

SOUTHERN  
MIDLANDS  
COUNCIL



# **PUBLIC COPY ATTACHMENTS ORDINARY COUNCIL MEETING**

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Wednesday, 22<sup>nd</sup> January 2020  
Colebrook Hall, 45 Richmond Street, Colebrook  
10.00 a.m.

<b>Item 4.1</b>	Draft Council Meeting Minutes (Open) – 11 <sup>th</sup> December 2019
<b>Item 4.2</b>	Draft Annual General Meeting Minutes – 11 <sup>th</sup> December 2019
<b>Item 4.2.1</b>	Minutes – Parattah Progress Association - 10 <sup>th</sup> December 2019
<b>Item 11.2.1</b>	Development Application documents / Representations Subdivision SA 2019/13 – 31 Hall Lane, Bagdad

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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Wednesday, 11<sup>th</sup> December 2019  
2.00 p.m.

Municipal Offices  
85 Main Street, Kempton

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## OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL  
HELD ON WEDNESDAY, 11<sup>TH</sup> DECEMBER 2019 AT THE MUNICIPAL OFFICES, 85  
MAIN STREET, KEMPTON COMMENCING AT 2:00 P.M

### 1. PRAYERS

Clr K Dudgeon recited prayers on behalf of Revered Dennis Cousens who was unavailable.

### 2. ATTENDANCE

Mayor A Green, Deputy Mayor E Batt, Clr A Bantick, Clr A Bisdee OAM, Clr K Dudgeon, Clr 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), Miss E Lang (Executive Assistant).

### 3. APOLOGIES

Clr Don Fish

#### DECISION

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

**THAT the apology from Clr D Fish be accepted and leave of absence granted.**

#### 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 R McDougall	√	

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 27<sup>th</sup> November 2019, as circulated, are submitted for confirmation.

#### DECISION

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

**THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 27<sup>th</sup> November 2019, as circulated, be confirmed.**

#### 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 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 – Lake Dulverton & Callington Park Committee – 2<sup>nd</sup> December 2019.
- Minutes - Kempton Streetscape Group – 2<sup>nd</sup> December 2019.

#### RECOMMENDATION

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

#### DECISION

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

**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 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 – Lake Dulverton & Callington Park Committee – 2<sup>nd</sup> December 2019.
- Minutes - Kempton Streetscape Group – 2<sup>nd</sup> December 2019.

#### RECOMMENDATION

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

#### DECISION

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

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

#### 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 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.

No workshops have been held since the last Ordinary Meeting.

### RECOMMENDATION

THAT the information be received.

### DECISION

*Moved by Clr R McDougall, 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 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.*

**Clr Bantick** - At the previous meeting Clr Bantick requested a report detailing the number of rate-exempt properties as a result of being classified as a 'charitable organisation', and the value of rate exemptions provided.

*The General Manager circulated a report at the meeting with a full listing of all rate exempted properties (by relevant classification according to the provisions of the Local Government Act 1993). It was indicated that the preparation of this report highlighted the need to review some properties.*

### DECISION

*Moved by Clr R McDougall, 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 R McDougall	√	

## 6.2 QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions without notice.

It states:

**“29. Questions without notice**

(1) *A councillor at a meeting may ask a question without notice –*

- (a) of the chairperson; or*
- (b) through the chairperson, of –*
  - (i) another councillor; or*
  - (ii) the general manager.*

(2) *In putting a question without notice at a meeting, a councillor must not –*

- (a) offer an argument or opinion; or*
- (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.*

(3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*

(4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*

(5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*

(6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*

(7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

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

**Clr Dudgeon** – question regarding the ‘Welcome to Oatlands’ sign which is erected on the side of the Oatlands District Historical Society. Following placement of the Wool Press, representations have been made to have it relocated to a more visible position.

*The Deputy General Manager advised that arrangements have already been made to relocate the sign.*

**Clr Dudgeon** – question regarding a carpark on the side of the Oatlands District Historical Society on the Esplanade side of the building for volunteer/visitor parking.

*The Deputy General Manager advised that he has spoken to the Manager Infrastructure and Works regarding this issue. The additional gravel area has been placed on hold pending completion of the Society’s building extensions. The Deputy General Manager and Manager Infrastructure and Works will discuss directly with the Historical Society.*

**Clr Dudgeon** – question from the MMPHC Community Advisory Committee meeting relating to the erection of a 40 klm per hour speed limit on Church Street, Oatlands in the vicinity of the hospital.

*The General Manager advised that he has contacted the Department of State Growth on numerous occasions to request a road safety assessment. To date this has not been undertaken.*

*The Mayor requested that further contact be made with the Department to request an urgent assessment prior to erecting signs.*

**Clr Dudgeon** – advised that following attendance at the two recent meetings of the MMPHC Community Advisory Community, members of that Committee have raised issues about the lack of Council support for the CAC/MMPHC.

*Clr Bisdee disagreed with comments made by the CAC committee and noted that Council have always strongly supported and assisted the MMPHC with any funding endeavours.*

**Clr McDougall** – question regarding the Kempton roadside stopover area and any progress on enforcing the 48 hour limit for stays.

*Question taken on notice; noting that a member of the public will raise this during Public Question Time.*

**Deputy Mayor Batt** – question regarding the number of persons complaining about Valuations following the last municipal revaluation and the number of errors identified?

*The General Manager advised that he was aware of a couple of issues but believed they had been resolved. The Manager Corporate Services will be able to provide additional information if required.*

**Deputy Mayor Batt** – question regarding angle parking at Oatlands.

*The General Manager advised that this issue is one of the key assessments and outcomes of the Oatlands Structure Plan.*

**Deputy Mayor Batt** – what line of communication do elected members have if there are any issues to raise with the Local Government Association of Tasmania (LGAT)?

*The Mayor advised that elected members can correspond with LGAT directly.*

## **DECISION**

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

**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 R McDougall	√	

## **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. NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (NATIONAL REDRESS SCHEME) – MEMORANDUM OF UNDERSTANDING WITH THE TASMANIAN GOVERNMENT

#### 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 A Bisdee OAM*

**THAT the Council resolve by absolute majority to deal with the above listed 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*.**

#### 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 R McDougall	√	

## 9. PUBLIC QUESTION TIME (2.30 P.M.)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* states:

- (1) *Members of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at the meeting.*
- (2) *The chairperson may –*
  - (a) *address questions on notice submitted by members of the public; and*
  - (b) *invite any member of the public present at an ordinary meeting to ask questions relating to the activities of the Council.*
- (3) *The chairperson at an ordinary meeting of a council must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.*
- (4) *A question by any member of the public under this regulation and an answer to that question are not to be debated.*
- (5) *The chairperson may –*
  - (a) *refuse to accept a question; or*
  - (b) *require a question to be put on notice and in writing to be answered at a later meeting.*
- (6) *If the chairperson refuses to accept a question, the chairperson is to give reasons for doing so.*

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

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

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

### **MAREE LUCK – KEMPTON**

Question regarding how long someone can stay in the stopover area in Kempton? Plus a request for a sign on the stopover area toilets to advise that public toilets are located elsewhere in Kempton. It was further noted that sometimes the noise can be excessive late at night.

*The General Manager advised that a new system has been put in place over the past fortnight. Works staff have been monitoring and a notice has been placed on windscreens for those exceeding 48 hour stopovers and keeping record of vehicles.*

*It was also suggested that a sign advising no noise after 10 p.m. may be appropriate.*



## **9.1 Permission to Address Council**

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

- Nil.

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

Deputy Mayor E Batt has submitted the following Notice of Motion:

**THAT:**

- a) Council consider the merits of constructing a footpath along the eastern side of Louisa Street, Kempton – extending from the corner of Old Huntingground Road and Louisa Street through to Elizabeth Court; and**
- b) Assuming that there is ‘in-principle’ support, Council officers be requested to prepare a construction estimate which can be considered as part of a forward Capital Works Program.**

**Comments provided by Deputy Mayor E Batt:**

*It is noted that the development plans for the Kempton Community Health Centre include improved access and the construction of a carpark. It seems to me that it would be a good time to run a footpath from there to link up with the current footpath that finishes at Elizabeth Court along the east side of Louisa St. This would give you a footpath around a block from Main Rd down Elizabeth St to Louisa St and the back of the school, and then up to the Main Road again, finishing opposite the new works on the Town Hall.*

*There are a number of kids going down that route to the school as it is and I suspect there will be a bit more foot traffic once the health centre gets up and running. I reckon the type of people needing the health centre services (if they are ambulant) would appreciate/need a footpath there. It would be a good spot (along the school oval /Louisa Street boundary) to plant a row of trees too, taking care to plant ones that won't interfere with the footpath in the long term, of course.*

### **DECISION**

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

**THAT**

- a) Council consider the merits of constructing a footpath (including tree plantings) along the eastern side of Louisa Street, Kempton – extending from the corner of Old Huntingground Road and Louisa Street through to Elizabeth Court; and**
- b) Council officers be requested to prepare a construction estimate which can be considered as part of a forward Capital Works Program in 2020/21.**

**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 R McDougall	√	

**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**

Nil.

**11.3 MUNICIPAL SEAL (Planning Authority)**

Nil.

**11.4 PLANNING (OTHER)**

Nil.

**[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.*

Nil.

### **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:** 4 DECEMBER 2019

#### **Roads Program**

Maintenance grading is currently being undertaken in the Colebrook area and other areas as required.

Roadside mowing is occurring in the Broadmarsh/Elderslie area and Glen Morey Road/Tunbridge area. It will then continue in the Bagdad area.

Hardings Road bridge (Brown Mountain area) has had a concrete pad poured in readiness for culvert units.

#### **Town and General Maintenance**

Town and general maintenance is continuing in all other areas.

Fire Hazard Abatement Notices are currently being issued.

#### **Waste Management Program**

Operating arrangements at the Waste Transfer Stations are working well.

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

Clr McDougall – advised that some sections of seal on Woodsdale Road are breaking away (vicinity of Campbells Road towards Football Ground). *To be inspected.*

Clr Dudgeon – reminder regarding Traffic Counter being placed on Buckland Road during the Christmas/New Year period. *To be actioned.*

#### **RECOMMENDATION**

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

#### **DECISION**

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

**THAT the Infrastructure & Works 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 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.*

Nil.

## 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:** 3 DECEMBER 2019

#### ISSUE:

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- A meeting of the Kempton Streetscape Group was held on Monday 2<sup>nd</sup> December 2019. There was no written feedback received as a result of the recent public consultation process regarding the proposed changes to the forecourt area of the Kempton Memorial Hall. The Lonicera hedge plants at the Council Chambers Kempton were planted last week by Helen Geard, Maria Weeding and Matthew Bryant. See minutes for other details.
- The concept plan for the Callington Park playground upgrade has been on display and on the Council website. The Lake Dulverton & Callington Park Management Committee held a meeting on the 2<sup>nd</sup> December 2019 and considered one written response from the public, and noted the facebook contact statistics. See minutes for details.
- The Weeds Officer Jen Milne has been busy updating the Southern Midlands Weeds Management Strategy 2017 and is seeking Council endorsement for the revised strategy 2019 edition. See separate report.

#### RECOMMENDATION

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

#### DECISION

*Moved by Clr A Bisdee OAM, seconded by Clr 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	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr R McDougall	√	

## **14.2.2 NATURAL RESOURCE MANAGEMENT UNIT – UPDATED SOUTHERN MIDLANDS WEED MANAGEMENT STRATEGY**

**Author:** WEEDS OFFICER (JENNIFER MILNE)

**Date:** 2 DECEMBER 2019

**Attachment:**

*Southern Midlands Weed Management Strategy 2020-2025 (DRAFT) (SMWMS Draft)*

### **ISSUE**

1. To ensure council is working towards achievable, efficient weed control with a strategic and coordinated approach.
2. To seek endorsement of Council of the updated SMWMS 2020 - 2025 (Draft)

### **BACKGROUND**

The Southern Midlands Weed Management Strategy (SMWMS) was originally endorsed in 1999. It has been revised and updated since that time with the current version endorsed by the Southern Midlands Council on 22 November 2017 (agenda item 14.2.1).

Since the employment of a part time Weeds Officer in 2017 there has been a focus on collating existing data on weed distribution and collecting gaps in this data. There has been considerable work undertaken in weed control in the Southern Midlands since the development of the original SMWMS. The 2019 updates have been undertaken to address this progress, as well as make the prioritisation for weed control actions clearer to land managers, council staff and the general public. The updated weed data has been used to develop maps of priority weeds in the Southern Midlands which in turn assists the prioritisation for control of these weeds.

### **DETAIL**

The main changes or additions to the SMWMS are as follows:

- Change of front cover – to reflect actions that are taking place in weed management – instead of a focus on what weeds look like.
- Updated weed background information – e.g. New incursions of Chilean needle grass.
- Update of examples or organisation roles and responsibilities (pg. 10).
- Action 4.1.9 – Add weed data to the Natural Values Atlas to ensure up to date weed information available.
- Action 4.2.8 – Ensure council programs are meeting legislative requirements for weed management - e.g. roadside slashing, spraying programs, fire abatements and information for Development Applications.
- Action 4.3.4 - Continue to advocate for local priorities to be incorporated into management actions of land managers in Southern Midlands such as State roadsides, Parks and wildlife and Crown Land Services.
- Action 5.3.4 - Encourage collaboration with neighbouring councils to manage priority weeds.

- Action 5.3.5 - Work with State Growth and land managers adjacent to roadsides to enhance roadside weed management priorities.
- Appendix 1 – Prioritisation of weed control in Southern Midlands. A list of what weeds are priority for control and the reasoning behind their classification
- Appendix 2 - Southern Midlands Council Weed Management Actions 2020-2025.
- Appendix 3 – rearranged to show Zone A and Zone B declared weeds in or recorded in SMC first, followed by entire list of declared weeds.
- Appendix 4 – updated maps and addition of photos to assist with identification of the weed on the map page.
- Appendix 5 - Photographs of all known weeds (declared) in SM.

**Human resource & Financial Implications** – No implications for additional funding or staffing for the updated SMWMS. The Weeds Officer position plays an integral role in overseeing progress of the SMWMS. The SMWMS identifies the need to actively look for financial opportunities and partnerships in order to undertake its objectives.

**Community Consultation & Public Relations Implications** – To be considered.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** - Having clearer priorities for weed management in the Southern Midlands will be useful for addressing any upcoming grant rounds for the State Governments Weed Action Fund currently being rolled out (2019 - 2021). It is expected to see announcement of grant funding in early 2020.

## RECOMMENDATION

THAT:

- a) the information be received;
- b) the changes noted; and
- c) Council endorse the Southern Midlands Weeds Management Strategy 2020 -2025 (Draft).

## DECISION

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

THAT

- a) the information be received;
- b) the changes noted;
- c) Council endorse the Southern Midlands Weeds Management Strategy 2020 - 2025 (Draft); and
- d) Council commend the Weeds Officer for work performed in this area and Council commit to considering additional resources for the program in 2020/2021 budget deliberations.

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 R McDougall	√	

**DECISION**

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

**THAT the meeting be adjourned at 3.00 p.m. to hold a Citizenship Ceremony for Mr Joseph Harris.**

**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 R McDougall	√	

**DECISION**

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

**THAT the meeting be reconvened at 3.35 p.m.**

**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 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 MELTON MOWBRAY COMMUNITY SUB COMMITTEE MEETING – 2ND DECEMBER 2019**

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

**Date:** 4 DECEMBER 2019

**Enclosure:**

1. *Meeting Notes – Melton Mowbray Community Sub Committee Meeting 2<sup>nd</sup> December 2019*
2. *‘Concept Options and Community Discussion for Proposed Public Open Space & Significant Elements in Melton Mowbray’*
3. *Comments from Barrie Paterson due to his inability to attend the meeting*
4. *Council Report and Notes from the previous meeting – 14<sup>th</sup> January 2019*

### **ISSUE**

To report on the outcomes of the Melton Mowbray Community Sub Committee Meeting held 2<sup>nd</sup> December 2019.

### **BACKGROUND**

This meeting of the Sub Committee was convened on behalf of the Southern Midlands Council to discuss and address issues affecting the township of Melton Mowbray as a follow-up to the previous broader Community meeting.

### **DETAIL**

Refer to the attached Meeting Minutes, along with their attachments which are provided for information and endorsement of the proposed actions.

**Human Resources & Financial Implications** – Plan development stage by Council Officers.

**Community Consultation & Public Relations Implications** – this is progressing the details of the initial stage of consulting with the Melton Mowbray Community.

**Policy Implications** – N/A

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

## RECOMMENDATION

THAT the information be received and Council endorse the proposed actions to be taken on behalf of the Community.

## DECISION

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

**THAT the information be received and Council endorse the proposed actions to be taken on behalf of the Community.**

## 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 R McDougall	√	

**ENCLOSURE**  
*Agenda Item 16.1.1*



## Minutes

**Melton Mowbray Community Sub Committee**  
**2<sup>nd</sup> December 2019, 16.05hrs**  
**at the**  
**Melton Mowbray Hotel**

### Welcome & Introductions:

Deputy Mayor Edwin Batt welcomed the Sub Committee and asked Andrew Benson to table correspondence from Barrie Paterson, given Barrie is an apology and wished to have his views known prior to discussions being undertaken. The Sub Committee took time to read the document prior to moving on with the meeting.

### 1. Attendance:

Name	Address	Contact Number
D/Mayor Edwin Batt	3452 Midland Highway	0400 009471
Mandy McKenzie	5 Blackwell Road	0406 340946
Lindsay Seabrook	Melton Mowbray Hotel	0419 334446
Clr Tony Bisdee OAM	3289 Midland Highway	0418 355158
Tim Kirkwood	Southern Midlands Council - GM	
Andrew Benson	Southern Midlands Council - DGM	Scribe
Brad Williams	Southern Midlands Council - MHP	
Sue Bisdee	Observer	

### 2. Apologies:

Barrie Paterson  
Jocelyn Tatnell

### 3. Previous Meeting Notes:

Consideration was given to the Notes from the previous meeting dated 14<sup>th</sup> January 2019, which were tabled at the meeting

*It Was Resolved That the notes from the previous meeting were a true and accurate record of the meeting.*

*Minutes - Melton Mowbray Community Sub Committee on 2<sup>nd</sup> December 2019*

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4. Discussion Items:

Andrew Benson tabled a series of slides titled '*Concept Options and Community Discussion for Proposed Public Open Space & Significant Elements in Melton Mowbray*' seeking to maximise a design for Melton Mowbray (not necessarily only the Public Open Space) that is capable of encapsulating many of the elements that have impacted on the Village since the establishment of Melton Mowbray in the early 1800s. He said that the Concept Plan should be a strategic endeavour that is a 'blue print' of the Community expectations, which could be funded through grants as well as Council budgets in successive years. The slides are presented by way of providing a *visual cue* to elements of historical significance that can be drawn upon, to a lesser or to a greater extent in thinking through the overall Concept Plans for Melton Mowbray. For example a *silhouette* of a train could be placed alongside the railway siding shed on Highland Lakes Road.

*It Was Resolved That the information be received and noted for future reference.*

4.1 Park for the Sandstone Trough

*Feedback on action required from inaugural meeting:*

*Revised concept plan to be prepared by a sub-group consisting of Deputy Mayor Edwin Batt, Councillor Tony Bisdee OAM, Mandy McKenzie, Jocelyn Tatnell and Barrie Paterson.*

- 4.1a Discussion centred on the sandstone trough and the various locations that had been suggested,
- I. adjacent of the front entrance of the Hotel
  - II. under the Avenue of Honour pine trees
  - III. on the northern side of Highland Lakes Road, on the McShane property
  - IV. in the location shown on the original Development Application design from early 2010 (as shown in Slide 3 '*Concept Options and Community Discussion for Proposed Public Open Space & Significant Elements in Melton Mowbray*'

There was considerable discussion in respect of this matter, as well as reference to Barrie Paterson notes that were tabled at the beginning of the meeting.

