

SOUTHERN  
MIDLANDS  
COUNCIL



# **AGENDA**

## **SPECIAL COUNCIL MEETING**

---

Thursday, 23<sup>rd</sup> July 2020

Oatlands Ex-Services and Community Club  
1 Albert Street, Oatlands

10.00 a.m.

# INDEX

1.	<b>ATTENDANCE</b> .....	<b>4</b>
2.	<b>APOLOGIES</b> .....	<b>4</b>
3.	<b>DECLARATION OF PECUNIARY INTEREST</b> .....	<b>4</b>
4.	<b>COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME</b> .....	<b>5</b>
4.1	<i>Development Application (DA 2020/63) for sport &amp; recreation – aquatic centre at 18 Church Street, Oatlands, 68 High Street Oatlands &amp; 70 High Street, Oatlands, owned by Southern Midlands Council</i> .....	<b>5</b>
4.2	<i>Planning Scheme Amendment (RZ2020/02) for Jerusalem Estate Specific Area Plan At 2495 Colebrook Road, Colebrook, owned By Saint Regina Limited</i> .....	<b>51</b>
5.	<b>CLOSURE</b> .....	<b>66</b>



Dear Sir

**NOTICE OF SPECIAL COUNCIL MEETING**

Notice is hereby given that a Special Meeting of Council will be held on:-

**Date:** Thursday, 23<sup>rd</sup> July 2020  
**Time:** 10.00 a.m.  
**Venue:** Oatlands Ex-Services and Community Club, 1 Albert Street,  
Oatlands

I certify under s.65(2) of the *Local Government Act 1993* that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'A. Benson', with a long, sweeping horizontal stroke extending to the right.

Andrew Benson  
**ACTING GENERAL MANAGER**

## **OPEN COUNCIL AGENDA**

### **1. ATTENDANCE**

### **2. APOLOGIES**

### **3. DECLARATION 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*.

#### **4. 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.*

##### **4.1 DEVELOPMENT APPLICATION (DA 2020/63) FOR SPORT & RECREATION – AQUATIC CENTRE AT 18 CHURCH STREET, OATLANDS, 68 HIGH STREET OATLANDS & 70 HIGH STREET, OATLANDS, OWNED BY SOUTHERN MIDLANDS COUNCIL**

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 17 JULY 2020

**Attachment(s):**

*Attachment 1 - Development Application documents*

*Attachment 2 - Supplementary plans*

*Attachment 3 - Representations*

#### **PROPOSAL**

Philp Lighton Architects Pty Ltd, on behalf of Southern Midlands Council have applied for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to construct an Aquatic Centre on land previously occupied by the Oatlands Council Works Depot and a former shop.

The proposal is for an indoor Aquatic Centre incorporating a 25m swimming pool, children's pool and associated facilities. The application also includes the construction of a car park and access, landscaped park and play area and associated works.

The design of the current proposal has considered the background to this project so far and furthers the intent to achieve a modern facility that fits within the heritage townscape of Oatlands.

The application has been lodged under the *Southern Midlands Interim Planning Scheme 2015* ("the Planning Scheme").

Under the Planning Scheme the proposal is defined as use and development under the Sports and recreation use class. The proposal is to be assessed against the provisions of the use and development standards of the General Business Zone and applicable Codes. These matters are described and assessed in this report.

A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period five (5) representations were received and one (1) further submission was received after the notification period.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the proposal.

## **BACKGROUND**

In 2013 Council approved a Development Application (DA2013/49) for a multipurpose Community Recreation and Aquatic Centre on the subject site, following a period of planning and community consultation regarding the project. Due to funding limitations the building approved in 2013 did not proceed to construction.

In 2016 approval was granted under delegation for a boundary adjustment and consolidation of the titles that form the site (SA2016/06). The consolidation of the titles is now being finalised in accordance with that permit.

Approval was granted by Council in October 2017 for the Demolition and site remediation works (DA2017/97) required in preparation for the Aquatic Centre project. The demolition of the former shop building at 70 High Street and the remaining outbuilding as approved in this permit will proceed in due course. The site remediation works have now been completed and the final report from the environmental consultant (COVA Thinking Pty Ltd, 24 January 2020) has been completed. The report finds that the remediation works have been successful and there are no exceedances of the adopted human health criteria for commercial/industrial land use and recreational land use as relevant to the Aquatic centre project. Any remaining contaminants are at low concentrations that are not considered to represent an unacceptable risk to human health or ecological values and there are no risks posed by groundwater.

In late 2017 Council approved a further application for an Aquatic Centre on the subject site (DA2017/104). The approval was subsequently appealed to the Resource Management and Planning Appeals Tribunal and a revised design was approved through a mediated outcome with the appellants.

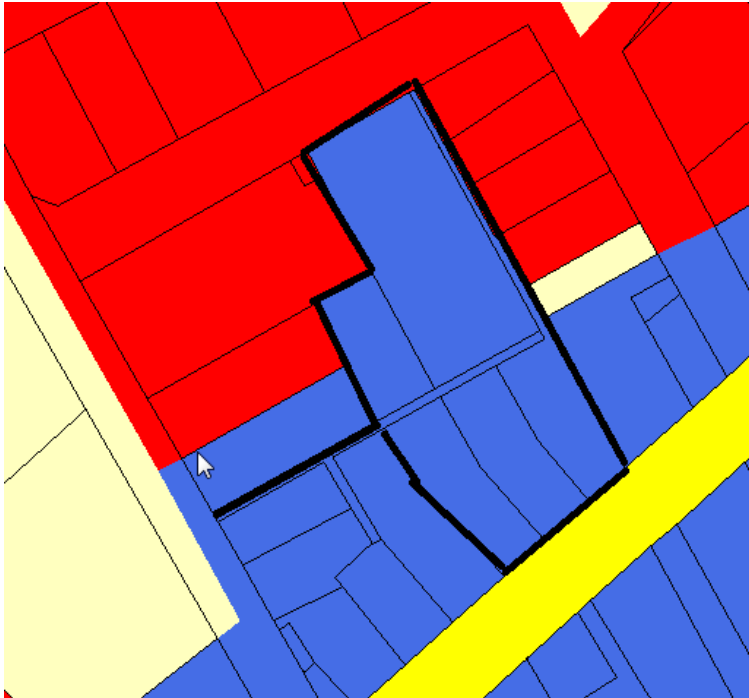
Following delays with the progress of the project and a need for design changes, Council appointed a new architect and project manager, resulting in the development of the current proposal.

## **THE SITE**

The land is zoned General Business and is within the Oatlands Heritage Precinct.

The land is located between High Street and South Parade and currently also has an access from Church Street.

Map 1 below shows the land zoning and location of the property.



*Map 1\_The subject land is located in the General Business Zone (blue). There are properties zoned General Residential (red) and Community Purpose (cream) adjoining the site. The subject titles are outlined in black. Source: theLIST*



*Map 2 \_ Aerial image of the subject land and surrounding area. Source: theLIST*

## **THE APPLICATION**

The application has been submitted with plans and reports to accompany the Development Application form. The reports include an overview and planning submission by the Applicant and a Heritage Impact Assessment by John Wadsley, Planning and Heritage Consultant.

The proposed Aquatic Centre is a single level building with an overall floor area of approximately 1325m<sup>2</sup>. The building will contain the main 25m, 6 lane swimming pool, children's pool, dry activities area, change rooms, storage, first aid space, office facilities and plant room. The building will be fully accessible and provides facilities for users with a disability.

Externally, the building will be articulated with varied roof forms and materials designed to respond to the heritage character of Oatlands while delivering a practical, modern facility. At the High Street end of the building the office and dry activity/change room sections of the building will have gable roofs with a stepped appearance. These sections will be clad in a mix of brick, rendered masonry and painted weatherboard finishes on the front and car park sides and timber cladding and painted light weight cladding on the park side. The main pool hall behind will have a skillion type roof with articulation and veranda's to break up the overall bulk and appearance. The external walls of the pool hall section will principally be clad in sandstone face cladding with some sections of composite cladding and painted weatherboard. The guttering and roofing will principally be zincalume finish, with some Colorbond in a grey colour on the park side elevation. Signs including the Council logo and identification sign 'Oatlands Aquatic Centre' are included. Any further signage that is not exempt under the Scheme will require separate approval.

The plant room section of the building is located at the rear when viewed from High Street and is designed to be subservient to the main parts of the building. The exterior will be clad in vertical timber with a zincalume roof. The plant room incorporates materials and built form designed to limit noise emissions, including acoustically attenuated reverse block walls with exterior cladding and acoustically attenuated ceiling materials. The design has been developed with input from an acoustic engineer and will be tested prior to occupation to ensure that the noise emission levels are as designed and will not cause a detrimental impact to surrounding residential properties.

The building will be sited a minimum of 13m from the High Street frontage (to the entry porch) and 19m to the building proper, 19m to the eastern side boundary, 15.75m from the western side boundary and 43.7m from South Parade. The maximum height of the building is 6.3m which is at the top of the highest gable roof section. The pool hall section will be 5.4m high and the plant room will have a maximum height of 4.3m.

The building will be constructed using concrete footings and slabs, brick and steel framed walls and timber and steel framed roofing.



The building has been designed with consideration of energy efficiency and ongoing use and maintenance costs. The building will be provided with a roof mounted solar power system and incorporates air locks, insulation and other design features to assist with energy efficiency.

The application includes the construction of a car park and access on the eastern side of the Aquatic Centre building. The car park includes a total of 39 parking spaces including 2 accessible parking spaces, mini bus parking space and space for service and emergency vehicles. The access to the site will be one way, with entry from South Parade and exit onto High Street. There will be no vehicle access from Church Street to the site. It is anticipated that a safe pedestrian connection will be developed through the laneway from Church Street in due course, although this does not form part of the current proposal.

The public park at the front and western side of the building will be retained and redeveloped with landscaping and pathway. Access directly from the Aquatic centre will be provided to the lawn area and fenced children's play area.

Fencing around the majority of the site will be replaced with new timber paling fences to a height of 2.1m, or as agreed with adjoining land owners (not 1.8m as indicated on the site plan). The site plan shows timber paling fencing at the frontage to South Parade at 1.8m high, however it has been clarified that there is no intent to fence the frontage boundary at this stage. The frontage to High Street will not be fenced, however a gate will be provided at the entry to the external play area beside the Community Centre.

The proposal will require connections to reticulated water, sewer and stormwater infrastructure. Taswater have provided a Submission to Planning Authority Notice approving the water and sewerage design, subject to conditions that must be attached to the Council permit, if approved. Drainage from the roof and sealed driveway and carpark will be directed to the Council's reticulated stormwater system in South Parade. The concept servicing plan for the development includes a bio-retention filter tank to be installed beside and under the entry driveway near the stormwater connection point. This will function to filter gross pollutants and will act as a retention storage for stormwater during peak storm events, slowing the rate of discharge to Council's system and avoiding risk of overflows to surrounding areas. A condition requiring submission of a detailed stormwater management plan prior to construction is included in the recommendation.

