of crushing and screening (including independent screen).
- Both public submissions raised concerns about changes to operational hours and increase in days of crushing, with desire to maintain the relevant conditions agreed to between parties at the Tribunal in *C A Williams v Southern Midlands Council and Environment Protection Authority & Others [2017]*.
- Both public submissions raised concerns that there is inadequate rationale to consider changing some of the conditions which resulted from the previous agreement between parties at the Tribunal in 2017.
- Both public submissions raised concern about the proposed removal of neighbour notification before crushing events.

The supplement to the EER provided additional information about the calculated combined sound power output of the crusher and screen, found to be 114 dB(A), which provides a margin of 4 dB(A) from the current allowed level of 118 dB(A).

The Southern Midlands Council and both public submissions referred to the history of negotiations as part of the previous Appeal heard at the Resource Management and Appeals Tribunal (RMPAT), and were concerned that the current proposal seeks to modify conditions agreed to by all parties to the negotiations.

#### 6.1.4 Evaluation

Principles of the *Environment Protection Policy (Noise) 2009* have been applied when imposing conditions in the permit, and when considering changes to conditions included in the previous permit. These principles take into account:

- recognition of shared responsibility for sources of noise (if and when appropriate);
- consistency of application by regulatory authorities;
- the provisions of other legislation;

- cumulative impacts on particular receiving environments of noise generated by more than one activity; and
- growth in noise output arising from intensification of use over time.

Several conditions from the previous permit have been changed and are discussed below where appropriate, following the principles and taking into account evidence provided for the application. This intends to avoid repetition between conditions, assisting comprehension and regulation, while maintaining an appropriate level of protection against environmental harm and nuisance.

#### *Noise Limits*

A 47 dB(A) daytime limit at sensitive premises surrounding the quarry was previously agreed to as an acceptable level. This was based on the QCP's recommendation that any noise impacts to sensitive premises around quarry operations do not exceed 5 dB(A) above daytime ambient noise levels. The mapped attenuation area surrounding the quarry, under the *Midlands Interim Planning Scheme 2015* (see Figure 5) is based on this value, and there will be no consideration given to changing this limit

**Condition N2** specifies the daytime noise limit of 47 dB(A) at any sensitive premises in other ownership. It includes the qualification that measured noise levels must be at least 5 dB(A) above ambient noise levels for the condition to be breached. This daytime noise limit should ensure a reasonable level of protection for neighbouring residents from noise impacts, while allowing the quarry to operate and transport materials on the access road. The noise assessment commissioned by the proponent and summarised in the EER (section C.4.4) includes a worst-case estimate of noise level at the nearest residence in other ownership of 45 dB(A), and indicates that the limits imposed will be met.

Permit **condition N2** also specifies, as a standard practice, evening and night-time noise limits. These will not normally be relevant to the proposed activity, as only daytime operations are proposed (see below for further discussion on operating hours). In addition, blasting is not proposed, and **condition B1** specifies that it is not to occur at the quarry. Truck movements on the access road and their impacts on the nearest residence were not factored into the noise estimate in this section, however the impacts of truck noise are covered in section 6.3 of this report.

#### *Crusher and Screen sound power output*

It is expected that the proposal will comply with the noise limits imposed, provided that the sound power output of any crushing and/or screening is below the currently permitted 118 dB(A), and the location of the crusher and screen does not change from the current permit. The Supplement to the EER calculates the value of the combined sound power output of the crusher and screen to be 114 dB(A), which provides a margin of 4 dB(A) from the current allowed level. To provide assurance, **Condition N3** will require that the maximum sound power output of the crushing and screening units combined will not exceed 118 dB(A). It also requires the sound power output of any units to be provided to the Director in writing before use on the Land. This will ensure that the limits in **condition N2** will not be exceeded, and the attenuation code overlay surrounding the quarry will not be compromised.



### *Topography*

The EER states that a topographic ‘lip’ between the quarry and the nearby residences, will attenuate noise emanating from the quarry, in addition to the earthen bund that has been provided around the edge of the quarry.

Permit **condition OP3** will be imposed, which requires that all quarry operations take place within the quarry working area (as defined in the permit) to ensure that this earthen bund is effective. The western and northern boundaries of the working area coincide with the quarry “lip” and the location of the earthen bund. As the earthen bund is a key factor in ensuring that noise levels at neighbouring residences are not excessive, permit **condition OP4** will be imposed. It requires an appropriate noise attenuation screen around the working area to ensure no line of sight at any time between machinery operating within the quarry working area and any residence in other ownership. **Condition OP3** also specifies that no material may be crushed or screened on the Land except material which has been extracted within the quarry working area. **Condition OP3** has been simplified from the version in the previous permit to minimise repetition with **Condition OP4** and improve interpretation.

### *Crushing and screening operations*

The five consecutive day limitation for crushing was originally a commitment by the proponent for the previous application, which the Board supported at the time and was reflected in a permit condition. For the current application, the proponent would like the flexibility to crush and screen on any day the quarry is permitted to operate. The proposed change to allow crushing and screening on all days of the year as recommended in the Quarry Code of Practice is a significant increase, and was raised as a concern by both public submissions, which were also concerned about the removal of neighbour notification. The appropriate way to request alteration to previous agreement is through the public assessment process with appeal rights. While the current application is for a new permit, it is important to consider the history of the previous appeal and ensure that there is sufficient evidence to make changes to conditions which were subject to the previous agreement.

Considering the operation must comply with noise limits imposed by **N2**, a five day limitation on crushing and screening is not something which would normally be applied to quarry operations. The volume of material permitted for processing, 2,500 cubic metres, will naturally limit the number of days which crushing and screening will take place, as there will not be enough material to operate continuously all year. This means the crushing and screening can only occur over a small proportion of the year (comparable to the 5 days currently permitted), even if not limited to consecutive days.

The evidence of compliance with the attenuation buffer, feedback from the site’s EPA Tasmania regulatory officer, and absence of complaints for the current operation indicate that a change in operating days will not cause significant impacts on the adjoining landowners. One submission noted “that those affected by noise may have formed the view that making a complaint to the applicant would be a fruitless exercise”, however it is not possible to consider complaints which have not been made.

Therefore, days permitted for crushing and screening operations need not be limited beyond the hours specified in **condition N1**. This dictates that crushing and screening must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays, which is consistent with the QCP. As discussed previously, noise limits imposed by **condition N2** will support minimising the noise impacts during quiet periods of the day, and are consistent with the QCP and other similar quarry operations. Consequently, neighbour notification

will not be required before crushing and screening operations, which was a requirement of the existing permit.

### *Complaints*

The proponent's proposed management measure to maintain a complaints register is important. In addition to general permit **condition G6** (which requires a complaints register to be maintained), **condition N4** will be imposed which requires the quarry operator to report any noise complaint to the Director within 24 hours of receiving it. This will assist the Director with the timely enforcement of other permit conditions relating to noise. It is noted that no complaints have been made in relation to the operational noise while operating as a Level 2 Activity since 2017.

### *Noise Surveys*

Due to history and concern related to the proposal, **condition N5** specifies that a noise survey is to be conducted at times when reasonably required by the Director in writing. **Condition N6** specifies the noise survey method requirements.

### **6.1.5 Conclusions**

The proponent will be required to comply with the following conditions:

- B1** No blasting on The Land
- N1** Operating hours
- N2** Noise emission limits
- N3** Crusher and screen noise levels
- N4** Noise complaints
- N5** Noise survey requirements
- N6** Noise survey method and reporting requirements
- OP3** Quarry operations
- OP4** Noise attenuation screen

## 6.2 Dust Emissions

### 6.2.1 Description

#### *Existing environment*

The quarry is located in an area characterised by cool winters and warm summers, with a mean annual rainfall at nearby Campania of 494 mm per year. Mean monthly rainfall is relatively constant throughout the year, but with slight peaks in late winter and spring.

Winds are predominantly from the north, west and north-west, as is typical for this part of Tasmania. Afternoon periods show a peak in strong southerly and gently south-easterly winds, however The Coal River Tier protects the quarry from some of the southerly winds.

#### *Potential emissions*

The EER (section D5) identifies the following potential sources of dust from the proposed quarry operation:

- ripping of rock during dry windy conditions (summer months);
- removal of grass cover and the stripping of topsoil (very limited, according to the EER, as the footprint will not increase significantly from its current extent and the amount of topsoil is negligible);
- movement of rock and gravel within the quarry by machinery;
- crushing of rock material;
- road (gravel) use in and next to the quarry; and
- stockpiled gravel and fines.

#### *Potential impacts*

The EER states that based on an examination of vegetation 50 metres from the site, there is no evidence that significant amounts of dust escape the existing quarry or access road (section C.1). Given the lack of evidence of dust persisting on nearby vegetation, the proponent states that there is little to suggest there will be significant dust generation from either the quarry or the access road.

Potential dust emissions from the quarry access road and associated impacts are addressed in section 6.3 of this report.

### 6.2.2 Management measures

Management measure 5 in the EER states that as a dust suppression measure during periods of dry weather the access road surface, areas near the stockpiles and/or loads in trucks (unless they are covered by tarpaulins) will be dampened with water from the nearby sediment pond or on-site water cart truck (EER part D).

Management measure 15, to maintain a complaints register, is also relevant.

The EER notes the Quarry Code of Practice recommendation that fixed plant and other working areas should be located with due regard to dust and noise emissions which may affect neighbours (section C.1.2). The crusher and screen for the proposal will be located on the quarry floor, within the soil bunds and quarry 'lip', (Figure 3) when used at the quarry, consistent with the QCP recommendations. It is stated that standard industry practice is to dampen material before crushing and to also have installed sprayers on the crusher output chute to minimise dust emissions from dry product.

### 6.2.3 Public and agency comment and responses

One of the public submissions stated only if screening was undertaken within the existing allowed 5 day crushing periods, and that there was sufficient evidence that there was no increase in noise or dust emissions, would they have no objection to the introduction of screening.

### 6.2.4 Evaluation

Dust generated at the quarry through extraction, crushing and loading of product, must be controlled so that it does not leave the site to the extent that it causes environmental nuisance. The location of residences is a key factor in considering whether environmental nuisance would be caused on adjacent properties. The nearest residence in other ownership, on an adjacent property to the west, is 443 metres from the quarry. The residence on the adjacent property to the east is 503 metres distant.

The standard attenuation distance for normal quarry operations (excluding crushing and screening) is 300 metres, which takes into account dust impact. It is therefore unlikely that these two nearest residences will suffer environmental nuisance from dust emissions from normal quarry operations. As a precaution standard permit **condition A2** will be imposed, which requires dust to be controlled to prevent environmental nuisance beyond the boundary of the land.

The potential dust impact from crushing and screening must be considered for the proposal. The QCP recommended separation distance of sensitive uses from crushing and screening, 750 metres and 500 metres respectively, take dust impact into account. Therefore, it is possible that several neighbouring residences will be affected unless management measures are adequate. Modern crushing plant has dust suppression equipment, and to ensure that the quarry operator uses plant of a satisfactory standard, permit **condition A1** will be imposed which requires dust to be controlled from crushing and screening plant to prevent environmental nuisance.

The quarry working area is located a short distance (10 metres) from the boundary of the adjacent property to the east. It is likely that, even with appropriate management measures, dust will be blown onto that property under some circumstances, although it is very unlikely that the amenity of the residence on the property will be significantly affected. There will be no significant environmental impact on other parts of the property given its present use. It should also be considered that the activity is located in a rural and agricultural area where dust from some agricultural activities is to be expected.

The EER (Section D5.1) refers to the use of an “on-site water cart truck” for the purpose of dust suppression. Water will also be available from the settling pond, another existing pond and the existing farm dam. The EER (section D11) also states that mains water is available at the property. Failing this, the quarry operator will be obliged to buy in water for dust suppression. **Condition A4** requires dust suppression on all trafficked areas associated with the activity.

### 6.2.5 Conclusions

The proponent will be required to comply with the following conditions:

- A1** Control of dust emissions from plant
- A2** Control of dust emissions
- A3** Covering of vehicles.
- A4** Dust emissions from traffic areas

## 6.3 Traffic Impacts – noise and dust

### 6.3.1 Description

#### *Existing environment*

The quarry is located approximately 500 metres from Tea Tree Road. Access to the quarry is via an existing unsealed private access road, which runs close to the western boundary of the property at 1356 Tea Tree Road.

A new access road is proposed which would shorten the distance that trucks must travel to access the quarry (Figure 2). The road is currently not permitted for quarry use, but may be used for other activities, including agricultural purposes. Section B.5 of the EER states that the spur road will occasionally be used for the activity, however following a site visit by the EPA Tasmania staff, it is understood that it would be used as the primary access road to the quarry if approved.

Section C.1 of the EER states that there have been no complaints related to dust from the proposed new access road, which has been used for “farm related activities” in the past.

The EER (section D10.2) states that the maximum number of truck movements for the activity per day will remain at 30, the same number of movements per day under the current approval.

#### *Potential emissions*

Heavy vehicles travelling to and from the quarry on the private access road can create dust and noise nuisance for nearby residents. The residence immediately to the west of the access road, at 1220 Tea Tree Road, is located approximately 95 metres from the access road at its closest point (house #5 on Figure 5 of this report). The EER (section D10.3) states that that particular residence may be impacted by dust from passing heavy vehicles in dry periods when winds are easterly or south-easterly.

#### *Potential impacts*

The proponent commissioned an assessment of the acoustic impacts of trucks on the access road (Appendix 8 of the EER). Truck noise levels measured at a distance of 84 metres were 44.8-48.6 dB(A) for loaded trucks and 45.3-47.4 dB(A) for unloaded trucks. Ambient noise level was 43.6-46.2 dB(A) for the noise assessment. Measurements were made to the east of the access road on the proponent’s property, rather than at the neighbouring residence(s). The assessment conclusion was as follows in regard to noise impact on neighbouring house #5.

“We estimate that at the nearest house (# 5 ...), the access road is 111 m away and therefore there will be a reduction of truck noise by 2.4 dB(A) and possibly more because the road/tyre interaction is not visible because of the embankment. The Tea Tree Road is closer than our measuring location near the dam and therefore the Tea Tree Rd. traffic is about 1 dB or more louder. The quarry truck noise levels are acceptable.”

### 6.3.2 Management measures

Management measure 5: As a dust suppression measure, during periods of dry weather the Access Road surface, areas near the stockpiles and/or loads in trucks (unless they are covered by tarpaulins) will be dampened with water accessed from the nearby sediment pond or on-site water cart truck.

Management measure 9 (and EER section C10.3): The following measures will be taken to mitigate potential impacts of dust and noise at the residence at 1220 Tea Tree Road (house #5):

- ensure compliance with the operating hours and days for the quarry;



- maintain the existing Complaints Register to record and address any complaints received in relation to access road usage by quarry related vehicles;
- provide water (via sprinklers or water cart) to dampen the road surface during dry periods with associated south-easterly to easterly winds to keep road surface dust emission levels low; and
- ensure trucks carrying gravel limit their speed to 20 km/hr when using the access road.

Management measure 15: To enable the public to respond to any concerns they may have about the operation of the quarry, a Complaints Register will be maintained for the activity.

Commitments 1, 9 and 15 in the EER (Part D) reflect the above.

### 6.3.3 Public and agency comment and responses

- Two public submissions raised concerns that evidence is insufficient to consider noise impact of the additional spur road on neighbours, and that there is inadequate information to consider changing the condition which does not allow use of the road in current permit.
- The public submissions also raised concerns about the change in operating hours and lack of justification for the proposed change.

The supplement to the EER provided further information on the expected impacts of the use of the additional spur road. It concluded that use of the new road would result in a lower noise impact on neighbouring properties than use of the original track. This is due to a considerable decrease in travel time due to shorter distance travelled, combined with a lower gradient and fewer gear changes due to stopping to open gates.

### 6.3.4 Evaluation

#### Noise

The maximum noise level at the nearest residence attributable to heavy vehicle use of the access road is estimated to be 60.1 dB(A) (EER, section D8.5), considered to be a realistic estimate of noise level of a 10 tonne truck passing. It is higher than the proposed noise emission limit for the quarry and its related transportation operations (47 dB(A)) prescribed in permit **condition N2**. Given the standard averaging period for noise emissions of 10 minutes in **N2**, and the short duration in which truck noise would be experienced (less than one minute), it is likely that the activity will comply with the 47 dB(A) limit. There have been no complaints related to the existing operation, which also supports the suitability of the existing limit. This assumes that noise emissions emanating from the quarry itself are at an acceptable level and that trucks pass at appropriate intervals over the course of the day.

Use of the proposed additional access road is not considered to create significant impacts to the existing permitted use, due to the decreased travel time and gradient from the current route. Therefore, there will be no condition restricting use of this road for quarry activity.

The passing of trucks (empty and laden) at the distance of 95 metres from the nearest neighbouring residence may present a risk of environmental nuisance, even if the overall noise limit for the activity is not exceeded. More distant residences may also be affected, to a lesser extent. Taking into account the concern raised in the public submissions, and the higher risk posed to the nearest neighbouring residences, permit **condition N1** restricts truck use of the access road to between 0800 to 1800 hours on weekdays, and 0800 to 1200 on Saturdays. Ambient noise levels tend to be lower during the periods 0700 to 0800 hours and 1800 to 1900 hours on weekdays also generally lower on Saturdays, therefore restricting truck movements during these times is appropriate. Given the

relatively small quantities proposed to be extracted from the quarry, these restrictions are not expected to unreasonably affect the quarry operator's ability to transport extracted product from the site.

The EER states that a maximum of 30 truck movements per day are expected to transport quarry product from the site, and it is considered unlikely that the volume of truck movements will be higher than this. Noise limits imposed by **condition N2** provide protection for neighbouring properties to ensure that noise impacts from truck movements will not be excessive, and there will be no requirement for an additional condition limiting the truck movements. A condition in the previous permit limiting the number of truck movements will therefore not be required, avoiding replication of outcomes set by limits in **condition N2**. The proposed loaded truck speed limit of 20 km/hr in the EER Management Measure 9 is supported and is expected to reduce the level of noise from trucks using the access roads, however regulation will rely on operating hours limits set by **conditions N1** and **N2**.

#### *Dust*

The proposed management measure to cover or dampen loads on trucks is supported, and standard permit **condition A3** will be imposed to reinforce the commitment. Dust is likely to be generated by heavy vehicles using the unsealed access road. The neighbouring residence at 1220 Tea Tree Road is located approximately 95 metres to the west of the access road. Particularly during times of easterly winds, the risk of dust creating environmental nuisance for this residence is high. Management measures in the EER include dampening of the access road using a water truck or sprinklers during periods of easterly and south-easterly winds, and restricting truck speed to 20 km/hr. These proposed measures are supported, and permit **condition A4** will be imposed to require dust suppression on roads.

The EER (section D8.6) notes that a vegetation screen exists at the boundary close to the neighbouring residence at 1220 Tea Tree Road. It is anticipated that this would reduce the risk of exposure to windborne dust from the south-east. Additional vegetation plantings between the access road and residences may provide some level of protection from dust once established.

## 7 Other Issues assessed by the Board

In addition to the key issues, the following environmental issues are considered relevant to the proposal and have been evaluated in Appendix I, Section A.

1. Natural Values
2. Weed and Disease Management
3. Stormwater and Drainage Management
4. Waste Management
5. Dangerous Goods and Environmentally Hazardous Substances
6. Decommissioning and Rehabilitation

## 8 Other Issues

The following issues that have been raised during the assessment process are discussed in Appendix I, Section B. These are issues which are not the Board's responsibility under the EMPC Act, or issues which are more appropriately addressed by another regulatory agency.

1. Aboriginal Heritage
2. Fire Risk

## 9 Report Conclusions

This assessment has been based on the information provided by the proponent CA and SM Williams in the permit application, the case for assessment (the EER), and Additional Information provided (Supplement).

This report incorporates specialist advice provided by EPA Tasmania scientific specialists and regulatory staff, other Divisions of DPIPWE and other government agencies, and has considered issues raised in public submissions.

It is concluded that:

1. the RMPS and EMPCS objectives have been duly and properly pursued in the assessment of the proposal;
2. the assessment of the proposal has been undertaken in accordance with the Environmental Impact Assessment Principles; and
3. the proposal is capable of being managed in an environmentally acceptable manner such that it is unlikely that the RMPS and EMPCS objectives would be compromised, provided that the Permit Conditions - Environmental No. 10168 appended to this report are imposed and duly complied with / the environment protection notice/ the environmental licence appended to this report is issued and served and its requirements are duly complied with.

The environmental conditions appended to this report are a new set of operating conditions for the entire, intensified activity that will supersede the existing permit conditions.

## 10 Report Approval

**Environmental Assessment Report and conclusions, including environmental conditions, adopted:**



Warren Jones

**CHAIRPERSON**

**BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY**

Meeting date: 29<sup>th</sup> January 2019

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## II References

Van Diemen Consulting, Environmental Effects Report - Williams Quarry, Rekuna, September 2019

Tasmanian Planning Commission, Urgent Amendment SOU UA5-2016, *Southern Midlands Interim Planning Scheme 2015*.

Environment Protection Authority (2017) Quarry Code of Practice 3rd Edition, EPA Tasmania, Hobart, Tasmania

Tasmanian *Environment Protection Policy (Noise) 2009*



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## 12 Appendices

- Appendix 1 Assessment of Other Issues
- Appendix 2 Summary of public and agency submissions
- Appendix 3 Table of proponent commitments
- Appendix 4 Permit conditions

## Appendix I – Section A – Assessment of other issues assessed by the Board

<b>Issue I: Natural Values</b>
<b>Description of potential impacts</b>
<p>The EER provides no general information about fauna on or near the site. There are records of three Tasmanian Wedge-tailed eagle (<i>Aquila audax subsp. Fleayi</i>) nests within five kilometres of the quarry, however none are within one kilometre of the quarry and the EER states that the sparse surrounding vegetation is not able to support a nest.</p> <p>The quarry site and immediate surrounds are pastures used for livestock grazing. Pastures are actively maintained, being ploughed and fertilised on a regular basis. There is <i>Eucalyptus viminalis</i> dry forest and woodland at the south and west boundaries of the mining lease. Sickle speargrass (<i>Austrostipa scabra subsp. falcata</i>) and Woolly new-holland daisy (<i>Vittadinia gracilis</i>) (both listed as rare under the TSP Act) and curly sedge (<i>Carex tasmanica</i>) (vulnerable under the EPBC Act) are recorded as occurring on a neighbouring property to the east of the quarry.</p> <p>Clearing native vegetation to increase extraction areas at quarries can result in loss of native flora and fauna habitat</p>
<b>Management measures proposed in EER</b>
No management measures are proposed in the EER.
<b>Public and agency comment</b>
For the previous application, PCAB confirmed that there is unlikely to be significant impact on flora and fauna due to the location of the quarry in an established agricultural area. For the current application, PCAB advised there was no comment beyond that supplied previously.
<b>Evaluation</b>
No impact on flora or fauna of conservation significance is expected given the highly modified nature of the environment at, and surrounding, the quarry area. Native vegetation which may provide denning, foraging, or nesting opportunities for threatened species is unlikely to be impacted by the proposed activity.
<b>Conclusion</b>
No permit conditions relating to protection of flora or fauna will be imposed.