*It Was Resolved That the sandstone horse trough be positioned in the land directly opposite the hotel on the land currently part of 'Woodlands' and to be transferred to Southern Midlands Council as Public Open Space.*

- 4.1b There was considerable discussion concerning whether to have a roofed structure over the trough.

*It Was Resolved That the sandstone horse trough would not have a roof structure over it.*

- 4.1c There was discussion of the 'park' in general

*It Was Resolved That the a revised design be prepared by Andrew Benson which includes,*

*Minutes - Melton Mowbray Community Sub Committee on 2<sup>nd</sup> December 2019*

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- I. *a building up of the base material to be less inclined as viewed from the road (currently it is 'falling away' towards the creek),*
- II. *sufficient area around the trough for horses to actually drink from the trough and also horse & carriages to be accommodated*
- III. *interpretation panel.*
- IV. *seating*
- V. *post and rail fencing along with a low hedge*
- VI. *consideration of reducing the possible conflict between motor vehicles and the trough.*

#### **4.2 Landscaping / public gardening around the area of the junction**

*Feedback on action required from inaugural meeting:*

*Agreed to request the Department of State Growth to remove the sign and paint the 'Give Way' on the road surface at the junction.*

The Department have installed the Give Way Sign, which looks rather inappropriate. They have advised that they will not be painting a sign on the road.

*It Was Resolved That the information be received.*

Landscaping / gardening to be progressed following the determination of elements in the 'park' design.

*It Was Resolved That the information be received.*

#### **4.3 Speed Limit in Melton Mowbray**

*Feedback on action required from inaugural meeting:*

*The following proposal is to be submitted to the Department of State Growth for consideration:*

- *Reduce speed limit to 80 klm per hour on the eastern side of the entrance to 126 Highland Lakes Road 'Tranquillity' property (i.e. Bothwell side);*
- *further reduce the speed limit to 50 klm per hour commencing from a point prior to the first sharp corner entering the township (i.e. approximately 100 metres Bothwell side of the property at 37 Highland Lakes Road.)*
- *When exiting the Midland Highway travelling towards Bothwell, the speed limit should be 50 klm per hour.*

The Department advised that the Minister will be making a statement in the very near future in respect of the safety matters on the Highway, which includes these aforementioned matters.

*It Was Resolved That the information be received.*

*Minutes - Melton Mowbray Community Sub Committee on 2<sup>nd</sup> December 2019*

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#### 4.4 Public Notice board for residents to receive Council Information

*It Was Resolved That this matter will be progressed at a future stage of the project.*

#### 4.5 Placement of Mail Box at junction / park area

*Feedback on action required from inaugural meeting:  
Request to be submitted to Australia Post for relocation.*

*It Was Resolved That Tim Kirkwood to follow this matter up with Australia Post*

#### 4.6 Bus Stop

*Feedback on action required from inaugural meeting:  
Deputy Mayor Batt to consult with the school bus driver to determine what process may need to be undertaken to seek approval for the relocation.*

No further action in relation to this matter

*It Was Resolved That the information be received*

#### 4.7 Parking restrictions on Highland Lakes Road / Footpath and road formation

*Feedback on action required from inaugural meeting:  
Request the Department of State Growth to install a rope barrier (similar to the centre barriers being installed on the Midland Highway) in order to prevent parking and create a separation between vehicles and pedestrians.*

The Department of State Growth have advised that there will not be a wire rope barrier installed. No Standing signs have been installed.

*Feedback on action required from inaugural meeting:  
Onsite meeting to be arranged to enable the property owner Veronica Foale to explain the drainage problems being experienced.*

This action is yet to be progressed

*Feedback on action required from inaugural meeting:  
In relation to the Midland Highway, it was also noted that there is still an issue relating to the 'acceleration lane' (i.e. length of the lane) when turning north from Highland Lakes Road onto the Midland Highway. This should also be raised with the Department, including the possibility of extending the lane when the next stage of works is undertaken on the Highway.*

The Minister's statement referred to in Item 4.3 above will cover this matter

*It Was Resolved That the information be received*



*Minutes - Melton Mowbray Community Sub Committee on 2<sup>nd</sup> December 2019*

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#### 4.8 Old Stone Bridge Repair and Presentation

*Feedback on action required from inaugural meeting:*

*Sandstone and stabilisation works to be undertaken by Council in the short-term.*

*It Was Resolved That Tim Kirkwood will ask Heritage Building Solutions Pty Ltd to undertake an assessment of the structure and also to provide a cost for the required rectification works.*

#### 4.9 School and Church Building(s) - Future

Tony Bisdee advised that the Church is to be sold, with the buildings and the cemetery on separate titles.

*It Was Resolved That the information be received*

#### 5. Other Business

Nil

#### 6. Next Meeting

To be advised at a date just after the Kempton Festival in February 2020.

#### 7. Close

In closing the meeting at 17.02hrs the Chairman extended appreciation to Lindsay for making the Melton Mowbray Hotel available for the meeting.

#### Appendices

1. Barrie Paterson's notes for the Sub Committee's consideration
2. Meeting Notes from the previous meeting
3. Concept Options and Community Discussion for Proposed Public Open Space & Significant Elements in Melton Mowbray – some thoughts by Andrew Benson

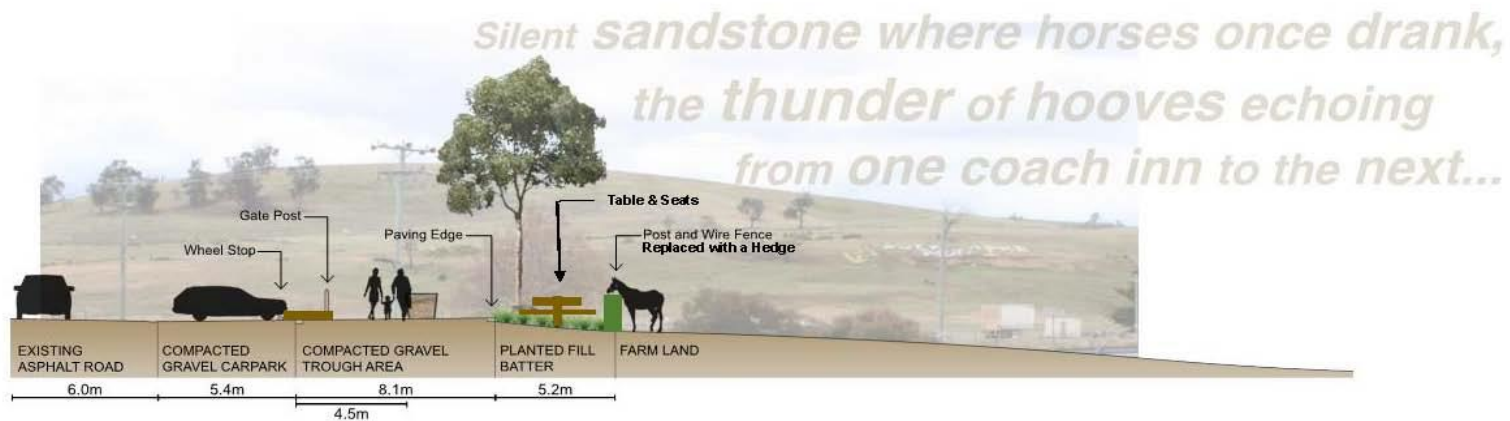
#### Distribution of the Minutes.

To Sub Committee Members

Council for the next Council Meeting - December 2019.



*Concept Options and Community Discussion  
for  
Proposed Public Open Space & Significant Elements  
in  
Melton Mowbray*



*Prepared by  
Andrew Benson  
Deputy General Manager, Southern Midlands Council*

*November 2019*

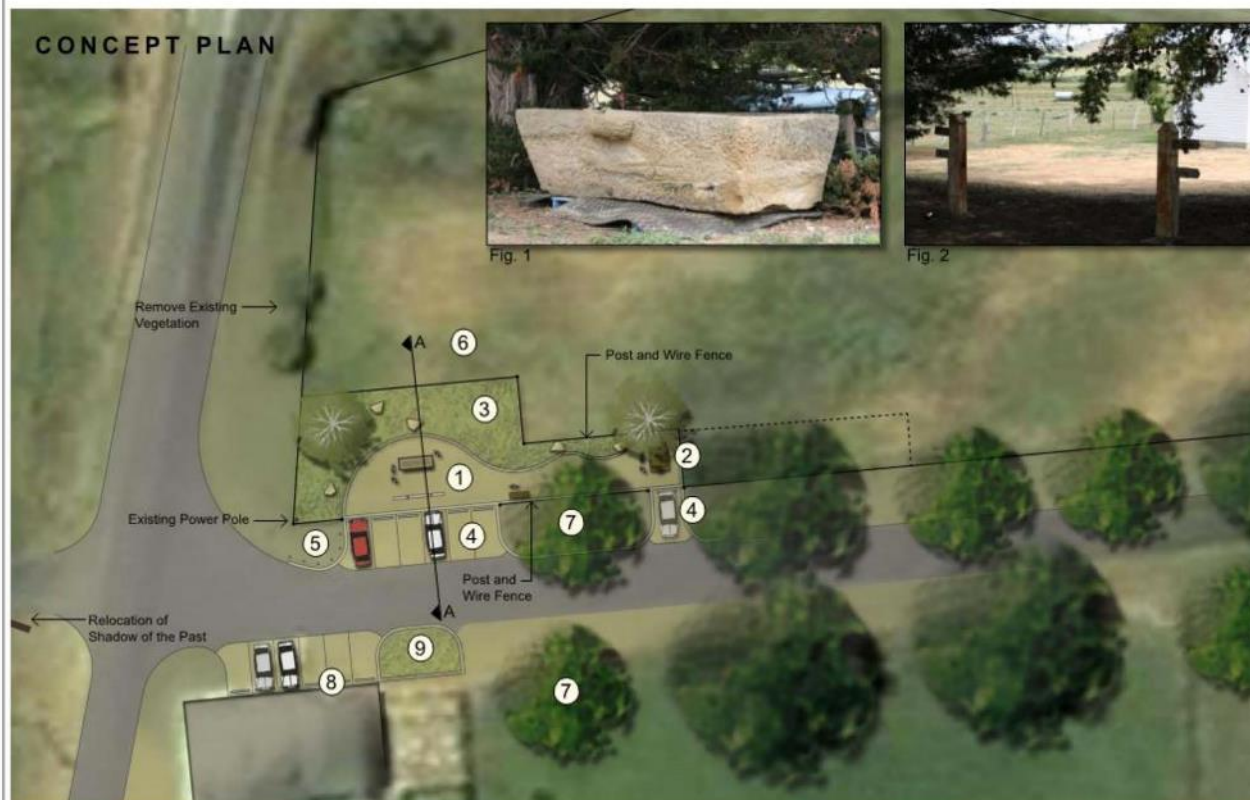


# Original Concept Plan

## The Trough in the Park

### KEY

- ① **Trough Area**  
Open compacted gravel area for trough (Fig. 1) with 300x500mm Thunderstone paving edge. Frame trough with steel gate posts as per the Church and Church Hall (Fig. 2). Between gate posts lay Thunderstone inscribed with 'Silent sandstone where horses once drank, the thunder of hooves echoing from one coach inn to the next...', Adjacent bench with history 'book'.
- ② **Picnic Area**  
Compacted gravel area for picnic table and bench with 300x500mm Thunderstone paving edge. Link to trough area with compacted gravel pedestrian path also with paving edge. Option for future expansion (within dotted line) including picnic table, planting and possible shelter structure.
- ③ **Planted Batter**  
*Eucalyptus viminalis* - white gum  
*Lomandra longifolia* - sagg  
*Poa labillardierei* - tussock grass  
Plant at 1m centres into 200mm of imported topsoil over a ripped subgrade. Gum mulch to 75mm over weed mat. Two 2m high Eucalypts with 4 x treated pine stakes. Randomly place five large sandstone boulders. Fence area from farm land with post and wire. Timber edge to outside of fence posts to prevent invasion of pasture grasses.
- ④ **Car Park**  
Compacted gravel car park with flush access to trough area. Edge with 300x500mm Thunderstone pavers. Concrete wheel stops to prevent vehicular access beyond car park. No fence in front of carparking areas to allow clear access and views for pedestrians.
- ⑤ **Bollards**  
Positioned to prevent vehicles from cutting the corner. Bollards ~ 150x150x1000mm treated pine, match to posts of post and wire fencing. Install at 1.5m centres into concrete footings.
- ⑥ **Existing Farm Land**
- ⑦ **Macrocarpa Avenue**  
Restore avenue of *Cupressus macrocarpa* along length of road.
- ⑧ **Melton Mowbray Hotel**  
Future option to define gravel car parking at front of hotel. Secure wheel stops to ground.
- ⑨ **New Garden Bed**  
Future option for raised Thunderstone edged garden bed to improve outlook from the hotel outdoor seating area across to trough area. Planting to be designed in conjunction with hotel owner.



# *The Installation of the Trough - 2009*



# *Installation of the Trough*

*Development Application Approved by SMC & Heritage Tasmania*



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## *Life at the Melton Mowbray Hotel*



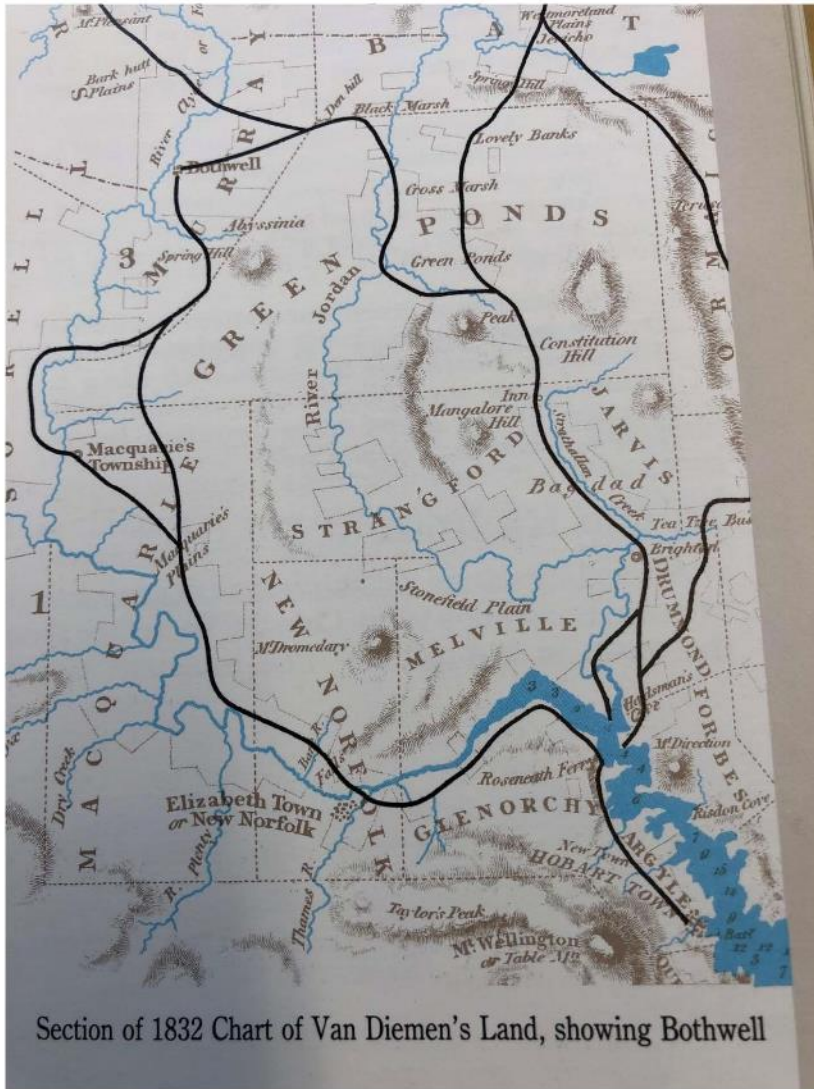
## *Melton Mowbray Hunt Club*



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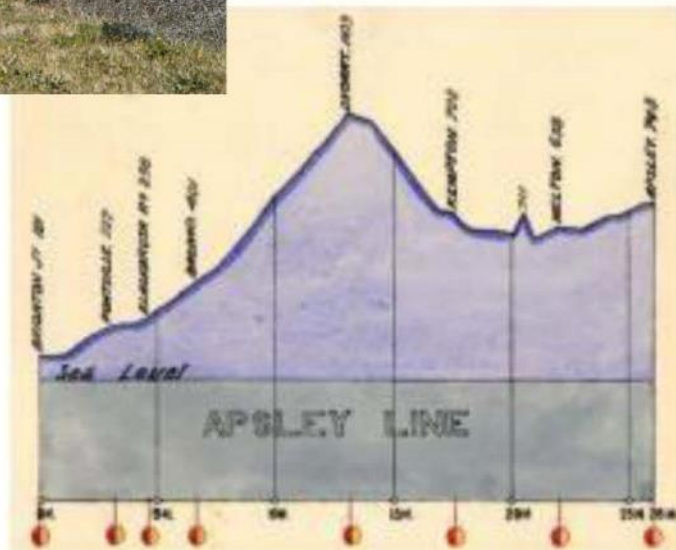
# Coaching Road



## *Ecclesiastical & Scholarly Heritage*



# Apsley Railway



# *Interpretation / Art*

*Relevant to Melton Mowbray History or Folklore*



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# *Avenue of Honour*

## *World War 1 Recognition - Victoria Cross Recipients*





## *Possible Park Elements*

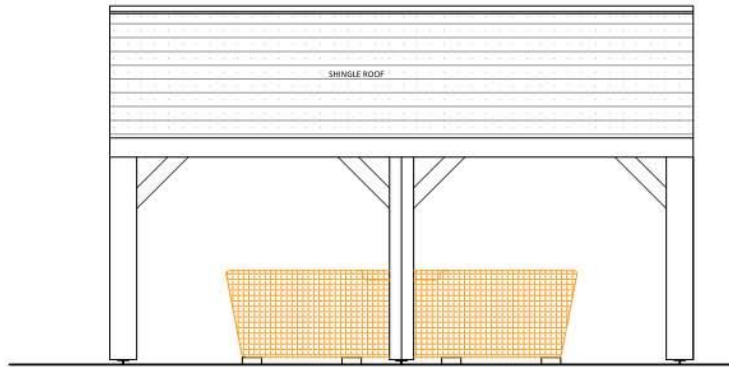
*Shelter over the Trough similar to this one in Campbell Town*



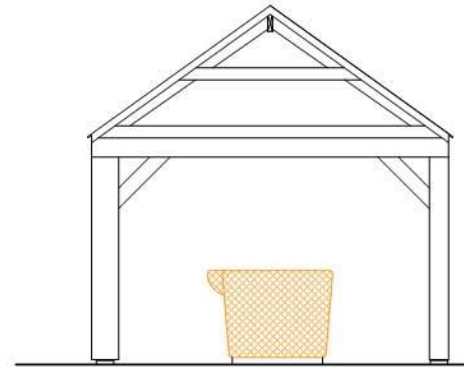
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# Possible Park Elements