The land was potentially contaminated due to previous use as the Works Depot and other previous uses. As discussed above, the necessary site remediation works approved in DA2017/97 have now been completed and this matter does not require further consideration in this application.

A parcel of land in the north western section of the site fronting South Parade will be reserved for a future use, likely residential in nature, that would be subject to separate approval.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as use and development for 'Sports and recreation', which has a Discretionary status in the General Business Zone.

### Use/Development Status under the Planning Scheme

Due to the status in the zone, the application must be considered at the discretion of the Council. Further discretions are generated by the application of the Historic Heritage Code and Parking and Access Code.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Accordingly Council has the discretion to grant a permit or refuse to grant a permit.

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from the 27<sup>th</sup> June 2020 until 10<sup>th</sup> July 2020.

During this period Council received five (5) representations, with one (1) further submission received outside the advertising time.

The issues raised in the representations are detailed and addressed in the table below. Where applicable, responses from the Applicant are also included.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>In regards to DA2020/63 as advertised in the Mercury 27 June 2020</p> <p>I'm aware that there is some highly vocal opposition to the proposal in the community, which, in my opinion, is not necessarily representative of the majority community opinion.</p> <p>I would therefore like to take this opportunity to voice my enthusiastic support for the proposal.</p>	<p><i>Comment noted and no response required.</i></p>
<b>Representation 2</b>	<b>Council Officer Comment</b>
<p>At the recent meeting of the Oatlands Community Centre, Inc, some members requested that Southern Midlands Council be asked to give consideration to the following matters relating to the proximity of the Midlands Memorial Community Centre (MMCC) to the proposed Aquatic</p>	<p><i>The applicant has revised the landscaping plan in response to this representation.</i></p> <p><i>The foot path has been relocated away from the Community Centre room as much as</i></p>

<p>Centre.</p> <ul style="list-style-type: none"> <li>• the inclusion of landscaping (hedges) to screen noise and provide privacy from foot traffic as the plans indicate foot traffic will pass directly next to the large meeting room.</li> <li>• relocate and / or retention of heritage roses located in the park.</li> </ul>	<p><i>practicable and a new garden bed and screen hedging are proposed.</i></p> <p><i>The hedging will be Syzygium Paniculatum - “Backyard Bliss” – hedged lilly pilly as to be used elsewhere on the site.</i></p> <p><i>The roses will also be relocated into a garden bed at the High Street frontage.</i></p> <p><i>The roses should be uprooted when dormant (now) and potted, stored, and cared for in a Council nursery and replanted when appropriate in the new location.</i></p> <p><i>Refer amended part Landscape Plan DA-12 Rev A</i></p>
<p><b>Representation 3</b></p>	<p><b>Council Officer Comment</b></p>
<p>Having read through the current DA for the Aquatic Centre, I have noted - happily - that it does not indulge in hyperbole about what cannot be described as anything but a large utilitarian structure in the centre of a town paradoxically committed to promoting its colonial heritage. It also draws attention in two instances to the fact that the Council's own Interim Planning Scheme of 2015 has not anticipated a development of this nature, i.e. in relation to design criteria and to car-parking criteria. Given that the Council has since 2013 re-zoned the previously residential portion of the site to General Business and has modified its previous project proposals in response both to the representations made on the 2013/2017 DAs and to the successful appeal on the issue of design in 2018, it is interesting that it has not also proceeded to change its Planning Scheme to eliminate these inconveniences. I suppose, however, that ratepayers should be thankful that the expenditure of perhaps \$500,000 (exclusive of depot remediation) on the past eight years of project proposals has not been entirely wasted, although the opportunity costs are certainly regrettable.</p>	<p><i>Comment noted, no response required.</i></p>
<p>Despite what appears to be an improved design, I am very concerned about four aspects of the project, not least because one is not dealt with at all in the DA, and two others receive minimal comment. These aspects are: (1) traffic on South Parade (2)</p>	<p><i>The application report does contain information pertaining to traffic and addresses the relevant Codes.</i></p> <p><i>A new Traffic Impact Assessment has not been prepared for this version of the project as the</i></p>

<p>noise (3) stormwater disposal (4) use of Lot 3.</p> <p>(1) <i>Traffic on South Parade</i></p> <p>Nothing is said about this at all in this DA, yet traffic on surrounding streets is clearly going to experience major changes as a result of the building of the Aquatic Centre. This absence is odd as it was one of the major issues raised at the 9 June meeting with residents and others, and was acknowledged as such by the Project Manager. The present applicant has evidently not had this issue included in his commission, in contrast to the previous applicant of 2013 and 2017, and this immediately raises the question "Why Not?". Has it been omitted because the Council wants to evade the issue? Is it all too hard?</p>	<p><i>previous one is considered to provide sufficient background information to assist with assessment, although it has not been formally included as part of the application documents.</i></p> <p><i>It is also relevant that Council is currently progressing a strategic planning project, the Oatlands Structure Plan, together with consultants JMG Engineers &amp; Planners.</i></p> <p><i>A crucial component of this project is a traffic and parking assessment for the centre of Oatlands, with consideration of major projects that are already underway or expected to be soon including the Aquatic centre.</i></p> <p><i>It is expected that the outcome of this process will include recommendations to manage traffic and pedestrians in the area immediately surrounding the Aquatic centre and Council intends to complete the recommended works (eg traffic calming, footpaths etc) prior to the opening of the Aquatic centre.</i></p>
<p>Surely not, when there are so many effective traffic-calming mechanisms in place in so many towns in Tasmania. Speed humps, road cushions, chicanes, traffic islands are all mechanisms in common usage, and whatever their cost it is surely well-spent money when measured against the costs of foreseeable injury or death if nothing is done. When this issue was raised at the recent 9 June meeting with residents and others, there appeared to be no commitment by the Council staff present to doing anything that would be effective in addressing the foreseeable risk to users of South Parade from the greatly increased volume of traffic. This was a disappointing response, and immediately suggested that the Council does not take the issue seriously. Nothing has changed since the DA of 2017 on this issue and so I am substantially reproducing here what I said in my 2017 representation. I have little doubt that the comment, if any, on what follows will be that as this is no part of the DA it requires no assessment by the Town Planner, but I hope that Councillors will address the issue as it is a serious one.</p>	<p><i>See response above.</i></p>

<p>Under the Road and Railway Assets Code (E5.0) of the Southern Midlands Interim Planning Scheme, there are provisions with associated performance criteria which apply to the impact of new or increased use of accesses on existing roads. E5.5.1(A3) states that '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 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater'. Clearly, it would be inconvenient for the Council to apply E5.5.1(A3) to its South Parade access as its only Traffic Impact Assessment Report (2013) estimated a far greater volume of increased vehicle movements than 40 per day.</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>The alternative provision is E5.6.2 which is: 'to ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions'. Where this new access is built in an area subject to a speed limit of 60 km/h or less - as is the case in South Parade - Performance Criterion P2 states that the access must be 'safe and not unreasonably impact on the efficiency of the road, having regard to (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit;.... (f) any traffic impact assessment....'.</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>In 2017 I made the following points about the application of Performance Criterion P2 to the South Parade access, and they are as relevant now as they were then. E5.6.2: Performance Criterion P2 (a)The nature and frequency of the traffic arising from the new use. The 2013 Traffic Impact Assessment estimated that the normal daily traffic flow along all of South Parade (eastern and western sections) was less than 30 vehicles, and at night the flow would be of the order of 2 - 4 vehicles per hour. This accords with the experience of the residents on this street. It also stated that the 2013 development proposal would generate a daily flow of traffic along South Parade of 288 vehicles, most of which would be entering or leaving the proposed car park. The 2017 applicant claimed that the 2017 DA would reduce this</p>	<p><i>See response above and assessment against the Code below.</i></p>

<p>expected volume of traffic by 50% or more because only the entrance to the car park is to be located on it. Nevertheless, it is still obvious that there will be an increase of at least 400% in the traffic flow along this residential street once the Aquatic Centre is built. In contrast to the present flow, traffic accessing the car park will potentially begin to arrive at 6 a.m. and continue until 10 p.m. from Monday to Saturday, and from 7 a.m. to 9 p.m. on Sunday - in other words the frequency of traffic on South Parade will increase dramatically</p>	
<p>E5.6.2: Performance Criterion P2 (b) The nature of the road. The 2013 TIA gave various details, none of which have changed, about the state of the South Parade road. It does not possess footpaths, and the kerbs from Gay Street and Church Streets extend into it for very short distances. For most of its length it is narrow, and in the section opposite the development site it is just 4.9 metres wide. There is a crest in the road just west of the western boundary of the old Works Depot, and this is of major concern because it partially blocks the line of sight along the road. Small children and mobile chair users are particularly at risk because of this crest. As South Parade is likely to have increased pedestrian use once the car park corridor to High Street becomes available, it is essential that this development incorporates measures to promote the safety of both pedestrians and drivers before the Aquatic Centre begins operations.</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>E5.6.2: Performance Criterion P2 (c) The speed limit. The speed limit along South Parade and surrounding streets is 50 km/h but all the residents along South Parade have regular experiences of cars which exceed this speed greatly, and particularly in the evening. I have also seen a police chase along this road which resulted in an animal being killed by the car under pursuit. It is not good enough to say that motorists should drive to the 50 km/h limit as it is demonstrable that many ignore the limit. Measures must be adopted to force motorists to slow down along this street, and as indicated before there are several currently used by Councils in other Municipalities.</p>	<p><i>See response above and assessment against the Code below.</i></p>

<p>E5.6.2: Performance Criterion P2 (f) Any traffic impact assessment. The Council has obtained only one Traffic Impact Assessment report, and that was presented several years ago in 2013. Some points should be noted here about this TIA and changes since it was presented.</p> <p>(1) It would appear that the 2013 TIA collected actual vehicular movement data on just one day, 23 October 2012, and for just four hours altogether that day which was a Tuesday (TIA Appendix D).</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>(2) Comments made by the TIA about the impact of the development on traffic at the junction of Church Street and High Street would have reflected conditions at the time, an important one of which was that the shop on the corner of Church and High Streets had closed down after it was sold in 2011 and was not operating in 2012. Today this building is now occupied by Cellarbrations which is well frequented with an according increase in cars parking outside it on High Street.</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>(3) Hawthorn House is now functioning and it has been accompanied by two changes to traffic, i.e. a regular daily flow of cars in and out of the grounds as well as occasional excursions along South Parade by residents and their carers.</p>	<p><i>See response above and assessment against the Code below.</i></p>
<p>I will also reiterate what is another foreseeable problem for residents of South Parade and its pedestrians - the likelihood that Aquatic Centre user cars will overspill on to the verges of South Parade when their drivers do not want to park in the Centre's car park. The applicable provision of the Code is E6.6.1: 'to ensure that... (b) a use or development does not detract from the amenity of users or the locality by (1) preventing regular parking overspill'.</p>	<p><i>See response above and assessment against the Code below.</i></p> <p><i>If issues arise with parking once the Aquatic centre is operating Council can address them through appropriate means eg no parking areas on surrounding streets.</i></p>
<p>(2) Noise</p> <p>According to the General Business Zone Use Standard 21.3.2 of the Southern Midlands Interim Planning Scheme developments have 'to ensure that noise emissions do not cause</p>	<p><i>An acoustic engineer (Tarkarri Engineering Pty Ltd) has been engaged by the applicant to assist in the design and completion of the Aquatic centre, particularly the plant room.</i></p>