<b>Issue 2: Weed and Disease Management</b>
<b>Description of potential impacts</b>
<p>Quarries can contribute to the spread of weeds and diseases such as <i>Phytophthora cinnamomi</i>, due to transport of weed and disease-bearing material (mud, soils) on machinery and vehicles to and from the quarry, as well as spreading weeds through quarry products used off site.</p> <p>A number of declared weeds (<i>Weed Management Act 1999</i>) are present in the area and there are two declared weeds within the mining lease – horehound (<i>Marrubium vulgare</i>) and Californian thistle (<i>Cirsium arvense</i>). The EER (Appendix 4) states that it is highly unlikely that <i>Phytophthora cinnamomi</i> is active and/or can persist in the quarry or surrounds.</p>
<b>Management measures proposed in EER</b>
<p>Management measure 2. A Weed Management Plan is to be maintained and implemented at the quarry operation (Appendix 4 of the EER).</p>
<b>Public and agency comment</b>
<p>Public representations did not comment on weed or disease management.</p> <p>PCAB advised that they had no new comments to the proposal in addition to those provided in the previous assessment in 2016. For the previous assessment, PCAB advised that it supports the EER commitment to implement a weed management plan and recommends that the <i>Weed and Disease Planning and Hygiene Guidelines</i> (DPIPWE, 2015) be adhered to.</p>
<b>Evaluation</b>
<p>The proponent has existing obligations under the <i>Weed Management Act 1999</i> to manage and contain the spread of declared weeds due to quarry operations, relating to the operational quarry area as well as the entire mining lease and the wider property owned by the proponent. The Weed Management Plan provided in the EER outlines general management measures but does not provide specific plans for management of weeds in terms of an appropriately-timed spraying/removal program at this site. The proponent should refer to the appropriate Statutory Weed Management Plans for specific management actions and timings. Permit <b>condition OPI</b> will be imposed, requiring weed management.</p> <p>Given the dry climatic conditions of the area and the lack of susceptible vegetation species on site, the risk of occurrence of <i>Phytophthora cinnamomi</i> is considered low. Appendix 4 of the EER indicates that vehicle washdown is likely to occur at stormwater settlement ponds or areas designed for the capture of runoff from roads. It also states that washdown should be conducted as close as possible to the source of the material being removed. Washdown at the main settlement pond adjacent to the quarry would be appropriate for vehicles leaving the quarry, but not for those entering as they would traverse a portion of the mining lease and adjacent forest before reaching the quarry. Permit <b>condition OP2</b> will be imposed, which requires the proponent to wash down vehicles in accordance with the DPIPWE guidelines.</p>
<b>Conclusion</b>
<p>The proponent will be required to comply with the following permit conditions.</p> <p><b>OPI</b> Weed management</p> <p><b>OP2</b> Machinery washdown</p>

<b>Issue 3: Stormwater and Drainage Management</b>
<b>Description of potential impacts</b>
Waters leaving the quarry can be contaminated with sediments and other pollutants such as oil and fuel. This may have an adverse impact on land and natural water bodies.
<b>Management measures proposed in EER</b>
Management measure 3. One sediment pond (0.95ML) captures and treats for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events. Management measure 4. Sediment trapped by the pond will be removed annually. The collected sediment will be mixed with stockpiled top soil for progressive rehabilitation of disused quarry areas.
<b>Public and agency comment</b>
No comment was received in regard to stormwater and drainage management.
<b>Evaluation</b>
The proposal to construct one large sediment settlement pond to capture run-off water from the quarry is supported and permit conditions <b>SW1</b> , <b>SW2</b> and <b>SW3</b> , relating to drainage and stormwater management, will be imposed to reinforce this proposal. It is noted that during exceptional rainfall events the large settlement pond will overflow to a smaller existing settlement pond and then to a farm dam and Plummers Creek (see Figures 3 and 4 in this report), which is considered acceptable. Permit condition <b>SW2</b> requires the proponent to ensure that stormwater leaving the site does not carry pollutants such as sediment, fuel or oils. (The use of fuels and oils on the site is discussed under Issue no. 5 of this Appendix.) As the area has relatively low rainfall (approximately 500 mm per year), overflow is considered unlikely for much of the time.
<b>Conclusion</b>
The proponent will be required to comply with the following permit conditions: <b>SW1</b> Perimeter drains or bunds <b>SW2</b> Stormwater <b>SW3</b> Maintenance of settling ponds

<b>Issue 4: Waste Management</b>
<b>Description of potential impacts</b>
The accumulation of general refuse, disused plant, waste oil or other waste materials should not be allowed to occur within the quarry. Inappropriate management, storage and disposal of waste material can result in the pollution of soil, surface waters and groundwater and littering on and off site.
<b>Management measures proposed in EER</b>
Management measure 6: Waste generated by the servicing of machinery is disposed of in accordance with best practice principles. Management measure 7: Waste generated by workers from general refuse (e.g. lunch wrappers) at the quarry is removed each day to the waste bins at the existing dwelling.
<b>Public and agency comment</b>
No public or agency comments were received specifically relating to waste management.
<b>Evaluation</b>
The commitments made in the EER are considered adequate. The proponent has obligations under the <i>Environmental Management and Pollution Control (Waste Management) Regulations 2010</i> and the <i>Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010</i> in relation to the management of controlled wastes (including waste tyres, waste oil and waste oil/fuel filters), and permit conditions are considered unnecessary.
<b>Conclusion</b>
The following information has been included in the permit: <b>OII</b> Waste management hierarchy



<b>Issue 5: Dangerous Goods and Environmentally Hazardous Materials</b>
<b>Description of potential impacts</b>
Inappropriate handling and storage of dangerous goods and environmentally hazardous materials such as fuels and oils at a quarry can increase the risk of pollution to air, water and soil.
<b>Management measures proposed in EER</b>
Management Measure 10 (Part E of EER): There is no permanent store in the quarry for fuels, oils, lubricants or any other dangerous good. Management Measure 11: Fuel and oil containers are stored at the existing workshop facility adjacent to the existing residential dwelling. Management Measure 12: When in the quarry, fuel and oil containers are stored at least 10 m away from any drain or sediment pond and are bunded (moveable bunds) to a capacity at least 1.5 times the volume of the container. Management Measure 13: One hydrocarbon spill kit is stored at the quarry to use in the event of a spillage.
<b>Public and agency comment</b>
No comment was received in relation to Dangerous Goods and Environmentally Hazardous Materials
<b>Evaluation</b>
The commitments made in the EER are considered adequate and permit conditions <b>H1</b> and <b>H2</b> , relating to the storage and handling of hazardous materials and the requirement to keep spill kits, will be imposed.
<b>Conclusion</b>
The proponent will be required to comply with the following permit conditions: <b>H1</b> Storage and handling of hazardous materials <b>H2</b> Spill kits The following information in relation to legal obligations has also been included in the permit: <b>LO2</b> Storage and handling of Dangerous Goods, Explosives and dangerous substances

<b>Issue 6: Decommissioning and Rehabilitation</b>
<b>Description of potential impacts</b>
Inadequate rehabilitation of extractive areas can increase the risk of ongoing erosion and soil instability and can increase the burden of total site rehabilitation once works have finished. Inappropriately rehabilitated extractive areas can also create a visual amenity problem for the local area and can introduce and spread weeds through the use of incorrect vegetation for rehabilitation.
<b>Management measures proposed in EER</b>
<p>Management measure 14 of the EER (Part D): ‘Progressive rehabilitation’ will occur in those areas that have been quarried and are no longer needed or used for the operation of the quarry. This is expanded in section C.12 of the EER, which states that the following principles will be followed to re-establish agricultural pasture:</p> <ol style="list-style-type: none"> <li>1. Benches ripped or cracked prior to substrate addition.</li> <li>2. Stockpiled weathered gravel, topsoil (from quarry site) and sediment from sediment interceptors applied to prepared benches.</li> <li>3. Application of pasture grasses and fertiliser.</li> <li>4. Monitoring of the following factors:             <ol style="list-style-type: none"> <li>a. weed infestation;</li> <li>b. pasture establishment and growth success; and</li> <li>c. landform stability.</li> </ol> </li> </ol>
<b>Public and agency comment</b>
No public or agency comments were received specifically relating to rehabilitation.
<b>Evaluation</b>
Minimisation of disturbed areas decreases the risk of land disturbance such as soil erosion and the EER commitment is supported. To ensure appropriate treatment of surface soil and implementation of progressive rehabilitation, permitting a maximum open area of 1.0 hectares, conditions <b>DC1</b> and <b>DC2</b> are required, respectively. Condition <b>DC3</b> requires notification of the Director if permanent cessation of the activity becomes likely. Condition <b>DC4</b> requires that rehabilitation be undertaken in accordance with the relevant provisions of the QCP. Condition <b>DC5</b> requires care and maintenance of the site during temporary suspension of the activity, and rehabilitation if activity is suspended for 2 years or more.
<b>Conclusion</b>
<p>The proponent will be required to comply with the following permit conditions:</p> <p><b>DC1</b> Stockpiling of surface soil  <b>DC2</b> Progressive rehabilitation  <b>DC3</b> Notification of cessation  <b>DC4</b> Rehabilitation on cessation  <b>DC5</b> Temporary suspension of activity</p>

## Appendix I – Section B – Other Issues

<b>Issue I: Aboriginal Heritage</b>
<b>Description of potential impacts</b>
Ground disturbance during extractive processes in areas of cultural significance can increase the risk of destruction of potentially important artefacts and cultural heritage.
<b>Management measures proposed EER</b>
None proposed.
<b>Public and agency comment</b>
No public comments were received specifically relating to impacts on cultural heritage. Aboriginal Heritage Tasmania advised EPA Tasmania that it has completed a search of the Aboriginal Heritage Register regarding the proposal, and advises that there are no Aboriginal heritage sites recorded within the proposed expansion area. Due to a review of previous reports and the area being highly disturbed it is believed that the area has a low probability of Aboriginal heritage being present. Accordingly there is no requirement for an Aboriginal heritage investigation and AHT has no objection to the project proceeding. The activity is nonetheless subject to the <i>Aboriginal Relics Act 1975</i> .
<b>Conclusion</b>
The following information in relation to legal obligations has been included in the permit: <b>LO3</b> Aboriginal relics requirements – Not included in the draft permit

<b>Issue 2: Fire Risk</b>
<b>Description of potential impacts</b>
The use of machinery at the quarry which may create sparks can increase the risk of fire, particularly in hot, dry, windy weather. Fire originating from offsite may damage equipment and cause dangerous substances and chemicals to be released into waterways.
<b>Management measures proposed in EER</b>
No management measures in relation to fire are proposed in the EER.
<b>Public and agency comment</b>
No public or agency comments were received specifically relating to fire risk.
<b>Conclusion</b>
The EPA has no authority to impose permit conditions relating to fire.

## Appendix 2 - Summary of public representations and agency submissions

Representation No./ Agency	EER section no.	Comments and issues	Additional information required
1	App. 8 App. 9	Concern that evidence is insufficient to determine impacts on neighbouring sensitive uses, as required by noise standard in <i>Quarry Code of Practice 1999</i> .  Concern that there is inadequate information on impacts of crushing and screening (including independent screen).	The supplement should include comment by a suitably qualified person on the combined crushing and screening sound power level.  It is noted that the first page of the noise report of Appendix 8 is missing, and should be included in the supplement as it may provide further information on predicted noise impact.  Note that the current <i>QCP (2017)</i> will be used to inform decision making.
1&2	App. 9	Concern that evidence is insufficient to consider noise impact of additional spur road on neighbours.	The supplement should expand on the comment in Appendix 9 regarding the change to the access road, to provide justification why noise issues are not expected. This comment must be provided by a suitably qualified person.

Representation No./ Agency	EER section no.	Comments and issues	Further Info requested	EPA Comments
Southern Midlands Council	N/A	Provided history of current Permit (DA 2015/122), including previous Appeal heard at Resource Management and Appeals Tribunal (RMPAT) and current attenuation area.  Recommend that any modifications will not result in changes to the current attenuation area under the Attenuation Code in the <i>Southern Midlands Interim Planning Scheme 2015</i> .  SMC will not be able to consider the DA as a Planning Authority unless a condition remains which requires an equipment sound power output of	No	Noted.



Representation No./ Agency	EER section no.	Comments and issues	Further Info requested	EPA Comments
		118 dB(A), and that no modification will be required of overlay boundary to protect both quarry operations and amenity and land use of adjoining land.  Any expansion or modification of the current overlay will require an amendment to the Planning Scheme and will require a decision of the Tasmanian Planning Commission, and should be avoided.		
	N/A	SMC raised concern that based on history of lengthy negotiations to reach current Permit, it is a breach of the parties' "good faith" for the Applicant to seek to modify the quarry operations.	No	Noted. The application is for a new permit, however some consideration has been given to the proposal's history.
1 & 2	N/A	Concern raised crushing is proposed to be conducted every day, which is significantly different from previous agreement.	No	Noted.
1 & 2	Preface	Concern raised that no rationale or inadequate rationale was provided for extended operating hours, extending operating days and addition of the access spur road. Concern also raised that the application seeks to undermine the previous agreements made between the quarry operator, Council and neighbours	No	Noted.
1	A.7	Concern that no reported measurements have been taken on affected residential premises.	No	The noise survey in 2017 was conducted at sites within the quarry owners' property, as it was considered sufficient for the determination of both the sound power level of the crusher and the general propagation of noise from the crusher.
1 & 2	Preface	Concern that proposal seeks to remove neighbour notification for crushing, as required under the current permit.	No	Noted.
2	Fig.5	Figure 5 does not show extent of spur road.	No	Figure 3 shows location of spur road.

Representation No./ Agency	EER section no.	Comments and issues	Further Info requested	EPA Comments
2	N/A	Concern that loader use in paddock results in significant noise impacts on nearby sensitive receivers.	No	The paddock does not form part of the Quarry Operations, therefore is not part of the level 2 activity.
2	C.4	No objection to addition of screening within the current 5 day period in the existing permit, provided that there is sufficient evidence that there will be no increased noise or dust impact.	No	Noted.

## Appendix 3 – Table of proponent commitments

No.	Proposed Measure	Timeframe
1	Operating hours are those recommended in the Quarry Code of Practice – 0700 to 1900 hours Monday to Friday, 0800 to 1600 hours on Saturday; closed on Sunday and public holidays.	Ongoing
2	A Weed Management Plan is to be maintained and implemented at the quarry operations	Ongoing
3	One sediment pond (0.95ML) captures and treats for sediment removal the water that may flow from the quarry during sustained or heavy rainfall events.	Ongoing
4	Sediment trapped by the pond will be removed annually. The collected sediment will be mixed with stockpiles top soil for progressive rehabilitation of disused quarry areas.	Ongoing
5	As a dust suppression measure, during periods of dry weather the Access Road surface, areas near the stockpiles and/or loads in trucks (unless they are covered by tarpaulins) will be dampened with water accessed from the nearby sediment pond or on-site water cart truck.	Ongoing
6	Waste generated by the services of machinery is to be disposed of in accordance with best practice principles	Ongoing
7	Waste generated by workers from general refuse (eg lunch wrappers) at the quarry is to be removed each day to the waste bins at the existing dwelling.	Ongoing
8	Trucks will avoid entering and leaving the quarry in the period 20 minutes either side of the school bus collection and drop-off time, as advised by the school bus operator.	Ongoing
9	<p>The following measures will be applied to mitigate potential impacts of unreasonable levels of dust and noise caused to the residence at 1220 Tea Tree Road –</p> <ul style="list-style-type: none"> <li>• Ensure compliance with the operating hours and days for the quarry;</li> <li>• Maintain the existing Register to record and address any complaints received in relation to Access Road usage by quarry related vehicles;</li> <li>• Provide water (via sprinklers or water cart to dampen the road surface during dry periods with associated south-easterly to easterly winds to keep road surface dust emission levels low; and</li> </ul>	Ongoing

	<ul style="list-style-type: none"> <li>Ensure trucks carrying gravel limit their speed to 20km/hr when using the Access Road.</li> </ul>	
10	There is to be no permanent storage of fuels, oils, lubricants or any other dangerous goods in the quarry.	Ongoing
11	Fuel and oil containers are to be stored at the existing workshop facility adjacent to the existing residential dwelling.	Ongoing
12	When in the quarry, fuel and oil containers are to be stored at least 10 m from any drain or sediment pond and are bunded (moveable bunds) to a capacity at least 1.5 times the volume of the container.	Ongoing
13	One hydrocarbon spill kit is to be stored at the quarry to use in the event of a spillage.	Ongoing
14	'Progressive rehabilitation' will occur in those areas that have been quarried and are no longer needed or used for the operation of the quarry.	Ongoing
15	To enable the public to respond to any concerns they may have about the operation of the quarry, a Complaints Register will be maintained for the activity.	Ongoing

## Appendix 4 – Permit conditions – Environmental No. 10168





ENVIRONMENT PROTECTION AUTHORITY

Contact: David Morris  
Our Ref: DJM:NAB:193220

11 November 2019

General Manager  
Southern Midlands Council  
PO Box 21  
OATLANDS TAS 7120

By email mail@southernmidlands.tas.gov.au

Dear Sir

**DA2019 / 00087 - Proposed Modification to Operation of Existing Extractive Industry (Level 2 Quarry) at 1356 Tea Tree Road, Rekuna (CT 155147/1)**

We act for [REDACTED]

I refer to Council's letter to [REDACTED] dated 11 October 2019.

This letter is a representation in relation to the above-named development application. [REDACTED] owns the property at [REDACTED] Tea Tree Road, Rekuna.

### Summary

1. The applicant objects to the granting of a permit on the terms sought because:
  - 1.1. the application seeks to subvert a previous agreement between the quarry operator, Council and neighbours (including [REDACTED] in which the effected parties agreed to a permit issuing for the Level 2 quarry subject to conditions.
  - 1.2. there is no rationale presented for: the extended operating hours, or for crushing and screening beyond the five days previously conditioned by the EPA and agreed by the parties.
  - 1.3. the application contains insufficient information to determine the impacts on neighbouring sensitive uses. This is a critical issue under the *Quarry Code of Practice 1999*. There is inadequate information in relation to the crushing and screening as well as the additional access road.

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- › Conveyancing, Property Development, Easements & Subdivisions
- › Family & De Facto Relationship Law
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- › Commercial Litigation, General Litigation & Dispute Resolution
- › Local Government, Environment & Planning Law
- › Employment & Workplace Relations Law
- › Bankruptcy, Insolvency & Securities Enforcement
- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

## Background

2. The history of this quarry is well-known to Council. It may not be as well-known to the Board of the EPA.
3. Council can have regard to the history – in particular the agreement between the parties – by virtue of the requirement to consider the objectives to the *Land Use Planning and Approvals Act 1993*.
4. The EPA has a broader discretion, however, it must also have regard to the RMPS objectives. It is submitted that the previous Environmental Assessment Report for the Level 2 Quarry (6 March 2016) (the **EAR 2016**) is critical to this assessment. The EPA should not lightly depart from previous findings and conditions.
5. The proposed modification seeks to undo key elements of an agreement reached between the applicant, [REDACTED], Southern Midlands Council and other neighbouring property owners in 2017. This agreement occurred in the context of the applicant's appeal (30/16P) of Council's refusal of its application to operate the Level 2 quarry.
6. That agreement was the subject of a decision of the Tribunal in *C A Williams v Southern Midlands Council and Environment Protection Authority & Ors* [2017] TASRMPAT 04B.
7. The applicant subsequently sought to amend that decision to achieve what is sought by this development application. That application was refused by the Tribunal in *CA Williams v Southern Midlands Council and Environment Protection Authority and Ors* [2018] TASRMPAT 3.
8. The applicant's Environmental Effects Report dated September 2019 describes the proposed alterations to the quarry operation as follows:
  - *there would be crushing and screening at the quarry on any day that the quarry is permitted to operate, and crushing could be conducted independently of screening, screening would be conducted with a mechanised screen;*
  - *no neighbour notification would be provided prior to any crushing and/or screening;*
  - *an added access spur road is proposed near the quarry; and*
  - *and the operating hours would conform to those stipulated in the Quarry Code of Practice (i.e. 0700 to 1900 Monday to Friday, 0800 to 1600 hrs Saturday, closed Sunday and Statewide public holidays).*

### Crushing & Screening

9. Crushing is proposed to go from 5 consecutive days per annum to every day in which the quarry is operating. That is an increase from 5 days to 310 days.
10. This will be accompanied by the removal of the requirement to advise neighbours crushing will take place.
11. It was recommended in the EAR 2016 that crushing be limited to a maximum of five consecutive days. The EAR describes this as one of *“the main management measures and other factors which would contribute to lowering the risk of noise nuisance at nearby residences”*. The EAR states this limit:  
  

*“...is important to limiting environmental nuisance to neighbours and is supported. Permit condition N5 will be imposed to reinforce this commitment. The Director will have the discretion to approve a variation to the five-day schedule, but this discretion would be used sparingly and only in circumstances such as plant breakdown.”*
12. The current application does not explain why the Director’s discretion under N5 cannot be exercised to address current operational issues. There is no rationale for the change set out in the application.
13. The noise data provided since the EAR 2016 is not sufficient to divert from the previous decision to impose a limit on crushing. There is in fact only one additional piece of information which was provided to the EPA pursuant to condition N7 in 2017. This does not provide a comprehensive assessment – including based on neighbouring property impacts – to depart from the current conditions.
14. [REDACTED] and the other joined parties, as well as the Council, agreed to resolve appeal 30/16P based on the limitation on the use of the crusher.
15. It is not appropriate in our submission that the original agreement is, in effect, undermined by virtue of changing a significant element of the control of the proposal in this way. Put another way, had it been made known to the parties that the intention was to crush on every day the permit operated, they may not have agreed to resolve the previous appeal in the manner that occurred.
16. The development application also does not provide enough information to assess against the noise standard in the *Quarry Code of Practice*.
17. The *Quarry Code of Practice* provides that noise from activities in a quarry effecting residential premises must not exceed 10dB(A) above the normal ambient noise levels during daytime operations. All the noise measurements undertaken and reported upon in the development application have been taken on the subject site. No assessment has been done from effected residential premises.

18. The assertion relied upon by the applicant arising from Mr Terts' report of 6 August 2019 that "*the mapped overlay is still current and is not exceeded*" is not supported with evidence. Mr Terts' reports do not contain data or calculations which can be relied upon to make this assertion.
19. The submissions above are repeated in relation to use of an independent screen. There is no justification to depart from the existing conditions.
20. However, another issue arises if an independent screen is to be used. That is the impact of the crusher and screening engine operating at the same time on adjoining sensitive uses. This has not been considered. There is no specific data on this provided.

#### **Neighbour notification**

21. The development application contains no justification for the removal of the neighbour notification conditions. This condition was supported by the EPA and formed part of the agreement reached which resulted in the issuing of the existing Level 2 permit.
22. The only potential explanation is the assertion that there have been "*no substantive complaints made to the proponent about the existing quarry*". This is an inadequate justification as there is no information about the instances of crushing that have taken place since the permit was issued. It is also possible that those effected by the noise have formed the view that making a complaint to the applicant would be a fruitless exercise.
23. For the reasons identified by the EPA in the EAR, neighbour notification is a sensible condition and requirement on the quarry operator in this context.
24. It is submitted that neither the EPA nor the Council should countenance the vergence from this condition without a meaningful justification on part of the proponent. That is not apparent in the development application.

#### **Added access spur road**

25. ██████████ has no in-principle concern with respect to the spur road if it is established that this will not cause an additional noise problem to adjoining uses.
26. In the assessment of the level 2 application, significant concerns were raised around the impact from vehicle movement. It is submitted that additional information is required for the EPA or Council to be satisfied that this additional access road will not cause a noise nuisance to nearby properties.