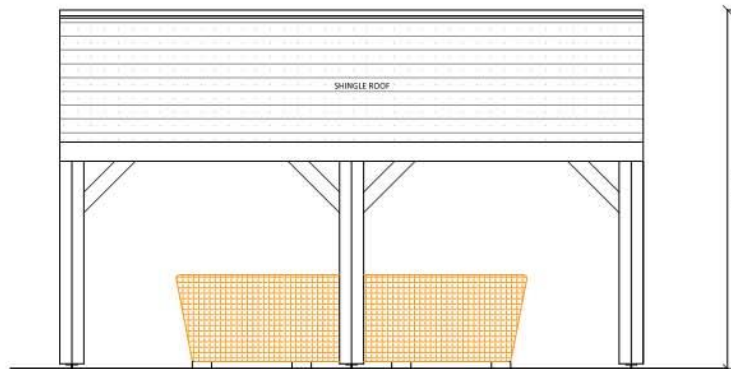
## Shelter over the Trough



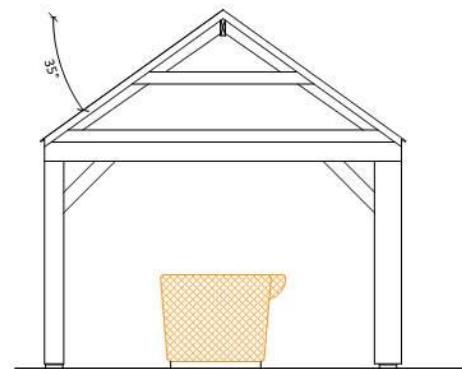
① FRONT ELEVATION  
Scale: 1:50



② END ELEVATION  
Scale: 1:50



③ REAR ELEVATION  
Scale: 1:50

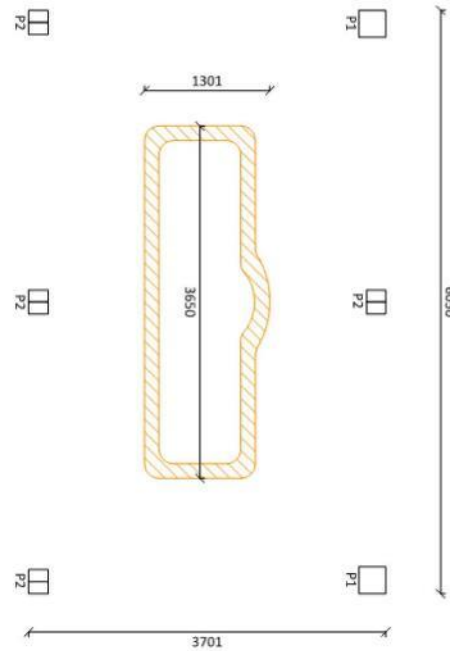
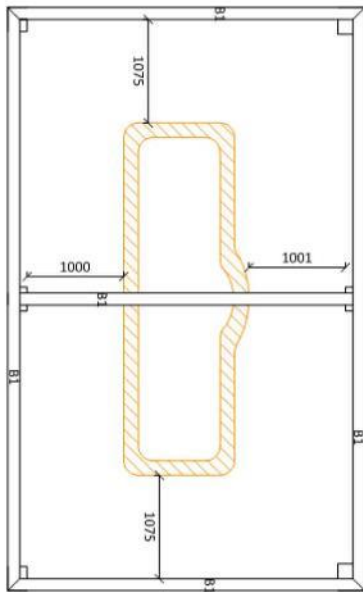


④ END ELEVATION  
Scale: 1:50



# Possible Park Elements

## Shelter over the Trough



## *Possible Park Elements*

*Hedge to surround the Park to replace the existing fence*



# Possible Park Elements

Interpretation Panel – similar to the Memorial Ave panel



## *Possible Park Elements*

*Park seating – similar style to Campania District School table & seats*



# *Possible Park Elements*

## *Front fence facing Blackwell Road*





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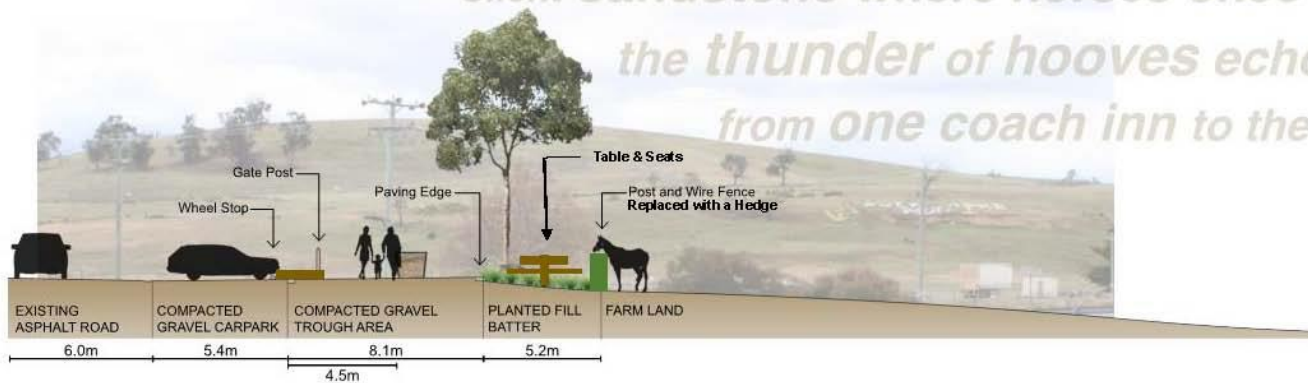
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*Concept Options and Community Discussion  
for  
Proposed Public Open Space & Significant Elements  
in  
Melton Mowbray*

*Silent sandstone where horses once drank,  
the thunder of hooves echoing  
from one coach inn to the next...*



*A chance for the Community to plan a meaningful integrated environment  
for Melton Mowbray that will showcase its wonderful heritage attributes.*

*Carpe Diem – Seize the Day*

**Notes and suggestions regarding the memorial park proposed for opposite the Melton Mowbray Hotel;**

*The main point I wish to convey to the meeting is that the sandstone horse trough and the proposed park should not be merged. They are quite distinct in character and it is a disservice to either to place them together.*

The trauma associated with the theft of the trough by Bruce Townsend has been shared amongst the community, and the councillors that have been involved in its rescue. The trauma extends to my family as we were also savaged by Mr Townsend as part of the purchase of the hotel and in the lead up to the theft of the trough. All of which makes returning the trough to its place of theft singularly inappropriate. It is, at least as far as the trough is concerned, a wounded place.

Mingling memorial, community and car parking duties in a park is already a delicate balance. Neither the trough nor the park is well served by co-locating them.

The trough is [self-evidently] a piece of moveable heritage and as such is poorly protected under the current Tasmanian Heritage legislation. The legislation has at its core a location based register which could be fit for purpose but clearly failed when put in the line of fire. The Heritage office was both unable and unwilling to provide the leadership in enforcing its own legislation when the trough was stolen from a recognised and listed heritage place – the site of the proposed memorial park, no less. I suggest that serious consideration needs to focus on a solution that properly protects the trough, especially in light of the lack of courage exhibited by the Heritage Office. Placing the trough in the proposed park and then erecting a defensive structure about it is fraught. It interferes with the sight lines of the highway to the hotel, has cars around it and is simply a large object that interferes with the story lines and community purposes proposed for the park.

An obvious solution is to place the trough elsewhere. This is additionally appropriate as the trough has never been documented in the proposed park location. The most common known location is to the south of the hotel and on the hotel side of Blackwell Road. I advocate this as an appropriate place for it on the basis that;

It properly associates the trough with the hotel, the Blackwell's and its coaching history.

A location amongst the Cyprus pines at some distance south from the hotel and in the road easement provide some degree of protection from theft and collision by cars.

The trough has always been a feature of the road easement. The trough was placed in the road easement for ease of use by coaching teams and other privately owned horses. [Blackwell owned "The Bothwell Conveyance" which met Pages coaches from Hobart.] The road provides the long form structure necessary to water tethered horses; something that is lost in the confines of the proposed memorial park.

Should there be the opportunity to revive the coaches and coaching at either Kempton or Melton Mowbray the trough would make for a mighty centre piece. It has two obvious functional requirements – that it can be filled with clean water and has water and drainage to flush it out and that horses, tethered as part of a team or otherwise, are able to access it. Both can be achieved if the trough is located amongst the pines.

For your collective consideration

Barrie Paterson 2/12/2019

**Melton Mowbray Community Meeting  
Melton Mowbray Hotel**

**Notes of the Community Meeting held 14<sup>th</sup> January 2019  
commencing at approximately 6.00 p.m.**

**1. Welcome & Introductions:**

Deputy Mayor Edwin Batt opened the meeting and detailed the intent and purpose of convening the community meeting. Self-introductions followed.

**2. Attendance:**

<b>Name:</b>	<b>Address:</b>	<b>Contact Number:</b>
Edwin Batt	3452 Midland Highway	0400 009471
Mandy McKenzie	5 Blackwell Road	0406 340946
Jocelyn Tatnell	7 Blackwell Road	0488 310505
Lorraine Grace	18 Highland Lakes Road	
Jim Grace	18 Highland Lakes Road	
Barrie Paterson	Mt Vernon	0418 579164
Lindsay Seabrook	Melton Mowbray Hotel	0419 334446
Hector Bryant	37 Highland Lakes Road	
Greg Bryant	37 Highland Lakes	
Veronica Foale	33 Highland Lakes Road	62 591259
Nathan Turner	33 Highland Lakes Road	0423 815712
Tony Bisdee	3289 Midland Highway	0418 355158
Sue Bisdee	3289 Midland Highway	
Chris White	Highland Lakes Road	
Tim Kirkwood	Southern Midlands Council	

**3. Apologies:**

Adam Jones; Athol Blackwell

**4. Discussion Items:**

**a) Park for the Stone Trough and Community Committee to oversee it**

The meeting considered the draft Landscape Plan prepared by Inspiring Place in 2009. The following points were noted during discussion:

- 'Trough' is mobile and final design needs to ensure that the Trough is secure;
- Proposed location of the trough in a car park setting was not supported (i.e. cars directly facing the proposed siting of the Trough) – there needs to be separation between the park area and the car parking
- Discussion around 'cultural heritage landscapes' and whether broader consideration needs to be given to this element
- Park space needs to allow for an 'interpretation panel'
- Protection of the Trough requires a roofed structure – to be at a height sufficient to enable horses to access the trough (allows for historical use)
- Trough needs to be placed in a more prominent position closer to the road

- Proposed naming of the Park area as C L Batt Park (to acknowledge the late Charles Leo Batt OAM and his service to the Melton Mowbray community as a member of the Green Ponds Council plus numerous other organisations; the broader Tasmanian community as a member of the Tasmanian House of Assembly from 1974 to 1976, then a member of the Legislative Council from 1979 to 1995).

Action: Revised concept plan to be prepared by a sub-group consisting of Deputy Mayor Edwin Batt, Councillor Tony Bisdee OAM, Mandy McKenzie, Jocelyn Tatnell and Barrie Paterson.

Group to report back to the community at a follow-up meeting.

**b) Landscaping / public gardening around the area of the junction**

Sub-group to factor these considerations into the revised concept plan.

Issue raised: "Give Way" sign at the junction of Blackwell Road and Highland Lakes Road (directly outside Hotel) – has been damaged numerous times due to its location. Evidenced by the leaning state of the sign at the time of the meeting.

Agreed to request the Department of State Growth to remove the sign and paint the 'Give Way' on the road surface at the junction.

**c) Speed Limit in Melton Mowbray**

Current situation – 100 km per hour speed limit through Melton Mowbray.

Following discussion, the following proposal is to be submitted to the Department of State Growth for consideration:

- Reduce speed limit to 80 km per hour on the eastern side of the entrance to 126 Highland Lakes Road 'Tranquillity' property (i.e. Bothwell side);
- further reduce the speed limit to 50 km per hour commencing from a point prior to the first sharp corner entering the township (i.e. approximately 100 metres Bothwell side of the property at 37 Highland Lakes Road.)
- When exiting the Midland Highway travelling towards Bothwell, the speed limit should be 50 km per hour.

**d) Public Notice board for residents to receive Council Information**

Meeting fully supported the installation of a public notice board. This is to be incorporated in the concept plan for the Park area.

The meeting agreed that the Melton Mowbray township should adopt a theme of "THE HUNT" to reflect the history and past activities within the immediate area.

Design for the Public Notice Board should aim to reflect this theme.

**e) Placement of Mail Box at junction / park area**

The proposal to relocate the Mail Box to the junction of Blackwell Road & Highland Lakes Road (vicinity of planned park) was fully supported.

Action: Request to be submitted to Australia Post.



**f) Bus Stop**

Bus Stop issue relates to the School Bus.

It was acknowledged that there are safety issues associated with the current collection point (i.e. entrance to 'Woodlands' property). The meeting was fully supportive of seeking to move the School Bus collection point to the junction of Blackwell Road and Highlands Lakes Road.

Action: Deputy Mayor Batt to consult with the school bus driver to determine what process may need to be undertaken to seek approval for the relocation.

**g) Parking restrictions on Highland Lakes Road**

**h) Footpath and road formation on Highland Lakes Road**

The above two items were considered together. It was agreed that there was a need to erect some form of barrier to prevent parking on the road verge in the vicinity of 18 Highland Lakes Road.

It was also recognised that there is a need to protect pedestrians that are walking along Highland Lakes Road (southern side) from the Hotel to the corner (vicinity of 33 & 37 Highland Lakes Road).

Action: Request the Department of State Growth to install a rope barrier (similar to the centre barriers being installed on the Midland Highway) in order to prevent parking and create a separation between vehicles and pedestrians.

*Note: It was recognised that there would need to be breaks in the barrier to allow for property entrances.*

Drainage improvements could also be undertaken at the same time to address an existing problem whereby water is being directed into the property at 33 Highland Lakes Road.

Action: Onsite meeting to be arranged to enable the property owner Veronica Foale to explain the problems being experienced.

In relation to the Midland Highway, it was also noted that there is still an issue relating to the 'acceleration lane' (i.e. length of the lane) when turning north from Highland Lakes Road onto the Midland Highway. This should also be raised with the Department, including the possibility of extending the lane when the next stage of works is undertaken on the Highway.

**i) Old Stone Bridge Repair and Presentation**

Sandstone and stabilisation works to be undertaken by Council in the short-term.

The presentation of the Bridge should also reflect 'THE HUNT' theme adopted at this meeting.

**j) School and Church Building(s) - Future**

Update provided in relation to the planned sale of the Melton Mowbray Church; Old School Building; and Cemetery. It was indicated that separate Titles would be created for each to enable sale.

The issue of seeking ownership of the Old School Building in particular was raised. Whilst there was general support for the proposal, it was acknowledged that a desired (and sustainable) use would need to be identified prior to considering fundraising or financing options.

**The meeting concluded at approximately 7.20 p.m.**

**16.1.2 TUNNACK STREETScape PLAN – MEETING WITH TUNNACK COMMUNITY HALL REPRESENTATIVES - HELD 3RD DECEMBER 2019**

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

**Date:** 6 DECEMBER 2019

**Enclosures:**

*Meeting Notes – Held 3<sup>rd</sup> December 2019*

**ISSUE**

To report on the outcomes of the meeting held with representatives of the Tunnack Community Hall Management Committee held 3<sup>rd</sup> December 2019.

**BACKGROUND**

This meeting followed an allocation of \$5,000 in the 2019/20 Capital Works Program.

In the first instance, the Community Hall Management Committee was seen as an ideal representative group to commence the discussion in terms of identifying the issues and priorities. It should be noted that a number of the Hall Committee representatives are also members of the Tunnack Community Club Inc.

**DETAIL**

Refer attached meeting Notes.

**Human Resources & Financial Implications** – to be determined.

**Community Consultation & Public Relations Implications** – refer Meeting Notes.

**Policy Implications** – N/A

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

**RECOMMENDATION**

THAT the information be received and Council endorse the proposed actions recorded in the Meeting Notes.

**DECISION**

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

**THAT the information be received and Council endorse the proposed actions recorded in the Meeting Notes.**

**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 R McDougall	√	

**ENCLOSURE**  
*Agenda Item 16.1.2*

**Tunnack – Community Representatives Meeting  
Tunnack Community Hall  
Notes of the Meeting held 4<sup>th</sup> December 2019 commencing at approximately 2.30  
p.m.**

**1. Attendance:**

<b>Name:</b>	<b>Address:</b>	<b>Contact Number:</b>
Janine Scott	216 Black Post Road	
Robyn Bourke	125 Scotts Road	
Helen Clarke	1976 Tunnack Road Email: HelenClark26@bigpond.com	
Gaylene Barry	1362 Tunnack Road	
Dave Northey		
Carol Byers	6 Pound Road	62 547232
Jack Lyall	Southern Midlands Council	
Tim Kirkwood	Southern Midlands Council	

**2. Apologies:**

Clr Rowena McDougall, Sue Scott.

**3. Discussion Items:**

**a) Tunnack General Cemetery**

Noting that Mrs Susan Scott was an apology for the meeting, the Group did consider the attached document prepared by Sue. This followed a brief site visit prior to discussion at the Community Hall.

In reference to the document there were eight suggestions, including comments prepared by Sue.

In the first instance, the Group determined:

1. Resurrect the headstones – decision deferred pending confirmation of what information exists and/or on-site assessment
2. Erect a noticeboard, listing names, dates and family connections – agreed with suggestion following confirmation of available information
3. Erect a boundary fence between the cemetery and the adjoining farmland – to be considered following confirmation of an overall plan for the Cemetery property (it was noted that some means of managing vegetation was necessary)
4. Build a shelter hut (noticeboard would then be sheltered from the weather) – to be further considered
5. Create a picnic ground – to be further considered
6. A track would need to be created from the road gate to the area where the graves are located - agreed with suggestion but this would follow identification and confirmation of the location of the graves.

7. A bigger sign at the road gate – to be further considered. As an interim measure, additional gravel will be placed at the entry to expand the ‘pull-off’ area.
8. Advertise widely about this idea – agreed with suggestion but promotion of the proposal would follow the initial research to determine what information and detail is currently available. This advertising process could also provide an opportunity to invite the broader community to submit any additional information / history that may be available.

In conclusion, Brad Williams and Alan Townsend will work with Sue Scott to commence an information gathering exercise.

#### **b) Tunnack Township Improvements**

By way of introduction, Tim Kirkwood informed the meeting that Council had allocated an amount of \$5,000 in the 2019/20 Budget – referred to as ‘Tunnack Streetscape Concept Plan’.

This was a general allocation, with no specific projects or activities in mind.

Council is eager to consult the community to identify the relevant issues and identify projects that could be undertaken as part of an on-going improvement plan.

The following is a dot point list of issues raised, together with proposed actions (in no particular order):

- Roadside Verge / Footpath improvements (primarily weed spraying) – to be actioned immediately.
- Planting of street trees (including tree guards – similar to Colebrook) – the plantings would extend through the township in designated locations (i.e. from boundary sign to boundary sign. Frost resistant trees. Plan to be prepared for further discussion and consultation.
- Roadside verge (opposite Hall) – can the drain be filled in which would allow for additional parking opposite the Hall and enhance overall appearance. Approval to be sought from Department of State Growth noting that this is a State maintained Road.
- Tunnack Community Hall – Painting of front Fence – agreed that Council would supply the paint and the community would undertake the work voluntarily (10 litres of white paint to be supplied).
- Tunnack Community Hall – supply of solar light to be erected on the front of the Hall to provide additional lighting to the electrical switchboard area – to be actioned immediately.
- Streetlight relocation – update provided – awaiting confirmation of timeframe from Tas Networks.
- Directional Sign(s) – traditional wooden type ‘Finger-post’ type of sign to be erected in the vicinity of the Tunnack Community Club.

To conclude, an invitation was extended to those present to consult with other members of the community and provide additional input and/or suggestions as these proposals are progressed.

## 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.*

#### 17.1.1 MOBILE FOOD VENDORS (FOOD VANS) – POLICY POSITION – PRELIMINARY DISCUSSION

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

**Date:** 6 DECEMBER 2019

#### ISSUE

Council to give preliminary consideration to the 'principles' that could be incorporated in the development of Policy relating to Mobile food Vendors (Food Vans) servicing the municipal area on a casual basis.