<p>environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone'. It is clear from the setback distances given at p. 25 of the DA that some residential properties will fall within the 50 metre impact range set by the Interim Planning Scheme.</p>	<p><i>The plant room is designed with acoustic attenuation in mind and testing will be undertaken before operation commences to ensure that the project meets the noise levels set in the Acceptable Solution for the Use Standard 21.3.2 Noise.</i></p>
<p>The DA applicant says that the plant room equipment will be contained within 'the fully enclosed and acoustically attenuated plant room at the rear of the building' but does not actually provide any statistical evidence to indicate that this development will fall within the permissible dB range.</p> <p>DAs for a project like an Aquatic Centre should contain an Acoustic Report on the volume of noise to be generated by the business in operation. I understand that Acoustic Reports are standard practice in other jurisdictions in Australia, and they are based on calculations which give a reasonably accurate dB indication. We have acoustic engineers in Tasmania. Why has the Council not required the applicant to have a proper Acoustic Report prepared and published as part of the DA?</p>	<p><i>See response above.</i></p>
<p>Noise will be generated by the Aquatic Centre in two main ways: (a) activities during its opening hours and (b) noise emanating from its Plant Room which will operate continuously for 24 hours each day. The IPS states clearly the permissible dB noise levels for these operations when measured at the boundary of the residential zone.</p>	<p><i>Noise from activities/users of the Aquatic centre is not expected to cause an amenity issue, as activities will mainly be indoors.</i></p> <p><i>Use of the outdoor play space and recreation areas is likely occur within daylight hours when surrounding environmental noise such as traffic is greater and higher noise levels are generally tolerated.</i></p> <p><i>With regard to the plant room, see response above.</i></p>
<p>Noise from the Aquatic Centre will also come from the users of the car park as they enter or exit the Centre, and as the Centre is to be open until 10 p.m. on weekdays and 9 p.m. on Sundays, this will constitute a problem for residents unless the management of the pool operates to clear the car park quickly.</p> <p>Early morning use - from 6 a.m. on weekdays and 7 a.m. use on Sundays - is also potentially</p>	<p><i>Management of the Aquatic centre will aim to ensure that patrons are respectful of the amenity of surrounding properties, particularly at early or late hours.</i></p>



<p>a problem as most nearby residents are elderly.</p>	
<p>When this Centre was first introduced to residents in 2012, members of the New Pool Committee were present, and one of the Committee spoke of sports teams coming to train from 6 a.m. onwards. That may have been just part of the 'spin' intended to delude the gullible about the commercial prospects of the pool but if it does come about, nearby residents are likely to be unhappy.</p> <p>The other two provisions in the DA to deal with plant room noise are the building of a timber fence and the establishment of plants, neither of which is likely to have more than a minimal effect, given the nature of the fence, and the species used for vegetating. As this noise will be constant, and will have a particular impact at night when there is little other noise to combat it, a fence built of something more noise-absorbing than timber would be better. This is particularly so in relation to properties along South Parade as the DA does not contain any information as to what use the Council will put the portion of the site which remains 'undeveloped' (shown as Lot 3 on the Concept Civil map), and it may lie empty for years or be used for some other noisy development which will compound the nuisance.</p>	<p><i>See responses above.</i></p>
<p><i>(3) Stormwater disposal</i></p> <p>The DA applicant states under Stormwater Management that The development will adopt Best Practice Site Stormwater Management. There will then be some detention where possible prior to the water leaving the development site. This will reduce the velocity and impact of the water during a significant rain event on the existing storm water infrastructure, erosion and sediment passage downstream. The slope of the land will allow for the management and disposal of stormwater from the subject land.</p>	<p><i>To manage stormwater a bio-retention tank will be installed to:</i></p> <ul style="list-style-type: none"> <li>• <i>Filter Gross Pollutants, and</i></li> <li>• <i>Retain stormwater from peak storm events (5% AEP) on site &amp; limit discharge into the existing council infrastructure at a rate no greater than the pre-developed site discharge.</i></li> </ul> <p><i>The bio-retention tank will be constructed under and beside the driveway entry from South Parade and will not require any of the land identified as Lot 3.</i></p>
<p>From the Concept Civil map all the stormwater drains on the site lead to South Parade and are fed into the existing stormwater drains which run along and off this this street. I have two concerns about this information on stormwater disposal.</p>	<p><i>See response above.</i></p>

<p>The first has to do with how this detention is going to operate on the site of the Aquatic Centre - I cannot see how this might be achieved without the construction of a tank or tanks, and there is only one place where that might be done - the undeveloped Lot 3. The second has to do with the effect of a concentrated flow of stormwater on the existing old stormwater infrastructure, some of which passes through my land. It is foreseeable that in periods of heavy rainfall these pipes will not be able to carry the enlarged flow, and there will be flooding of my land. From the recent BOM forecasts there is a likelihood that a La Nina cycle is coming this year and, if so, it will be likely to last for some time; and if not this year, then at some time in the life of the Aquatic Centre there will certainly be 'significant rain events'. Good news perhaps for farmers, but not for stormwater disposal.</p>	
<p><i>(4) Use of Lot 3</i></p> <p>The DA notes that use of Lot 3 is not part of the applicant's commission, but as noted in two contexts above, its future use is of concern as it may become an extension of the Aquatic Centre and compound problems already identified with this Centre - noise pollution, stormwater detention. The Council has indicated that it envisages some sort of residential development on this lot but - as an attendee at the 9 June meeting pointed out - who would want to buy any or all of the lot, or reside there, given the nature of the operation beside it? If the lot lies empty, it will quickly succumb to weeds, and present as even more of an eyesore than it already is. This future use needs to be decided as soon as possible.</p>	<p><i>The future use and development of the land identified as Lot 3 fronting South Parade does not form part of this proposal. Any future development will need to obtain the usual approvals from Council.</i></p> <p><i>There is no intent to use the land for an extension or servicing of the Aquatic centre. It is intended to develop the land for residential use after completion of the Aquatic centre, with the revenue from the disposal of the land to offset costs of the Aquatic centre project.</i></p> <p><i>In the meantime, the land will be maintained to a suitable standard.</i></p>
<p>The DA makes reference to one issue with Lot 3.</p> <p>In the Heritage Impact Assessment, at p. 14, the consultant makes the following point: However, as discussed previously, there remains the issue of Robinson's 'mystery' building near South Parade.</p>	<p><i>As mentioned above, no works on Lot 3 are proposed.</i></p> <p><i>It is also noted that the site is not listed on the Planning Scheme as a place with archaeological potential or otherwise listed, to while it is best practice to investigate the potential history there is no legislative requirement to do so.</i></p>

<p>Brad William's research has shown where the likely locations, based on the 1846 Calder survey of Oatlands. It is possible that foundation and footing materials, along with drains and discarded material from the building and its operations, could still remain under the ground surface. It is considered that, given the potential age of this building (possibly 1830s) and its connection with one of Oatlands most successful colonial merchants and traders (John Robinson), this site should be investigated further prior to construction of the Aquatic Centre.</p> <p>The HIA refers to the Williams Report on the excavation of the site in 2013, but this has remained unpublished or unavailable, despite enquiries I have made about it in the past to Council. Clearly, the consultant considers that whatever work has been done in the past on the site has been insufficient, and his recommendation of further work should be followed for the reasons given above.</p> <p>Now that there has been a revelation that this 2013 report exists, I am requesting that it be put on the Council website immediately.</p>	<p><i>The Williams report will be made available on Council's website as requested.</i></p>
<p><b>Representation 4</b></p>	<p><b>Council Officer Comment</b></p>
<p>After attending the meeting with the architect and project manager on 9 June 2020 I expected to see some actual measures in the DA to deal with the increased risk to people living on South Parade that this development presents.</p> <p>There are no measures to deal with traffic risks, and not much about noise pollution, and I am therefore making the same points here as in my representation on the 2017 DA and bringing these up to date.</p> <p>1. The increase in traffic along South Parade will be a big problem for several reasons</p> <p>(a) The surface of South Parade is low grade as it was poured over the road surface after it was only lightly graded. This surface copes with the present light traffic flow but will not support the</p>	<p><i>The scope of this application does not extend to the surrounding streets.</i></p> <p><i>As mentioned above, the Oatlands Structure Plan project will include consideration of traffic and related matters and make recommendations for suitable solutions in this area, which Council intends to implement to complement the Aquatic centre development.</i></p>

<p>sort of increase that will result from this development;</p>	
<p>(b) South Parade has a crest that can hide people walking along it. There are no paved footpaths, and in fact no footpaths at all. Inmates from the hospital and Hawthorn House are pushed along this road, and are at risk. Motorised wheelchair users often use this street and are at risk. Modern cars make very little noise so they are hard to avoid if someone has his back turned to the approaching traffic. As electric cars become more common this danger is going to increase;</p>	<p><i>See responses above.</i></p>
<p>(c) Cars often speed around the intersection of Gay Street and South Parade, and their cornering takes them to the wrong side of the street. I have almost been hit on a number of occasions in the years I have lived here and most recently last Wednesday (1 July) when I was dealing with rubbish bins in the late afternoon. The car made no noise as it came to the intersection, and I was alerted to danger only by the fact that its headlights shone on the opposite kerb.</p>	<p><i>See responses above.</i></p>
<p>2. The increased risk of traffic accidents, personal injury and death has to be dealt with by Council in ways that will allow traffic down, and there are many ways that this can be done effectively. These include speed humps, chicanes, speed cushions, and median strips. Some sort of objection to the use of speed humps was made by the Council staff at the 9 June meeting - to do with towbars - but speed humps are in use in many towns or cities and other Councils obviously find nothing wrong with them.</p>	<p><i>See responses above.</i></p>
<p>3. As I have been diagnosed with terminal cancer and do not expect to see the end of this year, matters of life and death have taken on a new meaning for me, and I am even more conscious than I was in 2017 of the need to</p>	<p><i>Comment noted.</i></p>