### Increased operating hours

27. The development application form is inaccurate in its description of existing operating hours. Existing operating hours arise from the EPA permit No.9340 approved by the Tribunal.<sup>1</sup> Condition N1 sets out the operating hours.
28. The current operating hours distinguish between activities associated with the extracting of materials and loading of product, crushing of materials and use of heavy vehicles.
29. If the current application is approved, that distinction – arising from the EAR 2016 - between elements of the activity will be removed in favour of the blanket provision.
30. The only justification for this is by reference to the *Quarry Code of Practice*.
31. When the current operating hours were agreed between the parties and imposed by the Tribunal, the operating hours set out in the Quarry Code of Practice were well known to all.
32. The *Quarry Code of Practice* has been subject to a new edition issued in May 2017, since the level 2 quarry permit was issued. Operating hours have not changed.
33. Clause 7.2.2.1 deals with hours of operation and states the hours “*should be restricted to*” 0700-1900 Monday – Friday and 0700-1600 on Saturday. Hours can be extended with the support of noise monitoring reports and consultation with neighbours. It is evident that these hours are a restriction rather than a permission. That is, they provide for maximum operating hours subject to additional information. The justification that in the development application is inadequate in this context.
34. The operating hours set by the EPA and agreed by all parties should be maintained.
35. The proponent’s material makes plain that there is significant noise associated with crushing and screening. Even if certain elements of the quarry operation were to be extended, that should not include the crushing and screening.

### Conclusion

36. ██████ submits this application should be rejected in its current form. ██████  
██████ agreed to the issuing of Level 2 permit based on the conditions prepared by the EPA as recommend in the EAR 2016. This proposal seeks to undo key aspects of that agreement.

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<sup>1</sup> *C A Williams v Southern Midlands Council and Environment Protection Authority & Ors* [2017] TASRMPAT 04B.

SIMMONS WOLFHAGEN

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37. The application provides no new information that could justify the EPA Board departing from its previous findings as to conditions necessary to impose on this quarry for it to obtain approval.

Yours faithfully  
Simmons Wolfhagen



**Adam Beeson**

Senior Associate | Local Government, Environment, Planning & Development Law  
adam.beeson@simwolf.com.au

[REDACTED]

**Sent:** Tuesday, 12 November 2019 5:11 PM  
**To:** SMC Mail  
**Subject:** Proposed Modification to Operation of Existing Level 2 Quarry at 1356 Tea Tree Road Rekuna C & S Williams

Attention: General Manager

I oppose the modification sought for the Level 2 Quarry at 1356 Tea Tree Road on the basis that current conditions of the quarry were raised, discussed & agreed by all the registered parties during the current operating level 2 quarry application Resource Management and Planning Appeals Tribunal hearing.

Surely where the tribunal approves operating and management conditions the justification for future changes/modifications should require substantiated reasons and evidence for such change.

- Crushing any day Quarry permitted to operate:-

It was confirmed during Tribunal process that a crusher would be hired for crushing and that it would only be financially viable to crush the allowable yearly volume in one go and agreed crushing could be completed in a 5 day period. Mr Tearts noise surveys are also based on a hired jaw-type crusher.

No crusher has been listed as equipment owned and no increase in amount of material crushed so what viable reason exists for open ended crushing.

- No neighbour notification would be provided prior to any crushing/and screening:-

This condition was discussed and agreed by all parties to the Tribunal hearing on the basis of the acceptable noise levels identified. The Condition was approved by the Tribunal.

As there is no change to the identified noise levels & vehicle movements under which this condition was imposed there is no viable reason for removing this condition..

-An added access spur road is proposed near the quarry:-

The quarry has been operating with the current approved access road and as it is a "1 man" operation this should be sufficient. No details or evidence provided on why a 2nd road is necessary.

Figure 5 in EER does not show full length of spur road ie where does it begin and it appears that it is coming up over the front of the hill from the Machinery/ home area. If I'm right this will have additional visual & noise impact which I can find no evidence of noise testing being conducted for this.

B.11.3 states " Appendix 8 and 9 provide more recent information about noise compliance monitoring for the initial crushing event at the quarry (in 2017) and the predicted noise impact of introducing screen (vibratory) and added access spur road to the activity". I perused both these documents and could not see any mention of vehicular noise testing on the spur road.

Application states that this is a existing farm track however only noticable activity prior to quarry operation was for picking up rocks & ploughing the paddock and just recently substantial work of laying rock along so call farm track.

Substantial noise levels have been emitted especially when the front end loader is used in the paddock and on the hill behind machinery shed/house as it is constantly revved not smoothly driven.

-Operating hours would conform to those stipulated in the Quarry Code of Practice:-

This condition was discussed and agreed to by all parties of the Tribunal hearing on the basis of the identified acceptable noise level & vehicle movement numbers. The condition was approved by the Tribunal.

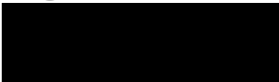
As there is no change to the identified noise level and vehicle movements conditions under which this was initially imposed by the Tribunal there is no viable reason for removing this condition.

-Addition of Screening

Required end product was discussed and agreed during the Tribunal process and confirmed by Mr Williams that it was a niche product for farm roads and that screening and blasting not required.

If Mr Williams now has a market for screened product I have no objection to screening being undertaken within the currently approved 5 day crushing period as long as there is absolute acceptable evidence supporting that there is no increased noise or dust produced from the screening process.

Regards





## APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT Subdivision Development

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

Applicant / Owner Details:

Owner / s Name

Mr John D Haig and Ms Laga A Van Beek

Postal Address

GPO BOX 633

Phone No:

Hobart TAS

7000

Fax No:

Email address

Applicant Name  
(if not owner)

JMG Engineers and Planners obo Mr John D Haig

Postal Address

117 Harrington Street

Phone No:

03 6231 2555

Hobart

7000

Fax No:

Email address:

planning@jmg.net.au

Description of proposed use and/or development:

Address of new use  
and development:

31 Hall Lane, Bagdad, TAS 7030

Certificate of Title  
details

Volume 8593 Folio 1

Description of  
proposed use or  
development:

Subdivision creating one new lot and balance lot.

Current use of land  
and buildings for each  
title:

Single residential dwelling with associated  
outbuildings

E.g. are there any existing  
buildings on these titles?

If yes, what are the main  
buildings used as?

Is the property  
Heritage Listed:

Please tick ✓ answer

Yes

No

Please attach any additional information that may be required by Part 8.1 Application Requirements of the Planning Scheme.



Signed Declaration

I/we hereby apply for a planning approval to carry out the use or development described in this application and in the accompanying plans and documents, accordingly I declare that:

1. The information given is a true and accurate representation of the proposed development. I understand that the information and materials provided with this development application may be made available to the public. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Southern Midlands Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.
2. I am the applicant for the planning permit and I have notified the owner/s of the land in writing of the intention to make this application in accordance with Section 52(1) of the *Land Use Planning Approvals Act 1993* (or the land owner has signed this form in the box below in "Land Owner(s) signature);

Applicant Signature

*Indra Boss*

Applicant Name (print)

Indra Boss

Date

22/11/19.

Applicant Signature

Applicant Name (print)

Date

or

Land Owner(s) Signature

Land Owners Name (please print)

Date

Land Owner(s) Signature

Land Owners Name (please print)

Date

## DEVELOPMENT Information & Check List

Use this check list for submitting your application

### Submitting your application

1. All plans and information required per Part 8.1 Application Requirements of the Planning Scheme
2. Copy of the current Certificate of Title, Schedule of Easements and Title Plan (Available from Service Tasmania Offices)
3. Any reports, certificates or written statements to accompany the Application (if applicable) required by the relevant zone or code.
4. Prescribed fees payable to Council

*To be invoiced*

### Information

If you provide an email address in this form then the Southern Midlands Council ("the Council") will treat the provision of the email address as consent to the Council, pursuant to Section 6 of the Electronic Transactions Act 2000, to using that email address for the purposes of assessing the Application under the Land Use Planning and Approvals Act 1993 ("the Act").

If you provide an email address, the Council will not provide hard copy documentation unless specifically requested.

It is your responsibility to provide the Council with the correct email address and to check your email for communications from the Council.

If you do not wish for the Council to use your email address as the method of contact and for the giving of information, **please tick**  the box

### Heritage Tasmania

If the Property is listed on the Tasmanian Heritage Register then the Application will be referred to Heritage Tasmania unless an Exemption Certificate has been provided with this Application. (Phone 1300 850 332 (local call cost) or email [enquires@heritage.tas.gov.au](mailto:enquires@heritage.tas.gov.au))

### TasWater

Depending on the works proposed Council may be required to refer the Application to TasWater for assessment (Phone 136992)

### PRIVACY STATEMENT

The Southern Midlands Council abides by the Personal Information Protection Act 2004 and views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

Collection of Personal Information: The personal information being collected from you for the purposes of the Personal Information Protection Act, 2004 and will be used solely by Council in accordance with its Privacy Policy. Council is collecting this information from you in order to process your application.

Disclosure of Personal Information: Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information. External organisations to whom this personal information will be disclosed as required under the Building Act 2000. This information will not be disclosed to any other external agencies unless required or authorised by law.

Correction of Personal Information: If you wish to alter any personal information you have supplied to Council please telephone the Southern Midlands Council on (03) 62545050 . Please contact the Council's Privacy Officer on (03) 6254 5000 if you have any other enquires concerning Council's privacy procedures.



# PLANNING REPORT

FOR John D Haig

31 Hall Lane, Bagdad



November 2019



**Johnstone McGee & Gandy Pty Ltd**

ABN 76 473 834 852 ACN 009 547 139

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## Executive Summary

JMG Engineers and Planners have been engaged by Mr D Haig to prepare a report in support of a planning permit application for the subdivision of land at 31 Hall Lane, Bagdad (CT8593/1). The application is to be lodged with the Southern Midlands Council for assessment.

The land is zoned Rural Living.

The proposed subdivision will result in 1 new lot and a balance lot containing the existing dwelling. The applicable planning scheme is the Southern Midlands Interim Planning Scheme 2015 (the Scheme) and the proposed subdivision has been assessed against the requirements of the Rural Living Zone and applicable codes. The proposal relies on the following performance criteria:

- 9.7.2 Subdivision not for the adjustment of a boundary (a);
- 13.5.1 Lot Design - Internal Lot, Performance Criteria P4;
- 13.5.3 Ways and Public Open Space, Performance Criteria P2;
- 13.5.4 Services, Performance Criteria P2 and P3;
- R5.6.2 Road Accesses and junctions, Performance Criteria P1;
- E6.7.3 Vehicular Passing Areas Along and Access, Performance Criteria P1;
- E6.7.5 Layout of Parking Areas; Performance Criteria P1;
- E6.7.6 Surface Treatment of Parking Area, Performance Criteria P1; and
- E7.7.1 Stormwater Drainage and Disposal, Performance Criteria P1.

The proposal has been assessed against all relevant provisions and is found to be acceptable with respect to the Planning Scheme requirements for the reasons outlined in this report.

## Introduction

JMG Engineers and Planners have been engaged by John D Haig to prepare a development application for a subdivision at 31 Hall Lane, Bagdad. The subject site consists of one title in the Rural Living zone, identified as CT 8593/1. The proposal seeks to provide for one new lot (lot 1) and a balance lot (lot 2) containing the existing dwelling. The proposed new access for lot 1 will require future works in the LGA Subdivision Road lot (CT 8593/5).

This report serves to provide an assessment of the proposed development against the provisions of the Southern Midlands **Interim Planning Scheme 2015** ('the Scheme').

## Site Location & Context

The subject site comprises 31 Hall Lane, Bagdad (CT 8593/1) (Figure 1) with future works in LGA Subdivision Road (CT 8593/5). The site is located 1.7 km south of the township of Bagdad which is approximately 30 km north of Hobart. The total development area is approximately 4.2 ha. The site has a frontage of 103.5 m and slopes gently to the northeast. There is an existing dwelling with garage and outbuildings on the western portion of the site as shown in Figure 1.



Figure 1 - Subject Site (Source LISTmap)

The site is surrounded by rural residential allotments to the east and west; with most lots developed with single residential dwellings and associated outbuildings. Land to the north

is zoned Community Purpose including facilities associated with the Bagdad Recreation Ground and Bagdad Fire Station.

The property is located within a TasWater Full Service area for potable water but not for sewerage as shown in Figure 2.

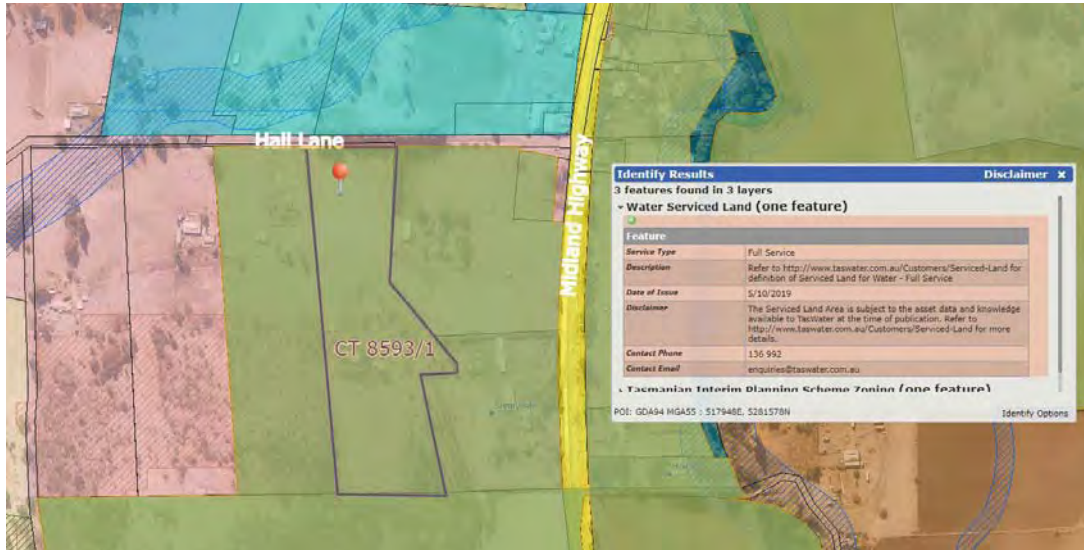


Figure 2 - Subject site within TasWater Full Service Area (Source LISTmap)

The subject site has an existing access onto Hall Lane with an existing driveway running along the western boundary of the site servicing the existing dwelling and outbuildings. The property is fenced and predominantly clear of vegetation, especially in the northern section, which is the area proposed for new lot 1.

Title information is included in Appendix A.

## Proposed Use and Development

The proposal is for the subdivision of the existing lot of 4.2 ha, to create:

- 1 new lot (1.02 ha) with new access onto Hall Lane, and
- A balance lot, retaining the existing access and containing the existing dwelling (3.18 ha).

The proposal plans are enclosed in Appendix B.

## Planning Assessment - Southern Midlands Interim Planning Scheme 2015

The site is located in the ‘Rural Living **Zone**’ as shown in Figure 3. Land adjoining the site to the south is zoned Rural Resource. The property is within 170 m of land zoned Significant Agriculture to the east and within 290 m of land zoned Environmental Living in the west-northwest.

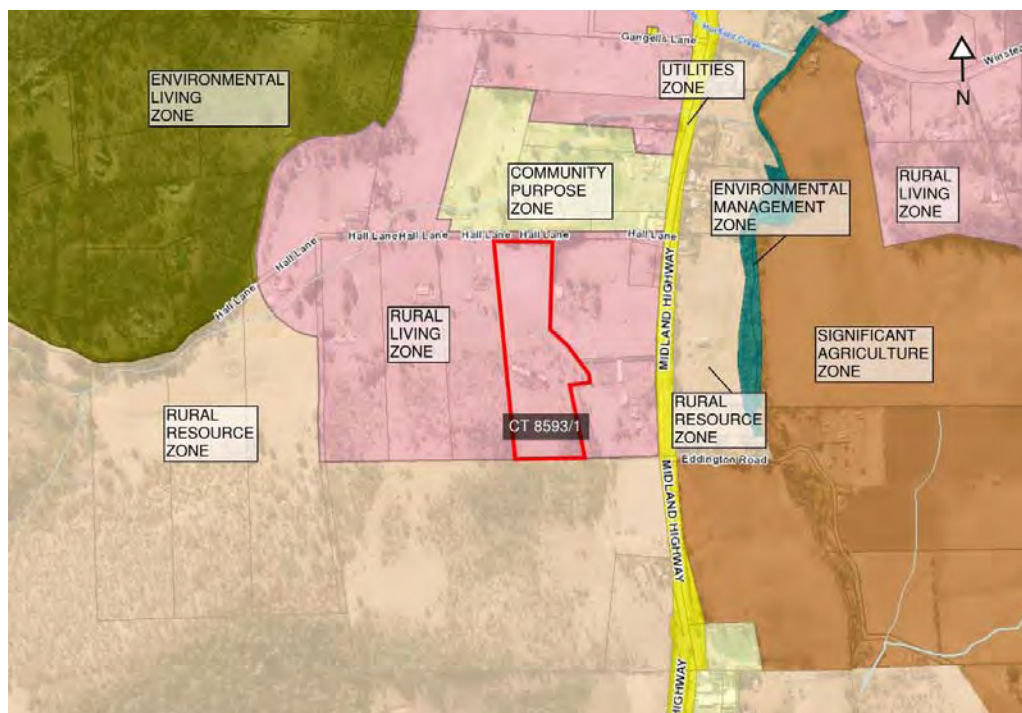


Figure 3- Zoning (Source LISTmap)

The site is subject to the ‘Landslip Hazard Area’ (Low risk) overlay on the southern portion of the site (Figure 4). The Landslide overlay does not impinge on the proposed new lot 1 and there are no other overlays impacting the subject site.





Figure 4 Overlays - Landslide Hazard Area (Orange) on the southern portion of the site and Waterway and Coastal Protection Area (Blue) to the north of the site (Source LISTmap)

In addition to the identified overlay the proposed development will require assessment against a number of other Scheme Codes. The proposal has been assessed against the following applicable codes:

- E1.0 Bushfire Prone Areas Code;
- E3.0 Landslide Code;
- E5.0 Road and Railway Assets Code;
- E6.0 Parking and Access Code; and
- E7.0 Stormwater Management Code.

It is noted that the site is not located within a TasWater Sewerage serviced area, however the On-Site Wastewater Management Code is not used in the Scheme as per Clause E23.0.

## 9.0 Special Provisions

### Special Provision 9.7 Subdivision

Under special provision clause 9.7.1 a permit is required for development involving a plan of subdivision.

The planning permit application for subdivision of 31 Hall Lane is not for an adjustment of a boundary as per clause 9.7.2 (a), hence the proposal is for a discretionary planning permit application.

## 13.0 Rural Living Zone

The proposed subdivision is located in the Rural Living Zone and has been assessed against the applicable standards.

It is anticipated that the proposed new lot would be used for residential use, which is a no permit required use as per Clause 13.2 Use Table. The proposed balance lot contains an existing dwelling and the proposed subdivision development does not involve any proposed change of use. Accordingly, it is considered that Clause 13.3 Use Standards, is not applicable to this application.

### 13.5 Development Standards for Subdivision

13.5.1 Lot Design	
Objective: To provide for new lots that:	
(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;	
(b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;	
(c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas.	
A1 <i>The size of each lot must be no less than the following, except if for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority:</i>  <i>1ha minimum lot size.</i>	P1 <i>No Performance Criteria</i>

The lots are not for public open space, a riparian or littoral reserve, or Utilities, Emergency Services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.

Both proposed new lot 1 (1.2ha) and balance lot 2 (3.18ha) will be greater than the minimum 1ha lot size, as per proposal plans in Appendix B.

The proposal is compliant with Acceptable Solution A1.

<p>A2</p> <p><i>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</i></p> <p><i>(a) clear of the frontage, side and rear boundary setbacks;</i></p> <p><i>(b) not subject to any codes in this planning scheme;</i></p> <p><i>(c) clear of title restrictions such as easements and restrictive covenants;</i></p> <p><i>(d) has an average slope of no more than 1 in 5;</i></p> <p><i>(e) has a separation distance no less than:</i></p> <p><i>(i) 100 m from land zoned Rural Resource;</i></p> <p><i>(ii) 200 m from land zoned Significant Agriculture;</i></p> <p><i>(f) has a setback from land zoned Environmental Management no less than 100 m.</i></p> <p><i>(g) is a minimum of 30 m x 30 m in size.</i></p>	<p>P2</p> <p><i>The design of each lot must contain a building area able to satisfy all of the following:</i></p> <p><i>(a) is reasonably capable of accommodating residential use and development;</i></p> <p><i>(b) meets any applicable standards in codes in this planning scheme;</i></p> <p><i>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</i></p> <p><i>(d) minimises the requirement for earth works, retaining walls, and cut &amp; fill associated with future development;</i></p> <p><i>(e) is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:</i></p> <p><i>(i) 40 m from land zoned Rural Resource;</i></p> <p><i>(ii) 80 m from land zoned Significant Agriculture;</i></p> <p><i>(f) is setback from land zoned Environmental Management to satisfy all of the following:</i></p> <p><i>(i) there is no significant impact from the development on environmental values;</i></p> <p><i>(ii) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</i></p> <p><i>(iii) there is minimal potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;</i></p> <p><i>(iv) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.</i></p>
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As shown in the proposal plan in Appendix B, both the proposed new lot (lot 1) and the balance lot (lot 2) are able to provide a minimum building area that is clear of the 10 m frontage, side and rear boundary setbacks (a); is not subject to any codes (overlays) in the Scheme (b); is clear of title restrictions (c), has an average slope of less than 1 in 5 (10 m rise over 150 m run) (d); the nearest land, to the respective building areas, zoned rural resource is located 333 m south for lot 1 and 219 m south for lot 2 (e(i)), and the nearest land zone Agriculture is 418 m to the south east (lot 1) and 330 m to the south east (lot 2) (e(ii)); the nearest land zoned Environmental Management is located over 340 m to the east for lot 1 and 440 m to the east for lot 2 (f) and the building area for each lot is 30 m x 30 m (g).

Based on the above the proposal is considered compliant with Acceptable Solution A2.

<p>A3</p> <p><i>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</i></p> <p>40 m.</p>	<p>P3</p> <p>....</p>
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The frontage of the proposed new lot 1 is 92 m. The balance lot 2 is considered an internal lot and is therefore excluded from this clause consideration but retains an access strip 11.5 m wide.

The proposal is compliant with Acceptable Solution A3.

<p>A4</p> <p><i>No lot is an internal lot.</i></p>	<p>P4</p> <p><i>An internal lot must satisfy all of the following:</i></p> <p><i>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i></p> <p><i>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</i></p> <p><i>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i></p> <p><i>(d) the lot will contribute to the more efficient utilisation of rural living land;</i></p> <p><i>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i></p> <p><i>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i></p> <p><i>(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;</i></p>
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	<p><i>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i></p> <p><i>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i></p> <p><i>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</i></p>
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The proposed balance lot 2 (containing the existing dwelling) is an internal lot and accordingly the Performance Criteria must be addressed.

The proposed balance lot 2 will be accessed from a road (Hall Lane) existing prior to the planning scheme coming into effect (a); as the balance lot contains only 1 dwelling it is not reasonable to provide a new road to create a standard frontage lot (b); given the zone lot area requirements, the balance internal lot is the only reasonable way to subdivide the rear of the existing lot (c); the proposed subdivision will provide optimal proportioned blocks that will contribute to the more efficient utilisation of rural living land (d); the proposed new lots are each able to accommodate a building area fully compliant with Acceptable Solution A2 and the development on the balance lot is existing, with reliance on an existing driveway along the western boundary. Accordingly it is considered that the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use (e); the balance lot will have access to the road via an access strip 11.5 m wide that is part of the lot (f); the width of the access strip is able to accommodate the required passing bays for the existing and likely future use of the lot (g); the access strip is not combined with any other internal lot access strips (h); the existing gravel driveway is located within the proposed balance lot access strip and provides a sealed surface appropriate for the nature and type of traffic. If Council requires the surface to be upgraded it would be appropriate to include relevant planning permit conditions in any permit issued (i); The lot does not front public open space or any public rights of way and (j) is not applicable.

The proposal is considered to demonstrate that it is able to satisfy all elements of Performance Criteria P4.