#### BACKGROUND

In recent months Council has been approached by multiple Food Van operators seeking approval to temporarily occupy Council owned/controlled land for the purpose of setting up a Mobile Food Van, generally for a period ranging from approximately 3 to 5 hours.

It is apparent that this is going to be an ongoing issue, and being a relatively new concept for Oatlands and the Southern Midlands, warrants a formal Council policy position.

As part of determining a Council policy, Council must consider the land use planning implications; the commercial considerations; and whether from a Council perspective, they are permitted to operate on a temporary basis on Council owned/controlled land (and under what terms and conditions).

Relevant to this discussion is the need to note that there is no longer a need for Food Vans to be licensed within each municipal area where they operate. Food Vans are generally licensed by the Council where the Van is based or where it primarily operates from.

#### DETAIL

Permission has been granted on two previous occasions for a Food Van to operate in Oatlands on a temporary basis; the 25<sup>th</sup> August 2019 (Lake Dulverton foreshore area) & the 18<sup>th</sup> October 2019 (Pink Up Oatlands event). Monday, 16<sup>th</sup> December 2019 has also been flagged as another date for a food van to visit Oatlands.

Whilst approval was given on these occasions, the operators were informed that a Policy position would be developed by Council in the short-term that would provide direction going forward.

It was planned to submit a draft Policy to Council for consideration at the January 2020 meeting, however the issue has been listed on the Agenda for preliminary discussion in terms of the key principles.

**Human Resources and Financial Implications** – To be considered as part of the discussion.

**Community Consultation and Public Relations Implications** – This matter has been brought forward for preliminary discussion due to correspondence received from a local business operator which raises concerns about the impact on local businesses.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Is there a need to take any interim measures pending the adoption of a final policy.

## **RECOMMENDATION**

Submitted for discussion and direction in terms of the key principles which can be factored into the drafting of a Council Policy.

**Following considerable discussion, it was RESOLVED:**

- a) That Council proceed to develop a policy position;
- b) That a process of public consultation be undertaken to seek input from the community and businesses;
- c) With the exception of the consent given for 16<sup>th</sup> December 2019, no further approvals be granted pending the adoption of a policy; and
- d) For the purpose of public consultation, a draft 'information flier' be prepared which will identify the issues to be considered. To be referred to Councillors 'out-of-session' for endorsement prior to circulation.



## 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:** 6 DECEMBER 2019

*Local Government Shared Services update reports for the month of November 2019 were unavailable.*

## 17.2.2 ORDINARY COUNCIL MEETING – JULY 2020 – CHANGE OF DATE

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

**Date:** 5 DECEMBER 2019

### ISSUE

Council to change the scheduled date of the July 2020 Council Meeting to avoid a clash with the Local Government Association of Tasmania Annual General Meeting and Conference.

### BACKGROUND

The 2020 Meeting Schedule was adopted at the Council Meeting held 27<sup>th</sup> November 2019.

### DETAIL

The Local Government Association of Tasmania has released its 2020 Calendar of Events and the Association's Annual General Meeting and Annual Conference has been scheduled for 22<sup>nd</sup> to 24<sup>th</sup> July 2019 inclusive.

The Ordinary Council Meeting was scheduled for 22<sup>nd</sup> July 2020.

**Human Resources and Financial Implications – N/A**

**Community Consultation and Public Relations Implications –** The forward meeting Schedule will be circulated following confirmation.

**Policy Implications – N/A**

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

### RECOMMENDATION

THAT the Ordinary Council Meeting for July 2020 be held:

- a) Wednesday 15<sup>th</sup> July 2020; or alternatively
- b) Tuesday 21<sup>st</sup> July 2020.

### DECISION

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

**THAT the Ordinary Council Meeting for July 2020 be held on Wednesday, 15<sup>th</sup> July 2020.**

### 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 R McDougall	√	

### 17.2.3 OATLANDS AQUATIC CENTRE – DEED OF VARIATION OF GRANT DEED

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

**Date:** 4 DECEMBER 2019

**Enclosure:**

*Deed of Variation to the Grant Deed*

#### ISSUE

Signing and Sealing the Deed of Variation to the Grant Deed for the Oatlands Aquatic Centre.

#### BACKGROUND

This document is the second variation to the Grant Deed from the Tasmanian Government in respect of the Grant Deed obligations for the Oatlands Aquatic Centre for the two million dollar grant for the development of the Aquatic Centre at Oatlands.

Council are aware of the delays in the project and this Deed of Variation formalises the revised reporting timelines and associated arrangements as well as the subsequent dispersal of the funding to Council under the Grant Deed.

#### RECOMMENDATION

That Council Sign and Seal the Deed of Variation of the Grant Deed for the funding agreement between the Tasmanian Government and the Southern Midlands Council for the Oatlands Aquatic Centre.

#### DECISION

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

**THAT Council Sign and Seal the Deed of Variation of the Grant Deed for the funding agreement between the Tasmanian Government and the Southern Midlands Council for the Oatlands Aquatic Centre.**

#### 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 R McDougall	√	

**ENCLOSURE**  
*Agenda Item 17.2.3*



**Deed of Variation of Grant Deed**  
Specific Purpose Funding 2017-18

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The Crown in the Right of Tasmania  
(represented by the Department of Communities Tasmania)  
(Grantor)

and

Southern Midlands Council  
(Recipient)

REFERENCE AND CONTACT DETAILS  
Department: Communities Tasmania  
Contact Officer: Manager, Grants, Sport and Recreation Infrastructure  
Telephone: 1800 204 224  
Email: [csrgrants@communities.tas.gov.au](mailto:csrgrants@communities.tas.gov.au)

Doc Ref: Deed of Variation of Grant Deed | DOC/19/8668 | Deed of Variation – Southern  
Midlands Council Grant Deed

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## Deed of Variation of Grant Deed

### Details and recitals

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**Date:**

**Parties:**

Name

---

**Crown in the Right of Tasmania**

(represented by the Department of Communities Tasmania)

Short form name

**Grantor**

Notice details

C/- Department of Communities

GPO Box 65, Hobart, Tasmania, 7001

Telephone: 1800 204 224

Email: [csrgrants@communities.tas.gov.au](mailto:csrgrants@communities.tas.gov.au)

Attention: Manager, Grants, Sport and Recreation Infrastructure

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Name

**As described in Item 3**

Short form name

**Recipient**

Notice details

As set out in Item 3

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**Recitals:**

- A. The parties have entered into the Grant Deed.
- B. The parties have agreed to vary the terms and conditions of the Grant Deed as set out in this Deed.

## Information Table

<b>Item 1 (clause 1.1): Commencement Date</b>	
The date of this Deed of Variation.	
<b>Item 2 (clause 1.1): Grant Deed</b>	
The grant deed between the Grantor and the recipient dated 6 October 2017.	
<b>Item 3 (clause 1.1): Recipient</b>	
Southern Midlands Council 68 653 595 894 71 High Street, Oatlands TAS 7120 Email: <a href="mailto:mail@southernmidlands.tas.gov.au">mail@southernmidlands.tas.gov.au</a> Attention: Mr Tim Kirkwood, General Manager	
<b>Item 4 (clause 2): Variation</b>	
1.	The second dot point titled ‘Instalment 2’ referred to in Item 3 of the Grant Deed is deleted (as varied under the first Deed of Variation) and replaced with:  ‘Instalment 2: \$800,000 payable not earlier than 1 July 2019 and not later than 10 Business Days following receipt of the Recipient’s Progress Report 1 in accordance with Item 11 and a provision of an approved Tax Invoice.’
2.	The third dot point titled ‘Instalment 3’ referred to in Item 3 of the Grant Deed is deleted and replaced with:  ‘Instalment 3: \$400,000 payable not earlier than 1 January 2020 and not later than 10 Business Days following receipt of the Recipient’s duly executed Building Contract and the Project Plan, in accordance with Special terms and conditions (3) in Item 13 (clause 12).
3.	Item 6 (clause 4.1 (d)) of the Grant Deed is deleted and replaced with:  ‘The Agreed Plan for the carrying out of the Approved Purpose is the Project Plan, in accordance with Special terms and conditions (3) in Item 13 (clause 12), the plan set out in the Project Plan.’
4.	The date for completion referred to in Item 9 (clause 4.5) of the Grant Deed is deleted and replaced with:  ‘30 June 2022’
5.	The reporting requirements referred to in Item 11 of the Grant Deed is deleted and replaced with:  ‘The Recipient must give to the Grantor:  (a) Progress Report 1: a report due no later than 31 December 2019 including: <ul style="list-style-type: none"><li>• a report detailing progress towards the Approved Purpose; and</li><li>• financial statement detailing income and expenditure, including how the grant funds have been expended to date.</li></ul> (b) Progress Report 2: a report due no later than 31 March 2020 including: <ul style="list-style-type: none"><li>• a report detailing progress towards the Approved Purpose; and</li><li>• financial statement detailing income and expenditure, including how the</li></ul>

grant funds have been expended to date.

- (c) Progress Report 3: a report due no later than 30 September 2020 including:
  - a report detailing progress towards the Approved Purpose, including an update as against the Agreed Plan described in Item 6; and
  - financial statement detailing income and expenditure, including how the grant funds have been expended to date.
- (d) Progress Report 4: a report due no later than 31 March 2021 including:
  - a report detailing progress towards the Approved Purpose, including an update as against the Agreed Plan described in Item 6; and
  - financial statement detailing income and expenditure, including how the grant funds have been expended to date.
- (e) Progress Report 5: a report due no later than 30 September 2021 including:
  - a report detailing progress towards the Approved Purpose, including an update as against the Agreed Plan described in Item 6; and
  - financial statement detailing income and expenditure, including how the grant funds have been expended to date.
- (f) Progress Report 6: a report due no later than 31 March 2022 including:
  - a report detailing progress towards the Approved Purpose, including an update as against the Agreed Plan described in Item 6; and
  - financial statement detailing income and expenditure, including how the grant funds have been expended to date.
- (g) Final report: a report due no later than 30 September 2022 including:
  - a final report that details completion of the Approved Purpose;
  - an income and expenditure statement with respect to the Approved Purpose;
  - a signed acquittal declaration; and
  - a copy of the organisation's audited financials including an audited statement against the grant funds.

All other reports and documents that the Grantor requires under clause 7.2(b) must be provided by the Recipient within 20 Business Days of the requirement being notified to the Recipient.

The form and substance of each report or other document (including each documents submitted with, or as part of, a report) provided by the Recipient to the Grantor under this Deed must be satisfactory to the Grantor, acting reasonably.<sup>7</sup>

6. Additional points are added in Item 13 (clause 12) Special terms and conditions as follows:

**2. Additional definition:**

In this Deed, Project Plan has the meaning given in Special terms and conditions (3) in Item 13.

**3. Project Plan**

- (a) On or before 31 March 2020, the Recipient must submit to the Grantor:
  - (i) a comprehensive plan for carrying out the Approved Purpose, including detailed milestones (with dates for completion of those milestones); and
  - (ii) a comprehensive budget for carrying out the Approved Purpose, showing



how funding from all sources is to be used.

- (b) Following receipt of the plan and the budget the Grantor (acting reasonably and without delay) will notify the Recipient in writing of those aspects (if any) of the plan and budget that the Grantor deems deficient. The Recipient must, in consultation with the Grantor, promptly rectify any such deficiencies and resubmit the plan and/or budget (as applicable) to the Grantor.
- (c) Once the Grantor is in receipt of a plan and a budget that are each satisfactory to the Grantor (acting reasonably) with respect to both form and content, the Grantor will notify the Recipient in writing of the Grantor's approval of that plan and that budget (collectively the **Project Plan**).
- (d) The Project Plan may be amended from time to time but only by written agreement between the parties, each acting reasonably.

**4. Permissions and approvals to undertake work**

The Recipient must, prior to undertaking any works, obtain all necessary approvals and permits required to lawfully undertake the works to be carried out as part of the Approved Purpose.

**5. Recipient responsible for further funds**

Without affecting clause 2.2 of the Grant Deed as originally signed, the Recipient acknowledges and agrees that the Grant provided is only a contribution towards carrying out the Approved Purpose and the Recipient must provide, or secure from one or more other sources, all remaining funds required for the completion of the Approved Purpose.

## Operative provisions

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The parties agree as follows:

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### 1 Definitions and interpretation

#### 1.1 Definitions

In this Deed, unless the context otherwise requires:

**Commencement Date** means the date set out in Item 1.

**this Deed** means this deed and includes all its annexures, appendices, attachments and schedules (if any).

**Grant Deed** means the grant deed described in Item 2.

**Information Table** means the table titled 'Information Table' set out above.

**Item** means an item in the Information Table.

**Recipient** means the recipient described in Item 3.

#### 1.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Deed;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
  - (i) any thing on which there is writing;
  - (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
  - (iii) an amendment or supplement to, or replacement or novation of, that document; or
  - (iv) a map, plan, drawing or photograph;

- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;
- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to '\$' and 'dollars' are to Australian dollars.

### **1.3 Headings**

Headings are included for convenience only and do not affect the interpretation of this Deed.

### **1.4 No rule of construction applies to disadvantage party**

In relation to the interpretation of this Deed, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

### **1.5 Information Table**

If there is an Information Table:

- (a) an Item that has not been completed will be taken to be 'not applicable'; and
- (b) unless the context otherwise requires, expressions defined in that table have the same meanings when used in other parts of this Deed.

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## **2 Variation**

- (a) The Grant Deed is amended and varied with effect on and from the Commencement Date in the manner set out in Item 4.
- (b) In all other respects the parties confirm the provisions of the Grant Deed.

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### **3 Confidentiality**

Despite any confidentiality subsisting in this Deed, any party may publish without reference to the other party all or any part of this Deed.

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### **4 Miscellaneous**

#### **4.1 Governing law**

This Deed is governed by the laws of Tasmania.

#### **4.2 Severance**

If a provision of this Deed is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Deed and the remaining provisions of this Deed:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Deed.

#### **4.3 Counterparts**

This Deed may be entered into in any number of counterparts. A party may execute this Deed by signing any counterpart. All counterparts, taken together, constitute one agreement.

#### **4.4 Further assurance**

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Deed.

#### **4.5 Legal costs**

Each party must bear their own costs in preparing and negotiating this Deed.

#### **4.6 Amendment**

This Deed may only be amended or supplemented in writing signed by the parties.

#### **4.7 No interference with executive duties or powers**

Nothing in this Deed is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Deed that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

#### **Executed as a deed**

## Signing

### Signing by Grantor

Executed as a deed on behalf of the **Crown in Right of Tasmania** by the person named below in the presence of the witness named below:

Signature: →

Being a person who has authority to sign this Deed on behalf of the Crown.

\*Print name and position:

Witness' signature: →

\*Witness print name and position:

\*Use BLOCK LETTERS

\*Witness print address:

### Signing by Recipient

The common seal of **Southern Midlands Council** was hereunto affixed in the presence of:

Common seal: →

Signature: →

Signature: →

\*Print name and position held:

\*Print name and position held:

\*Use BLOCK LETTERS

## **17.2.4 TABLING OF DOCUMENTS**

### **17.2.4.1 CRAIGBOURNE ROAD, COLEBROOK – TABLING OF CORRESPONDENCE (INFORMATION ONLY)**

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

**Date:** 6 DECEMBER 2019

**Attachment:**

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

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

*F Miller – Email dated 11<sup>th</sup> December 2019*

## **ISSUE**

Tabling of correspondence relevant to the closure of Craighourne Road, Colebrook.

## **DETAIL**

The following correspondence is tabled for information only at this meeting:

1. F Miller - Email dated 1<sup>st</sup> December 2019.
2. Simmons Wolfhagen – Letter dated 4<sup>th</sup> December 2019.
3. F Miller – Email dated 11<sup>th</sup> December 2019.

Recognising that the submission made by Simmons Wolfhagen (acting on behalf of Mr F Miller) was only received by Abetz Curtis on 4<sup>th</sup> December 2019, it is not practical to provide a detailed report to Council to enable full consideration of the issues raised and options that may be available to Council.

Simmons Wolfhagen (Karen Abey) has been informed that the correspondence will only be tabled at this meeting with the intent of formally considering the matter at the January 2020 meeting.

**Human Resources and Financial Implications** – Nil comment.

**Community Consultation and Public Relations Implications** – Nil comment.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Nil comment.

## **RECOMMENDATION**

THAT the information be received, noting that this matter will be formally considered at the meeting scheduled for 22<sup>nd</sup> January 2020.

**DECISION**

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

**THAT the information be received, noting that this matter will be formally considered at the meeting scheduled for 22<sup>nd</sup> January 2020.**

**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 R McDougall	√	

**ENCLOSURE**

*Agenda Item 17.2.4.1*

**From:** Fraser Miller <[REDACTED]>  
**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 Craighourne 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





Contact: Karen Abey  
Our Ref: KMA: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  
GPO Box 146

#### Launceston Office

**Address** 45 Cameron Street  
Launceston TAS 7250  
DN Box 170

**ABN** 31 635 248 976  
**Email** [info@simonswolfhagen.com.au](mailto:info@simonswolfhagen.com.au)

#### Lawyers specialising in

- ▶ Business Acquisitions, Partnerships, Company & Commercial Law
- ▶ Conveyancing, Property Development, Easements & Subdivisions
- ▶ Family & De Facto Relationship Law
- ▶ Intellectual Property & Administration of Estates

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SIMMONS WOLFHAGEN

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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;

SIMMONS WOLFHAGEN

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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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SIMMONS WOLFHAGEN

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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

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] TASM 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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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

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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 Craigbourne 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



## 17.2.5 ELECTED MEMBER STATEMENTS

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

### Deputy Mayor E Batt

- Midland Highway Safety Review - Advice that the Mayor and Deputy Mayor received a briefing from the Minister for Infrastructure and Transport (Hon M Ferguson MHA) on 10<sup>th</sup> December 2019 regarding the outcome(s) of the safety review of the Midland Highway/Highland Lakes Road intersection. A report is to be released this week outlining the findings. It was indicated that there were no major changes anticipated or resulting from the review.

### DECISION

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

**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 R McDougall	√	

## 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 30 NOVEMBER 2019)

Nil.

**18. MUNICIPAL SEAL**

Nil.

## **19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

### **19.1 NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (NATIONAL REDRESS SCHEME) – MEMORANDUM OF UNDERSTANDING WITH THE TASMANIAN GOVERNMENT**

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

**Date:** 11 DECEMBER 2019

**Enclosure(s):**

*Memorandum of Understanding on the participation of local councils in the National Redress Scheme for Institutional Child Sexual Abuse.*

### **ISSUE**

Council to endorse participation in the National Redress Scheme and formally sign the Memorandum of Understanding with the Tasmanian Government.