<p>protect people against unnecessary risks, and in this case risks coming from traffic.</p>	
<p>4. The other major concern that I still have about this Aquatic Centre project is to do with the noise it will create. There will be a large amount of noise while it is under construction, and some noise will be incessant after it goes into operation. The proposed hours are too long. Hospital and respite care patients will be disturbed by noise coming from the Centre, particularly in the early morning and late evening. Many people in the hospital or in the residential zone nearby are elderly - in fact since the last DA on the Centre two middle-aged residents have sold up and have been replaced by residents who are much older. This development will unreasonably interfere with every resident's sleep and enjoyment of what should be a tranquil area.</p>	<p><i>The proposed operating hours are those allowed under the Acceptable Solution in the General Business Zone.</i></p> <p><i>They represent the maximum operating hours, not necessarily the actual operating hours, although it is desirable to have the flexibility for use at these hours to ensure the investment in the Aquatic centre provides as much benefit to the community as possible. The site is in the centre of a town and the hours are considered reasonable in this context, especially given that uses will mostly be contained within the building.</i></p> <p><i>With regard to construction hours, the standard condition will apply with the hours derived from those allowed under the Environmental Management and Pollution Control Act 1994, specifically:</i></p> <ul style="list-style-type: none"> <li>• <i>Monday to Friday 7am to 6pm</i></li> <li>• <i>Saturday 8am to 6pm</i></li> <li>• <i>Sunday and State wide public holidays 10am to 6pm</i></li> </ul>
<p><b>Representation 5</b></p>	<p><b>Council Officer Comment</b></p>
<p>I wish to make this representation in regard to the current OAC DA. My concerns are:</p> <p>1. <u>TRAFFIC</u></p> <p>South Parade will be in danger of becoming a pedestrian and vehicle hazard and efforts must be made to alleviate this. One suggestion is to make South Parade one-way traffic only with the entrance from Gay Street so as to be away from the Hospital (ambulances excepted). This can be attained by installing refuge islands, speed bumps and chicanes. Also, a speed limit will need to apply <i>and be policed</i> on vehicles intending to enter and travel along South Parade.</p>	<p><i>See responses above to Representations 2 – 4.</i></p>

<p>Exit onto High Street will be hazardous to vehicles turning to the right (south) from the exit. I suggest making that exit left-turn only. Exiting buses especially, should there ever be any, will pose considerable danger to pedestrians and High Street traffic.</p>	<p><i>See responses above to Representations 2 – 4.</i></p> <p><i>The access and parking areas will be designed in accordance with the municipal and Australian Standards.</i></p>
<p>Are there sufficient safety measures to protect pedestrians while entering or leaving through the car park or the exit?</p>	<p><i>See response above and to Representations 2 – 4.</i></p>
<p><b>2. NOISE</b> The Council's Interim Planning Scheme states that:</p> <p>21.3.2 Noise <b>Objective:</b> To ensure that noise emissions do not cause <a href="#">environmental harm</a> and do not have unreasonable impact on <a href="#">residential amenity</a> on land within a <a href="#">residential</a> zone.</p> <p><b>Acceptable Solutions</b> <b>A1</b> Noise emissions measured at the boundary of a <a href="#">residential</a> zone must not exceed the following:</p> <ul style="list-style-type: none"> <li>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</li> <li>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</li> </ul> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the <a href="#">Director</a> of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.</p>	<p><i>See responses above to Representation 2.</i></p>
<p>Has there been any attempt to engage an Acoustics Engineer, as mentioned in the objective?</p>	<p><i>See responses above to Representation 2.</i></p>

<p>Considering that my home is technically in a Commercial zone it is nevertheless a residence and possibly the most affected by noise. Can I be positively assured that noise from machinery, plant and pool/ park/ carpark users will <i>never</i> exceed stipulated maximum levels? What steps might I take if the levels are exceeded?</p>	<p><i>Residential amenity is relevant regardless of the zoning of the property.</i></p> <p><i>The building is designed to comply with the Acceptable Solution of 21.3.2 and generally noise from the site is expected to comply with this standard. There may be occasions when the noise level is higher than this, for example a large gathering or particularly loud vehicle using the car park, however this is not expected to be a regular occurrence.</i></p> <p><i>This also does not include the construction period, where louder noise can be expected. As mentioned above, the construction hours are more limited in recognition of this.</i></p>
<p>The Scheme states 7pm-7am as the time constraints. I understand the facility is to be operating over a longer daily period.</p>	<p><i>This is the time stated in 21.3.2 for when noise cannot exceed 55dB(A) to meet the Acceptable Solution.</i></p> <p><i>The General Business Zone has a separate Use Standard Hours of Operation, 21.3.1, where the Acceptable Solution is:</i></p> <p><i>Hours of operation of a use within 50 m of a residential zone must be within:</i>  <i>6.00 am to 10.00 pm Mondays to Saturdays inclusive;</i></p> <p><i>7.00 am to 9.00 pm Sundays and Public Holidays.</i></p> <p><i>except for office and administrative tasks.</i></p> <p><i>The proposed hours of operation for the Aquatic centre meet this standard.</i></p>
<p><b>Representation 6</b></p>	<p><b>Council Officer Comment</b></p>
<p>I would like to offer some feedback on the proposed development of the Oatlands Aquatic Centre. I apologise if I have missed the cut-off date - it is not necessarily a representation, just an item for discussion, so hopefully my comment can be taken on board in any case.</p> <p>Owing to the location in the middle of Oatlands, the relatively large car park, and the large amount of solar panels proposed to be installed - I would like to suggest that the</p>	<p><i>Given that the Aquatic centre is already short of car parking in terms of the Planning Scheme requirements it is not considered to be the best location for this type of infrastructure.</i></p> <p><i>Council is generally supportive of investment in infrastructure for electric vehicles, however this has not been factored into this project or the related costing and design work.</i></p> <p><i>As the Oatlands Structure Plan project is underway, consideration of suitable sites could</i></p>

<p>council allows for the installation of suitable electrical infrastructure to later install an electric vehicle (EV) charging station.</p> <p>I purely make this suggestion for this site, since one of the significant costs of an electric vehicle charger - the electrical/civil works - are negligible when completed at the time of the construction of the initial car park. It would be more cost effective method in the event that 12-24 months down the line, an electric vehicle charger is to be installed in Oatlands and an existing site needs to be excavated, etc.</p> <p>This of course has no specific relevance to the primary use of an aquatic centre - it is just an opportunity for the council to save money down the line. It may necessitate some consideration as to allowing use of the car park by non-aquatic centre patrons, or allow 24/7 access to the car park. There is also an opportunity to make use of excess generation from the solar panel system on the centre.</p> <p>The inevitability of electric vehicles is recognised by councils and organisations throughout Tasmania, with 17 fast charging stations expected to be active by the end of this year. Focusing just on the route between Launceston and Hobart, locations include:</p> <ul style="list-style-type: none"><li>• Launceston CBD (1 stall, opened October 2018)</li><li>• Kings Meadows (2 stalls, opened February 2020)</li><li>• Campbell Town (2 stalls, currently under construction)</li><li>• Kempton (1 stall, opened May 2019)</li><li>• Brighton (2 stalls, proposed)</li><li>• Hobart CBD (1 stall, currently under construction)</li></ul> <p>The highway will be well served by these locations, but in the long term every town with a petrol station will eventually have a fast charging station. Oatlands is near the centre of the largest gap between these</p>	<p><i>be included in that project and then funding sources sought if Council were interested in providing such an amenity.</i></p>
---	--



<p>locations, so would make an ideal future location.</p> <p>It may be the council already has electric vehicle charging in mind and has already identified, planned, or completed preparatory works for a charging station elsewhere in the town - but if not, it would be ideal if the council could consider one on the land for the Aquatic Centre.</p> <p>Please let me know if you'd like any more details - or I can also put you in touch with local and national charging network operators.</p>	
---	--

**ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME**

**General Business Zone**

The site is located in the General Business Zone.

The proposal is considered against the Zone Purpose Statements:

<b>Zone Purpose Statement</b>	<b>OFFICER COMMENT</b>
<p><b>21.1.1.1</b> To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.</p>	<p>The proposed Aquatic Centre will provide a quality facility for the community located in the centre of Oatlands and serving the broader region.</p> <p>There will also be future opportunities for residential or other development on the remaining land.</p>
<p><b>21.1.1.2</b> To ensure the rural service centres provide for the daily and weekly needs of the community.</p>	<p>Provision of a modern Aquatic Centre in Oatlands will provide an opportunity for activity and recreation suitable for all ages that will benefit health and wellbeing of the local community and the broader region.</p>
<p><b>21.1.1.3</b> To provide for a mix of retail and office based employment servicing the local area, the broader rural region and the tourism market, including at least one supermarket and a range of specialty shops.</p>	<p>The Aquatic Centre is expected to provide some direct opportunity for employment in Oatlands.</p> <p>The facility will also improve the liveability of the town and broader area, encouraging business growth and investment.</p>
<p><b>21.1.1.4</b> To provide a safe, comfortable and pleasant environment for workers, residents and</p>	<p>The proposed Aquatic Centre has been designed by an architect to provide a modern, functional space with consideration of the streetscape and</p>

visitors through the provision of high quality urban spaces and urban design.	historic character of Oatlands. The proposal includes high quality public open spaces and a general improvement of the appearance of the site, compared to the previous use as the Council depot.
---	---

The proposal must satisfy the requirements of the following relevant use and development standards of the General Business Zone:

<b>Use Standard</b>		
<b>21.3.1 Hours of Operation</b>		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 7.00 am to 9.00 pm Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p>P1</p> <p>Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p><i>The application form indicates that the operating hours of the Aquatic Centre will be 6am-10pm Monday to Saturday and 7am-9pm Sunday.</i></p> <p><i>These are the maximum operating hours for all uses of the facility, including the dry activities area.</i></p> <p><i>The proposed operating hours comply with A1.</i></p>

<b>Use Standard</b>		
<b>21.3.2 Noise</b>		
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or</p>	<p>P1</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>	<p><i>The Aquatic Centre will be constructed to a high degree of thermal efficiency, assisting in the containment of noise within the building.</i></p> <p><i>The plant room is located within 50m of residential properties. The plant room has been designed with assistance of an acoustic engineer to meet the noise requirements of A1. Testing will be carried out before operation</i></p>

<p>40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>		<p><i>commences to ensure that this is met.</i></p> <p><i>With regard to the use of the outdoor park and play spaces, this is expected to mainly occur during the day and the nature of any noise would be that expected of any outdoor play or gathering space.</i></p> <p><i>A condition is included in the recommendation requiring noise emissions from the building to comply with A1.</i></p>
---	--	---

<p><b>Use Standard</b>  <b>21.3.3 External Lighting</b></p>		
<p>To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.</p>		
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>	<p><b>OFFICER COMMENT</b></p>
<p>A1</p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 11:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p>P1</p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwellings.</p>	<p><i>External lighting will include motion activated LED floodlights and path bollard lighting. The lighting will be designed and baffled to avoid light spill and to minimise impacts to adjoining properties.</i></p> <p><i>External lighting will not operate between 11pm and 6am, in compliance with A1.</i></p>

<b>Use Standard</b>		
<b>21.3.4 Commercial Vehicle Movements</b>		
To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 7.00 am to 9.00 pm Sundays and public holidays.</p>	<p>P1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>	<p><i>All commercial vehicle movements will occur within the specified hours, in compliance with A1.</i></p>