<p>A5</p> <p><i>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</i></p>	<p>P5</p> <p>...</p>
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The setback between the existing building on the balance lot 2 and the new (southern) boundary for Lot 1 is approximately 98 m which exceeds the zone setback requirement of 10 m as per Clause 13.4.2 (A1). All other boundaries (west, south and east) remain unchanged by the proposal.

Therefore, the proposal complies with Acceptable Solution A5.



13.5.2 Roads	
Objective: To ensure that the arrangement of new roads within a subdivision provides for all of the following: (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.	
A1 <i>The subdivision includes no new road.</i>	P1 ...

The proposed subdivision includes no new roads.

The proposal is compliant with Acceptable Solution A1.

13.5.3 Ways and Public Open Space	
To ensure that the arrangement of ways and public open space provides for all of the following: (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community; (b) the adequate accommodation of pedestrian and cycling traffic; (c) the adequate accommodation of equestrian traffic.	
A1 <i>No Acceptable Solution.</i>	P1 <i>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>  <i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>  <i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>  <i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>  <i>(d) topographical and other physical conditions of the site are appropriately accommodated in the design;</i>  <i>(e) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</i>

	<i>(f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</i>
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The scale of the proposed subdivision does not require open space connectivity to be provided in the area. There is no acceptable solution, however as the proposal does not involve any new ways or public open space Performance Criteria P1 13.5.3 Ways and Public Open Space is not applicable in this instance.

A2 <i>No Acceptable Solution.</i>	P2 <i>Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i>
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The proposal does not involve any new ways or public open space.

The proposal will be reliant on providing cash in lieu, if appropriate to the scale of this development and in accordance with the relevant Southern Midlands Council policy.

The proposal is considered to satisfy Performance Criteria P2.

13.5.4 Services	
Objective: To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.	
A1 <i>Each lot must be connected to a reticulated potable water supply where such a supply is available.</i>	P1 <i>No Performance Criteria</i>

The proposed balance lot 2 (containing the existing dwelling) is provided with an existing water connection as shown in the proposal plan in Appendix B. The subject site is within a TasWater Full Service area for potable water and the proposed new lot will be connected to a reticulated water supply. TasWater has provided preliminary advice to Mr Haig that an upgrade of infrastructure is required to affect such a connection.

It is considered appropriate that any permit issued include relevant conditions to ensure the Scheme provision is met prior to sealing of final plans.

The proposal is considered compliant with Acceptable Solution A1.

A2 <i>No Acceptable Solution.</i>	P2 <i>Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</i>
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As there is no acceptable solution the performance criteria are addressed.

The GEO-Environmental Solutions (GES) Report (p6) in Appendix C demonstrates that the proposed lots are capable of accommodating on-site wastewater treatment systems adequate for the future use and development of the land.

The proposal is considered to demonstrate achievement of Performance Criteria P2.

<p>A3</p> <p><i>Each lot must be connected to a Stormwater system able to service the building area by gravity.</i></p>	<p>P3</p> <p><i>Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.</i></p>
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As the subject site is not connected to a public Stormwater system, the proposed lot building areas will not be able to achieve Acceptable Solution A3 and the performance criteria must be addressed.

The GES Report in Appendix C demonstrates that the proposed new lot is capable of accommodating a stormwater trench area, suitably sized to accommodate anticipated stormwater runoff from impervious surfaces adequate for the future use and development of the land (p6).

The existing dwelling on the proposed balance lot diverts stormwater into garden beds surrounding the dwelling which act as on-site stormwater management systems. The proposed subdivision makes no change to these pre-existing conditions and the balance lot retains sufficient area to cater for stormwater infrastructure to service any future development. **The GES report concludes (p6) that “no serious geotechnical impediments were identified for future residential use on either of the lots and as such the land is suitable for the proposed subdivision”.**

The proposal is considered to satisfy the requirements of Performance Criteria P3.

## E1.0 Bushfire-Prone Areas Code

The proposed subdivision is not shown as being located within a bushfire-prone overlay map of a planning scheme. However, the subject land is located within 100 m of over 1 ha of bushfire prone vegetation and the code applies as per Clause E1.2.1 (a).

A Bushfire Report including the Bushfire Hazard Management Plan (BHMP) prepared by a certified Bushfire Hazard Practitioner is included as Appendix D.

### Use Standards

The use standards are not applicable as the proposed use is not a vulnerable or a hazardous.

Development Standards

E1.6.1 Subdivision: Provision of hazard management areas	
<p>Objective:</p> <p>Subdivision provides for hazard management areas that:</p> <p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>	
<p>A1</p> <p><i>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</i></p> <p><i>(b) The proposed plan of subdivision:</i></p> <p><i>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</i></p> <p><i>(ii) shows the building area for each lot;</i></p> <p><i>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</i></p> <p><i>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</i></p> <p><i>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</i></p>	<p>P1</p> <p>...</p>

The proposed BHMP indicates that the habitable building areas for each lot are adequate to accommodate minimum BAL-19 rated development through existing low threat and unvegetated land, and designated hazard management areas. Lot 1 can achieve BAL-12.5 separation from bushfire-prone vegetation.

The BHMP is certified as compliant with A1(b).

No hazard management areas are located on external land A1(c).

The proposal is compliant with Acceptable Solution A1.

E1.6.2 Subdivision: Public and fire fighting access	
Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:	
<p>(a) allow safe access and egress for residents, firefighters and emergency service personnel;</p> <p>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
A1	P1
<p><i>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</i></p> <p><i>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</i></p> <p><i>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</i></p> <p><i>(ii) is certified by the TFS or an accredited person.</i></p>	<p>.....</p>

No roads or fire trails are proposed as part of the subdivision. Any private access is required to be provided in accordance with Table E2 of the Bushfire-Prone Areas Code. Potential access is demonstrated on the BHMP.

The BHMP is certified as being compliant with A1 as per the Bushfire Assessment in Appendix D (b).

The proposal is compliant with Acceptable Solution A1 as per the Bushfire Assessment in Appendix D (b) (i) and (ii).

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes
Objective:



<p>Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>	
<p>A1</p> <p><i>In areas serviced with reticulated water by the water corporation:</i></p> <p><i>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</i></p> <p><i>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</i></p> <p><i>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</i></p>	<p>P1</p> <p>No Performance Criteria</p>

Each building area within the proposed subdivision must be provided with a water supply dedicated for firefighting. Although the site is located in an area with a reticulated water service, it is unlikely that fire hydrants will be extended into the subdivision. The closest fire hydrant on Midland highway is over 200 m from the site. Therefore, static water supply for fire fighting must be provided.

Accordingly, Acceptable Solution A1 is considered not applicable and the proposal is assessed against Acceptable Solution A2.

<p>A2</p> <p><i>In areas that are not serviced by reticulated water by the water corporation:</i></p> <p><i>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</i></p> <p><i>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</i></p> <p><i>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</i></p>	<p>P2</p> <p>No Performance Criteria</p>
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The BHMP requires the provision of static water supply with minimum 10,000 L capacity for all building areas, consistent with the minimum requirements.

The proposal is certified as compliant with A2 as per the Bushfire report in Appendix D (b).

The proposal is compliant with relevant provisions of Acceptable Solution A2.

### E3.0 Landslide Code

The proposed subdivision will create a total of 2 lots comprised of new lot 1 and balance lot 2. The proposed new lot is clear of the Landslide Hazard Area with the proposed balance lot being the only area subject to the Landslide Hazard Area (Low Risk). Accordingly, the proposal is considered exempt from the Code as per Clause E3.4 (b).

### E5.0 Road and Railway Assets Code

The Road and Railway Assets Code applies to all development that require a new vehicle crossing, junction or level crossing. The proposed subdivision will create a new access onto Hall Lane for the proposed new lot 1. The applicable standards for this code have been addressed.

#### Use Standards

E5.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Of the three provisions in this clause only Acceptable Solution A2 and Performance Criteria P2 are considered applicable because:

- Hall Lane is not Category 1 or 2 Roads, hence A1 /P1 do not apply;
- It is assumed Hall Lane is subject to a speed of more than 60km/hr, hence A3/P3 do not apply

The proposal is assessed against the applicable provision below:

<p>A2</p> <p><i>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</i></p>	<p>P2</p> <p>...</p>
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The existing access at the subject site will be associated with the balance lot 2. There is no development or change of use proposed for the balance lot and hence no increase in traffic will be created by the proposal at the existing access.

Therefore, the proposal meets the Acceptable Solution A2.

E 5.5.2 Existing level crossings - is not applicable as there is no rail network in the vicinity.

Development Standards

E 5.6.1 Development adjacent to roads and railways - is not applicable as there is no railway network or category 1 or 2 road adjacent to the proposed development.

The proposal includes a new access onto Hall Lane for the new lot 1 and an assessment against E 5.6.2 Road accesses and junctions; and E 5.6.4 Sight distance at accesses, junctions and level crossings follow.

E5.6.2 Road accesses and junctions	
Objective: To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.	
A1 <i>No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</i>	P1 <i>For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i>  <i>(a) the nature and frequency of the traffic generated by the use;</i> <i>(b) the nature of the road;</i> <i>(c) the speed limit and traffic flow of the road;</i> <i>(d) any alternative access;</i> <i>(e) the need for the access or junction;</i> <i>(f) any traffic impact assessment; and</i> <i>(g) any written advice received from the road authority....</i>

It is assumed Hall Lane is subject to a speed limit of more than 60km/hr and accordingly the performance criteria must be addressed.

The proposed new lot is intended for future single residential dwelling development, which is anticipated to generate no more than 10 vehicle movements per day (a); Hall Lane is a sealed, straight road, approximately 4 m wide where the access is proposed, and services large rural and rural living lots (b); no speed limit signs have been identified on Hall Lane and it is assumed that the speed limit is 80 Km/hr as per the default rural road speed, traffic flow is two way as Hall Lane provides connectivity to the Midland Highway (c); new lot 1 fronts onto Hall Lane and it is considered more appropriate to provide a

new access to service the lot, to provide ease of access for emergency vehicles (d) and (e); given the nature of the proposed development and likely traffic generated in the future, no Traffic Impact Assessment has been undertaken (f) and no written advice has been received from the Council (road authority) (g).

The proposal is considered to provide for safe accesses onto Hall Lane and not unreasonably impact on the efficiency of the road and has demonstrated regard to Performance Criteria P1.

On the basis that Hall Lane is subject to a speed limit of more than 60km/hr; E5.6.2 Road accesses and junctions (A2/P2) does not apply to the proposal.

E 5.6.3 New level crossing - is not applicable as there are no railway network in the vicinity.

E5.6.4 Sight distance at accesses, junctions, and level crossings	
Objective: To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
<p><i>A1</i></p> <p><i>Sight distances at:</i></p> <p><i>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</i></p> <p><i>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</i></p>	<p><i>P1</i></p> <p><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, having regard to:</i></p> <p><i>(a) the nature and frequency of the traffic generated by the use;</i></p> <p><i>(b) the frequency of use of the road or rail network;</i></p> <p><i>(c) any alternative access;</i></p> <p><i>(d) the need for the access, junction or level crossing;</i></p> <p><i>(e) any traffic impact assessment;</i></p> <p><i>(f) any measures to improve or maintain sight distance; and</i></p> <p><i>(g) any written advice received from the road or rail authority.</i></p>

Hall Lane is straight with good visibility. Figure 5 indicates that the Safe Intersection Sight Distance from the location of the proposed new access is 386 m looking west (left) and 233 m looking east (right) for vehicles leaving the property.



Figure 5 - Sight distances from proposed access to the new lot (Source LISTmap)

Google street view images (Figure 6 and Figure 7) confirm clear sight lines along Hall Lane from the location of the proposed for lot 1.

Both sight distances exceed the required length of 175 m in Table E.5.1 for vehicle speeds at 80 km/hr (a); there is no rail level crossing impacted by the proposal and (b) is not applicable.



Figure 6 - Looking east along Hall Lane (Google Street view)





Figure 7 Looking west along Hall Lane (Source Google Street view)

The proposal is compliant with Acceptable Solution A1.

### *E6.0 Parking and Access Code*

This code applies to all use and development (Clause E6.2.1) and no use or development is exempt from this code (Clause E6.4).

The proposed development is for a two lot subdivision comprising new lot 1 and balance lot 2. The new lot is for the purposes of a single residential dwelling. The balance lot contains an existing single residential dwelling.

Use Standards

#### E 6.6.1 Number of Car Parking Spaces

Objective:

To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
  - (i) preventing regular parking overspill;

(ii) minimising the impact of car parking on heritage and local character. accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.	
A1	P1
<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1.</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	...

Table 6.1 stipulates that two spaces are required for the existing dwelling assuming it contains more than 2 bedrooms. The existing lot provides for two car parking spaces. The proposed new lot is sufficiently large for future residential development to be able provide the required number of off street car parks. There is no maximum number of car parks specified.

Therefore, the proposal is compliant with Acceptable Solution A1.

E6.6.2 - is not applicable. The proposal does not require the provision of accessible Car Parking spaces for people with a disability.

#### Development Standards

E 6.7.1 Number of Vehicle Accesses	
<p>Objective:</p> <p>To ensure that:</p> <p>(a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:</p> <p>(i) the number of vehicle access points; and</p> <p>(ii) loss of on-street car parking spaces;</p> <p>(b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;</p> <p>(c) vehicle access points do not have a dominating impact on local streetscape and character.</p>	
A1	P1
<p>The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	...

The current site configuration provides one access for the balance lot 2. Proposed new lot 1 is capable of being provided with a single access point, and the proposal plans (Appendix B) show the indicative location for a compliant access.

Therefore, each lot will have one vehicle access to a road.

The proposal is considered compliant with Acceptable Solution A1.

E 6.7.2 Design of Vehicle Accesses	
Objective: To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.	
A1  <i>Design of vehicle access points must comply with all of the following:</i>  <i>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 - “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</i>  <i>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</i>	P1  ...

The existing access will become the access to the proposed balance lot 2, and is designed for non-commercial vehicle access; it is considered compliant with the relevant Australian Standards (a) as shown in Figure 8.

Proposed new lot 1 is capable of being provided with a compliant access in accordance with IPWEA ST DRG TSD-R03-v1. To accommodate manoeuvring of fire vehicles it is proposed to widen the driveway to 4 m as shown in Appendix B.

Any commercial vehicle use to either of the lots would be associated with and subservient to the residential use and accordingly A1 (b) is considered not applicable.

The proposal is considered compliant with relevant provisions of Acceptable Solution A1.



Figure 8 - Existing access that will service the proposed balance lot (Source Google Street view 2015).

E 6.7.3 Vehicular Passing Areas Along an Access	
Objective: To ensure that: (a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists; (b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.	
A1  <i>Vehicular passing areas must:</i> (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 50 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;	P1  <i>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</i>  (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;

<p>(c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 50 m along the access.</p>	<p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users.</p>
--	--

The access strip for the proposed balance lot is approximately 126 m long as shown in Proposal Plan (Appendix B) and requires the provision of passing areas, which are not currently provided (see Figure 9) and accordingly the performance criteria must be considered.



Figure 9 - View of access strip to proposed balance lot (Source Google Street view 2015)

As shown in the proposal plan (Appendix B) and Figure 9, the access strip is 11.5 m wide for its entire length, with good visibility and provides ample opportunities for vehicles and other traffic to pass each other safely (a), (b) and (c).

The access is clearly visible from the road and areas suitable for passing are easily identified and accessed by users of the driveway (d)

The new lot has sufficient frontage (92 m) to comfortably accommodate a compliant access; the location of the proposed building area is approximately 50 m from the frontage but until the lot is developed it is not possible to determine whether any of the passing area requirements will be triggered. In the event that they are - the proposed new lot is of a suitable, size, shape and topography to accommodate such provisions.



Based on the above the proposal demonstrates that it has regard to all elements of Performance Criteria P1.

Clause E6.7.4 - is not applicable. The subdivision will result in two lots. The proposed new lot 1 is intended for a single residential use and the balance lot 2 contains an existing single dwelling.

E 6.7.5 Layout of Parking Areas	
Objective: To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.	
A1  <i>The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</i>	P1  <i>The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.</i>

As there is not detailed design for parking for Lot 1, A1 cannot be assessed. Therefore, the performance criteria are addressed as follows.

The proposal will convert the existing internal driveway of the parent lot into the access strip for the proposed balance lot 2. The internal driveway is considered to be generally designed and constructed to provide safe and secure access, with adequate on-site manoeuvring for balance lot 2.

The proposed new lot 1 is capable of being provided with a single access point, and the proposal plans (Appendix B) shows the indicative location for a compliant access. However, it is considered more appropriate that the precise layout of car parking spaces, access aisles, circulation roadways and ramps (i.e. internal driveway) will be determined as part of any future development of the proposed new lot. It is considered the proposed new lot 1 is of a suitable, size, shape, and topography to accommodate such provisions.

Based on the above, the proposal is considered to satisfy Performance Criteria P1.

E 6.7.6 Surface Treatment of Parking Areas	
Objective: To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.	
A1  <i>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</i>  (a) <i>paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</i> (b) <i>drained to an approved stormwater system,</i>  <i>unless the road from which access is provided to the property is unsealed.</i>	P1  <i>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</i>  (a) <i>the suitability of the surface treatment;</i> (b) <i>the characteristics of the use or development;</i> (c) <i>measures to mitigate mud or dust generation or sediment transport.</i>

Hall Lane is a sealed road as shown in Figure 10.



Figure 10 - Hall Lane and existing site access looking east (Source Google Street view 2015)

Stormwater management is primarily reliant on an on-site solution (A1(b)) and as such the Performance Criteria must be considered.

The existing access and driveway, that will form the access strip of the proposed balance lot 2, is covered by gravel as show in Figure 11 below. The land slopes generally from

south to northeast and any driveway stormwater will be absorbed in the road verge or diverted into the spoon drains along the side of the driveway.



Figure 11 - Proposed Balance lot Access Strip looking north towards Hall Lane (Source site visit 2019)

The existing gravel surface of the driveway is considered suitable, given the number of vehicle movements associated with a single residential development (a) and (b); the gravel surface in conjunction with the grassed driveway verges will mitigate dust and mud generation (c) with the slope of the land over the vegetated surface mitigating sediment transport (c).

Internal driveway and parking provisions for the proposed new lot 1 are more appropriately considered as part of any future development of the lot. It is considered the proposed new lot 1 is of a suitable, size, shape, and topography to accommodate such provisions.

Based on the above the proposal is considered to demonstrate that it has due regard to all elements of Performance Criteria P1.

Clauses E6.7.7 to E6.7.13 - are not applicable. The proposal does not require an assessment against these clauses as the proposed subdivision does not include

development that requires the provision of on-site car parking. No changes are proposed to the on-site car parking facilities associated with the existing dwelling on the proposed balance lot 2; and on-site car parking provisions for the new lot are more appropriately considered as part of any future development of the lot. Specifically:

- No new parking for more than 5 cars is proposed and therefore E6.7.7 Lighting of Parking Areas and E6.7.8 Landscaping of Parking Areas is not applicable;
- The proposal does not require the provision of motorcycle parking areas and accordingly E6.7.9 Design of Motorcycle Parking Areas is not applicable;
- The proposal does not require the provision of Bicycle parking spaces and accordingly E6.7.10 Design of Bicycle Parking Facilities and E6.7.11 Bicycle End of Trip Facilities are not applicable;
- The proposal is not in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone and accordingly E6.7.12 Siting of Car Parking is not applicable; and
- The proposed subdivision is for existing residential use (balance lot 2) and future residential use (proposed new lot 1), with only incidental Commercial Vehicle traffic, and accordingly E6.7.13 is not applicable.

E 6.7.14 Access to a Road	
Objective: To ensure that access to the road network is provided appropriately.	
A1 <i>Access to a road must be in accordance with the requirements of the road authority.</i>	P1 <i>No Performance Criteria.</i>

The existing access of the subject site will become the access for the propose balance lot 2 and is considered to be in accordance with the requirements of the road authority.

The proposed new lot is capable of being provided with a single access point, and the proposal plans (Appendix B) show the indicative location for a compliant access. However, it is considered more appropriate that the precise location for the vehicle access point will be determined as part of any future development of the proposed new lot and it would be appropriate for Council to include relevant conditions to that effect, in any planning permit issued.

Based on the above the proposal is considered compliant with Acceptable Solution A1.

## E7.0 The Stormwater Management Code

The Stormwater Management Code applies to development requiring the management of stormwater and no development is exempt from the code as per Clause E7.4.1.

E 7.7.1 Stormwater Drainage and Disposal	
Objective: To ensure that stormwater quality and quantity is managed appropriately.	
A1  <i>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</i>	P1  <i>Stormwater from new impervious surfaces must be managed by any of the following:</i>  <i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>  <i>(b) collected for re-use on the site;</i> <i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>

There is no public stormwater servicing the area and accordingly Performance Criteria P1 must be considered.

The GES report in Appendix C, concludes that that there is sufficient area on the proposed new lot for an on-site stormwater retention trench designed to cater for any future increase in impervious surfaces on the lot. The report concludes that “no serious geotechnical impediments were identified for future residential use on either of the lots **and as such the land is suitable for the proposed subdivision**” (p6).

The proposal demonstrated that new impervious surfaces are able to manage stormwater in accordance with P1 (a).

Furthermore, any future development will be required to provide static water tanks for fire fighting purposes, and it is anticipated that future development will also manage stormwater via P1 (b).

Based on the above the proposal is considered to satisfy Performance Criteria P1.



<p>A2</p> <p><i>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</i></p> <p>(a) <i>the size of new impervious area is more than 600 m<sup>2</sup>;</i></p> <p>(b) <i>new car parking is provided for more than 6 cars;</i></p> <p>(c) <i>a subdivision is for more than 5 lots.</i></p>	<p>P2</p> <p><i>A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</i></p>
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The proposal is for a two lot subdivision that does not involve any new roads. The proposal does not increase the existing impervious surfaces at the subject site; with the existing gravel driveway becoming the access strip for the proposed balance lot 2.

Accordingly, it is considered that A2/P2 are not applicable to the proposal.

<p>A3</p> <p><i>A minor stormwater drainage system must be designed to comply with all of the following:</i></p> <p>(a) <i>be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</i></p> <p>(b) <i>stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</i></p>	<p>P3</p> <p><i>No Performance Criteria.</i></p>
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The GES report in Appendix C, includes consideration of all 1:20yr scenarios (p5 to 6) and concludes that that for a typical roof area of approximately 200 m<sup>2</sup> there is sufficient space to accommodate the resultant stormwater on-site (a).

As the site is not connected to a public stormwater system, it is considered that A3 (b) is not applicable.

<p>A4</p> <p><i>A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years</i></p>	<p>P4</p> <p><i>No Performance Criteria.</i></p>
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The proposal does not require a major stormwater drainage system and it is considered that A4/P4 are not applicable.

Based on the above the proposal is considered to achieve the purpose of the Code.

## Relevant Issues

### *Natural Hazards*

The site is located within a bushfire prone area with site constraints addressed in the Bushfire Assessment (Appendix D).

### *Waste water*

The onsite wastewater management code is not used in this planning scheme.

An assessment of wastewater management options for the new lot 1 was undertaken for the proposal and documented in the GES report (Appendix C). The report finds:

“The current subdivision proposal allows for sufficient space on the proposed lots to be created for the installation and successful operation of a wastewater treatment system, with adequate setbacks in regards boundaries and sensitive features. The wastewater system for the existing dwelling on the balance lot is also considered to be operating adequately, and there is more than sufficient room if the system should require upgrading in the future” (p6).