### **BACKGROUND**

This issue was initially discussed by Council at its meeting held in July 2019. The Agenda included the following extract from a joint letter written by the Minister for Local Government and the Minister for Justice:

*“Dear Mayor*

*As you would be aware, since 1 November 2018 the Tasmanian Government has been participating in the National Redress Scheme for Institutional Child Sexual Abuse (National Redress Scheme).*

*The National Redress Scheme is underpinned by an intergovernmental agreement and provides an opportunity for victims of child sexual abuse in an institutional setting to make an application to the National Redress Scheme for redress instead of pursuing onerous civil litigation.*

*The National Redress Scheme involves three key components:*

- 1. A monetary payment of up to \$150 000;*
- 2. Access to counselling and psychological care services; and*
- 3. The opportunity for a direct personal response (such as an apology or meeting with a senior official of the responsible organisation).*

*All state and territory governments have now commenced participation in the National Redress Scheme and progressively non-government institutions are coming on board. Participation in the National Redress Scheme is voluntary and all organisations have been urged to consider their potential liability for child sexual abuse.*

*The Australian Government has called on states and territories to engage with local government and encourage their participation in the National Redress Scheme. All states and territories have undertaken, or are currently undertaking, engagement*

*with their respective local government sector. The Victorian local councils are now participating in the National Redress Scheme.*

*In Tasmania, local government has undertaken a variety of child-related activities such as delivery of child care services, youth programs, holiday programs and child recreational services (e.g. pools and sports centres). Many of these services have since been divested to the private and non-government sector but a number continue to be delivered directly by local government. Local government employs staff to run facilities and/or deliver services to children and young people, and their employees interact with children and young people in a variety of contexts.*

*As with all institutions involved with child-related services, local government is exposed to potential liability (in particular for the actions of its employees) and may be the subject of some claims of institutional child sexual abuse through the National Redress Scheme.*

*The Tasmanian Government is considering allowing local councils to participate under the auspice of the Tasmanian Government without the need to undertake individual steps to join the Scheme. This requires the Tasmanian Government declaring Tasmanian local councils ‘State Institutions’ specifically for the purposes of the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).*

*In practice, local government claims will be received like claims against a Tasmanian Government Agency and processing will be coordinated by the Department of Justice.*

*Under this proposal, local councils will have a clear mechanism to redress any sexual abuse that has occurred within their institutions in the past.*

*A draft Memorandum of Understanding has been prepared for your consideration. Two of the key features of this arrangement would be that the Tasmanian Government will not seek contribution to the Department of Justice’s administrative costs arising from the coordination and management of local council’s claims, and the Tasmanian Government will underwrite the redress liability for local government as calculated by the Scheme Operator for individual claims and seek payment in arrears consistent with the Scheme’s arrangements.”*

In terms of local government’s involvement in the National Redress Scheme, it should be acknowledged that local government has (and continues) to undertake a variety of child related activities. In the case of the Southern Midlands Council, this includes youth-related programs; holiday programs; and child recreational services (e.g. pool etc.).

## **DETAIL**

Council, at its meeting held in July 2019, resolved as follows:

“*THAT*

- a) the information be received;*
- b) Council endorse ‘in-principle’ participation in the National Redress Scheme; and*
- c) Council further consider the draft Memorandum of Understanding (MOU) once finalised by the Local Government Association of Tasmania, noting that the MOU will be entered into at the Association level (as opposed to be signed by individual Councils).”*

Councillors will note from the above decision that it was envisaged that the Memorandum of Understanding would be between the Local Government Association of Tasmania and the Tasmanian Government, as opposed to being signed by individual Councils.

Advice has since been received that each participating Council will be a signatory to the MOU and arrangements are now being made to endorse and sign accordingly.

**Human Resources & Financial Implications** – The National Redress Scheme involves three key components:

1. A monetary payment of up to \$150,000 (per claim)
2. Access to counselling and psychological care services; and
3. The opportunity for a direct personal response (such as an apology or meeting with a senior official of the responsible organisation).

The draft Memorandum of Understanding states that the Tasmanian Government will not seek contribution to the Department of Justice's administrative costs arising from the coordination and management of local council's claims, and the Tasmanian Government will underwrite the redress liability for local government as calculated by the Scheme Operator for individual claims and seek payment in arrears consistent with the Scheme's arrangements.

**Community Consultation & Public Relations Implications** – positive implications.

**Policy Implications** – Policy position.

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

## RECOMMENDATION

THAT;

- a) the information be received; and
- b) Council formally consent to participating in the National Redress Scheme as a 'state institution' which will be underpinned by a Memorandum of Understanding between the State of Tasmania and individual Tasmanian Councils; and
- c) Council endorse signing the Memorandum of Understanding.

## DECISION

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

THAT

- a) the information be received; and
- b) Council formally consent to participating in the National Redress Scheme as a 'state institution' which will be underpinned by a Memorandum of Understanding between the State of Tasmania and individual Tasmanian Councils; and
- c) Council endorse signing the Memorandum of Understanding.

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 R McDougall	√	

*Clr A Bisdee OAM left the meeting at 4.19 p.m.*

**ENCLOSURE**  
*Agenda Item 19.1*



**Memorandum of Understanding  
on the participation of local councils  
in the National Redress Scheme for  
Institutional Child Sexual Abuse**



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## Recitals

1. The Parties enter into this Memorandum of Understanding (MoU) in recognition of the importance of the National Redress Scheme for Institutional Child Sexual Abuse. This Agreement is an acknowledgment that sexual abuse suffered by children in institutional settings is wrong and should not have happened.
2. The Parties agree the objective of providing redress for survivors of child sexual abuse is to recognise and alleviate the impact of past institutional child sexual abuse and related abuse, and to respond to the recommendations contained in the *Redress and Civil Litigation Report* of the Royal Commission into Institutional Responses to Child Sexual Abuse.
3. This MoU represents the cooperation between Parties on the participation in the National Redress Scheme and sets out the roles and responsibilities of the Parties under the National Redress Scheme.
4. This MoU is to be read in conjunction with the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) and other related legislation.
5. The Minister for Justice or the Minister with portfolio responsibility for the National Redress Scheme and Lord Mayors are authorised to agree to amendments to this MoU in accordance with Part 5 – Governance Arrangements.

## PART I – Operative Provisions

### Parties

6. This MoU is between:
  - a) the State of Tasmania (the "State"); and
  - b) the local councils, being:
    - Break O'Day Council
    - Brighton Council
    - Burnie City Council
    - Central Coast Council
    - Central Highlands Council
    - Circular Head Council
    - Clarence City Council
    - Derwent Valley Council
    - Devonport City Council
    - Dorset Council
    - Flinders Council
    - George Town Council

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Glamorgan – Spring Bay Council  
Glenorchy City Council  
Hobart City Council  
Huon Valley Council  
Kentish Council  
Kingborough Council  
King Island Council  
Latrobe Council  
Launceston City Council  
Meander Valley Council  
Northern Midlands Council  
Sorell Council  
Southern Midlands Council  
Tasman Council  
Waratah-Wynyard Council  
West Coast Council  
West Tamar Council

(Together, “the Parties”)

### **Term of this MoU**

8. This MoU will commence for each Party as soon as it is signed by them. This may occur after the commencement date of the National Redress Scheme. This MoU will expire on 30 June 2028, unless terminated earlier or extended as agreed in writing by the Parties.
9. Commitments under this MoU which refer to participating government institutions, only apply to Parties that have participating government institutions declared.

### **Enforceability**

10. The Parties do not intend any of the provisions of this MoU to be legally enforceable. However, that does not lessen the Parties’ commitment to this MoU.

### **Delegations**

11. The Minister for Justice or the relevant Minister with portfolio responsibility for the National Redress Scheme is authorised to agree to amendments to this MoU and schedules to this MoU in accordance with Part 5 – Governance Arrangements.
12. Respective Mayors are authorised to agree to amendments to this MoU and schedules to this MoU in accordance with Part 5 – Governance Arrangements.

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## Definitions

13. In this MoU, unless the contrary appears:
- a) where a word or phrase has a defined meaning, any grammatical form of that word has a corresponding meaning,
  - b) a reference to legislation or a legislative provision includes a reference to any amendment, substitution or re-enactment of that legislation or provision, and
  - c) the singular includes the plural and vice versa.
14. Terms in this MoU will have the same meaning as in Scheme legislation.
15. In this MoU, unless the contrary appears:

**Confidential Information** means information that:

- i. The Parties know, or ought to know is confidential, or
- ii. The Parties agree in writing after the commencement of this MoU is confidential information for the purpose of this MoU.

For the avoidance of doubt, Confidential Information does not include Protected Information as defined in the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018. An example of Confidential Information would be a policy position shared by a Party on an issue that has arisen in the course of the Scheme.

The assessment framework policy guidelines for the monetary redress payment is Confidential Information.

**Scheme legislation** means:

- i. the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (the National Redress Scheme Act)
- ii. the National Redress Scheme for Institutional Child Sexual Abuse Rules 2018 (the Rules), and
- iii. the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (Tas).

## PART 2 – Objectives

### Role and purpose of this MoU

16. This MoU provides the foundation for governments to work together to implement the Scheme. This MoU will be signed by any local council that seeks to become a participating state institution for the purposes of the Scheme.
17. In addition, this MoU provides Parties with the framework for delivering the Scheme by setting out:
- a) roles and responsibilities of the State and participating local councils;
  - b) governance arrangements;
  - c) financial arrangements;

- 
- d) implementation arrangements; and
  - e) Scheme operational arrangements.

### **Objects of the Redress Scheme**

- 18. The National Redress Scheme Act set out the objects of the Scheme.
- 19. The main objects of the Scheme are to recognise and alleviate the impact of past institutional child sexual abuse and related abuse, and provide justice for the survivors of that abuse.

## **PART 3 – Roles and Responsibilities**

### **Shared roles and responsibilities**

- 20. The State and local councils which have had participating government institutions declared will:
  - a) work collaboratively to deliver redress from participating institutions to eligible survivors;
  - b) share information and data, subject to this MoU and privacy requirements, to promote a best practice and survivor-focused Scheme; and
  - c) identify and seek to resolve issues in a timely manner where Scheme arrangements are having unintended impacts.

### **Roles and responsibilities of the State**

- 21. The State will:
  - a) introduce legislation to refer to the Commonwealth Parliament the text reference and the amendment reference, or adopt the relevant version of the National Redress Scheme Act once enacted and refer the amendment reference, in accordance with s 51 (xxxvii) of the Constitution;
  - b) administer the participation of the Parties to the Scheme through the State Department of Justice;
  - c) deliver direct personal responses to its survivors in accordance with the Direct Personal Response Framework;
  - d) deliver access to counselling and psychological care to survivors residing in Tasmania;
  - e) fulfil reporting obligations to the Scheme; and
  - f) fulfil agreed financial obligations in accordance with Part 6 – Financial Arrangements.

### **Roles and responsibilities of the local councils**

- 22. The local councils will:
  - a) deliver direct personal responses to its survivors in accordance with the Direct Personal Response Framework;

- 
- b) fulfil information sharing and reporting obligations required under the National Redress Scheme to the State; and
  - c) fulfil agreed financial obligations in accordance with Part 6 – Financial Arrangements.

## **PART 4 – IMPLEMENTATION ARRANGEMENTS**

### **Reporting**

- 23. The State will provide local councils which have had claims made under the Scheme with an individual quarterly report on applications made under the Scheme that relate to their participating institutions, including information on:
  - a) the number of completed applications,
  - b) the number of completed internal reviews of decisions,
  - c) the proportion of affirmed decisions,
  - d) the proportion of accepted offers,
  - e) the number of applicants that have been determined not entitled to redress under the criminal convictions policy, and
  - f) the number of applications to be processed.

### **Confidential Information**

- 24. Subject to clause 25, a Party must not disclose Confidential Information to anyone, without the prior written consent of the Party that provided them with the information.
- 25. A Party can disclose Confidential Information to the extent that it:
  - a) is disclosed to its internal management personnel, solely to enable effective management and/or auditing of the Scheme;
  - b) is shared within a Party, or with another agency, where this serves the State's or local council's legitimate interests;
  - c) is authorised or required by law to be disclosed, or
  - d) is in the public domain otherwise than due to a breach of this MoU.
- 26. Where a Party discloses Confidential Information to another person under clause 25 they must:
  - a) notify the receiving person that the information is confidential; and
  - b) not provide the information unless the receiving person agrees to keep the information confidential.
- 27. A Party receiving Confidential Information will take all reasonable steps to ensure that the Confidential Information of the other Party is protected at all times from any unauthorised use or access and to immediately notify the other Party if the receiving Party becomes aware of any unauthorised access to, or use or disclosure of Confidential Information.

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### **Privacy**

28. In exchanging information under this MoU, officials need to be aware of their obligations under privacy legislation.

## **PART 5 – GOVERNANCE**

### **Variation of this MoU**

29. This MoU, and schedules to this MoU, may be amended at any time by agreement in writing by all the Parties.

### **Review of this MoU**

30. The Parties may review the operation and objectives of this MoU following the review of the Scheme outlined in the Scheme legislation, or as otherwise agreed by the Parties.

### **Withdrawal and Termination of this MoU**

31. The Parties agree that withdrawal from this MoU will be a measure of last resort.
32. A Party that ceases to be a declared participating state institution under the Scheme legislation immediately ceases to be a Party to this MoU.
33. A Party to the MoU may indicate its intent to withdraw from this MoU at any time by notifying all other Parties in writing of its intention to do so. A Party that proposes to withdraw will give at least three months' notice of its intention to withdraw.
34. Following notification of a Party's intention to withdraw from this MoU under clause 33, the terms of withdrawal, including the date on which the Party will cease to be a Party, and arrangements necessary because of the withdrawal, will be negotiated in good faith and agreed between the State and the Party intending to withdraw from this MoU.
35. If a Party withdraws, this MoU will continue between all remaining Parties.

### **Counterparts**

36. This MoU may be executed in any number of counterparts. All counterparts, taken together, constitute this MoU. A Party may execute this MoU by signing any counterpart.

### **Dispute Resolution**

37. Any Party may give notice in writing to other Parties of a dispute under this MoU.
38. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
39. If a dispute is unable to be resolved by officials, it may be escalated to the Minister for Justice or relevant Minister with responsibility for redress and Lord Mayors.

### **Ministerial Declarations**

40. Local councils will declare the participating local council institutions as participating State institutions.

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41. Local councils are required to specify which local government institutions they agree to being declared under the Scheme, in accordance with the Scheme Legislation, and may do this by specifying a list of institutions by class.
  42. The State will arrange the Commonwealth Minister responsible for redress to declare the specified local government institutions as participating institutions where the relevant requirements are met. The Minister's declaration will be in the form of a notifiable instrument (which is not disallowable).

## **PART 6 – FINANCIAL ARRANGEMENTS**

43. The Scheme operates on a 'responsible entity pays' basis, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. Parties will fund the cost of providing redress to each eligible survivor for whom one of their participating government institutions is responsible. This includes the monetary payment, access to CPC and costs associated with delivering direct personal responses.
44. Participating local government institutions that are determined to be responsible for abuse will pay the Commonwealth Government administrative charge, set at 7.5 per cent of the total value of the institution's gross liability for redress payments made in relation to that abuse in each quarter.
45. Participating local government institutions, will also be required to pay a per-claim contribution towards legal support costs, delivered by the Scheme's legal support services. This amount will be \$1,000 for each claim for which the institution is the only liable participating institution, or a portion of the \$1,000 contribution proportionate to the institution's share of the redress payment where it is jointly responsible for providing redress with another institution or institutions. This amount does not include any GST, and no GST will be charged. These costs are directly attributable to supporting eligible applicants to access legal support.
46. The State will not seek a contribution from participating local government institutions to the State's administrative costs arising from the coordination and management of local government institution claims.
47. The State will underwrite participating local government institutions as assessed by the Scheme Operator and levy participating local government institutions accordingly.
48. Parties will be invoiced in arrears on a quarterly basis. The quarterly invoice will include the total amount owed and the total number of applicants who have been paid in the quarter broken down by CPC contribution, redress payment, legal support contribution and administrative charge along with details for payment.
49. The Parties note that the per-claim administrative charge will be reviewed by the Commonwealth Government in accordance with the requirements under the Scheme legislation to ensure it accurately reflects the costs being recovered.

## **PART 7 – THE SCHEME**

50. The National Redress Scheme Act establishes the National Redress Scheme for Institutional Child Sexual Abuse. It provides the legislative basis for entitlement,

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participation, how to obtain redress, offers and acceptance of redress, provision of redress, funding, funder of last resort and other administrative matters.

### **Responsibility for redress**

51. A participating institution will be responsible for redress if the abuse occurred in circumstances where the institution is, or should be treated as being, primarily or equally responsible for the abuse.

### **Release from civil liability**

52. Survivors receiving redress under the Scheme will be required to release the responsible participating institution(s), their associates and the officials of these institutions (other than the abuser) from all civil liability in relation to all instances of child sexual abuse, and related non-sexual abuse within scope of the Scheme. This will be a condition of accepting any components of redress under the Scheme.
53. Where a participating institution has been released from civil liability either at common law or under another payment scheme in relation to the abuse they have been found liable for under the Scheme, then that release and any confidentiality provisions, cannot be relied upon for the limited purpose of determining the payment amount that a survivor may be entitled to under the Scheme.
54. Parties agree that their participating government institutions will waive their rights under prior releases to the extent necessary, and will not take action against survivors for failing to comply with the prior release simply on the basis that the survivor has applied for redress and notified the Scheme of information relevant to their application including a prior payment received. All other conditions under existing releases with survivors will remain.

### **Counselling and psychological care (CPC)**

55. Parties agree that survivors found eligible under the Scheme, and who have signed the release from civil liability, will have the opportunity to access CPC to address the impact of their experience.
56. The State will provide access to CPC by delivering CPC services directly to survivors residing in Tasmania and receiving a tiered payment of \$1,250, \$2,500 or \$5,000 from responsible institutions for the provision of their services.

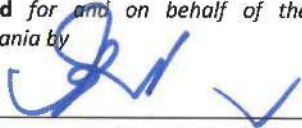
### **Direct personal response**

57. Parties agree that survivors who are entitled to redress under the Scheme, and who have signed the release from civil liability, should have the opportunity to receive a direct personal response from the responsible participating institution(s), if they choose it.
58. Parties that have had participating institutions declared agree to adhere to the National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018.