<b>Development Standard</b> <b>21.4.1 Building Height</b> To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  Building height must be no more than:  9 m.	P1  Building height must satisfy all of the following:  (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the scale of nearby buildings; (c) not unreasonably overshadow adjacent public space; (d) allow for a transition in height between adjoining buildings, where appropriate;	<p><i>The maximum height of the building above natural ground level will be 6.3m which is at the top of the highest gable roof section.</i></p> <p><i>The pool hall section will be 5.4m high and the plant room will have a maximum height of 4.3m.</i></p> <p><i>The proposal complies with A1.</i></p>
A2  Building height within 10 m of a residential zone must be no more than 8.5 m.	P2  Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.	<p><i>No part of the building is within 10m of the residential zone and the height is less than 8.5m in any case.</i></p>

<b>Development Standard</b>		
<b>21.4.2 Setback</b>		
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <p>nil m, if fronting High Street,</p> <p>3 m, if fronting any other street.</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p> <p>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</p> <p>(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;</p> <p>(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.</p>	<p><i>The building will be setback from the High Street frontage a minimum of 13m to the entry porch and 19m to the office and 43.7m from South Parade, easily complying with A1.</i></p>

<p>A2</p> <p>Building setback from a residential zone must be no less than:</p> <p>(a) 5 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining lots,</p> <p>taking into account aspect and slope.</p>	<p><i>The site adjoins properties zoned General Residential to the east and west (and north across South Parade).</i></p> <p><i>The proposed building will be setback a minimum of 19m to the eastern side boundary and 15.75m from the western side boundary, complying with A2.</i></p>
--	--	---

<p><b>Development Standard</b></p>		
<p><b>21.4.3 Design</b></p>		
<p>To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.</p>		
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>	<p><b>OFFICER COMMENT</b></p>
<p>A1</p> <p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</p> <p>(b) provide windows in the front façade in a way that enhances the streetscape</p>	<p><i>The building is designed with the main access addressing the High Street frontage. The entrance point is clearly articulated with a frame portico and awning roof.</i></p> <p><i>The front façade includes extensive glazing of more than 40% at the ground floor level.</i></p> <p><i>The building is articulated and the external finishes will be varied to provide visual interest and avoidance of large expanses of blank wall, particularly on the</i></p>

<p>floor level in the front façade no less than 40% of the surface area of the ground floor level façade;</p> <p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>and provides for passive surveillance of public spaces;</p> <p>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</p> <p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</p> <p>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</p> <p>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(h) be consistent with any Desired Future Character</p>	<p><i>front elevation and also from the car park side.</i></p> <p><i>Mechanical plant and equipment will be fully contained in the acoustically attenuated plant room. The hot water pump units will be screened from the driveway and public view in an enclosed recess and there are no roof top plant structures (only the solar system panels).</i></p> <p><i>The design does not include any awnings or shutters.</i></p> <p><i>The zone does not include any Desired Future Character Statements.</i></p> <p><i>Overall, the design complies with the Acceptable Solution A1.</i></p>
---	---	---



	Statements provided for the area.	
A2  Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	P2  No Performance Criteria.	<i>The external materials will have a light reflectance value of less than 40 percent in compliance with A2.</i>

<p><b>Development Standard</b>  <b>21.4.4 Passive Surveillance</b>                  To ensure that building design provides for the safety of the public.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  Building design must comply with all of the following:  (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;  (b) for new buildings or alterations to an existing facade provide windows and	P1  Building design must provide for passive surveillance of public spaces by satisfying all of the following:  (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;  (b)	<i>The main pedestrian entrance addresses High Street and will be clearly visible and accessible from the street and from the car park.</i>  <i>The front façade includes more than 40% glazing of the surface area of the ground level.</i>  <i>The design includes glazed doors and windows that will provide adequate visibility to the street and public spaces.</i>

<p>door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;</p> <p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) provide well-lit public access at the ground floor level from any external car park.</p>	<p>locate windows to adequately overlook the street and adjoining public spaces;</p> <p>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</p> <p>(d) locate external lighting to illuminate any entrapment spaces around the building site;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</p> <p>(g) provide for sight lines to other buildings and public spaces.</p>	<p><i>External lighting will be provided in the car park and the exterior of the building as required.</i></p> <p><i>The area around the Aquatic Centre will have a high level of permeability and visibility, including the car park, public park and street.</i></p> <p><i>Overall, the design complies with the Acceptable Solution A1.</i></p>
--	--	--

<b>Development Standard</b>		
<b>21.4.5 Landscaping</b>		
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Landscaping must be provided for sites for non-residential use along the frontage for at least 50% of the frontage width, except if front setback is less than 1 m in which case no landscaping is necessary.</p>	<p>P1</p> <p>Landscaping must be provided to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>	<p><i>A detailed landscaping plan is included in the application documents.</i></p> <p><i>Since advertising, the landscaping plan has been progressed and now incorporates the rose bushes that are currently along the High Street garden area into the design in a relocated position beside the entry pathway.</i></p> <p><i>The footpath between the Aquatic centre and Community centre buildings accessing the park area has also been moved slightly to allow for a landscaping barrier in the form of a hedge to be provided to protect the amenity of the Community centre.</i></p> <p><i>Landscaping will be provided throughout the site to enhance the appearance of the development in accordance with the requirements of P1.</i></p>
<p>A2</p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p>P2</p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zones land.</p>	<p><i>The landscaping plan includes plantings along residential boundaries where possible, in accordance with P2.</i></p>

<b>Development Standard</b>		
<b>21.4.6 Outdoor Storage Area</b>		
To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  Outdoor storage areas for non-residential uses must comply with all of the following:  (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas..	P1  Outdoor storage areas for non-residential uses must satisfy all of the following:  (a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; (b) not encroach upon car parking areas, driveways or landscaped areas.	<i>Outdoor storage will be located behind the building line, will be screened from public view and will not encroach on car parking or access areas in compliance with this standard.</i>

<b>Development Standard</b>		
<b>21.4.7 Fencing</b>		
To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  Fencing must comply with all of the following:  (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;  (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;  (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.	P1  Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:  (a) the height of the fence;  (b) the degree of transparency of the fence;  (c) the location and extent of the fence;	<i>The proposal includes a variety of fencing as appropriate for the various boundaries and internal locations. This includes:</i>  <ul style="list-style-type: none"> <li>• <i>Hardwood paling fences to 2.1m (or as otherwise agreed with adjoining owners) on the northern, western and eastern sides;</i></li> <li>• <i>Security/pool style fencing to the park area;</i></li> <li>• <i>Pool style 1.8m fencing around the child playground off the pool hall;</i></li> <li>• <i>No fencing on the High Street frontage.</i></li> <li>• <i>The proposal drawings show a 1.8m paling fence on the South Parade frontage, however this is considered to be too high for a frontage fence and will be altered as</i></li> </ul>

	<p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>	<p><i>per the recommended condition.</i></p> <p><i>The fencing is considered to be suitable for the proposed use and development considering the safety and security requirements.</i></p>
--	--	--

**Road and Railway Assets Code**

The proposal must satisfy the requirements of the following relevant use and development standards of this code:

<p><b>Use Standard</b>  <b>E5.5.1 Existing road accesses and junctions</b>                  To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A3</p> <p>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 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p>	<p><i>The proposal is expected to increase the number of vehicle movements to and from the site by more than 20% and more than 40 vehicle movements per day.</i></p> <p><i>A Traffic Impact Assessment (TIA) was completed for the 2013 development application. While this document has not been included with this Development Application it is a useful reference.</i></p> <p><i>The TIA indicated that the larger multipurpose aquatic and recreation centre approved in 2013 could create an average of 8-12 trips into and out of the site per day, with a higher rate at peak times such as a school event. Supposing a 10 hour opening</i></p>

	<p>(e) the speed limit and traffic flow of the road;</p> <p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	<p><i>time, this would result in a total of up to 240 vehicle trips per day.</i></p> <p><i>The TIA states that the previous use of the Council works depot generates up to 80-90 vehicle movements per day, including a reasonable number of heavy vehicle movements.</i></p> <p><i>The current proposal is smaller and does not provide the range of uses that the 2013 design included, (eg tennis courts). Therefore the total traffic generation will be lower than assessed in the TIA, but is still expected to be greater than the Council depot. The TIA concluded that the traffic generated by the previous, larger design could be safely accommodated by the surrounding streets so it can be assumed that this is the case for the current design.</i></p> <p><i>The current proposal adopts a one way traffic flow through the site, improving the safety within the car park and for vehicle movements to and from the site.</i></p> <p><i>The car park including the entry and exit points from the public roads (High Street and South Parade) will be designed by a certified practicing civil engineer and will comply with all municipal and Australian standards.</i></p> <p><i>The relocation of the depot has significantly reduce the number of heavy vehicle movements to the site, which is a positive outcome for the town centre.</i></p> <p><i>It is also noted that Council, is currently progressing a strategic planning project for an Oatlands Structure Plan, together with</i></p>
--	--	--

		<p>consultants JMG Engineers &amp; Planners.</p> <p>A crucial component of this project is a traffic and parking assessment for the centre of Oatlands, with consideration of major projects that are already underway or expected to be soon including the Aquatic centre.</p> <p>It is expected that the outcome of this process will include recommendations to manage traffic and pedestrians in the area immediately surrounding the Aquatic centre and Council intends to complete the recommended works (eg footpaths) prior to the opening of the Aquatic centre.</p>
--	--	---

<p><b>Development Standard</b>  <b>E5.6.2 Road accesses and junctions</b>                  To ensure that the safety and efficiency of roads is not reduced by creation of new accesses and junctions.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2</p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access to a road;</p> <p>(e) the need for the access or junction;</p>	<p>The proposal includes two accesses, providing separate entry and exit in compliance with A2.</p>

	(f) any traffic impact assessment; and (g) any written advice received from the road authority.	
--	--	--

### Parking and Access Code

The Parking and Access Code applies to all use and development. The proposal must satisfy the requirements of the following relevant use and development standards of this code:

<b>Use Standard</b>		
<b>E6.6.1 Number of Car Parking Spaces</b>		
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.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 The number of on-site car parking spaces must be:  (a) no less than the number specified in Table E6.1.  except if:  (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;	P1 The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:  (a) car parking demand; (b) the availability of on-street and public car parking in the locality; (c) the availability and frequency of public transport within a 400m walking distance of the site; (d) the availability and likely use of other modes of transport; (e) the availability and suitability of alternative arrangements for car parking provision; (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses,	<i>Table E6.1 requires 5.6 car parking spaces per 100m<sup>2</sup> of site area for a public swimming pool.</i>  <i>The total site area is approximately 5655m<sup>2</sup>.</i>  <i>Excluding the land fronting South Parade that will not be developed, the site area of the Aquatic centre is approximately 4475m<sup>2</sup>, resulting in an overall parking requirement of 251 spaces to comply with A1.</i>  <i>The proposal includes a total of 39 car parking spaces, including 34 standard spaces, 2 accessible spaces, 1 mini bus space and service and emergency vehicle spaces.</i>  <i>The number of parking spaces does not comply with A1.</i>



	<p>either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</p> <p>(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) any relevant parking plan for the area adopted by Council;</p> <p>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p>	<p><i>In regard to P1, the parking requirement in Table E6.1 is designed for large swimming pool complexes that include outdoor pools, gyms and recreation spaces.</i></p> <p><i>In this case the proposal is for an indoor pool with one dry activity room and small outdoor area.</i></p> <p><i>It is expected that the demand for parking can be managed to some extent by implementing a daily timetable of activities to spread use of the facility throughout the day.</i></p> <p><i>Overall it is considered that the proposed parking area will be sufficient to cater for normal daily use.</i></p> <p><i>Occasional large events such as school swimming carnivals are likely to require use of public street parking or alternative Council car parks eg the Barrack Street car park is around 300m away and parking behind Roche Hall is around 150m away.</i></p>
--	--	--

There are a number of design standards that apply to the car park and access, including:

- E6.7.1 Number of vehicular accesses;
- E6.7.2 Design of vehicular accesses;
- E6.7.5 Layout of Parking Areas;
- E6.7.6 Surface Treatment of Parking Areas;
- E6.7.7 Lighting of Parking Areas;
- E6.7.8 Landscaping of Parking Areas;
- E6.7.13 Facilities for Commercial vehicles; and
- E6.7.14 Access to a Road.