## Conclusion

The proposed development is for a two lot subdivision comprising new lot 1 and balance lot 2. New lot 1 has been designed for future single residential dwelling use. Balance lot 2 contains the existing single residential dwelling and associated outbuildings. The proposal has been assessed against the relevant Scheme provisions and relies on the following Performance Criteria:

- 9.7.2 Subdivision not for the adjustment of a boundary (a);
- 13.5.1 Lot Design - Internal Lot, Performance Criteria P4;
- 13.5.3 Ways and Public Open Space, Performance Criteria P2;
- 13.5.4 Services, Performance Criteria P2 and P3;
- E5.6.2 Road Accesses and junctions, Performance Criteria P1;
- E6.7.3 Vehicular Passing Areas Along and Access, Performance Criteria P1;
- E6.7.5 Layout of Parking Areas; Performance Criteria P1;
- E6.7.6 Surface Treatment of Parking Area, Performance Criteria P1; and
- E7.7.1 Stormwater Drainage and Disposal, Performance Criteria P1.

The proposal is considered to demonstrate that it is able to comply with Acceptable Solutions or satisfy the relevant Performance Criteria and ought to be supported by Council.

APPENDIX A

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Certificate of Title

SEARCH OF TORRENS TITLE

VOLUME 8593	FOLIO 1
EDITION 2	DATE OF ISSUE 28-Jan-2015

SEARCH DATE : 04-Oct-2019

SEARCH TIME : 03.46 PM

DESCRIPTION OF LAND

Parish of STRANGFORD, Land District of MONMOUTH  
 Lot 1 on Sealed Plan 8593  
 Derivation : Part of 38 Acres Lcoated to J. Eddington. Part of  
 38 Acres Located to J. Piper. Whole of Lot 35475 Gtd. to S.A.  
 Eddington & Anor.  
 Prior CT 3592/7

SCHEDULE 1

M497336 TRANSFER to JOHN DOUGLAS HAIG and LAGA ADRIANA VAN  
 BEEK Registered 28-Jan-2015 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 8593 FENCING PROVISION in Schedule of Easements  
 D154101 MORTGAGE to Westpac Banking Corporation Registered  
 28-Jan-2015 at 12.01 PM

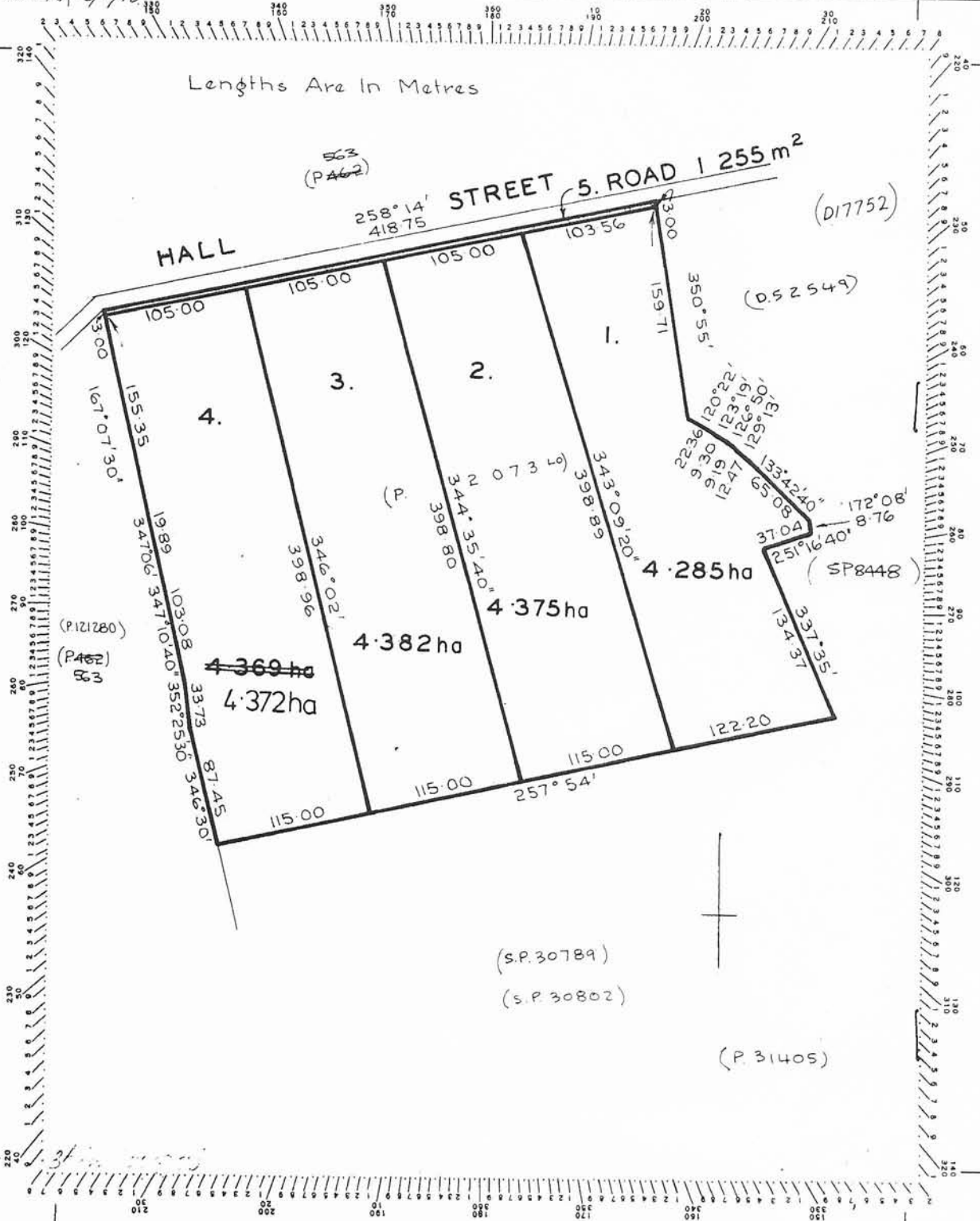
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

20 SEP 1976

Owner: <u>S.A. Eddington &amp; Mrs G.W. &amp; M. Griggs</u>	PLAN OF SURVEY by Surveyor <u>G.W. Griggs</u> of land situated in the	Registered Number: <b>S. 8593</b>
Title Reference: <u>Con 35-153 &amp; C.T. 2499-19</u>	LAND DISTRICT OF MONMOUTH PARISH OF STRANGFORD	Effective from: <u>2.3. MAR 1977</u>
Grantee: <u>Portions Of 38ac Loc to J. Eddington &amp; 38ac Loc to J. Piper &amp; Whole Of Lot 35475 Gtd. to SA &amp; BO Eddington</u>	Scale 1:3000	Recorder of titles

MEMO 16/12/76





SEARCH OF TORRENS TITLE

VOLUME 8593	FOLIO 5
EDITION 1	DATE OF ISSUE 17-Jan-1994

SEARCH DATE : 22-Nov-2019

SEARCH TIME : 02.02 PM

DESCRIPTION OF LAND

Parish of STRANGFORD, Land District of MONMOUTH  
 Lot 5 on Sealed Plan 8593  
 Derivation : Part of 38 Acres Located to J. Eddington. Part of  
 38 Acres Located to J. Piper. Whole of Lot 35475 Gtd. to S.A.  
 Eddington & Anor.  
 Prior CT 3592/11

SCHEDULE 1

A715443 TRANSFER to GEOFFREY WILLIAM GRIGGS, LYNLEY NOEL  
 PURCELL COX and FIDUCIARY PTY. LTD.

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP 8593 FENCING PROVISION in Schedule of Easements  
 C441494 SUBJECT to the Gas Pipeline right set forth in  
 Memorandum of Provisions No. M260 acquired by the  
 Crown in accordance with the Land Acquisition Act  
 1993 freed and discharged from all estates, statutory  
 reservations and dedications in so far as they affect  
 the said Gas Pipeline right over the Gas Supply  
 Easement shown on Plan No. 137123 as passing through  
 the said land within described Registered  
 28-Nov-2006 at noon  
 D4401 Transfer of the "Gas Pipeline Right" created by  
 Instrument C441494 in favour of Tasmanian Gas  
 Pipeline Pty Ltd Registered 02-May-2012 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



SCHEDULE OF EASEMENTS

Plan No.

SP 8593

S.P 8593

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

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

No easements no profits a prendre and no covenants are created to benefit or burden the lots shown on the plan.

FENCING PROVISION:

In respect of the lots shown on the plan the Vendors

~~Geoffrey William Griggs and Marian Griggs as trustees for the Griggs Family Trust~~ shall not be required to fence.

SIGNED by GEOFFREY WILLIAM GRIGGS and MARIAN GRIGGS the beneficial owners and registered proprietors of the land comprised in Conveyance 35/753 and Certificate of Title 2499/19 in the presence of:

A. E. ...  
SECRETARY  
JUSTINE PERRY

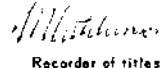
THE COMMON SEAL of SALAMIS PTY. LTD. Mortgagee under Mortgage No. 50/6077A was hereunto affixed in the presence of :

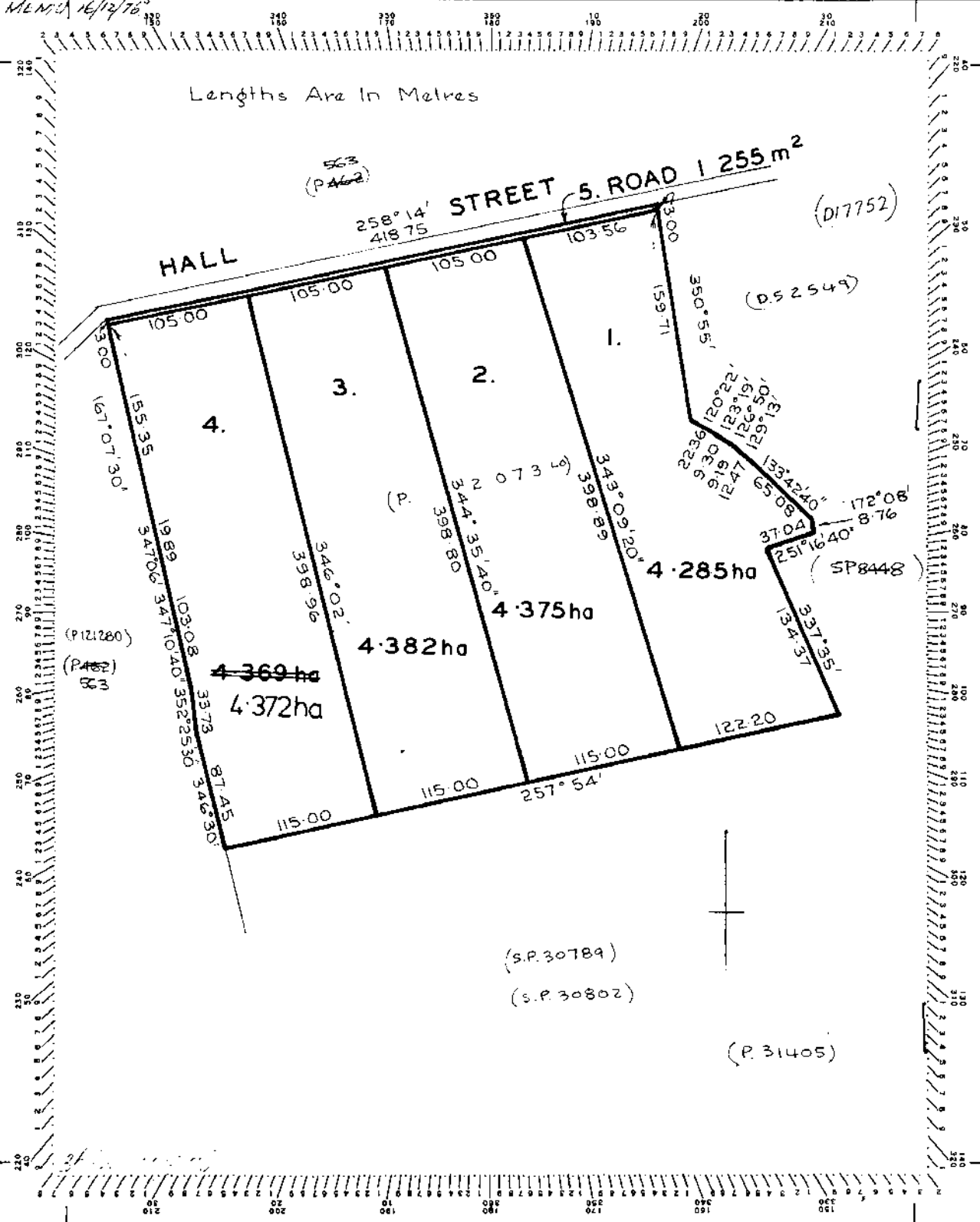


Director

Secretary

20 SEP 1976

Owner: S.A. Eddington & Anr. G.W. & M. Griggs	PLAN OF SURVEY by Surveyor G.W. Griggs of land situated in the	Registered Number: <b>578593</b>
Title Reference: Con 35-753 & CT 2499-19	LAND DISTRICT OF MONMOUTH PARISH OF STRANGFORD	Effective from: 23 MAR 1977  Recorder of titles
Grantee: Portions Of 38ac Loc to J. Eddington & 38ac Loc to J. Piper & Whole Of Lot 35475 Gld to SA & BO Eddington		Scale 1:3000



8593

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

*S. A. EDDINGTON*  
Subdivider/Solicitor for the Subdivider

This is the schedule of easements attached to the plan of

*S. A. EDDINGTON*  
(Insert Subdivider's Full Name)

..... affecting land in

*Con 35-753 and C.T. 2499-19*  
(Insert Title Reference)

Sealed by *Municipality of Brighton*

on *9<sup>th</sup> September 1976*

*[Signature]*  
Council Clerk/Treasurer

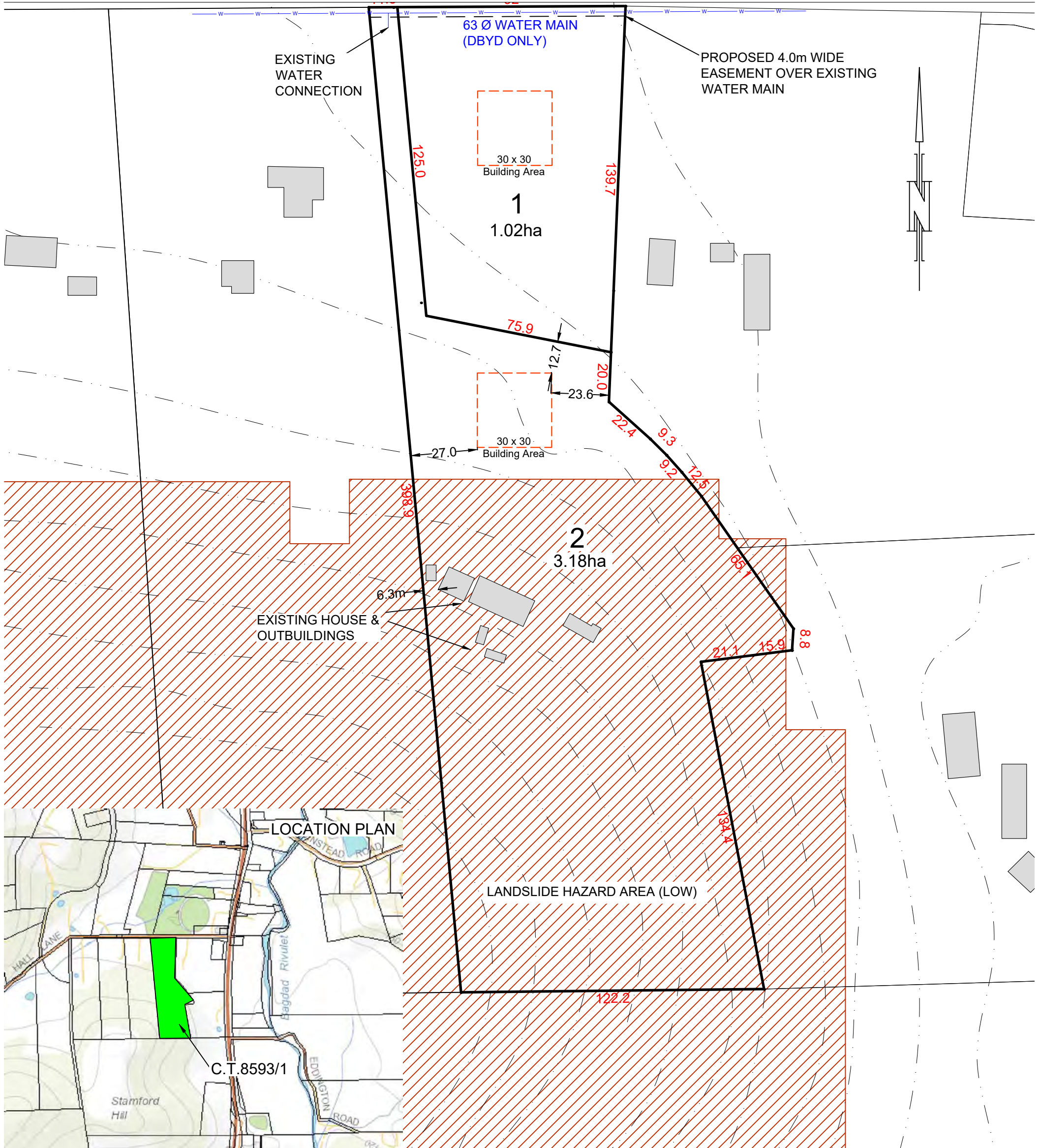
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## APPENDIX B

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### Proposed Subdivision Plan





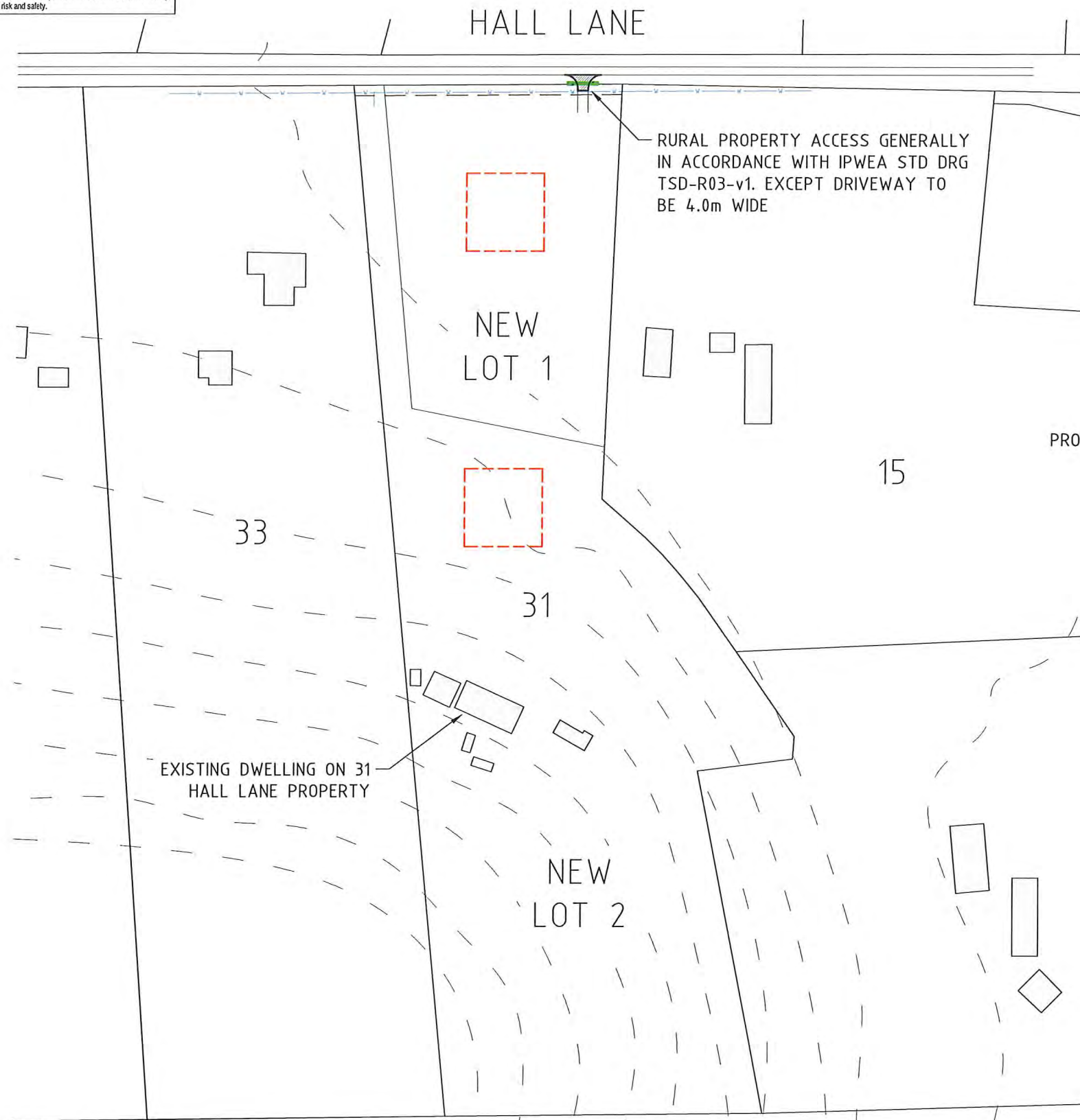
This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.  
All measurements and areas are subject to the final survey.  
Base image by TASMAR (www.tasmap.tas.gov.au), © State of Tasmania  
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

OWNER: J. D. HAIG & L. A. VAN BEEK  
TITLE REFERENCE: C.T.8593/1  
LOCATION: 31 HALL LANE  
BAGDAD

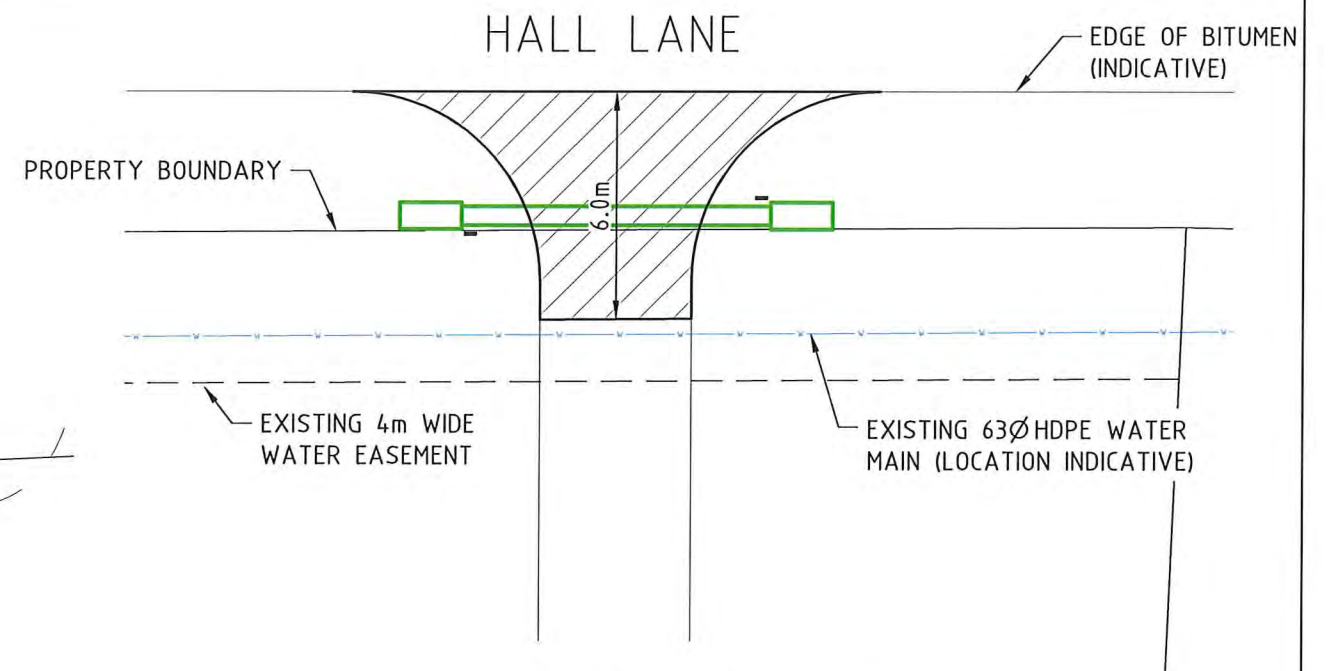
Proposed Subdivision	
Date: 12-11-2019	Reference: JMG077 12065-01
Scale: 1:1500 (A3)	Municipality: SOUTHERN MIDLANDS

**SAFETY IN DESIGN REPORT**  
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.

The following risks which are unique to this design have been identified:	NIL
This report does not relieve contractors from their responsibilities under the Act to identify, report, mitigate and manage all aspects of risk and safety.	