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Signed for and on behalf of the State of  
Tasmania by



**The Honourable Elise Archer MP**  
Attorney-General and Minister for Justice

Date **5 August 2019**

Signed for and on behalf of the  
Break O'Day Council by

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**Cr Mick Tucker**  
Mayor of the Break O'Day Council

Date

Signed for and on behalf of the  
Brighton Council by

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**Cr Tony Foster**  
Mayor of the Brighton Council

Date

Signed for and on behalf of the  
Burnie City Council by

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**Ald Steven Kons**  
Mayor of the Burnie City Council

Date

Signed for and on behalf of the  
Central Coast Council by

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**Cr Jan Bonde**  
Mayor of Central Coast Council

Date

Signed for and on behalf of the  
Central Highlands Council by

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**Cr Loueen Triffitt**  
Mayor of the Central Highlands Council

Date

Signed for and on behalf of the  
Circular Head Council by

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**Cr Daryl Quilliam**  
Mayor of the Circular Head Council

Date

Signed for and on behalf of the Clarence City  
Council by

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**Ald Doug Chipman**  
Mayor of the Clarence City Council

Date

Signed for and on behalf of the Derwent Valley  
Council by

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**Cr Ben Shaw**  
Mayor of the Derwent Valley Council

Date

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*Signed for and on behalf of the Devonport City Council by*

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**Ald Annette Rockliff**

Acting Mayor of the Devonport City Council

Date

*Signed for and on behalf of the Flinders Council by*

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**Cr Annie Revie**

Mayor of the Flinders Council

Date

*Signed for and on behalf of the Glamorgan – Spring Bay Council by*

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**Cr Debbie Wisby**

Mayor of the Glamorgan – Spring Bay Council

Date

*Signed for and on behalf of the Hobart City Council by*

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**Ald Anna Reynolds**

Lord Mayor of the Hobart City Council

Date

*Signed for and on behalf of the Kentish Council by*

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**Cr Tim Wilson**

Mayor of the Kentish Council

Date

*Signed for and on behalf of the King Island Council by*

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**Cr Julie Arnold**

Mayor of the King Island Council

Date

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*Signed for and on behalf of the Dorset Council by*

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**Cr Greg Howard**

Mayor of the Dorset Council

Date

*Signed for and on behalf of the George Town Council by*

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**Cr Bridget Archer**

Mayor of the George Town Council

Date

*Signed for and on behalf of the Glenorchy City Council by*

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**Ald Kristie Johnston**

Mayor of the Glenorchy City Council

Date

*Signed for and on behalf of the Huon Valley Council by*

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**Cr Bec Enders**

Mayor of the Huon Valley Council

Date

*Signed for and on behalf of the Kingborough City Council by*

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**Cr Dean Winter**

Mayor of the Kingborough City Council

Date

*Signed for and on behalf of the Latrobe Council by*

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**Cr Peter Freshney**

Mayor of the Latrobe Council

Date

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*Signed for and on behalf of the Launceston City Council by*

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**Ald Albert van Zetten**  
Mayor of the Launceston City Council

Date

*Signed for and on behalf of the Northern Midlands Council by*

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**Cr Mary Knowles**  
Mayor of the Northern Midlands Council

Date

*Signed for and on behalf of the Southern Midlands Council by*

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**Cr Alex Green**  
Mayor of the Southern Midlands Council

Date

*Signed for and on behalf of the Waratah Wynyard Council by*

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**Cr Robert Walsh**  
Mayor of the Waratah Wynyard Council

Date

*Signed for and on behalf of the West Tamar Council by*

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**Cr Christina Holmdahl**  
Mayor of the West Tamar Council

Date

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*Signed for and on behalf of the Meander Valley Council by*

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**Cr Wayne Johnston**  
Mayor of the Meander Valley Council

Date

*Signed for and on behalf of the Sorell City Council by*

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**Cr Kerry Vincent**  
Mayor of the Sorell Council

Date

*Signed for and on behalf of the Tasman Council by*

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**Cr Kelly Spaulding**  
Mayor of the Tasman Council

Date

*Signed for and on behalf of the West Coast Council by*

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**Cr Phil Vickers**  
Mayor of the West Coast Council

Date

**DECISION**

*Moved by Deputy Mayor E Batt, 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 (Meeting Procedures) Regulations 2015 Reference</b>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Property Matter – Kempton</i>	15(2)
<i>Tender - Woodsdale Road Bridge, over the Nutting Garden Rivulet</i>	15(2)(d)

**CARRIED**

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

**DECISION**

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

**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.

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr K Dudgeon	√	
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)(h) of the Local Government (Meeting Procedures) Regulations 2015.*

#### 20.3 PROPERTY MATTER - KEMPTON

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

#### 20.4 TENDER – WOODSDALE ROAD BRIDGE, OVER THE NUTTING GARDEN RIVULET, BRIDGE B3968

### DECISION

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

#### THAT Council

1. Receive and note the report
2. Endorse the processes undertaken;
3. Accept the Tender received from TasSpan Pty Ltd for the sum of \$142,936.00 excl. GST; and
4. Sign and seal the Formal Instrument of Agreement with TasSpan Pty Ltd for the contractual requirements detailed in the Request For Tender 04/2019 and provided in their Tender submission, for the total sum of \$142,936.00 excl. GST; and
5. In accordance with the *Local Government (Meeting Procedures) Regulations 2015 – Regulation 15 (8)*, Council resolve that the decision made in respect to this matter be released to the public.

### CARRIED

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

**DECISION**

*Moved by Cllr K Dudgeon, seconded by Cllr A Bantick*

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

**CARRIED**

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

## OPEN COUNCIL MINUTES

### 21. CLOSURE

The meeting closed at 4.35 p.m.

SOUTHERN  
MIDLANDS  
COUNCIL



# Annual General Meeting

## **MINUTES**

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Wednesday, 11<sup>th</sup> December 2019  
5.00 p.m.

Municipal Offices  
85 Main Street, Kempton



**MINUTES**  
**ANNUAL GENERAL MEETING**  
**OF THE SOUTHERN MIDLANDS COUNCIL**  
Wednesday 11<sup>th</sup> December 2019 at the Municipal Office,  
85 Main Street, Kempton at 5.00 p.m.

**1. OPENING / WELCOME**

Mayor Alex Green opened the Southern Midlands Council Annual General Meeting and welcomed those present.

**2. APOLOGIES**

Clr D Fish, Clr A Bisdee OAM

**3. ATTENDANCE**

**Councillors:** Mayor A O Green, Deputy Mayor E Batt, Clr A Bantick, Clr K Dudgeon, Clr R McDougall

**Officers:** Tim Kirkwood (General Manager), Andrew Benson (Deputy General Manager), Elisa Lang (Executive Assistant)

**Residents:** Julia Jabour

**4. MEETING PROCEDURES**

Refer Attachment 1.

**5. 2018/2019 ANNUAL REPORT & 2018/2019 GENERAL PURPOSE FINANCIAL REPORT**

**5.1 Mayor's Report**

Mayor Alex Green presented the 2018/2019 Annual Report, incorporating the 2018/2019 General Purpose Financial Report.

**DECISION**

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

**THAT the meeting note the presentation of the Annual Report for the year ending 30th June 2019 incorporating the 2018/2019 General Purpose Financial Report.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr K Dudgeon		
Clr R McDougall		

## **6. STRATEGIC PLAN 2018-2027**

### **6.1 Questions/Discussion on Strategic Plan**

A major review of the Strategic Plan was undertaken in June 2018 and a desktop review will occur in June 2020.

Members of the public are encouraged to provide comment on the 2018-2027 Strategic Plan at any time.

## **7. DISCUSSION ITEMS ON NOTICE**

Nil.

## **8. DISCUSSION ITEMS WITHOUT NOTICE**

Nil.

## **9. CLOSURE OF MEETING**

The meeting closed at 5.07 p.m.

*Attachment 1*

## MEETING PROCEDURES

1. The Annual General Meeting is in essence a Council meeting and will be conducted in accordance with normal Council procedures for the conduct of meetings; with the exception of course it is intended to make it as easy as possible for members of the public to have input so that maximum benefits is gained.
2. The Mayor is Chairman of the meeting.
3. The first part of the meeting comprises a presentation of an overview of:
  - (i) the Annual Report
  - (ii) Financial Statement, and
  - (iii) the Strategic Plan
4. At the conclusion of each of these presentations electors may ask questions.
5. Questions and comments should be concise to allow as many people as possible to have their input.
6. No one is to be interrupted whilst they are speaking.
7. You will be asked, as a matter of courtesy and for the minutes, to identify yourself before speaking.
8. All discussion will be addressed through the chair.
9. No person may:
  - (i) make any personal reflection on any Councillors, Council employee or member of the public;
  - (ii) disrupt the meeting; or
  - (iii) in the opinion of the Chairman, use any offensive expression.
10. If you intend to move a motion the following procedures apply: -
  - (i) All motions must be moved and seconded before debate is permitted.
  - (ii) In speaking to a motion, individuals may speak only once and for no longer than 5 minutes.
  - (iii) Voting is by a show of hands.
  - (iv) Only electors of the Southern Midlands municipal area are entitled to vote.
  - (v) A motion is passed by half plus one of the electors present voting in favour of it.
11. Any resolution passed at the Annual General Meeting will be considered at the next ordinary meeting of Council.

# Parattah Progress Association Meeting

10 December 2019

Meeting opened at 7pm

Present: Brian Chatters, Belinda Chatters, Mark Wilson, Leanne Wilson, Shane Porter, Councillor Don Fish, Richard Clark, Sarah Clark, Gordon Clark

Apologies: Brady Robins

Meeting opened by councillor Don Fish and accepted resignation from president Brian Chatters and secretary Belinda Chatters

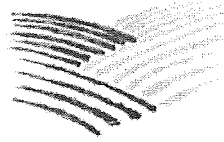
Brady Robins to be caretaker of president position

Richard Clark to be vice president and Sarah Clark to be Secretary until next AGM

Unopposed

Meeting closed at 7.10 pm

Parattah Progress Association wish to thank Brian and Belinda Chatters for all their work and dedication to the club.



## 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

JMG Engineers and Planners obo Mr John D Haig

(if not owner)

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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- This report presents information and opinions which are to the best of our knowledge accurate. JMG accepts no responsibility to any purchaser, prospective purchaser, or mortgagee of the property who relies in any way on this report.
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- This report presents information provided by others. JMG do not claim to have checked, and accept no responsibility for, the accuracy of such information.

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### Appendices

Appendix A - Certificate of Title

Appendix B - Subdivision Plan

Appendix C - GES Report

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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.

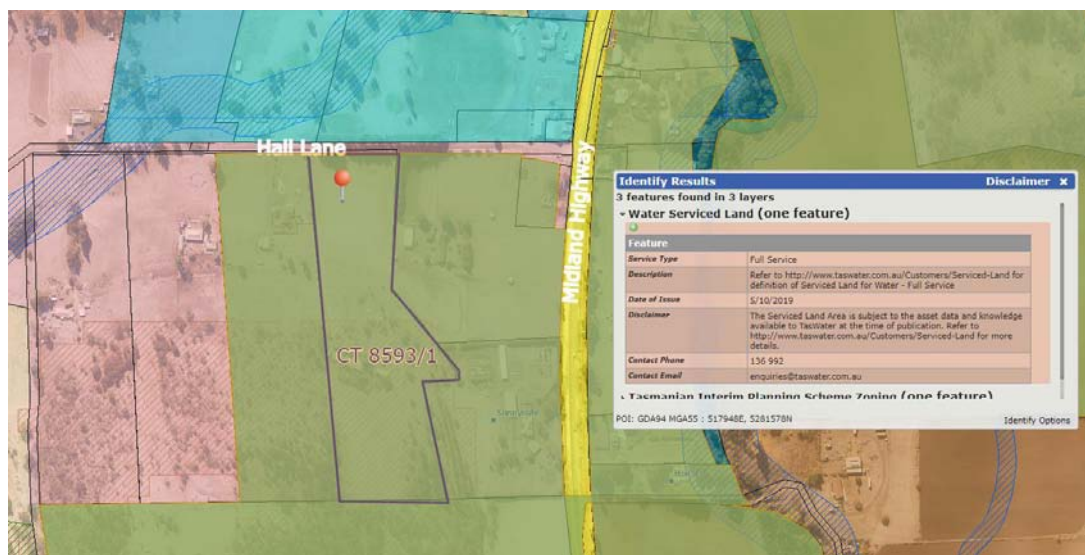


Figure 2 - Subject site within TasWater Full Service Area (Source LISTmap)

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 **Z**one’ 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.

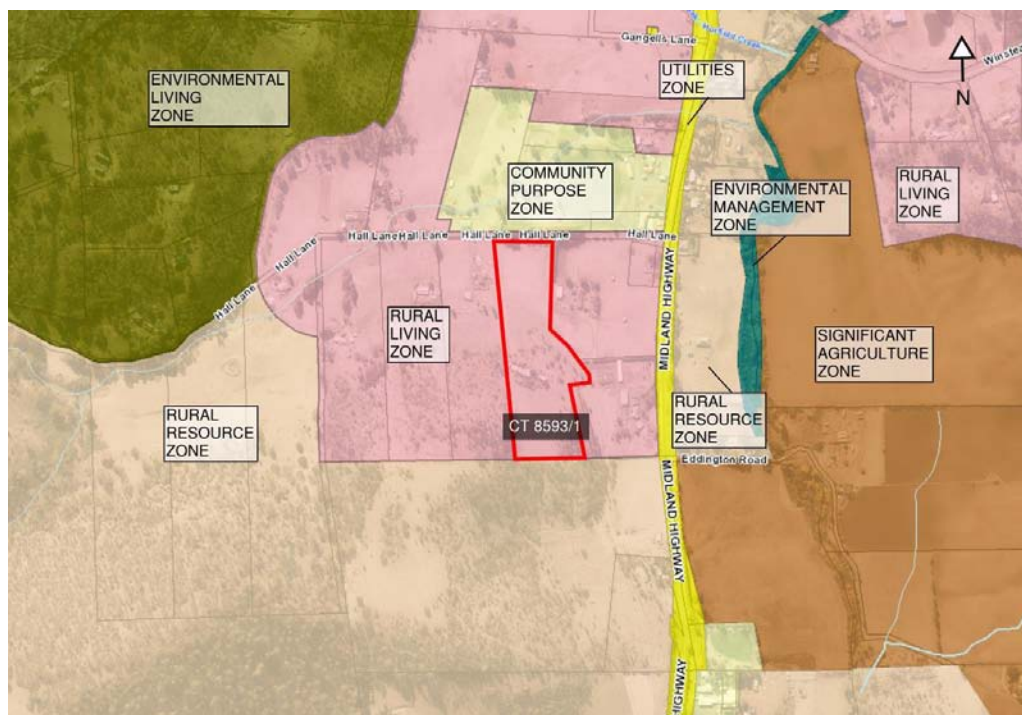


Figure 3- Zoning (Source LISTmap)

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>
--	---

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>
--	-----------------------

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>
--	--

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>
---	----------------------

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>
--	--

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>
--------------------------------------	--

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>
--------------------------------------	--

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>
---	---

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>(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</p> <p>(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:</p> <p>(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</p> <p>(ii) is certified by the TFS or an accredited person.</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>
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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>  <i>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</i> <i>(b) 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>  <i>(a) the suitability of the surface treatment;</i> <i>(b) the characteristics of the use or development;</i> <i>(c) 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

---

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

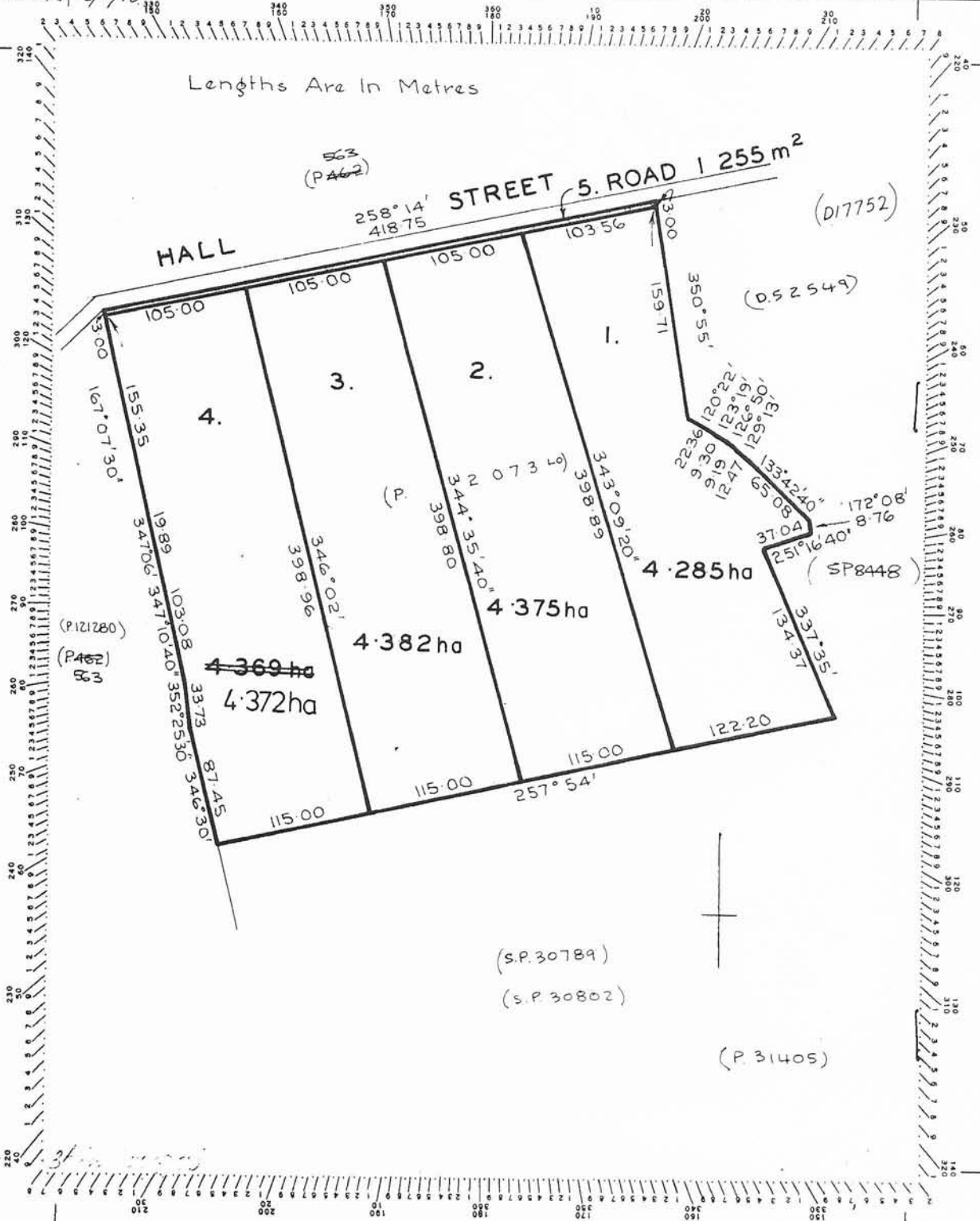
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

20 SEP 1976

Owner: S.A. Eddington & Ann G.W. & M. Griggs	PLAN OF SURVEY by Surveyor G.W. Griggs of land situated in the	Registered Number: <b>S. 8593</b>
Title Reference: Con 35-153 & C.T. 2499-19	LAND DISTRICT OF MONMOUTH PARISH OF STRANGFORD	Effective from: 23 MAR 1977
Grantee: Portions Of 38ac Loc to J. Eddington & 38ac Loc to J. Piper & Whole Of Lot 35475 Gtd. to SA & BO Eddington	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 :

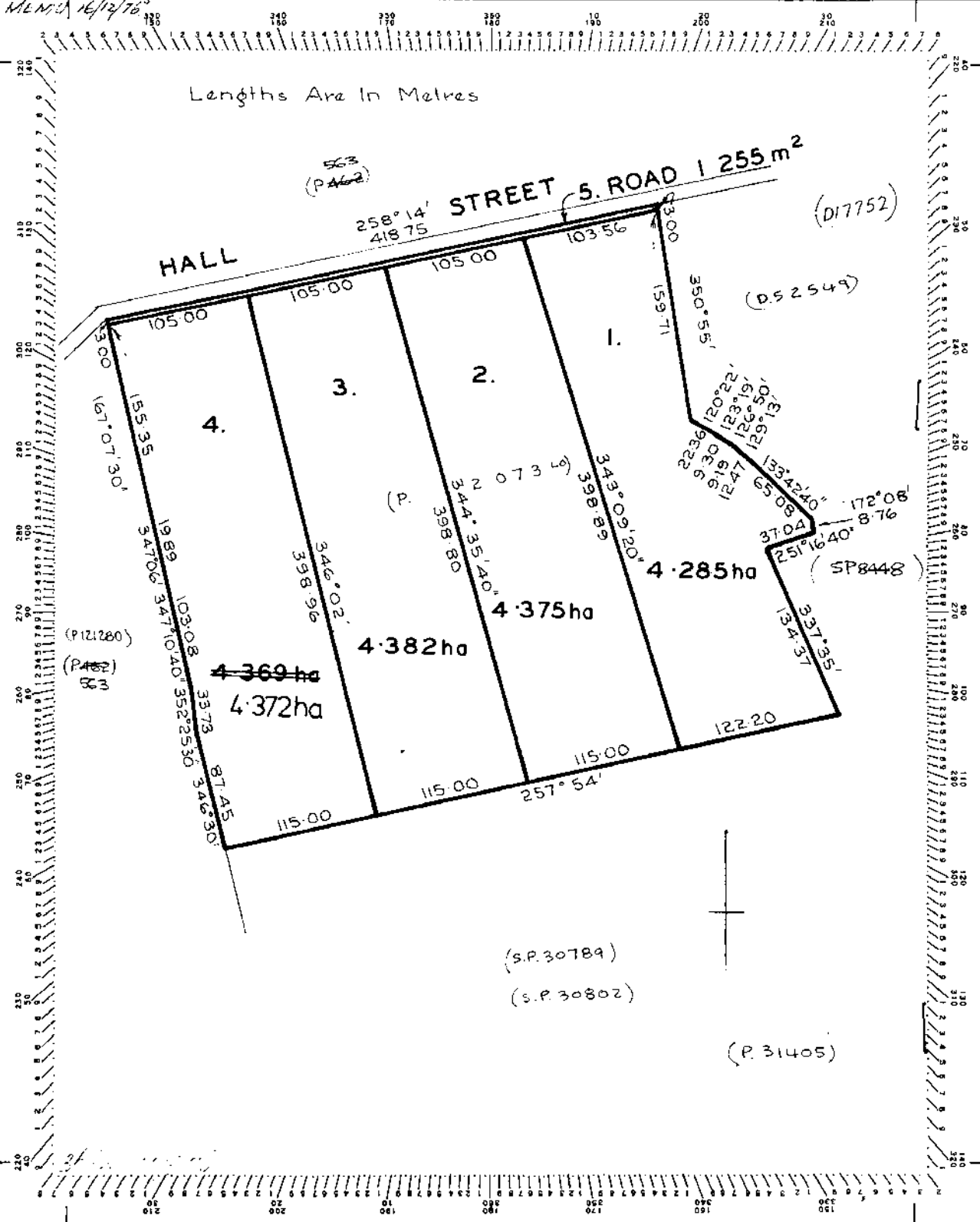


Director

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 
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*