The car park including the entry and exit points has been designed by a certified practicing civil engineer and will comply with all municipal and Australian standards.

A condition is included in the recommendation to require a parking plan to be prepared by a qualified engineer to ensure that all relevant design standards are satisfied.

**Historic Heritage Code**

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

In this case the subject properties are located within the Oatlands Heritage Precinct.

A Heritage Impact Statement by John Wadsley, a respected Heritage and Planning consultant, has been provided with the application to support the consideration of the project with regard to Heritage values and outcomes.

**Development Standards for Heritage Precincts**

<b>E13.8.2 Buildings and Works other than Demolition</b>		
To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  No Acceptable Solution	P1  Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.	<p><i>The Heritage Impact Statement finds that the proposal will not result in detriment to the historic cultural heritage of the precinct.</i></p> <p><i>The proposed design is found to be a considered and respectful solution to the task of providing a large public building within the heritage area.</i></p> <p><i>The built form will present to High Street as smaller domestic scale buildings with articulation that successfully breaks up the overall bulk.</i></p> <p><i>The use of a variety of traditional materials and finishes and the inclusion of Colonial Georgian style elements (gable roof ends, proportions of windows facing High Street, sandstone, timber and brickwork finishes) together with traditional roof finishes and</i></p>

		<i>colours ensure that the design complements the heritage values of the Precinct.</i>
A2  No Acceptable Solution	P2  Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.	<p><i>The Heritage Impact Statement finds that the proposal will comply with the design criteria and conservation policy for the historic cultural heritage of the precinct.</i></p> <p><i>Specifically:</i></p> <ul style="list-style-type: none"> <li>• <i>the built form and materials respond to the heritage values of the area (as described above);</i></li> <li>• <i>appropriate siting and retention of the public park/green space at the High Street frontage;</i></li> <li>• <i>building addresses High Street frontage and provides a clear connection to the built form of the streetscape;</i></li> <li>• <i>the built form is designed to complement and not dominate the streetscapes, particularly High Street by breaking up the appearance with various materials and roof lines and the use of small scale conjoined buildings near the High Street frontage;</i></li> <li>• <i>Architectural details and materials have been designed to complement the heritage streetscape, particularly when viewed from High Street; and</i></li> <li>• <i>The overall height of the building is minimised and design elements are employed to further minimise the apparent bulk of the building.</i></li> </ul>
A3  No Acceptable Solution	P3  Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.	<i>Not applicable. The proposal is for a new building.</i>

<p>A4</p> <p>New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.</p>	<p>P4</p> <p>New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.</p>	<p><i>The proposal will not include frontage fences or gates.</i></p>
---	---	---

**TABLE 13.2 - Oatlands Township Precinct**

The Oatlands Township Precinct is of historic cultural heritage significance because:

- a) it demonstrates a township comprising a concentration of highly intact historic buildings of the Old Colonial Georgian and Victorian Georgian styles;
- b) the density of historic buildings of similar architectural styles and periods in Oatlands contributes to a highly intact streetscape character;
- c) it demonstrates the evolution and settlement patterns of Tasmania in the early-mid nineteenth century, as a township transport routes joining the north and south of the State, and as an intended central capital associated with the pastoral activity of the Midlands area;
- d) its predominant building material of sandstone, as a source of local materials, and reflecting the differing economies of labour and construction at the time;
- e) it demonstrates the theme of convictism, through the use of sandstone, links to transport, and the many buildings in the township associated with convicts;
- f) it has the largest number of sandstone buildings within a township setting in Australia;

**Design Criteria/Conservation Policy**

**1. The design and siting of buildings and works must satisfy the following criteria:**

- a) scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the Georgian architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;
- b) building setback from frontage must provide a strong edge to Main Street and be parallel to the street;
- c) buildings must address the street, unless at the rear of a site;
- d) buildings must not visually dominate the streetscape or buildings at places listed in Table.13.1
- e) architectural details and openings for windows and doors to visually prominent facades must respect the Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;

- f) external wall building material must be any of the following:
    - i. sandstone of a colour matching that commonly found in Oatlands' buildings
    - ii. weatherboard (traditional profiles);
    - iii. rendered, painted or lime wash brickwork;
    - iv. unpainted brick of a traditional form and colour laid with a traditional bond;
    - v. traditional Tasmanian vertical board (non-residential buildings only);
    - vi. corrugated profile steel cladding, painted/colorbond or galvanised iron (not 'zincalume' or similar) (outbuildings only);
  - g) roof form and material must be consistent with the following:
    - i. pitch between 30 and 40 degrees and hipped or gable if a major part of the building;
    - ii. pitch less than 30 degrees and skillion if a minor part of the building at the rear;
    - iii. avoidance of large unbroken expanses of roof and very long roof lines
    - iv. roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;
    - v. guttering is rounded profile, with downpipes of circular cross-section:
  - h) wall height sufficient to provide for lintels above doors and windows, with wall space above;
  - i) outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also approximate that of the primary building on the land;
  - j) fences along frontages must be:
    - a. (between 900mm and 1000mm high, with a maximum of 1200mm for posts;
    - b. (vertically articulated, (such as with dowel-and-rail, picket or palisade fences);
    - c. "semi-transparent" in appearance, that is, the distance between dowels or pickets, etc., must be such that the fence does not appear 'solid'.
2. **Subdivision must satisfy the following criteria:**
- a) maintain and extend the existing recto-linear grid pattern of streets;
  - b) provide for a variety of lot sizes;
  - c) where appropriate off High Street provide a traditional 'soft edge' design approach for stormwater and footpath works.

## CONCLUSION

The report has assessed a Development Application for use and development of an Aquatic Centre at 18 Church Street, 68 and 70 High Street, Oatlands.

Six (6) representations were made to Council raising concerns including traffic, pedestrian access, and noise and amenity issues. These concerns have been considered and are addressed above.

The proposal has been found to comply with all the relevant standards for the General Business Zone and the applicable Codes.

It is recommended that the Application be approved and a Permit issued with conditions and advice.

## RECOMMENDATION

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2020/63) for an Aquatic Centre and associated works at 18 Church Street, Oatlands (CT46931/1), 68 High Street Oatlands (CT148205/1) & 70 High Street, Oatlands (CT41274/3), owned by Southern Midlands Council and that a permit be issued with the following conditions:**

## CONDITIONS

### *General*

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.
- 3) Prior to completion, all land titles that are the subject of this application shall be modified and/or adhered to wholly contain the development.

### *Use*

- 4) The site is to be used for the purposes detailed within the approved application only, that is; Sports and recreation - Aquatic centre and ancillary activities. It must not to be used for other purposes without the prior written consent of Council.

### *Hours of Operation*

- 5) The use or development, including commercial vehicle movements such as deliveries, must only operate between the following hours:

Monday to Saturday	6:00 a.m. to 10:00 p.m.
Sunday and State-wide public holidays	7:00 a.m. to 9:00 p.m.

### *Amenity*

- 6) The developer/operator shall seek written approval from Council prior to the installation of any external CCTV or other security cameras on the land. All external security devices shall be sympathetic to the amenity of neighbouring residents.
- 7) All external lighting must be designed and baffled to avoid light spill to adjoining properties to the satisfaction of the Council's Manager of Development and Environmental Services.

- 8) **Use of external lighting outside the hours of 11pm and 6am must be limited to security lighting only to the satisfaction of the Council's Manager of Development and Environmental Services.**

***Environment***

- 9) **Prior to first use of the development a noise assessment of the plant and equipment to be installed on the site must be submitted and any recommendations implemented to the satisfaction of the Council's Manager of Development and Environmental Services.**
- 10) **Noise emissions from the use or development must be managed to the degree necessary to ensure that an environmental nuisance is not caused.**

***Landscaping***

- 11) **The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager of Development and Environmental Services within three (3) months of the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.**
- 12) **Fences must comply with the following unless otherwise approved by Manager of Development and Environmental Services:**
- a. **2.1m timber paling fences along residential boundaries, unless otherwise agreed by the adjoining owner; and**
  - b. **No fencing on the frontage to South Parade.**

***Parking and Access***

- 13) **At least thirty seven (37) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.**
- 14) **At least two (2) of the required parking space(s) must be provided for the use of people with disabilities as close as practicable to (a) suitable entrance(s) to the building. The parking space(s) must be signed and marked out to indicate that the space(s) is only for use by persons with disabilities and must be designed in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.**
- 15) **The areas set-aside for parking and associated access and turning must have:**
- a. **A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).**
  - b. **on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.**
  - c. **An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.**
  - d. **Line-marking or some other means to show the parking spaces to the satisfaction of Council.**

- e. **Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.**
- 16) **The vehicle access from the carriageway of the road onto the subject land must be located and constructed using an uncoloured reinforced concrete pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1003 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's Manager of Development and Environmental Services.**
- 17) **A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Manager of Development and Environmental Services must be submitted to Council prior to or in conjunction with lodgement of a Building Application. The parking plan is to include:**
- **pavement details,**
  - **design surface levels and drainage,**
  - **turning paths,**
  - **dimensions**
- and shall form part of the permit when approved.**
- 18) **All parking and associated turning, loading and unloading areas and access must be constructed in accordance with the approved parking plan.**
- 19) **The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.**
- 20) **All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Manager of Development and Environmental Services.**
- 21) **Car park lighting must be designed to ensure light pollution is minimised to the satisfaction of Council's Manager of Development and Environmental Services.**

### **Services**

- 22) **The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.**
- 23) **The developer is to provide a stormwater management plan, including detailed stormwater calculations, prior to, or in conjunction with, with the building plans for approval by Council's Manager of Development and Environmental Services. Any upgrading of downstream infrastructure identified in the report is to be undertaken at the developers cost.**
- 24) **Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.**



- 25) The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of Council's General Manager.

***Archaeology***

- 26) In the event of the uncovering potentially significant archaeology, during the works, the developer must cease the activity immediately contact Council's Manager of Heritage Projects (Mr Brad Williams, 6254 5000) for further advice and procedure before works, related to the particular site, can continue. Any subsequent documentation and management of archaeology must be to the satisfaction of the Manager of Heritage Projects.