**SITE PLAN**  
SCALE 1:2000



**RURAL DRIVEWAY CROSSOVER PLAN**

SCALE 1:200

NOTE: LOCATION OF PROPOSED ACCESS INDICATIVE ONLY. LOCATION TO BE FINALISED WITH FUTURE OWNER OF NEW LOT 1.

**PRELIMINARY PRINT**

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P1 | 18.11.2019 | PRELIMINARY PRINT  
REV | DATE | REMARK

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Accepted Grant Atherton (Discipline Head)	Date 20.11.19
Accepted Matt Clark (Team Leader)	Date 20.11.19
Approved Matt Clark (Group Manager)	Date 11

SCALES @ A3	DESIGNED BY	DRAWN BY
VARIES	MJR	RWH
	PLOT DATE	20/11/2019

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PROJECT  
**31 HALL LANE  
SUBDIVISION**

TITLE  
**CONCEPT DRIVEWAY  
PLAN**

PROJECT NO.	<b>J193111PH</b>	
DWG NO.	<b>C01</b>	REVISION <b>P1</b>
PLOT DETAILS	CONCEPT PLAN.DWG	

---

APPENDIX C  
GES Report

**ON-SITE WASTEWATER ASSESSMENT**

***31 Hall Lane***

***Bagdad***

***November 2019***



GEO-ENVIRONMENTAL  

---

S O L U T I O N S

Disclaimer: The author does not warrant the information contained in this document is free from errors or omissions. The author shall not in any way be liable for any loss, damage or injury suffered by the User consequent upon, or incidental to, the existence of errors in the information.



## Introduction

<b>Client:</b>	JMG
<b>Date of inspection:</b>	31/10/2019
<b>Location:</b>	31 Hall Lane, Bagdad
<b>Land description:</b>	Approx. 4.2ha lot
<b>Building type:</b>	Proposed new subdivision
<b>Investigation:</b>	AMS Power Probe
<b>Inspected by:</b>	A. Plummer

## Background information

<b>Map:</b>	Mineral Resources Tasmania, Tea Tree Sheet 1:25000
<b>Rock type:</b>	Jurassic dolerite/quaternary sediments
<b>Soil depth:</b>	Approx. 3.0m
<b>Planning overlay</b>	Landslide Hazard Area on Southern half of block
<b>Local meteorology:</b>	Annual rainfall approx. 600 mm
<b>Local services:</b>	Reticulated water with onsite wastewater disposal required.

## Site conditions

<b>Slope and aspect:</b>	Approx. 5-20% slope to the North/North-east
<b>Site drainage:</b>	Imperfect subsoil drainage
<b>Vegetation:</b>	Pasture and ornamental species
<b>Weather conditions:</b>	Cloudy, approx. <10mm rainfall received in preceding 7 days.
<b>Ground surface:</b>	Dry surface conditions

## Investigation

A number of excavations were completed to identify the distribution of, and variation in soil materials on the site. Representative excavations from each of the proposed lots indicated on the site plan were chosen for testing and classification according to AS1547-2012 (see profile summaries).



**Profile Summaries**

Holes 1 & 3 Depth (m)	Hole 2 Depth (m)	Horizon	Description
0.0 – 0.15	0.0 – 0.20	A1	Brownish Grey <b>SAND (SW)</b> , trace of silt, single grain, dry, dense consistency, clear boundary to
0.15 – 0.60	0.20 – 0.80	B2	Dark Brown <b>CLAY (CL)</b> , slightly moist, hard consistency, medium plasticity, clear boundary to
0.60 – 1.50	0.80 – 1.60	BC	Greyish Brown <b>Clayey SAND (SC)</b> , weak polyhedral structure, slightly moist, very dense consistency, gradual boundary to
1.50 – 2.80	1.60 – 2.0+	C1	Grey <b>Clayey SAND (SC)</b> , weak polyhedral structure, slightly moist, very dense consistency, gradual boundary to
2.80 – 3.0+		C2	Yellow and Pale Brown <b>Clayey SAND (SC)</b> , weak polyhedral structure, slightly moist, very dense consistency, gradual boundary to

**Soil Profile Notes**

The soil profiles above have been taken from each of the indicative building areas. The soils on the site are developing on Jurassic dolerite and consist of sands overlying clay and clayey sand subsoils. The soils are moderately structured, have a moderate permeability and moderate CEC for retention of nutrients. The soils across the site area classified according to AS1547-2012 as **Category 5 – Light Clay**. The topsoils are moderately well drained, however the subsoils are likely to have a reduced permeability. A range of wastewater disposal options are suitable for the proposed lots.

**Site Summary**

The current development application is for the subdivision into two lots with a total area of approximately 4.2ha. The proposed new lots will be approximately 1.02ha and 3.18ha in size. The existing house on lot 2 appears to have a functioning wastewater system which located is well within the proposed boundary and there is more than sufficient room for a reserve area for future use. As a result lot 2 has not been assessed in further detail.

## **Nutrient Balance and Sustainable Wastewater Application**

The soils across the entire site are developed from Jurassic dolerite sediments and have a good estimated Cation Exchange Capacity (CEC). The soils returned negative results to all Emerson dispersion tests. Therefore, the soils have a good capacity to retain nutrients in applied wastewater.

## **Hydrological Balance and Wastewater Disposal**

The capability of the proposed new lots to support a typical residential dwelling and on-site wastewater disposal must be evaluated to ensure environmental values are maintained. Modelling of wastewater application on the proposed lot was undertaken utilising the Trench program, long term weather average for Bagdad, and estimated flows from an average three bedroom home.

Assuming the construction of a typical three bedroom dwelling with mains water supply, the expected loading under AS1547-2012 is 750L/day. Using the Design Loading Rate (DLR) of 7L/m<sup>2</sup>/day, an absorption area of 108m<sup>2</sup> would be required. Alternatively using a DIR of 3mm/day, a subsurface irrigation area of 250m<sup>2</sup> would be required. The assessment concludes that the proposed lots would be more than sufficient to accommodate wastewater from future residential development.

It is recommended the final decision of wastewater system approval rest with the permit authority at the time of site specific design to ensure the most compatible environmental and economic outcomes. Therefore, it is not warranted to restrict the lot to a single wastewater system type at the subdivision approvals stage, as each dwelling will have individual nuances which may be more suited to any one of a range of designs allowable within AS1547-2012.

## Setbacks Distances to Boundaries and Sensitive Features

A number of indicative minimum boundary setbacks applicable to the development have been modelled utilising the Trench program and with reference to the Building Act 2016 wastewater guidelines;

### *Lot 1*

- Boundaries (upslope/across slope) – 1.5m
- Boundaries down slope – primary – 6m, secondary – 4.5m (slope 3°)
- Down slope surface water – 100m

### *Lot 2 – Balance lot*

- Boundaries (upslope/across slope) – 1.5m
- Boundaries down slope – primary – 22m, secondary – 12.5m (slope 11°)
- Down slope surface water – 100m

## Stormwater Management

The soils on site on lot 1 are developing on Quaternary deposits with an estimated permeability of 0.78m/day.

### **Stormwater calculations**

Stormwater runoff from impervious surfaces on site (new roof area) is calculated according to the rational method taken from *Australian Rainfall and Runoff (ARR)*.

Where the flowrate  $Q = 0.000278CIA$

C = Runoff coefficient (taken as 0.90 for roof and 0.75 for gravel)

I = Intensity of rainfall

A = Catchment area

All 1:20yr scenarios (5 minutes to 72 hours) have been calculated in the attached spread sheet. The Intensity Frequency Duration (IFD) data generated for the site is shown in the attached charts and table.

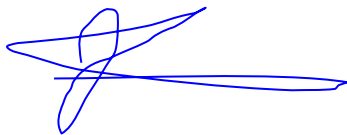
***For typical roof area of approximately 200m<sup>2</sup>***

The required stormwater trench area is 14.6m<sup>2</sup>. There is sufficient space onsite to accommodate stormwater flows and the resultant stormwater retention area/volume should therefore be sufficient to handle all ARI 1:20 events and complies with the development standards outlined in E7.7.1 P1.

**Conclusions**

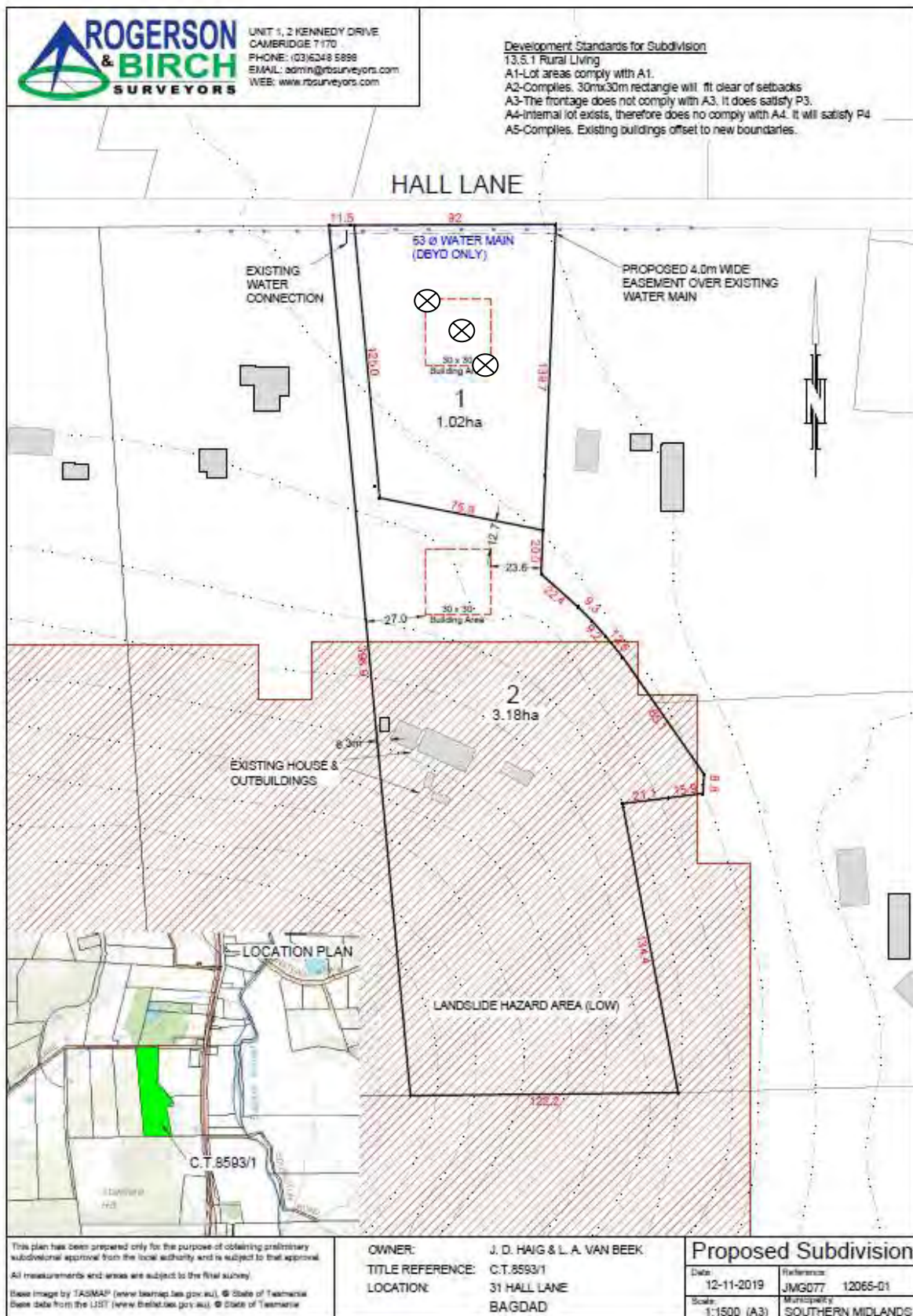
The current subdivision proposal allows for sufficient space on the proposed lots to be created for the installation and successful operation of a wastewater treatment system, with adequate setbacks in regards boundaries and sensitive features. The wastewater system for the existing dwelling on the balance lot is also considered to be operating adequately, and there is more than sufficient room if the system should require upgrading on the future.

No serious geotechnical; impediments were identified for future residential use on either of the lots and as such the land is suitable for the proposed subdivision.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD  
*Environmental and Engineering Soil Scientist*

**Appendix 1 – Site plan showing location of proposed lots, test holes, and building envelopes**







**GES Pty Ltd**  
Land suitability and system sizing for on-site wastewater management  
Trench 3.0 (Australian Institute of Environmental Health)

**Site Capability Report**  
**Site assessment for on site wastewater disposal**

Assessment for	JMG	Assess. Date	7-Nov-19
		Ref. No.	
Assessed site(s)	31 Hall Lane, Bagdad	Site(s) inspected	31-Oct-19
Local authority	Southern Midlands Council	Assessed by	John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	2,000	V. high	Low		
	Density of disposal systems	/sq km	10	High	Very low		
	Slope angle	degrees	3	V. high	Very low		
	Slope form	Straight simple		V. high	Low		
	Surface drainage	Imperfect		High	Moderate		
	Flood potential	Site floods <1:100 yrs		High	Very low		
	Heavy rain events	Infrequent		High	Moderate		
	Aspect (Southern hemi.)	Faces NE or NW		V. high	Low		
	Frequency of strong winds	Common		High	Low		
	Wastewater volume	L/day	750	High	Moderate		
	SAR of septic tank effluent		0.8	High	Very low		
	SAR of sullage		1.3	High	Low		
	Soil thickness	m	2.0	V. high	Very low		
	Depth to bedrock	m	2.0	High	Low		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	2	V. high	Very low		
	Soil pH		5.5	High	Low		
	Soil bulk density	gm/cub. cm	1.5	High	Low		
	Soil dispersion	Emerson No.	8	V. high	Very low		
	Adopted permeability	m/day	0.32	High	Low	Moderate	
	Long Term Accept. Rate	L/day/sq m	7	High	Moderate	No change	

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

**Comments**

The site is limited by the slope and low permeability of the soil. This can be managed by the installation of terraced absorption trenches and the use of a conservative DLR.

**GES Pty Ltd**  
 Land suitability and system sizing for on-site wastewater management  
 Trench 3.0 (Australian Institute of Environmental Health)

**Environmental Sensitivity Report**  
**Site assessment for on site wastewater disposal**

Assessment for	JMG	Assess. Date	7-Nov-19
		Ref. No.	
Assessed site(s)	31 Hall Lane, Bagdad	Site(s) inspected	31-Oct-19
Local authority	Southern Midlands Council	Assessed by	John Paul Cumming

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Cation exchange capacity	mmol/100g	90	High	Low	Moderate	
	Phos. adsorp. capacity	kg/cub m	0.7	High	Moderate	No change	
	Annual rainfall excess	mm	-463	High	Very low		
	Min. depth to water table	m	10	V. high	Very low		
	Annual nutrient load	kg	2.7	High	Very low		
	G'water environ. value	Agric non-sensit		High	Low		
	Min. separation dist. required	m	5	High	Very low		
	Risk to adjacent bores	Very low		High	Very low		
	Surf. water env. value	Agric non-sensit		High	Low	No change	
	Dist. to nearest surface water	m	150	High	Moderate		
A	Dist. to nearest other feature	m	20	V. high	High		
	Risk of slope instability	Low		High	Low		
	Distance to landslip	m	160	High	Low		

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

**Comments**

The soil onsite has a good CEC for nutrient retention and there is a large distance to downslope surface water.

## APPENDIX D

---

### Bushfire Assessment

# BUSHFIRE REPORT

FOR JOHN HAIG

## 31 Hall Lane Subdivision



November 2019





**Johnstone McGee & Gandy Pty Ltd**

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1.1	November 2019	Updated Lot 2 Bldg. Area	DAE	18.11	IEB	19.11	DAE	20.11

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5. The effectiveness of the measures and recommendations in this report are dependent on their implementation and maintenance for the life of the development. Should the site characteristics that this assessment has been measured from alter from those identified, the BAL classification may differ and cause this report to be void. No liability can be acceptable for actions by lot owners, Council or government agencies which compromise the effectiveness of this report.
6. Whilst compliance with the recommendations of this report will enhance the likelihood of the development surviving a bushfire hazard, no guarantee is made that the development will survive every bushfire hazard event.

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Appendix A - Subdivision Plan

Appendix B - Bushfire Hazard Management Plan

Appendix C - Certificate of Compliance

# 1 Introduction

JMG Engineer and Planners have been engaged by John Haig to prepare a bushfire hazard assessment for a proposed subdivision at 31 Hall Lane, Bagdad. The author, Dana Elphinstone, is a qualified town planner and Accredited person under Part 4A of the *Fire Service Act 1979*.

The development involves the subdivision of land located within a bushfire-prone area necessitating an assessment against the Bushfire-Prone Areas Code of the *Southern Midlands Interim Planning Scheme 2015*.

This report considers:

- **Whether the site's location meets the definition of a bushfire-prone area;**
- The characteristics of the site and surrounding land;
- The proposed use and development that may be threatened by bushfire hazard;
- The applicable Bushfire Attack Level (BAL) rating;
- Appropriate bushfire hazard mitigation measures; and
- Compliance with planning requirements pertaining to bushfire hazard.

In order to demonstrate compliance with the Bushfire-Prone Areas Code this report includes a Certificate of Compliance (for planning purposes).

# 2 Site Description

The land proposed for subdivision is 31 Hall Lane, Bagdad (PID 5018760, CT 8593/1) owned by John Haig and Laga Van Beek (Figure 1). The site has a total area of 4.285 ha with 103.56 m frontage to Hall Lane. The lot has an irregular shape due to the alignment of the eastern boundary.

The site slopes up from northeast to south west, becoming steeper in the south west corner. The site is located in a fully serviced area for reticulated water supply, however there do not appear to be water hydrants servicing the site. The nearest water hydrant is located on Midland Highway and is over 200 m from the site. The site is not serviced by reticulated sewerage.

## Planning Context

The relevant planning instrument for the assessment of use and development on the site is the *Southern Midlands Interim Planning Scheme 2015* ("**Planning Scheme**"). **The site is zoned 'Rural Living' under the Planning Scheme.**

The site is located at the edge of the Rural Living zone and adjoins Rural Resource land to the south. There is an area of Community Purpose land to the north of the site separated by the Utilities zone on Hall Lane road reserve. There is land zoned Significant Agricultural approximately 150 m to the south east, and Environmental Living approximately 430 m to the west.

The southern half of the site is subject to a low risk Landslide Hazard Area.

## Natural Values

The site is largely cleared of standing vegetation. There is remnant vegetation around the dwelling with scattered trees extending towards the southern boundary and increasing in density towards the south east corner.

There are three distinct vegetation communities on the site as classified by the TASVEG 3.0 database, including Agricultural Land (FAG), Bursaria - Acacia woodland and scrub (NBA) and

*Eucalyptus pulchella* forest and woodland (DPU). There are no threatened native vegetation communities recorded on the site.

There are no waterbodies or watercourses on the site.

#### Heritage Values

The site is not listed under the Interim Planning Scheme, nor on the Tasmanian Heritage Register for historic heritage protection, however the site does adjoin a heritage place to the east at 1657 Midland Highway, known as 'Sunnyside' (Tasmanian Heritage ID 5383).



Figure 1 - Subject Site

### 3 Proposed Use & Development

The proposed development is the subdivision of land into two allotments. Lot 1 will be 1.02 ha located in the north eastern corner of the site. Lot 2 will be the balance of the site with a total area of 3.18 ha. Lot 2 will retain the existing dwelling; both lots have a designated 30 m by 30 m building area. Lot 1 will have 92 m frontage to Hall Lane whilst Lot 2 will have 11.5 m frontage and includes an access strip. A new crossover is proposed for Lot 1.

## 4 Bushfire Hazard Assessment

The proposed subdivision is within 100 m of over 1 ha of contiguous unmanaged vegetation and **therefore is within a ‘bushfire-prone area’ as defined in the Planning Scheme.**

The key factors affecting bushfire behaviour are fuel, weather conditions and topography. This section of the report considers these factors in the context of AS 3959-2009 -*Construction of buildings in bushfire-prone areas*, which is required in order to determine compliance with planning and building requirements for bushfire protection.

### 4.1 Vegetation & Effective Slope

AS 3959-2009 provides categories for classifying vegetation based on structural characteristics.

**‘Effective Slope’** refers to the slope of land underneath bushfire-prone vegetation relative to the subject site. **Effective Slope affects a fire’s rate of spread and flame length and is** accordingly a critical aspect affecting bushfire behaviour. AS 3959-2009 refers to five categories of Effective Slope and these have been used for the purpose of this analysis.

Figure 2 shows land within 100 m of the site as this is the minimum area for consideration under the current planning and building regulations.

The site was inspected on 19 October 2019.



Figure 2 - Site Analysis



### *Onsite Vegetation*

The subject site is characterised as a rural residential lot with the majority of standing vegetation cleared. There is an existing dwelling on the site with managed garden surrounded by lawns and remnant bushland. The onsite vegetation to the south of the existing dwelling is characterised by unmanaged pasture with a band of existing trees on the eastern boundary (Figure 5, Figure 4). The majority of the site is classified as Group G - Grassland (Figure 3) but becomes Group B - Woodland (Figure 4) on the eastern side of the dwelling.



Figure 3 - View towards Hall Lane from Site Access





Figure 4 - Vegetation onsite east of existing dwelling



Figure 5 - Vegetation on southern side of existing dwelling looking west.



*North*

The land to the north includes the Hall Lane road reserve and an existing windbreak opposite the site (Figure 6). North of Hall Lane is the Bagdad Community Centre which is developed as a golf course and recreation oval. The vegetation is well maintained and considered low threat in accordance with clause 2.2.3.2 (f) of AS3959-2009.



Figure 6 - View to the East along Hall Lane. Site to the Right.



Figure 7 - Vegetation to the North at Bagdad Community Centre



### East

The site is flanked by large rural residential properties to the east and west. The land to the east on 15 Hall Lane appears to be used as an agistment for horses with well-maintained pasture. The pasture on this property is very well-maintained and considered low threat in accordance with clause 2.2.3.2 (f).



Figure 8 - Vegetation on 15 Hall Lane East of Site

### South

The vegetation to the south is characterised by a grassy ground cover and shrubby trees to a height of about 5 m (Figure 9). The canopy has foliage cover of less than 30% and there is little to no understorey. This vegetation is classified as Group B - Woodland.



Figure 9 - Vegetation southeast of site



West

The land on 33 Hall Lane south of the existing dwelling is characterised by lawn that is nearly non-existent and scattered trees (Figure 10). This vegetation is classified as low threat in accordance with clause 2.2.3.2 (f).



Figure 10 - Land south of dwelling on 33 Hall Lane west of site.

The vegetation to the west and south west of the existing dwelling is characterised by eucalypt and allocasuarina trees with an average height of 5 m (Figure 11). There is no understorey vegetation and the grass cover in this area is cropped short. This vegetation is classified as Group B - Woodland.



Figure 11 - Vegetation west of site



## 4.2 Required Separation

Table 1 sets out the required separation distances from bushfire-prone vegetation to achieve the corresponding BAL level.