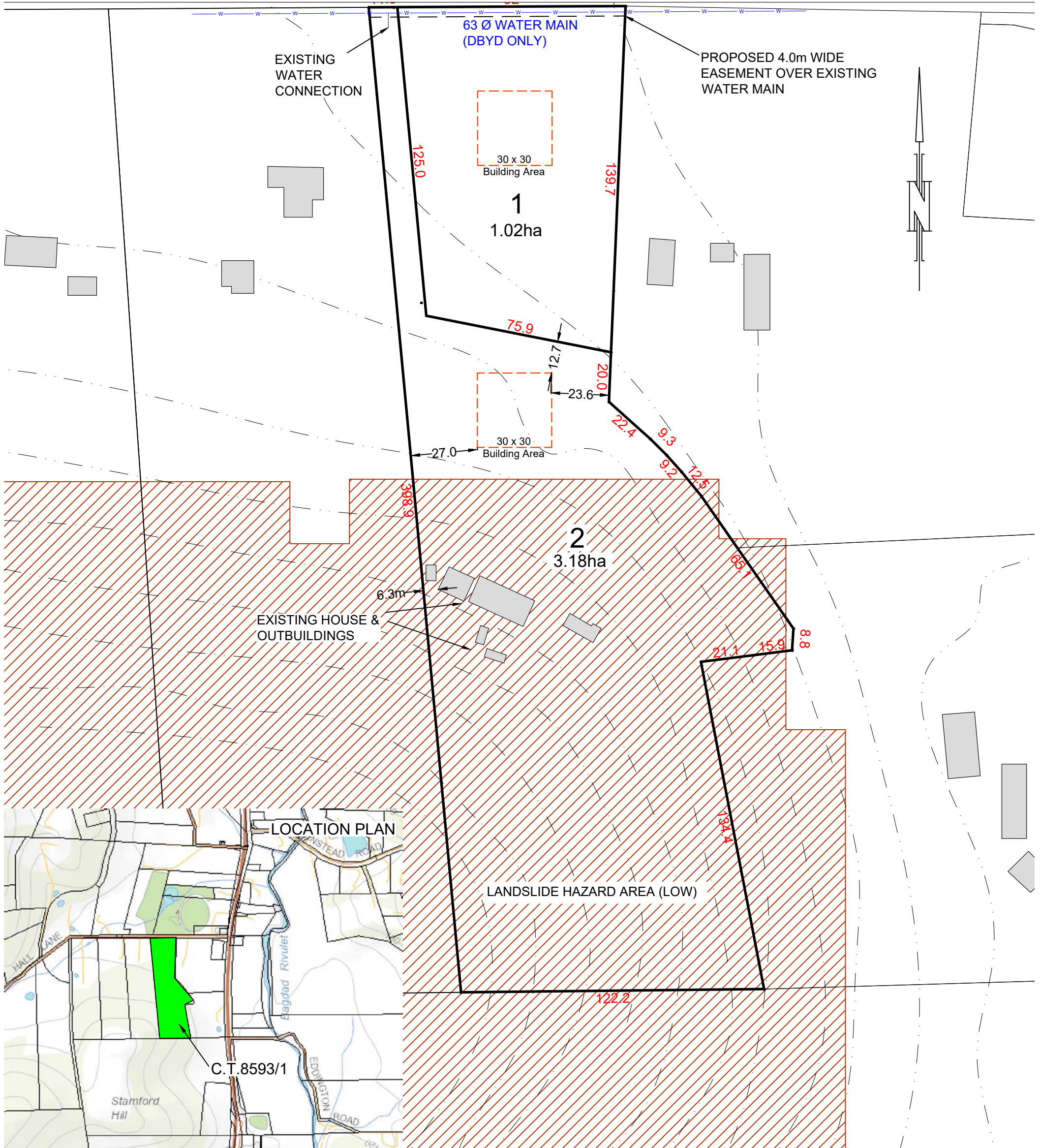
*[Signature]*  
Council Clerk/Treasurer

00100

## APPENDIX B

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### Proposed Subdivision Plan



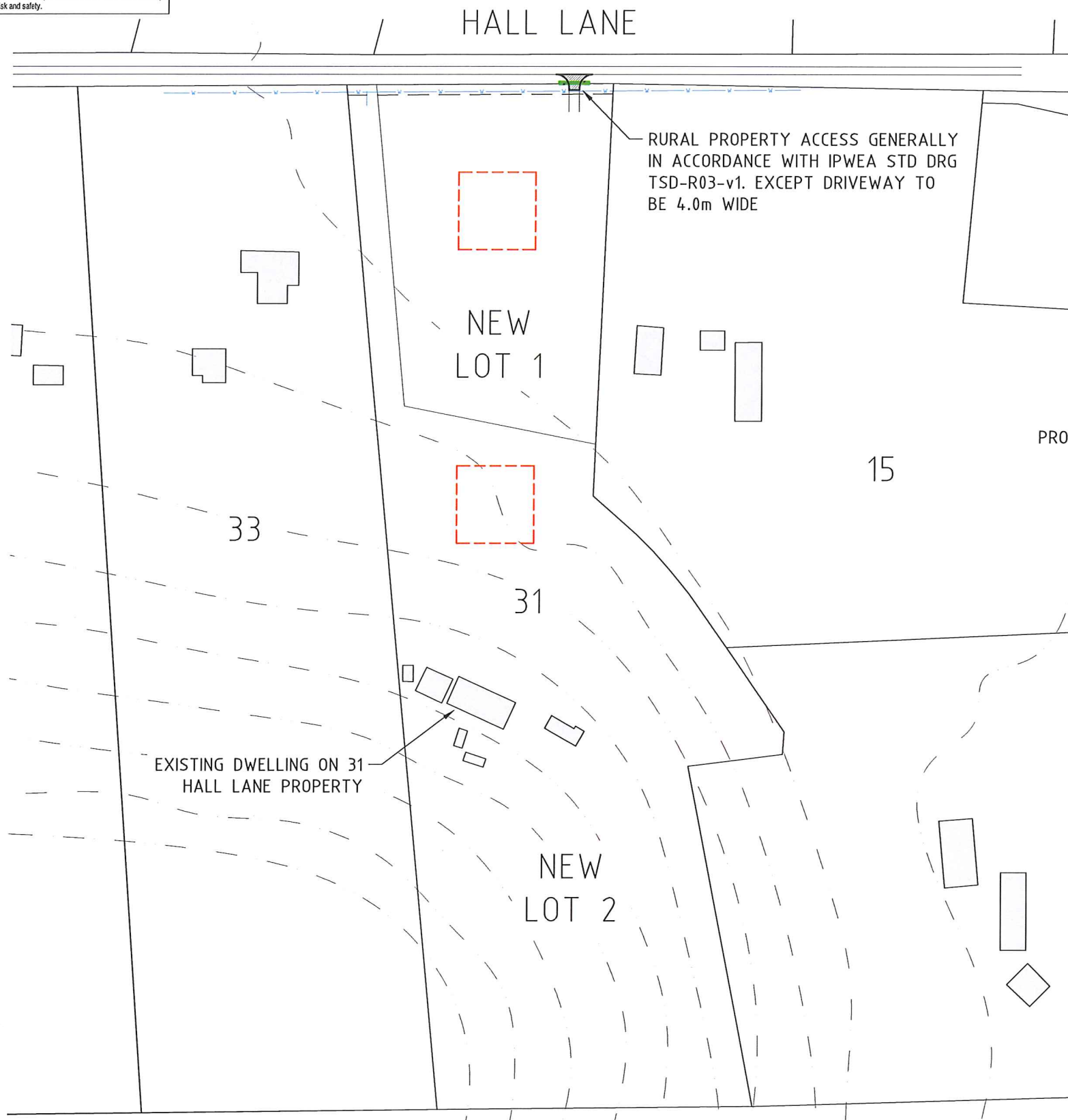
This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.  
All measurements and areas are subject to the final survey.  
Base image by TASMAR (www.tasmap.tas.gov.au), © State of Tasmania  
Base data from 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

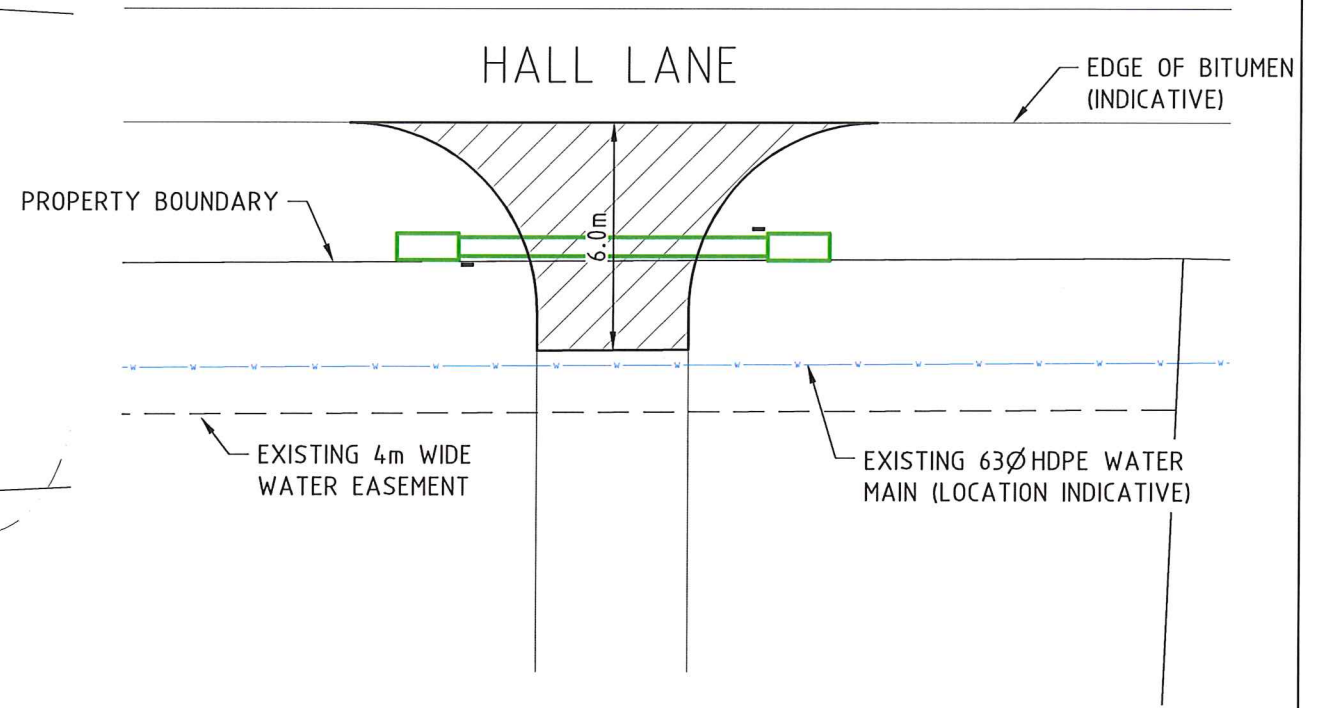
Proposed Subdivision	
Date: 12-11-2019	Reference: JMG077 12065-01
Scale: 1:1500 (A3)	Municipality: SOUTHERN MIDLANDS

**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**

**NOT FOR CONSTRUCTION**

P1	18.11.2019	PRELIMINARY PRINT
REV	DATE	REMARK

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Accepted Grant Alherton (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

DO NOT SCALE. Use only found 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.



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www.jmg.net.au infohbt@jmg.net.au infojn@jmg.net.au

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.

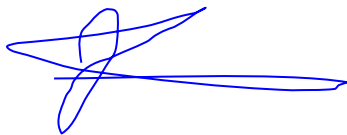
***For typical roof area of approximately 200m<sup>2</sup>***

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**

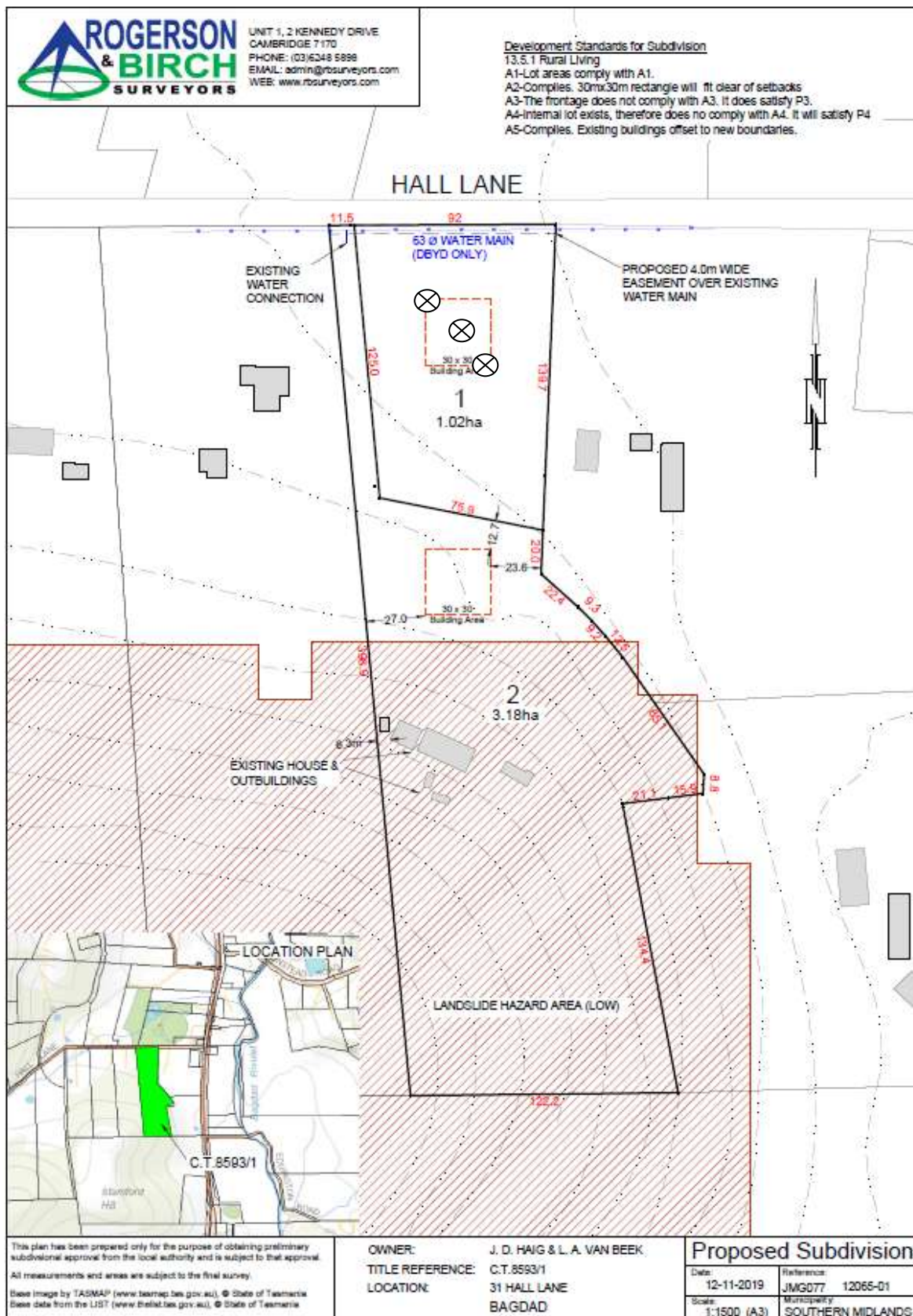
The current subdivision proposal allows for sufficient space on the proposed lots to be created for the installation and successful operation of a wastewater treatment system, with adequate setbacks in regards boundaries and sensitive features. The wastewater system for the existing dwelling on the balance 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**

ABN 76 473 834 852 ACN 009 547 139

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Issuing Office: 117 Harrington Street, Hobart 7000								
JMG Project No. 193111PH								
Document Issue Status								
Ver.	Issue Date	Description	Originator		Checked		Approved	
1.0	November 2019	For DA Submission	DAE		MSC	1.11	MSC	
1.1	November 2019	Updated Lot 2 Bldg. Area	DAE	18.11	IEB	19.11	DAE	20.11

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3. JMG have no pecuniary interests in the property or sale of the property.
4. This report presents information provided by others. JMG do not claim to have checked, and accept no responsibility for, the accuracy of such information.
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).