***Taswater***

- 27) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Form PL05P (attached).

***Protection of Water Quality***

- 28) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

***Construction Amenity***

- 29) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- 30) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - The transportation of materials, goods and commodities to and from the land.
  - Obstruction of any public footway or highway.
  - Appearance of any building, works or materials.
  - Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

- 31) **Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.**
- 32) **The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council’s Manger of Works and Technical Services.**

The following advice applies to this permit:

- A. **This Planning Permit does not imply that any other approval required under any other legislation has been granted.**
- B. **This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.**

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

#### **4.2 PLANNING SCHEME AMENDMENT (RZ2020/02) FOR JERUSALEM ESTATE SPECIFIC AREA PLAN AT 2495 COLEBROOK ROAD, COLEBROOK, OWNED BY SAINT REGINA LIMITED**

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 17 JULY 2020

**Enclosure:**  
*Representations*

#### **BACKGROUND**

At the Council Meeting held on 27<sup>th</sup> May 2020, Council resolved to initiate and certify the Planning Scheme Amendment RZ2020/02 to introduce the proposed Jerusalem Estate Specific Area Plan to the planning scheme.

The draft amendment and associated documents were placed on public exhibition between 5<sup>th</sup> June 2020 and the 10<sup>th</sup> July 2020. The advertising period was extended to ensure that the advertising period was for at least 28 days, in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993* (the Act).

During the advertising period two representations were received, one from a member of the public and one from Tasrail.

The draft amendment was also referred to Taswater and a brief submission has been provided (detailed below).

#### **PROPOSAL**

The proposal is for an amendment to the *Southern Midlands Interim Planning Scheme 2015* (“the Scheme”) to introduce the proposed Jerusalem Estate Specific Area Plan to the planning scheme, which will allow for establishment of a Benedictine monastery at 2495 Colebrook Road, Colebrook.

The property at 2495 Colebrook Road is owned by Saint Regina Limited (an entity associated with the Notre Dame Priory).

The proposed Specific Area Plan (SAP) is designed to facilitate the development of the site over time in accordance with the Jerusalem Estate Master Plan, which details the vision to create a Benedictine community in Colebrook. This will include the development of a traditional style Benedictine monastery and supporting agricultural and tourism uses.

The proposal does not seek to change the underlying zoning of the land, which is currently a mix of Rural Resource and Significant Agriculture Zones. A SAP exists as another layer of controls over the zone requirements and where there is a difference the provisions of the SAP would prevail.

## LEGISLATIVE REQUIREMENTS

In accordance with sections 39(2) and 43F(6) of the Act, Council must, within 35 days after the exhibition period, forward to the Tasmanian Planning Commission a report considering representations received (if any) and any recommendations regarding the draft amendment and planning permit it considers necessary.

Council are reminded that references to the provisions of the Act are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015. The former provisions of the Act remain in force until the Local Provisions Schedule comes into effect.

## PUBLIC NOTIFICATION

Section 38 of the Act sets out that after making a decision to initiate a planning scheme amendment it is to be publicly advertised for a period of at least 28 days.

In this case the draft amendment was placed on public exhibition initially between 5<sup>th</sup> June 2020 and the 29<sup>th</sup> June 2020. The advertising period was then extended to the 10<sup>th</sup> July 2020, to ensure that the period was at least 28 days in accordance with Section 38 of the Act.

Two representations were received and a brief submission from Taswater, as detailed below.

Representation 1	Applicant response	Officer comment
I am writing to advise of my objections in relation to the DA RZ2020/02 Planning Scheme Amendment proposal, for the property at 2495 Colebrook Road, Colebrook. This property forms a boundary with my property Rosewood, at 1803 Colebrook Road, Campania, a residential building.	<i>Initially, it's worth mentioning that the amendment does not seek to alter the underlying zoning of the land. Rather, the amendment seeks to introduce a Specific Area Plan (SAP) that will allow for additional use classes to operate lawfully on the site. The key change being the introduction of Community Meeting</i>	The proposed SAP will not change the current zoning of the land (Rural Resource and Significant Agriculture) and the majority of the land will continue to be used for agricultural purposes, either by the owners or under lease agreement as is currently the case.  The proposed planning scheme amendment seeks to add a new layer of controls in the Specific Area Plan for the identified Precincts, to allow for use and

<p>I have several concerns about the proposal whereby the farm that currently exists on several titles, once amended, means there is nothing to prevent the dismantling and I hold concerns for the significant loss of agricultural opportunity, which is unlikely to be reversible.</p> <p>The fragmentation of agricultural land and interfacing with residential subdivisions is an evolving problem that requires significant consideration.</p> <p>The proposed farming operation is hinged on the availability of a irrigation scheme that will unlikely ever eventuate, it would seem more plausible that the property may turn other corners in the future once planning approvals have been completed and precedence is set.</p> <p>I have no doubt the development is coming from a very well intended place but what other implications could eventuate in the future.</p>	<p><i>and Entertainment use for the development of the Monastery.</i></p> <p><i>Firstly, concerns regarding loss or fragmentation of agricultural land is noted.</i></p> <p><i>Jerusalem Estate was chosen by the Priory for its agricultural potential, and development of the site will ensure that productive agricultural land is preserved for such use.</i></p> <p><i>The representor also raised concerns with water supply for agricultural use. In response, please note that the property has a number of existing creeks and dams, as well as a 45ML water right from Craighourne Dam, hence the future agricultural use of the site will not be reliant on any forthcoming irrigation scheme.</i></p>	<p>development associated with the monastery that would not generally be allowed in these zones. It is not intended to convert the property wholly away from agricultural pursuits.</p> <p>While the Precinct areas are large to allow for flexibility in the location of future development, the overall density and scale of future development will be limited considerably by the proposed development standards, particularly the limitation on site coverage.</p> <p>The proposed SAP will maintain a setback of 200m for sensitive uses, as is the case in the current zoning. Varying this setback will require consideration to avoid land use conflicts with adjoining properties.</p> <p>As identified by the applicant, there is water rights and infrastructure available on the site to allow for more intensive farming/cropping to be established.</p>
<p>The proposal to amend the Southern Midlands Council planning scheme, with respect to this development will immediately impact my property in a negative way,</p>	<p><i>Secondly, concerns regarding proximity of development is noted.</i></p> <p><i>Future development within the retreat precinct, which is</i></p>	<p>The representors property adjoins the southern boundary of the site, where the Retreat Precinct of the SAP is located.</p> <p>As identified by the applicant the intended use of the Retreat</p>

<p>with no opportunity for me to negate this impact. I would likely have no serious objection to the building of a similar residential dwelling, but to consider looking out my back window at the currently proposed development is overwhelming.</p> <p>A property such as mine where a significant drawcard is rural lifestyle seclusion will be seriously impacted. The scale of this proposal is not dissimilar to a commercial tourism venture.</p> <p>I would have thought that the developers, or their personnel, would have sought some discussion with a neighbour that will be directly impacted by this proposal.</p>	<p><i>closest to the representors property, requires seclusion and separation from neighbouring land to operate as intended.</i></p> <p><i>As such, the Priory will seek to ensure that sufficient separation and buffering occurs between existing and proposed development.</i></p> <p><i>Thirdly, concerns regarding the scale of potential development is noted.</i></p> <p><i>The SAP, and individual precincts within the SAP, do cover a large area. However, what may appear to be a large scale is more about flexibility of future design, particularly the siting of development. That is, as this early stage in the development process the Priory are seeking a degree of flexibility with exactly where they build within each precinct. In addition, the SAP introduces development standards for site coverage to ensure that the site is not overdeveloped.</i></p>	<p>Precinct will require privacy and seclusion and therefore it is intended that any future development be located away from the shared boundary.</p> <p>With regard to topography, this southern section of the subject site rises steeply away from the shared boundary with the representors property to the north and west towards a prominent ridgeline and the peak of Clitherow Hill.</p> <p>Unless future development were to be located close to the shared boundary, which is considered unlikely as the grade is approximately 1 in 4, it is expected that the topography will provide a natural barrier between development on the two properties.</p> <p>In any case, the planning scheme amendment would not remove the need for planning approval for future development on the site.</p>
--	---	--

<p>Succinctly, my concerns are over the alteration from current use and zoning, the scale of the proposed development, the proximity to my property and the reality that the property could be sold with development approval granted, and further.</p>		<p>The concerns are noted and addressed above.</p> <p>No change to the proposal is considered to be required in response to this representation.</p>
<p><b>TasRail</b></p>	<p><b><i>Applicant response</i></b></p>	<p><b><i>Officer comment</i></b></p>
<p>Thank you for notifying TasRail of Draft Planning Scheme Amendment - Jerusalem Estate SAP - RZ2020/02 2495 Colebrook Road, Colebrook (Saint Regina Limited).</p> <p>TasRail is supportive of the project but is concerned to ensure that the SAP adequately protects the safety and operability of the railway and that the proposed precincts within the SAP for the Jerusalem Estate is not incompatible with the adjoining freight railway that operates 24/7.</p> <p>TasRail has reviewed the available documentation and provides the following feedback:</p>	<p><i>The need to maintain the safety and operational efficiency of the 24/7 freight rail corridor is acknowledged.</i></p>	
<ul style="list-style-type: none"> <li>• The Rail Corridor (State Rail Network land) needs to be protected with the Utilities Zoning retained. Please confirm the Community</li> </ul>	<p><i>The Utilities Zone will remain unchanged for the corridor (as will all underlying zoning) and the SAP will not apply to railway land.</i></p>	<p>The proposal does not include any change to the existing zoning of land, either on the property or in the Rail Corridor.</p>

<p>Purpose Zoning will not impact the current Utilities Zoning.</p>		<p>A change to Community Purpose Zone is not proposed, the amendment is for a Specific Area Plan.</p> <p>The Utilities Zone will not be changed and the SAP will not apply to the Rail Corridor.</p>
<ul style="list-style-type: none"> <li>The proposed plans for the SAP, if approved will see Permitted Use including a cemetery, community meeting and entertainment, food services, general retail and hire and residential. It is unclear to TasRail whether a future application to develop the site for any of these permitted uses would be referred to TasRail, or if the application is considered to meet the relevant performance criteria, would it would be automatically be approved? TasRail’s concern is to ensure that appropriate consideration is given to the protection of safety and rail assets, and including consideration of sight lines/sighting distances for any level crossing that may ultimately be approved for use by TasRail.</li> </ul>	<p><i>Future development will also be subject to the requirements of the Road and Railway Assets Code, therefore, any development within 50m of the Utilities Zone will be referred to the rail authority for advice.</i></p>	<p>The Road and Railway Assets Code will continue to apply to the site.</p> <p>The Code applies to development of land within 50m of the Rail Corridor and would also apply to new level crossings or intensified use of existing level crossings.</p> <p>In most cases a DA would become Discretionary if any of the above considerations are relevant and standard practice would include referral to TasRail for comments, however it is noted that this is not necessarily required by the Scheme or legislation.</p> <p>In the event that a proposal included works in the Rail Corridor (such as a new crossing) then the Rail Corridor land would need to be included in the DA together with landowner consent from TasRail.</p>
<ul style="list-style-type: none"> <li>TasRail has identified three unlicensed (unauthorised) rail crossings on the</li> </ul>	<p><i>The Priory welcome any opportunity to liaise with Tasrail further during detailed</i></p>	<p>Unauthorised rail crossings are not a planning consideration.</p>