The development standards for subdivision under the Bushfire-Prone Areas Code of the Planning Scheme requires that building areas are suitable to accommodate a minimum BAL-19 rated building.

Table 1 - Required Minimum Separation

VEGETATION CLASSIFICATION	EFFECTIVE SLOPE	MIN. SEPARATION FOR BAL-19 (m)	MIN. SEPARATION FOR BAL-12.5 (m)
Group A - Forest	Upslope	23-<32	32-<100
Group B - Woodland	Downslope >10-15°	28-<40	40-<100
	Downslope >5 to 10°	15-<22	22-<100
	Upslope	13-<19	19-<100
Group G - Grassland	Downslope >0 to 5°	11-<16	16-<50
	Upslope	10-<14	14-<50

## 5 Bushfire Protection Measures

During a bushfire event, a number of bushfire attack mechanisms may threaten buildings and occupants, including:

- Radiant heat;
- Direct flame contact;
- Ember attack; and
- Wind.

A range of bushfire protection measures are recommended to improve the resilience of the future development and achieve a tolerable level of residual risk for occupants. The protection measures outlined in this section have been consolidated in a Bushfire Hazard Management Plan (**'BHMP'**) Appendix B).

Additional measures to improve resilience of dwellings are also recommended but are at the discretion of the developer and future developers within the subdivision.

### 5.1 Hazard Management Areas

**The Hazard Management Area ('HMA')** refers to land between a habitable building or building area and an area of bushfire-prone vegetation, that is managed in a minimum fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire. This area provides access to a fire front for firefighting. The HMA will reduce the potential exposure of habitable buildings and occupants to radiant heat and flames and provide defensible space in the event of a bushfire. The effectiveness of the hazard management areas is reliant on ongoing maintenance by landowners.

Effective hazard management area maintenance does not require blanket removal of all vegetation. The intent is to manage vegetation in a way that limits the opportunity for vertical and horizontal fire spread in the vicinity of the building being protected.

The Hazard Management Areas identified on the BHMP must be established upon creation of the certificates of title and maintained by the owners in perpetuity. The dimensions of the required HMAs are shown on the BHMP and are to be measured from the walls of the future habitable buildings, or for parts of the building that do not have external walls (including verandas, carports, decks, landings, steps and ramps) to the supporting posts or columns.

Management prescriptions for hazard management areas are provided in Table 2 and Figure 12 provides an example of vegetation management within a hazard management area.

Table 2 - Hazard Management Area Prescriptions

Within 10m of habitable buildings	<ul style="list-style-type: none"> <li>• No storage of flammable materials (e.g. firewood);</li> <li>• Avoid locating flammable garden materials near vulnerable building elements such as glazed windows/doors, decks and eaves (e.g. non-fire retardant plants and combustible mulches);</li> <li>• Non-flammable features such as paths, driveways and paved areas are encouraged around habitable buildings.</li> <li>• Clear out accumulated leaf litter and other debris from roof gutters.</li> </ul>
Trees within HMA	<ul style="list-style-type: none"> <li>• Maintain canopy separation of approximately 2.0m;</li> <li>• Ensure no branches overhang habitable buildings;</li> <li>• Remove tree branches within 2.0m of ground level below;</li> <li>• Locate any new tree plantings 1.5 x their mature height from house;</li> <li>• Avoid planting trees with loose, stringy or ribbon bark.</li> </ul>

Understory vegetation within HMA	<ul style="list-style-type: none"> <li>• Maintain grass cover at &lt;100mm;</li> <li>• Maintain shrubs to &lt;2.0m height;</li> <li>• Shrubs to be maintained in clumps so as to not form contiguous vegetation (i.e. clumps up to 10sqm in area, separated from each other by at least 10m);</li> <li>• Avoid locating shrubs directly underneath trees;</li> <li>• Periodically remove dead leaves, bark and branches from underneath trees and around habitable buildings.</li> <li>• Use low-flammability species for landscaping purposes where appropriate.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Maintain vegetation clearance around vehicular access and water supply points.</li> </ul>



Figure 1 highlights vegetation controls in the hazard management area

Figure 12 - Example Hazard Management Area (TFS)

## 5.2 Construction Standards

Future habitable buildings located within the specified building areas on the BHMP and provided with the required hazard management areas are to be designed and constructed to a minimum of BAL-19 standard under AS 3959-2009. Lot 1 can achieve BAL-12.5 construction if the BAL-12.5 Hazard Management Area is established and maintained in perpetuity. Applicable permitted construction variations under AS 3959-2009 are outlined in Table 3 below. An alternative BAL rating may be possible for future developments subject to a separate assessment and certification of a specific building design.

Table 3 - Construction Requirements and Construction Variations (as per Table 4.1 of the Director's Determination)

Element	Requirement
A. Polycarbonate Sheeting for walls and roofs.	May be used in exposures up to and including BAL 19. <i>Comment: refer to the TFS Chief Officer's Bushfire Advisory Note 3.</i>
B. Straw Bale Construction	May be used in exposures up to and including BAL 19.
C. Shielding provisions under Section 3.5 of AS3959-2009	To reduce construction requirements due to shielding, building plans must include suitable detailed elevations or plans that demonstrate that the requirements of Section 3.5 of the Standard can be met. <i>Comment: Application of Section 3.5 of the Standard cannot result in an assessment of BAL - LOW.</i>

## 5.3 Access

### Property Access

Private access greater than 30 m or required to access a water connection point must meet the following design and construction requirements:

- All-weather construction;
- Load capacity of at least 20t, including for bridges and culverts;
- Minimum carriageway width of 4m;
- Minimum vertical clearance of 4m;
- Minimum horizontal clearance of 0.5m from the edge of the carriageway;
- Cross falls of less than 3 degrees (1:20 or 5%);
- Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- Curves with a minimum inner radius of 10m;
- Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- Terminate with a turning area for fire appliances provided by one of the following:
  - (i) a turning circle with a minimum outer radius of 10m; or
  - (ii) a property access encircling the building; or
  - (iii) a hammerhead 'T' or 'Y' turning head 4m wide and 8m long.

Private access longer equal to or greater than 200 m must also include passing bays of 2 m additional carriageway width and 20 m length provided every 200 m.

The existing access will likely need to be upgraded to meet the above requirements and new access is required for Lot 1. Options for access are provided on the BHMP.

## 5.4 Water

Each building area within the proposed subdivision must be provided with a water supply dedicated for firefighting. The site is located in an area with a reticulated water service however, it is unlikely that fire hydrants will be extended into the subdivision. The closest fire hydrant on Midland highway is over 200 m from the site. Therefore, static water supply for fire fighting must be provided.

Any new habitable building will require a minimum 10,000 L static water supply for each building area in accordance with Table 4.3B below. It is advised that the water supply for Lot 2 include an additional 10,000 L for the existing dwelling or provide an additional static water supply for the existing dwelling if there is not one already. A combined water supply could then be accessed via remote water connection points within 90 m of the building area.

The water supply must include a water connection point within 3.0 m of a vehicle hardstand that is at least 6.0 m from the building. The hardstand must be connected to the property access. **The water supply must comply with Table 4.3B of the Director's Determination:**

Table 4.3B Static Water Supply for Fire fighting
A. Distance between building area to be protected and water supply
The following requirements apply: <ol style="list-style-type: none"> <li>1. The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and</li> <li>2. The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.</li> </ol>
B. Static Water Supplies
A static water supply: <ol style="list-style-type: none"> <li>1. May have a remotely located offtake connected to the static water supply;</li> <li>2. May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>3. Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;</li> <li>4. Must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>5. If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: <ol style="list-style-type: none"> <li>(a) metal;</li> <li>(b) non-combustible material; or</li> <li>(c) fibre-cement a minimum of 6 mm thickness.</li> </ol> </li> </ol>
C. Fittings, pipework and accessories (including stands and tank supports)
Fittings and pipework associated with a water connection point for a static water supply must: <ol style="list-style-type: none"> <li>1. Have a minimum nominal internal diameter of 50mm;</li> <li>2. Be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>3. Be metal or lagged by non-combustible materials if above ground;</li> <li>4. Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i>);</li> <li>5. Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>6. Ensure the coupling is accessible and available for connection at all times;</li> <li>7. Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</li> </ol>



8. Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and
9. Where a remote offtake is installed, ensure the offtake is in a position that is:
  - (a) Visible;
  - (b) Accessible to allow connection by fire fighting equipment;
  - (c) At a working height of 450 - 600mm above ground level; and
  - (d) Protected from possible damage, including damage by vehicles.

#### D. Signage for static water connections

1. The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with: Water tank signage requirements within AS 2304-2011 *Water storage tanks for fire protection systems*; or
2. The following requirements:
  - (a) **Be marked with the letter "W" contained within a circle with the letter in upper case of not less than 100 mm in height;**
  - (b) Be in fade-resistant material with white reflective lettering and circle on a red background;
  - (c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and
  - (d) Be no less than 400 mm above the ground.

#### E. Hardstand

A hardstand area for fire appliances must be provided:

1. No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);
2. No closer than six metres from the building area to be protected;
3. With a minimum width of three metres constructed to the same standard as the carriageway; and
4. Connected to the property access by a carriageway equivalent to the standard of the property access.

## 6 Planning Requirements

### *Southern Midlands Interim Planning Scheme 2015*

The *Southern Midlands Interim Planning Scheme 2015* (**'the Planning Scheme'**) is the relevant planning instrument for the assessment of the proposed development.

Compliance with the Bushfire-Prone Areas Code is addressed in Table 4.

Table 4 - Compliance with Bushfire Prone Areas Code

CLAUSE		COMPLIANCE
<i>E1.6.1 Subdivision: Provision of hazard management areas</i>	A1	The proposed BHMP provides habitable building areas for each lot adequate to accommodate minimum BAL-19 rated development through existing low threat and unvegetated land, and designated hazard management areas. Lot 1 can achieve BAL-12.5 separation from bushfire-prone vegetation.  The BHMP is certified as compliant with A1(b).  No hazard management areas are located on external land A1(c).
<i>E1.6.2 Subdivision: Public access</i>	A1	No roads or fire trails are proposed as part of the subdivision. Any private access is required to be provided in accordance with Table E2 of the Bushfire-Prone Areas Code. Potential access is demonstrated on the BHMP.  The BHMP is certified as being compliant with A1(b).
<i>E1.6.3 Subdivision: Provision of water supply for fire fighting purposes</i>	A2	The BHMP requires the provision of static water supply with minimum 10,000 L capacity for all building areas, consistent with the minimum requirements.  The proposal is certified as compliant with A2(b).

A Certificate of Compliance is attached as Appendix D.

## 7 Building Compliance

The *Building Act 2016* and *Building Regulations 2016*<sup>1</sup> require that the proposed development is designed and constructed in accordance with the *National Construction Code* ('NCC').

**This can be achieved by demonstrating compliance with the Building Code of Australia's Deemed-to-Satisfy provisions or by providing an Alternate Solution that satisfies the relevant Performance Requirements.**

Clause 11G of the *Building Regulations 2014* requires that the design of any building and associated work in a bushfire-prone area:

- Consider the BAL assessment determined in a bushfire hazard management plan; and
- Comply with the ***Director's Determination - Requirements for Building in Bushfire-Prone Areas - Version 2.1, 2017*** (the '**Director's Determination**') and the relevant BCA Performance Requirements.

Clause 11D of the *Building Regulations 2014* specifies that design and construction in accordance with the ***Director's Determination - Requirements for Building in Bushfire-Prone Areas - Version 2.1, 2017*** (the '**Director's Determination**') can be taken as satisfying the BCA Performance Requirements.

Applicable permitted constructions variations under AS 3959-2009 are outlined in below Table 5.

Table 5 - Construction Requirements and Construction Variations (as per Table 4.1 of the Director's Determination)

Element	Requirement
D. Polycarbonate Sheeting for walls and roofs.	May be used in exposures up to and including BAL 19. <i>Comment: refer to the TFS Chief Officer's Bushfire Advisory Note 3.</i>
E. Straw Bale Construction	May be used in exposures up to and including BAL 19.
F. Shielding provisions under Section 3.5 of AS3959-2009.	To reduce construction requirements due to shielding, building plans must include suitable detailed elevations or plans that demonstrate that the requirements of Section 3.5 of the Standard can be met. <i>Comment: Application of Section 3.5 of the Standard cannot result in an assessment of BAL - LOW.</i>

Future development proposals for habitable buildings within the subdivision will not trigger any bushfire protection requirements through the planning approvals process, provided no vulnerable or hazardous use is proposed. Bushfire protection requirements will however be triggered through the building permit process.

Clause 11F(2)(a) allows for a bushfire hazard management plan prepared at the subdivision stage to be used in support of the building permit application, if no more than six years old.

Future development located on all proposed lots, in accordance with the specified building area and that meets the construction, hazard management area, water supply and access requirements of the BHMP can be accepted as complying with all relevant requirements of the ***Director's Determination - Requirements for Building in Bushfire-Prone Areas - Version 2.1, 2017***.

<sup>1</sup> Part 1A of the *Building Regulations 2014* remains in force in accordance with *Schedule 6 - Savings and transitional provisions* of the *Building Regulations 2016* until the *State Planning Provisions* come into effect as part of the *Tasmanian Planning Scheme*.

## 8 Conclusion & Recommendations

The proposed subdivision is located in a bushfire-prone area with grassland and woodland vegetation presenting the greatest risk to future development.

The Bushfire Hazard Management Plan prepared for the subdivision outlines the required protection measures including hazard management areas, building siting and construction, access, and water supply standards. Protection measures reduce bushfire risk to future residents, developments and to firefighters, as outlined in this report and the associated bushfire hazard management plan. The Bushfire Hazard Management Plan is certified as compliant with the Bushfire-Prone Areas Code.

Hazard Management Areas are required on both lots to provide BAL-19 separation from bushfire-prone vegetation. Lot 1 can achieve BAL-12.5 separation if the owner establishes and maintains the BAL-12.5 Hazard Management Area.

**Private access must be provided in accordance with Table 4.2 of the Director's Determination.** Static water supply for future habitable buildings must be provided in accordance with Table **4.3B of the Director's Determination.** It is advised that an additional 10,000 L supply be provided for the existing dwelling if there is not one already existing.

Future developers of all proposed lots may rely on this report in support of their building permit applications to demonstrate compliance with the *Building Regulations 2016*, insofar as it regulates bushfire protection.

## 9 References

Department of Primary Industries and Water, The LIST, viewed 23 October 2019,  
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

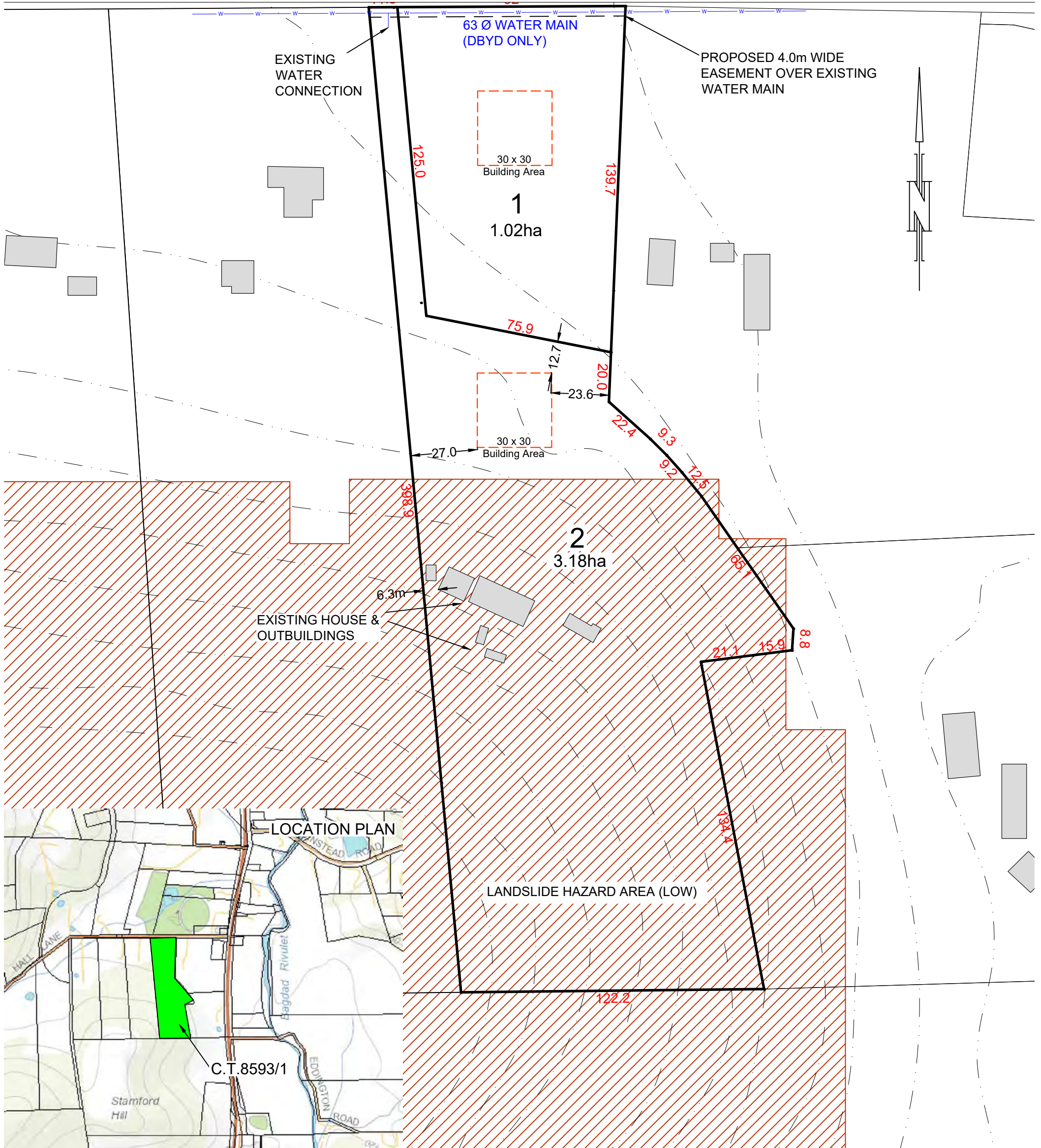
Standards Australia, 2009, *AS 3959-2009 - Construction of buildings in bushfire-prone areas*,  
Standards Australia, Sydney.

Tasmanian Planning Commission, 2015, *Southern Midlands Interim Planning Scheme 2015*,  
[www.iplan.tas.gov.au](http://www.iplan.tas.gov.au).



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APPENDIX A  
Subdivision Plan



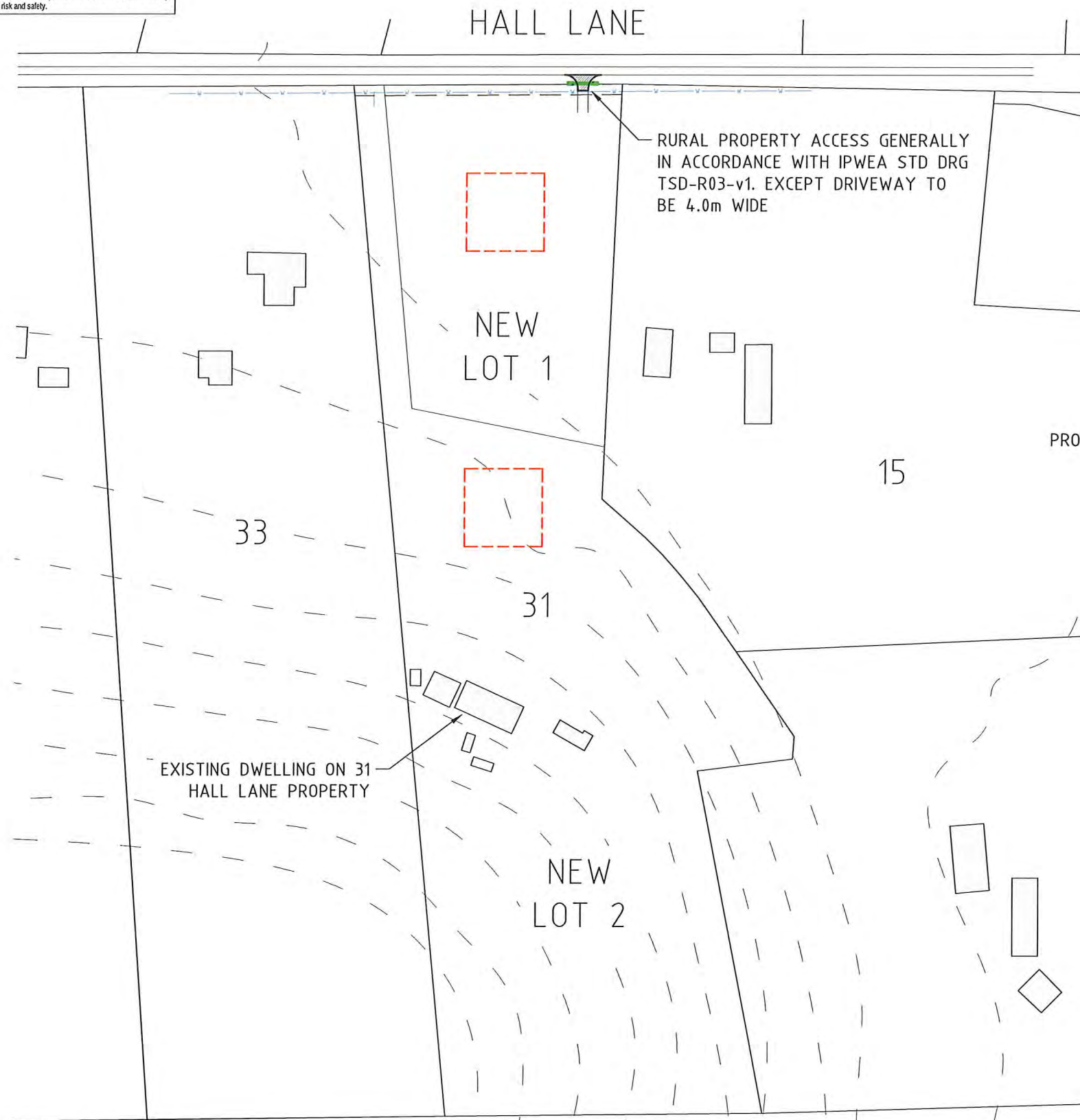
This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.  
All measurements and areas are subject to the final survey.  
Base image by TASMAR (www.tasmap.tas.gov.au), © State of Tasmania  
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

OWNER: J. D. HAIG & L. A. VAN BEEK  
TITLE REFERENCE: C.T.8593/1  
LOCATION: 31 HALL LANE  
BAGDAD

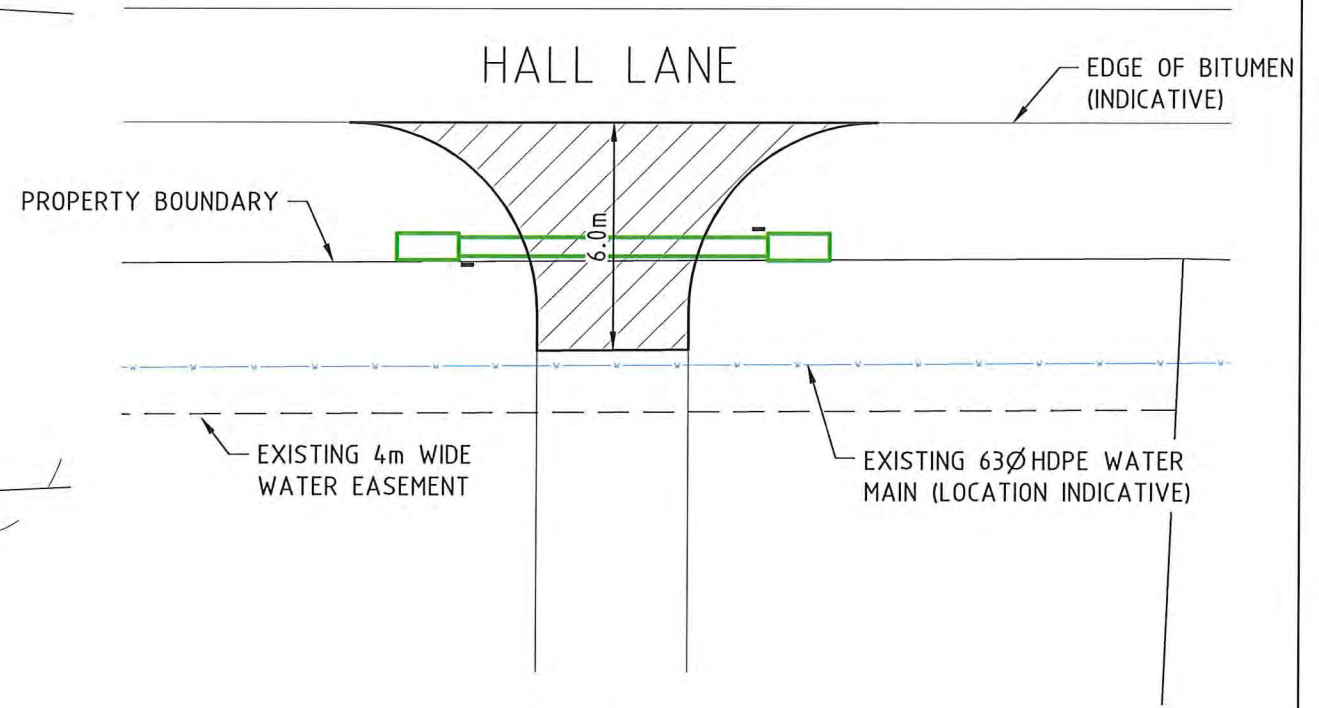
Proposed Subdivision	
Date: 12-11-2019	Reference: JMG077 12065-01
Scale: 1:1500 (A3)	Municipality: SOUTHERN MIDLANDS

**SAFETY IN DESIGN REPORT**  
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.

The following risks which are unique to this design have been identified:	NIL
This report does not relieve contractors from their responsibilities under the Act to identify, report, mitigate and manage all aspects of risk and safety.	