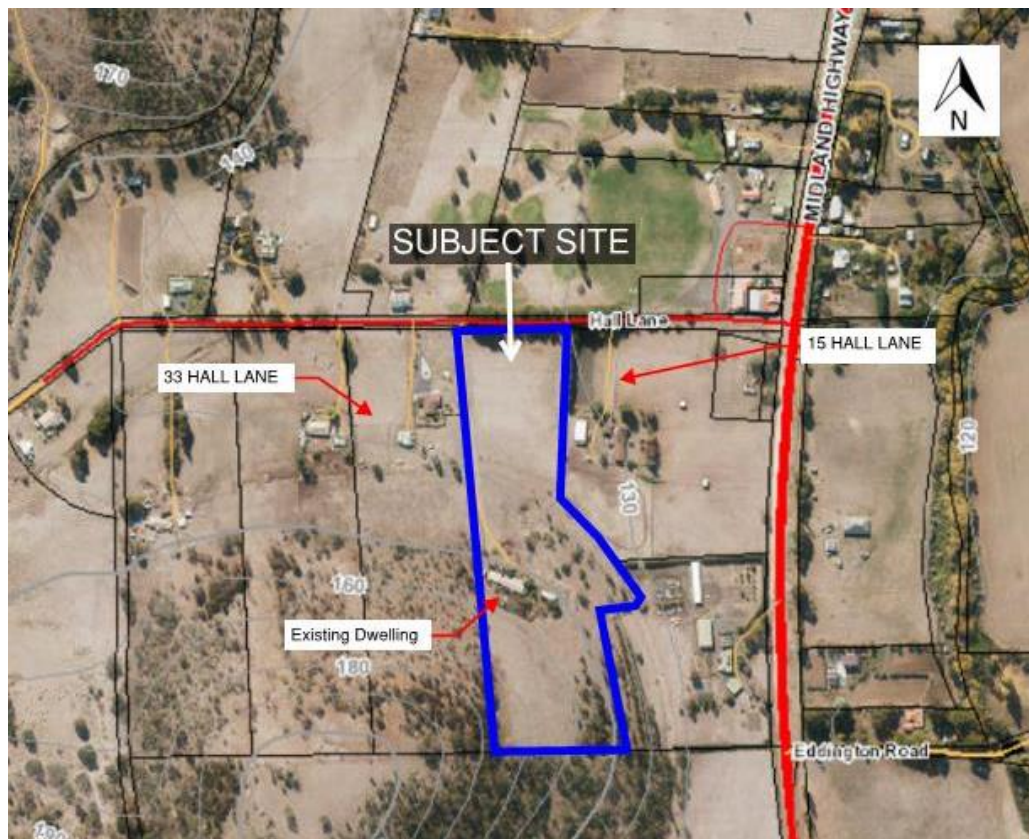


Figure 1 - Subject Site

### 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

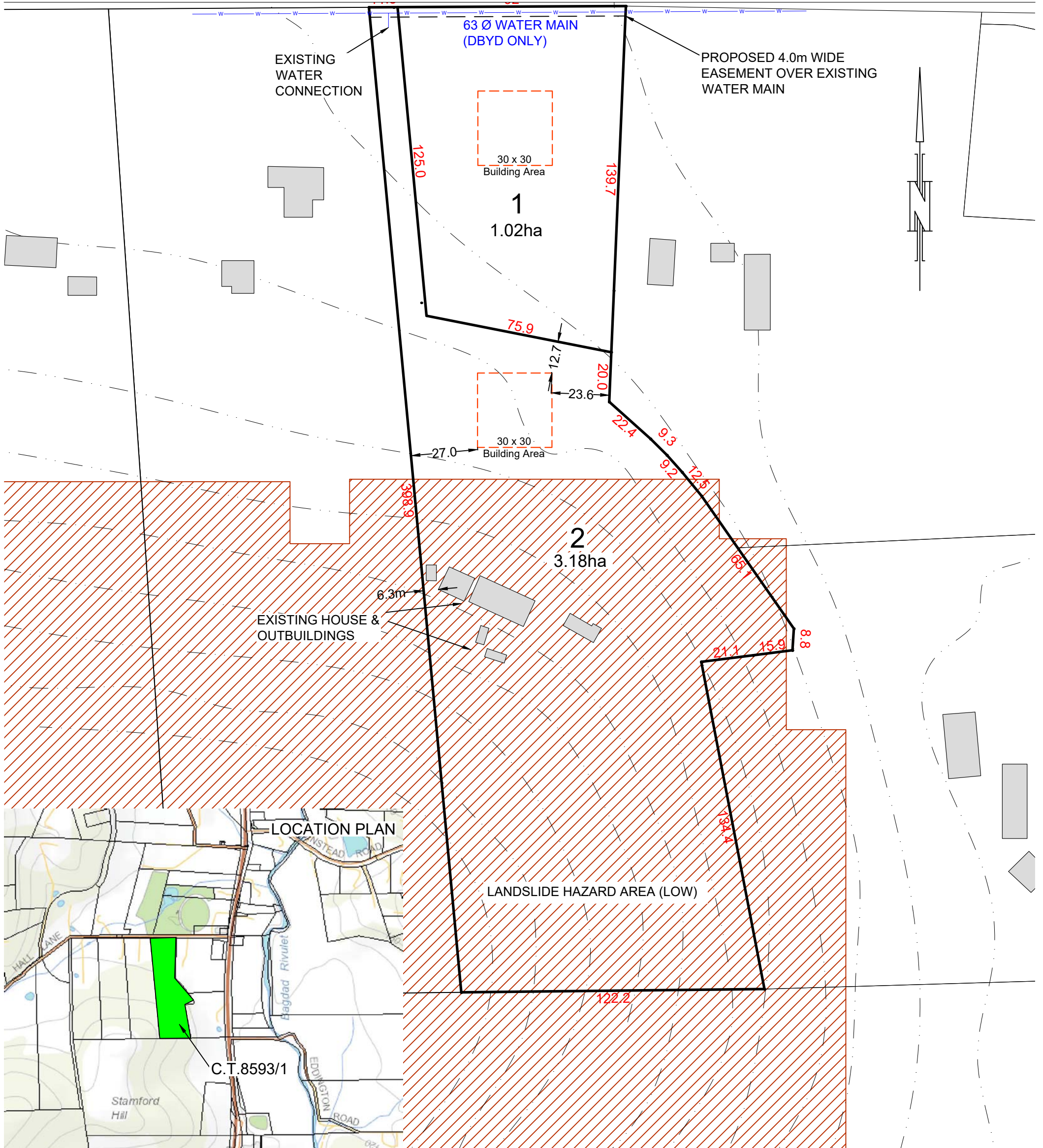
Department of Primary Industries and Water, The LIST, viewed 23 October 2019,  
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

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



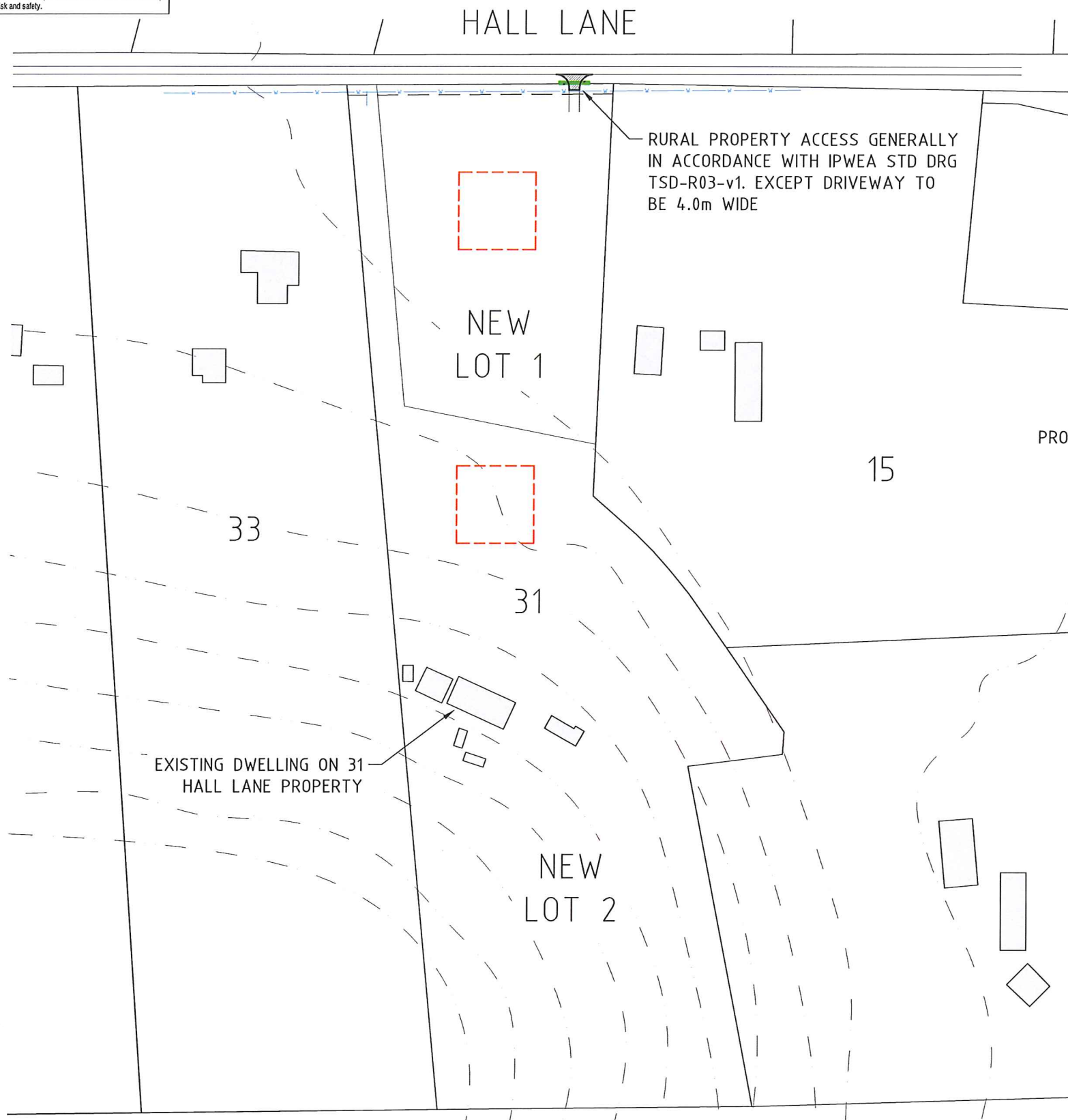
This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.  
All measurements and areas are subject to the final survey.  
Base image by TASMAR (www.tasmap.tas.gov.au), © State of Tasmania  
Base data from 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

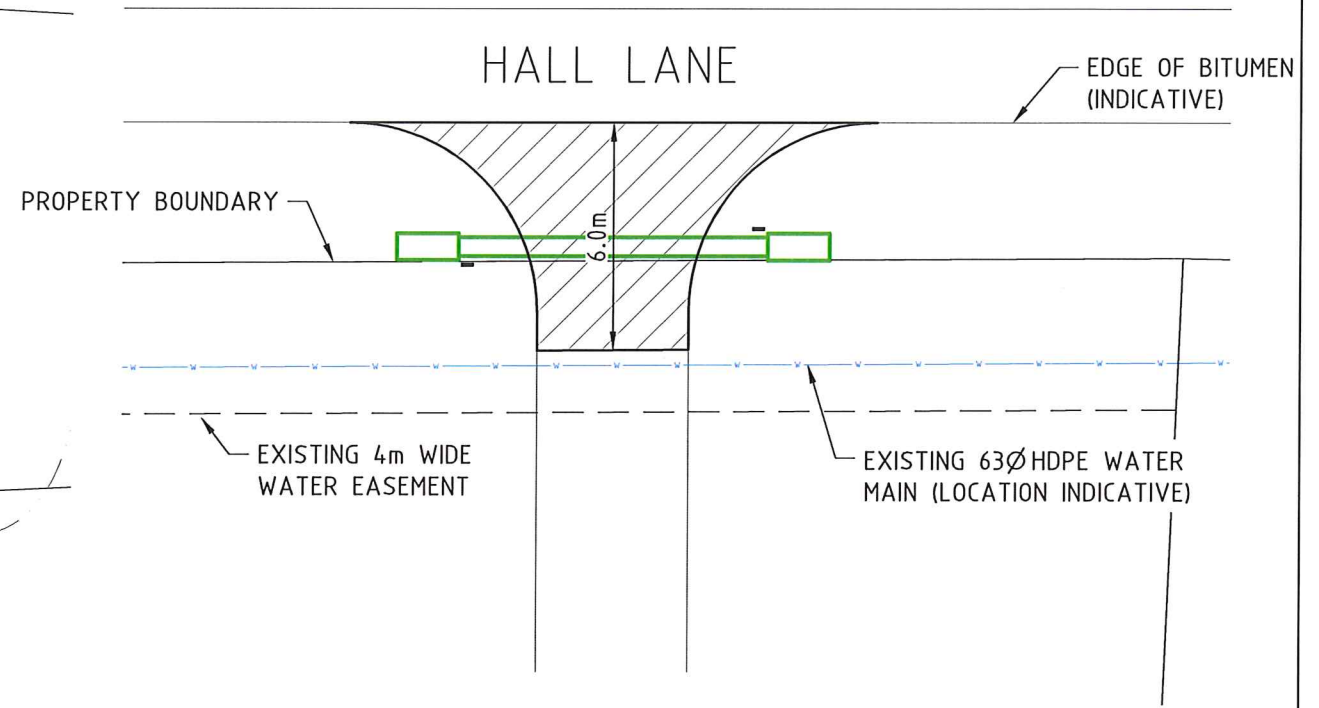
Proposed Subdivision	
Date: 12-11-2019	Reference: JMG077 12065-01
Scale: 1:1500 (A3)	Municipality: SOUTHERN MIDLANDS

**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 Altherton (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
DO NOT SCALE. Use only found 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 DATE	20/11/2019



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PROJECT  
**31 HALL LANE  
SUBDIVISION**

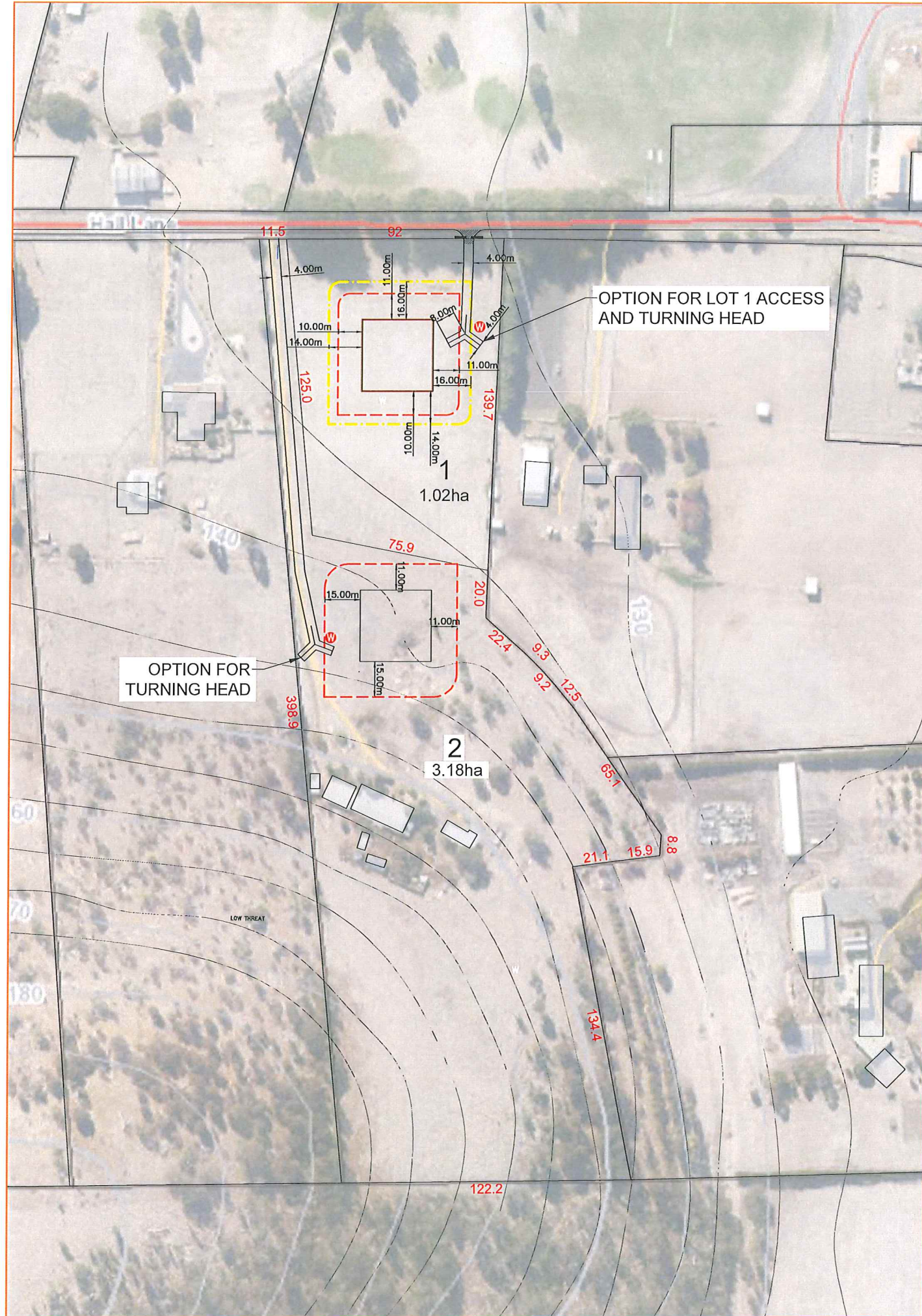
TITLE  
**CONCEPT DRIVEWAY  
PLAN**

PROJECT NO.	<b>J193111PH</b>	
DWG NO.	<b>C01</b>	REVISION <b>P1</b>
PLOT DETAILS	CONCEPT PLAN.DWG	







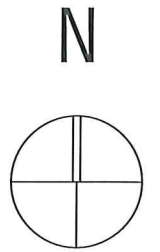
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APPENDIX B  
Bushfire Hazard Management Plan



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



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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 " "

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 –*

<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>	<input type="checkbox"/>
---	--------------------------


or

<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>	<input type="checkbox"/>
--	--------------------------

and/or

<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>	<input checked="" type="checkbox"/>
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**Signed:**  
certifier

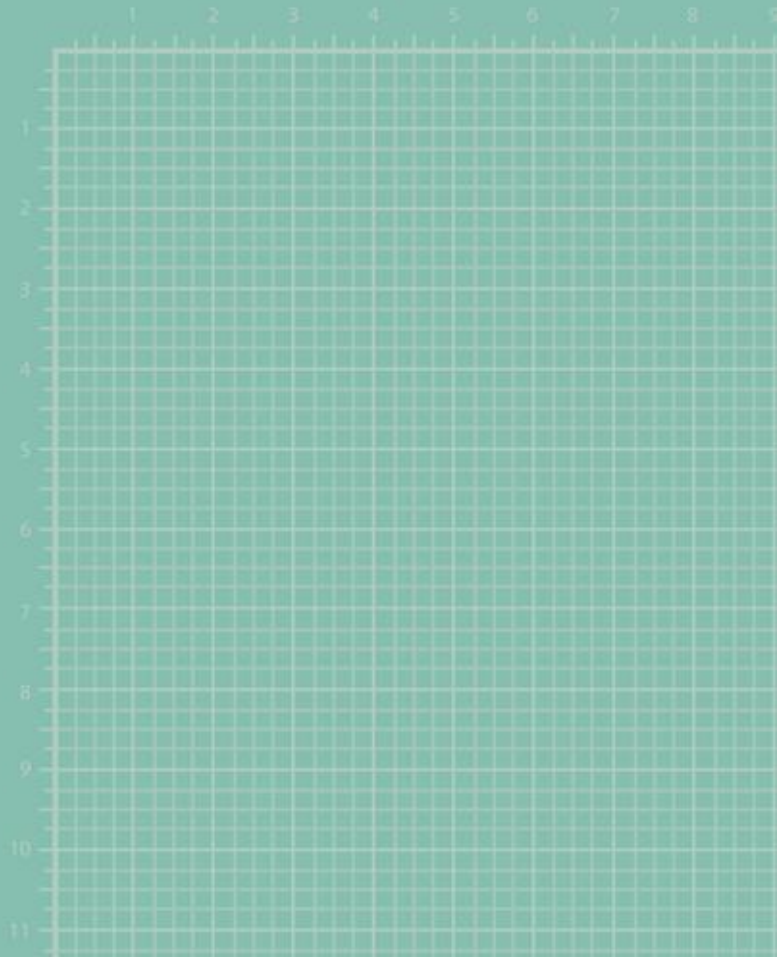


**Date:**       **Certificate No:**

<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).



1



**Johnstone McGee & Gandy Pty Ltd**

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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.

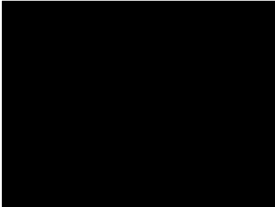
**Traffic**

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



---

**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.

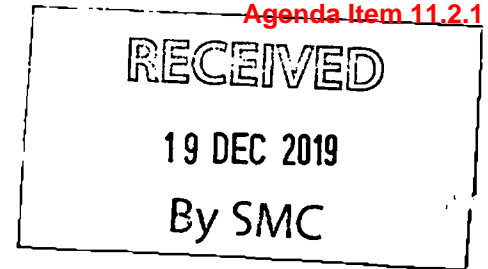
31 Hall Lane already has two residential dwellings not one as stated in the application.

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

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