**SITE PLAN**  
SCALE 1:2000



**RURAL DRIVEWAY CROSSOVER PLAN**  
SCALE 1:200

NOTE: LOCATION OF PROPOSED ACCESS INDICATIVE ONLY. LOCATION TO BE FINALISED WITH FUTURE OWNER OF NEW LOT 1.

**PRELIMINARY PRINT**

**NOT FOR CONSTRUCTION**

P1	18.11.2019	PRELIMINARY PRINT
REV	DATE	REMARK

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Accepted Grant Atherton (Discipline Head)	Date 20.11.19
Accepted Matt Clark (Team Leader)	Date 20.11.19
Approved Matt Clark (Group Manager)	Date 11

SCALES @ A3	DESIGNED BY	DRAWN BY
VARIES	MJR	RWH
	PLOT DATE	20/11/2019



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PROJECT  
**31 HALL LANE  
SUBDIVISION**

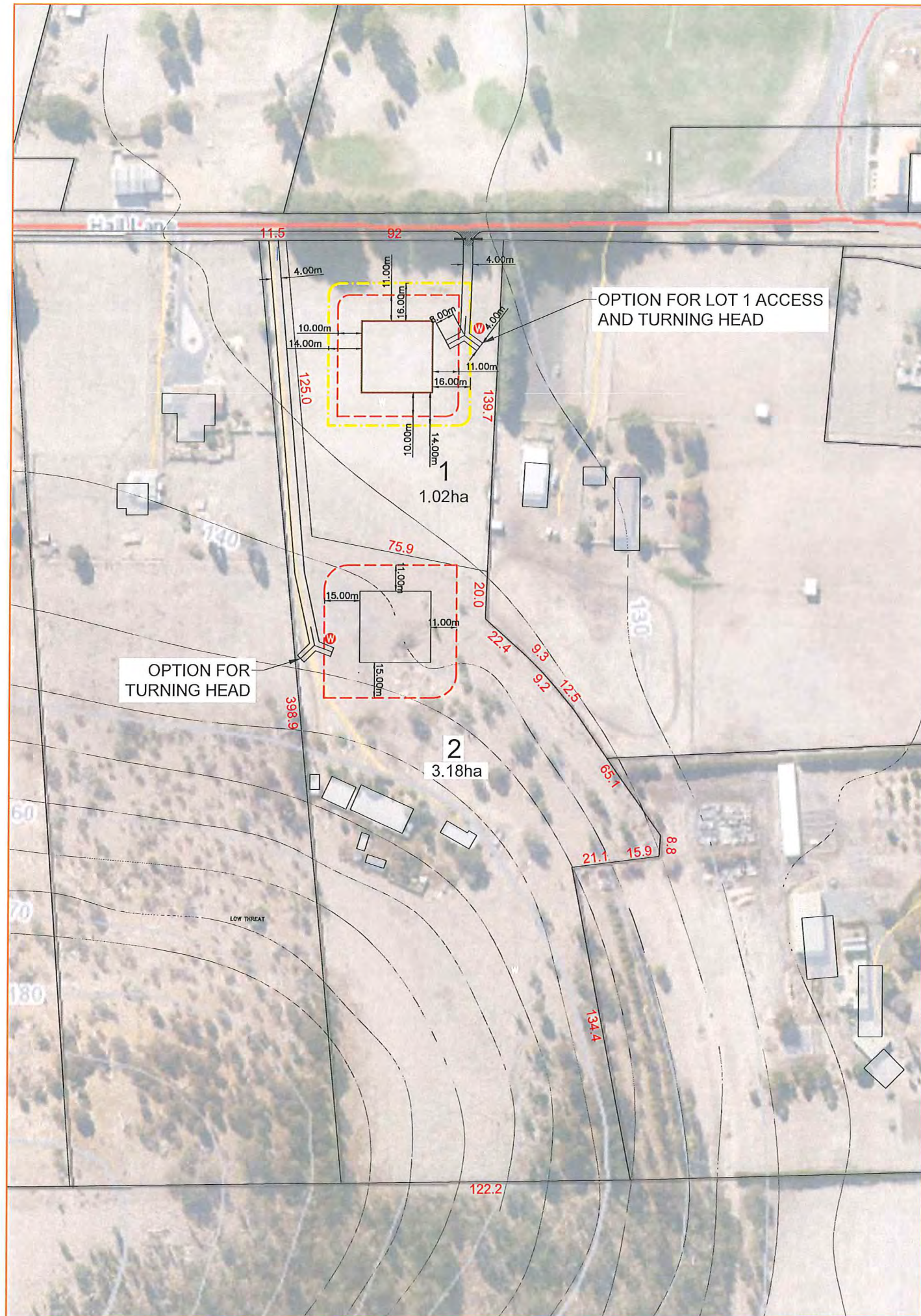
TITLE  
**CONCEPT DRIVEWAY  
PLAN**

PROJECT NO.	<b>J193111PH</b>	
DWG NO.	<b>C01</b>	REVISION <b>P1</b>
PLOT DETAILS	CONCEPT PLAN.DWG	





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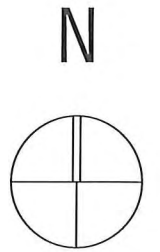
APPENDIX B  
Bushfire Hazard Management Plan





LEGEND

-  BAL-19 HAZARD MANAGEMENT AREA
-  BAL-12.5 HAZARD MANAGEMENT AREA
-  HABITABLE BUILDING AREA
-  STATIC WATER SUPPLY/REMOTE OFFTAKE INDICATIVE LOCATION ONLY



1. **HAZARD MANAGEMENT AREAS**  
HAZARD MANAGEMENT AREAS SHOWN ON THIS PLAN MUST BE ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 5.1 OF THE BUSHFIRE REPORT IN ORDER TO MITIGATE THE SPREAD OF FIRE TO BUILDINGS AND PROVIDE DEFENDABLE SPACE.
2. **BUILDING AREAS & AS 3959-2009 CONSTRUCTION STANDARDS**  
HABITABLE BUILDINGS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 5.2 OF THE BUSHFIRE REPORT. NO PART OF ANY HABITABLE BUILDING MAY BE LOCATED OUTSIDE THE DESIGNATED BUILDING AREAS.  
  
NB NON-HABITABLE BUILDINGS (CLASS 10 STRUCTURES) MAY BE LOCATED OUTSIDE OF THE HABITABLE BUILDING AREAS AND ARE NOT REQUIRED TO BE CONSTRUCTED TO AS 3959-2009 UNLESS WITHIN 6.0 M OF A HABITABLE BUILDING.
3. **ACCESS**  
ALL ACCESS MUST COMPLY WITH THE MINIMUM SPECIFICATIONS IN SECTION 5.3 OF THE BUSHFIRE REPORT.  
  
ACCESS DEMONSTRATED ON THIS PLAN IS INDICATIVE ONLY AND WILL BE FINALISED DURING DETAILED DESIGN FOR ANY NEW HABITABLE BUILDING.
4. **FIREFIGHTING WATER SUPPLIES**  
FIRE HYDRANT PROVISION MUST COMPLY WITH SECTION 5.4 OF THE BUSHFIRE REPORT

NOTES

- A. DEVELOPMENT SITE IS 31 HALL LANE BAGDAD (CT 8593/1, PID 5018760).
- B. CERTIFYING BUSHFIRE HAZARD PRACTITIONER IS DANA ELPHINSTONE (BFP-146, SCOPE 1, 2, 3A, 3B, 3C).
- C. THIS PLAN MUST BE READ IN CONJUNCTION WITH JMG BUSHFIRE REPORT (PROJECT NO. 193111PH, NOVEMBER 2019).
- D. THIS PLAN HAS BEEN PREPARED TO DEMONSTRATE COMPLIANCE WITH SECTION E1.0 OF THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015.

B	20-11-19	Update Lot 1 Access
A	18-11-19	Move Lot 2 Bldg Area
REV	DATE	REMARK



**Johnstone McGee & Gandy Pty. Ltd.**  
Incorporating Dale P Luck & Associates  
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PROJECT  
**31 HALL LANE BAGDAD  
SUBDIVISION**

TITLE  
**BUSHFIRE HAZARD  
MANAGEMENT PLAN**

Accepted M. CLARK (Discipline Head)	<i>[Signature]</i>	Date 22.11.19
Accepted I. BOSS (Team Leader)	<i>[Signature]</i>	Date 21/11/19
Approved M. CLARK (Group Manager)	<i>[Signature]</i>	Date 11

This document must be signed "Approved" by JMG to authorise it for use. JMG accept no liability whatsoever for unauthorised or unlicensed use.

SCALES @ A3	DESIGNED BY	DRAWN BY
1:1000	D. ELPHINSTONE	D. ELPHINSTONE
	PLOT DATE	20/11/2019

DO NOT SCALE. Use only figured dimensions. Locations of structure, fittings, services etc on this drawing are indicative only. CONTRACTOR to check Architects & other project drawings for co-ordination between structure, fabric, fixtures, fittings, services etc. CONTRACTOR to site check all dimensions and exact locations of all items. JMG accepts no responsibility for dimensional information scaled or digitally derived from this document.

PLOT DETAILS 31 HALL LANE SUBDIVISION BHMP - B01

PROJECT NO. **193111PH**

DWG NO.	REVISION
<b>B01</b>	<b>B</b>

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APPENDIX C  
Certificate of Compliance

## BUSHFIRE-PRONE AREAS CODE

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

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

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

Name of planning scheme or instrument:

Southern Midlands Interim Planning Scheme 2015

Street address:

31 Hall Lane Bagdad

Certificate of Title / PID:

CT 8593/1 PID 5018760

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

Street address:

Certificate of Title / PID:

#### 2. Proposed Use or Development

Description of Use or Development:

Subdivision of land into 2 lots

Code Clauses:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

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

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

### 3. Documents relied upon

#### Documents, Plans and/or Specifications

**Title:** Proposed Subdivision Plan REF: JMG077 12065-01

**Author:** Rogerson & Birch Surveyors

**Date:** 12/11/2019 **Version:**

#### Bushfire Hazard Report

**Title:** Bushfire Report – 31 Hall Lane Bagdad

**Author:** JMG Engineer and Planners

**Date:** November 2019 **Version:** 1.1

#### Bushfire Hazard Management Plan

**Title:** Bushfire Hazard Management Plan – 31 Hall Lane Bagdad

**Author:** JMG Engineers and Planners

**Date:** 20-11-2019 **Version:** B01 – Rev B

#### Other Documents

**Title:** Concept Driveway Plan

**Author:** JMG Engineers and Planners

**Date:** 20/11/2019 **Version:** J193111PH -P1

<b>4. Nature of Certificate</b>
---------------------------------

<input type="checkbox"/> <b>E1.4 – Use or development exempt from this code</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.4 (a)	Insufficient increase in risk	

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

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

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

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

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



### 5. Bushfire Hazard Practitioner<sup>3</sup>

<b>Name:</b>	<input type="text" value="Dana Elphinstone"/>	<b>Phone No:</b>	<input type="text" value="03 6231 2555"/>
<b>Address:</b>	<input type="text" value="117 Harrington Street"/>	<b>Fax No:</b>	<input type="text" value="03 6231 1535"/>
	<input type="text" value="Hobart"/>	<b>Email Address:</b>	<input type="text" value="delphinstone@jmg.net.au"/>
	<input type="text" value="Tasmania"/>	<input type="text" value="7000"/>	
<b>Accreditation No:</b>	<input type="text" value="BFP – 146"/>	<b>Scope:</b>	<input type="text" value="1, 2, 3A, 3B, 3C"/>

### 6. Certification

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

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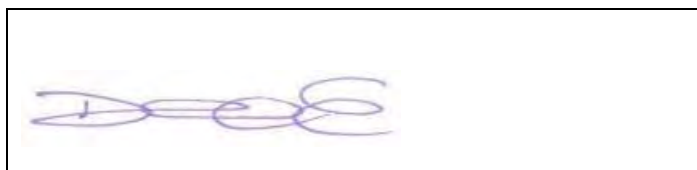
or

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

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



**Date:**       **Certificate No:**

<sup>3</sup> A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).

**Johnstone McGee & Gandy Pty Ltd**

ABN 76 473 834 852 ACN 009 547 139

**[www.jmg.net.au](http://www.jmg.net.au)**

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Hobart TAS 7000  
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[infohbt@jmg.net.au](mailto:infohbt@jmg.net.au)

LAUNCESTON OFFICE  
49-51 Elizabeth Street  
Launceston TAS 7250  
Phone (03) 6334 5548  
[infohbn@jmg.net.au](mailto:infohbn@jmg.net.au)



## Submission to Planning Authority Notice

Council Planning Permit No.	SA 2019 / 00013	Council notice date	10/01/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/00029-STM	Date of response	29/01/2020
TasWater Contact	Daria Rech	Phone No.	(03) 6237 8222
<b>Response issued to</b>			
Council name	SOUTHERN MIDLANDS COUNCIL		
Contact details	mail@southernmidlands.tas.gov.au		
<b>Development details</b>			
Address	31 HALL LANE, BAGDAD	Property ID (PID)	5018760
Description of development	Subdivision		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Rogerson & Birch Surveyors	Proposed Subdivision / JMG077 / 12065-01	--	12/11/2019
JMG Engineers & Planners	J193111PH / C01	DA	23/01/2020
JMG Engineers & Planners	Planning Report / 193111PH	1.0	November 2019
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>3. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>4. Prior to applying for a Permit to Construct to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water to TasWater's satisfaction.</li> <li>5. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.</li> <li>6. In addition to any other conditions in this permit, all works must be constructed under the</li> </ol>			

supervision of a suitably qualified person in accordance with TasWater's requirements.

7. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water infrastructure required to service the development, generally as shown on the concept servicing plan as per the schedule of drawings above, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
8. After disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
9. At practical completion of the water works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
10. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
11. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
12. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
13. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

#### **FINAL PLANS, EASEMENTS & ENDORSEMENTS**

14. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.

*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal*

*Document be issued directly to them on behalf of the applicant.*

15. Pipeline easements, to TasWater’s satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater’s standard pipeline easement conditions.

**DEVELOPMENT ASSESSMENT FEES**

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
- a. \$211.63 for development assessment; and
  - b. \$149.20 for Consent to Register a Legal Document

The payment is required by the due date as noted on the statement when issued by TasWater.

**Advice**

**General**

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

**Service Locations**

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- A permit is required to work within TasWater’s easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

**Declaration**

The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.

**Authorised by**



**Jason Taylor**  
Development Assessment Manager

**TasWater Contact Details**

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		



To the General Manager  
PO Box 21  
Oatlands TAS 7120

Your ref: SA2019 / 00013  
5018760 (31 Hall Lane Bagdad TAS 7030)

RE objection to the planned sub-division your ref SA2019 / 00013 5018760

OBJECT to this application for the following reasons:

The properties on Hall Lane are rural residential allotments and having smaller sub-divisions is not in keeping with the zoning in this area. With the new proposed sub-division, it allows for a further 2 dwellings to be built. Taking the number to a total of 3 residential buildings on the current block.

#### **Loss of privacy**

The issue of a sub-division decreases the privacy I have on from my property. The plans also provide another proposed dwelling to be built on the proposed "New Lot 2", if this went ahead then that would further impede on privacy.

#### **Visual Amenity**

The Visual amenity will ruin the views from the east side of my house, our outlook will not be rural anymore. When a further 2 dwellings are built on the block, instead of looking out our lounge room window and seeing agriculture land, we will be looking into someone's house and garden.

The development is a high contrast to the area's rural character. This specific block is surrounded by large rural blocks, 10 acres or more, with natural landscaping and agriculture. The proposed development is suburban in nature and is lacking any sympathy with its surrounds. This development is in high contrast to this area's neighborhood, as this application allows for a further 2 dwellings to be built on the existing land. Having a smaller sub-division is not in keeping with zoning and impedes on the community.

#### **Traffic**

Traffic generation will significantly increase in the area, the vehicle movements will be well above 10 vehicle movements per day as documented in E5.5.1 and Hall Lane does not have a speed limit of more than 60km/hr.

#### **Noise and Disturbance**

We live within view of the proposed development, on the road to and from the proposed development and often use this area for recreation. It will impact directly on us and our neighbors specifically in the forms of traffic, light pollution, noise pollution and a degradation of the natural environment within which we live sympathetically.

Yours Faithfully



To the General Manager  
PO Box 21  
Oatlands TAS 7120

Your ref: SA2019 / 00013  
5018760 (31 Hall Lane Bagdad TAS 7030)

RE objection to the planned sub-division your ref SA2019 / 00013 5018760

OBJECT to this application for the following reasons:

Has a thorough inspection been done on the land? The proposed site of a further dwelling on “the balance lot” is situated where a quarry was and was filled in with rubbish prior to sale. There is no mention that the block currently has a house and a self-contained unit on it, the plans only mention current house and outbuilding. If the land is subdivided and the further 2 dwellings are built, that makes 4 dwellings on it, and in no way has the application addressed this, all it talks about is the dwelling on the front block.

The area floods through to neighbouring property to the East, with inadequate drainage on #31 and they don't care that neighbours property is flooded out.

There has been inadequate information provided to residents on Hall Lane and no “RED” public notice has been placed on the front of their property as is required by law.

There are a number of inconsistencies in the plans, on page 6, the sub-division is 1.02ha, on page 10 it is 1.2ha, Page 19 states that the speed limit is more than 60km/hr, on page 22 it is for vehicle speeds at 80km/hr

Where is the new access to the proposed sub-division going to be, there is no reference on the plans, and who pays for this and the upgrade to the corrugated asphalt road outside this property. What about the traffic increase and vehicle access for another dwelling on the balance lot.

The properties on Hall Lane are rural residential allotments and having smaller sub-divisions is not in keeping with the zoning in this area. With the new proposed sub-division, it allows for a further 2 dwellings to be built, this takes the number to a total of 4 residential buildings on the current block.

#### **Loss of privacy**

The issue of a sub-division decreases the privacy I have on from my property. The plans also provide another proposed dwelling to be built on the proposed “New Lot 2”, if this went ahead then that would further impede on privacy.

#### **Visual Amenity**

The Visual amenity will ruin the views from the east side of my house, our outlook will not be rural anymore. When a further 2 dwellings are built on the block, instead of looking out our lounge room window and seeing agriculture land, we will be looking into someone's house and garden.

The development is a high contrast to the area's rural character. This specific block is surrounded by large rural blocks, 10 acres or more, with natural landscaping and agriculture. The proposed development is suburban in nature and is lacking any sympathy with its surrounds. This development is in high contrast to this area's neighborhood, as this application allows for a further 2

dwellings to be built on the existing land. Having a smaller sub-division is not in keeping with zoning and impedes on the community.

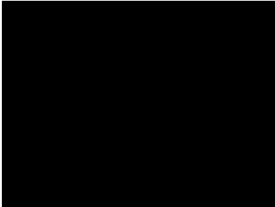
**Traffic**

Traffic generation will significantly increase in the area, the vehicle movements will be well above 10 vehicle movements per day as documented in E5.5.1 and Hall Lane does not have a speed limit of more than 60km/hr.

**Noise and Disturbance**

We live within view of the proposed development, on the road to and from the proposed development and often use this area for recreation. It will impact directly on us and our neighbors specifically in the forms of traffic, light pollution, noise pollution and a degradation of the natural environment within which we live sympathetically.

Yours Faithfully



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**From:** [REDACTED]  
**Sent:** Monday, 16 December 2019 10:07 AM  
**To:** SMC Mail  
**Subject:** Proposed Subdivision 310 Hall Lane Bagdad SA 2019/00013 5018760

Councils Planning Officer  
Southern Midlands Council  
Jacquie Tyson

Dear Jacquie,

Re the above proposed planning application.

We object to this proposed planning application on the following grounds.

We moved to Bagdad because of the peaceful rural setting and country environment.

The hazardous state of Hall Lane due to its narrowness and also the damage caused to the road surface by the roots of the trees adjacent to the golf course.

31 Hall Lane already has two residential dwellings not one as stated in the application.

Hall Lane is recognised by many local residents as a safe and quiet road who use it regularly to exercise or walk together with their children, grand children or pets including myself and my wife along with our grand children.

We believe there is already more than enough traffic on Hall Lane unless major road reconstruction is under taken.

Respectfully,

[REDACTED]



To the General Manager  
PO Box 21  
Oatlands TAS 7120

Your ref: SA2019 / 00013  
5018760 (31 Hall Lane Bagdad TAS 7030)

RE objection to the planned sub-division your ref SA2019 / 00013 5018760

I OBJECT to this application for the following reasons:

I personally object to any form of Sub-Division on Hall Lane, as there has been limited information on how far this will go.

I consider it is environmentally unstable, unviable ground due to no infrastructure to cope with a normal wet year when ALL PROPERTIES in the upper side of Hall Lane have a big problem with water that comes from Stamford Hill range behind the existing homes. Block 31 floods water through the neighbouring property land and garage on the lower ground on the East side #15.

It is not just the immediate neighbour's of Block 31 who are impacted by an unwelcome Sub-Division. It was designated as Semi-Rural or rural residential. Previous purchases of land on Hall Lane were told it would never be considered for Sub-Division, so residents have over a period of years/time chosen their blocks for the rural setting the privacy and to enjoy our horses, sheep, dogs, chooks and gardens.

Why would the Council even consider an application so inept and unpractical? Is the Council going to be responsible for the definite problems that are going to come from this Sub-Division and no doubt future Sub-Divisions!

The "Worthy" people who have submitted this application to council, are not in tune with rural lifestyle and have not personally lived in this district long enough to know that Hall lane is not the place for a Suburban Environmental Disaster!

Yours Faithfully