<p>subject property. These legacy crossings would have been used by the previous landowner for stock/farm crossings but TasRail can find no record approving these crossings, meaning that with the change of ownership TasRail is obliged to close the crossings unless an application is received and approved by TasRail.</p>	<p><i>planning and development stages to ensure that any railway crossing is appropriately positioned and designed, noting the likely significant costs involved and potential for refusal.</i></p> <p><i>However, it is important to note that the Jerusalem Estate Master Plan, as envisaged by the Priory, would see all built form to the east of the railway corridor, which would not require any crossing for access.</i></p>	
<ul style="list-style-type: none"> <li>• TasRail will likely only consider a maximum of one railway crossing within the SAP (refer below point for considerations).</li> </ul>		<p>See responses above.</p>
<ul style="list-style-type: none"> <li>• It is difficult to see how the proposed developments under the SAP can be achieved without gaining access to a crossing over the railway line. However, any crossing requested will be considered as a new crossing for public use which requires a formal application and an ALCAM assessment. As a public crossing, the mandated standards</li> </ul>		<p>See responses above and comments from the Applicant.</p> <p>Any new, altered or intensified crossing of the railway will require consideration under the Road and Railway Assets Code.</p>

<p>and safety controls will be much higher compared to a private landowner access, but the costs of these controls as well as any upgrade required to the track surface to support the controls will need to be met by the applicant. The developer needs to be made aware of the likely costs involved, and importantly to understand that completing the ALCAM is not a guarantee that a new crossing will be approved by TasRail noting that the policy of the Office of the National Rail Safety Regulator is that there be no new crossings over the railway line – the preference being grade separation. The likelihood of an approval will depend on the ALCAM risk assessment findings and capacity to appropriately control the risks. A Traffic Impact Assessment will be necessary as an input to inform the ALCAM process, but does not take the place of the ALCAM.</p>		
<ul style="list-style-type: none"> <li>As the developer will need to meet the costs of the ALCAM and all upgrade costs for a new crossing to a public</li> </ul>		<p>See responses above.</p>

<p>standard, then it is recommended that the Council inform the proponent of the likely costs before the SAP is finalised because the cost impost may be material to the development.</p>		
<ul style="list-style-type: none"> <li>• The proposed SAP provides for a setback of only 5 metres, which is less than recommended when constructing on land adjoining the rail corridor boundary. TasRail recommended this setback be increased.</li> </ul>		<p>As noted above, any development within 50m of the Rail Corridor will be subject the Road and Railway Assets Code.</p>
<ul style="list-style-type: none"> <li>• The proposed SAP provides for the ringing of bells for up to 8 – 10 times a day and considers this not be cause nuisance or environmental harm. TasRail has no opinion on this but asks that this be considered in the context of not impacting the train horn safety device, noting that if a new rail crossing is approved then it is essential that the train horn be audible for road and crossing users. This is likely a matter for consideration during the development stage rather than the Draft Planning Scheme</li> </ul>		<p>Comment noted.</p> <p>Overall, no change to the proposal is considered to be required in response to this representation.</p>

Amendment, but it may be worth considering with respect to how close a rail crossing can be to the Monastery Precinct.		
<b>Taswater</b>		<b>Officer comment</b>
Taswater has provided the following response:  <i>TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.</i>		<i>Noted.</i>  <i>No change to draft amendment required.</i>

## CONCLUSION

This report has provided an assessment of the representations received in relation to the proposed amendment to the *Southern Midlands Interim Planning Scheme 2015* for the Planning Scheme Amendment RZ2020/02 to introduce the proposed Jerusalem Estate Specific Area Plan to the planning scheme.

It is recommended that Council continues to support the planning scheme amendment with no change and provide this report together with the representations to the Tasmanian Planning Commission.

It is noted that if Council decide not to continue to support the proposal the final assessment and determination will still be undertaken by the Tasmanian Planning Commission.

## RECOMMENDATION

**THAT, Council:**

1. **Consider the submissions received in regard to the draft Planning Scheme Amendment RZ2020/02, together with the responses provided above; and**
2. **Advise the Tasmanian Planning Commission that three (3) representations were received including the submission from Taswater, in accordance with Section 39(2) of the *Land Use Planning & Approvals Act 1993* (under Schedule 6 Savings and Transitional Provisions); and**
3. **A copy of this report be forwarded to the Tasmanian Planning Commission being Council’s assessment of the merit of the representations in accordance with Section 39(2)(b) of the *Land Use Planning & Approvals Act 1993* (under Schedule 6 Savings and Transitional Provisions); and**

4. Pursuant to Section 39(2) of the *Land Use Planning & Approvals Act 1993* (under Schedule 6 Savings and Transitional Provisions), the Council recommend to the Tasmanian Planning Commission that no modification to the draft Planning Scheme Amendment RZ2020/02 is required.

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

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

**ENCLOSURE(S)**  
*Agenda Item 4.2*

**Jacqueline Tyson**

---

**From:** [REDACTED]  
**Sent:** Monday, 29 June 2020 3:30 PM  
**To:** SMC Mail  
**Subject:** General manager, RZ2020/02

Dear Mr Kirkwood,

I am writing to advise of my objections in relation to the DA RZ2020/02 Planning Scheme Amendment proposal, for the property at 2495 Colebrook Road, Colebrook. This property forms a boundary with my property Rosewood, at 1803 Colebrook Road, Campania, a residential building.

I have several concerns about the proposal whereby the farm that currently exists on several titles, once amended, means there is nothing to prevent the dismantling and I hold concerns for the significant loss of agricultural opportunity, which is unlikely to be reversible. The fragmentation of agricultural land and interfacing with residential subdivisions is an evolving problem that requires significant consideration.

The proposed farming operation is hinged on the availability of a irrigation scheme that will unlikely ever eventuate, it would seem more plausible that the property may turn other corners in the future once planning approvals have been completed and precedence is set.

I have no doubt the development is coming from a very well intended place but what other implications could eventuate in the future.

The proposal to amend the Southern Midlands Council planning scheme, with respect to this development will immediately impact my property in a negative way, with no opportunity for me to negate this impact. I would likely have no serious objection to the building of a similar residential dwelling, but to consider looking out my back window at the currently proposed development is overwhelming. A property such as mine where a significant drawcard is rural lifestyle seclusion will be seriously impacted. The scale of this proposal is not dissimilar to a commercial tourism venture. I would have thought that the developers, or their personnel, would have sought some discussion with a neighbour that will be directly impacted by this proposal.

Succinctly, my concerns are over the alteration from current use and zoning, the scale of the proposed development, the proximity to my property and the reality that the property could be sold with development approval granted, and further.

Many thanks

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Jacqueline Tyson

---

**From:** Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>  
**Sent:** Monday, 29 June 2020 5:35 PM  
**To:** SMC Mail  
**Subject:** Draft Planning Scheme Amendment - Jerusalem Estate SAP - RZ2020/02  
**Attachments:** Oct 2019 TasRail Standard Notes - Op Lines.docx

Attention: Planning Department

Thank you for notifying TasRail of Draft Planning Scheme Amendment - Jerusalem Estate SAP - RZ2020/02 2495 Colebrook Road, Colebrook (Saint Regina Limited).

TasRail is supportive of the project but is concerned to ensure that the SAP adequately protects the safety and operability of the railway and that the proposed precincts within the SAP for the Jerusalem Estate is not incompatible with the adjoining freight railway that operates 24/7.

TasRail has reviewed the available documentation and provides the following feedback:

- The Rail Corridor (State Rail Network land) needs to be protected with the Utilities Zoning retained. Please confirm the Community Purpose Zoning will not impact the current Utilities Zoning.
- The proposed plans for the SAP, if approved will see Permitted Use including a cemetery, community meeting and entertainment, food services, general retail and hire and residential. It is unclear to TasRail whether a future application to develop the site for any of these permitted uses would be referred to TasRail, or if the application is considered to meet the relevant performance criteria, would it would be automatically be approved? TasRail's concern is to ensure that appropriate consideration is given to the protection of safety and rail assets, and including consideration of sight lines/sighting distances for any level crossing that may ultimately be approved for use by TasRail.
- TasRail has identified three unlicensed (unauthorised) rail crossings on the subject property. These legacy crossings would have been used by the previous landowner for stock/farm crossings but TasRail can find no record approving these crossings, meaning that with the change of ownership TasRail is obliged to close the crossings unless an application is received and approved by TasRail.
- TasRail will likely only consider a maximum of one railway crossing within the SAP (refer below point for considerations).
- It is difficult to see how the proposed developments under the SAP can be achieved without gaining access to a crossing over the railway line. However, any crossing requested will be considered as a new crossing for public use which requires a formal application and an ALCAM assessment. As a public crossing, the mandated standards and safety controls will be much higher compared to a private landowner access, but the costs of these controls as well as any upgrade required to the track surface to support the controls will need to be met by the applicant. The developer needs to be made aware of the likely costs involved, and importantly to understand that completing the ALCAM is not a guarantee that a new crossing will be approved by TasRail noting that the policy of the Office of the National Rail Safety Regulator is that there be no new crossings over the railway line – the preference being grade separation. The likelihood of an approval will depend on the ALCAM risk assessment findings and capacity to appropriately control the risks. A Traffic Impact Assessment will be necessary as an input to inform the ALCAM process, but does not take the place of the ALCAM.
- As the developer will need to meet the costs of the ALCAM and all upgrade costs for a new crossing to a public standard, then it is recommended that the Council inform the proponent of the likely costs before the SAP is finalised because the cost impost may be material to the development.

- The proposed SAP provides for a setback of only 5 metres, which is less than recommended when constructing on land adjoining the rail corridor boundary. TasRail recommended this setback be increased.
- The proposed SAP provides for the ringing of bells for up to 8 – 10 times a day and considers this not be cause nuisance or environmental harm. TasRail has no opinion on this but asks that this be considered in the context of not impacting the train horn safety device, noting that if a new rail crossing is approved then it is essential that the train horn be audible for road and crossing users. This is likely a matter for consideration during the development stage rather than the Draft Planning Scheme Amendment, but it may be worth considering with respect to how close a rail crossing can be to the Monastery Precinct.

Please feel free to contact the writer to discuss the above should you have any questions or require clarification.

I have attached the TasRail Standard Notes should you wish to provide the developers with some guidance in relation to building next to a railway.

**Jennifer Jarvis**



Manager Group Property & Compliance |  
Phone: 03 6335 2603 | Mobile: 0428 139 238  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249  
[Jennifer.Jarvis@tasrail.com.au](mailto:Jennifer.Jarvis@tasrail.com.au)

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorised and may be illegal. Opinions, conclusions, views and other information in this message that do not relate to the official business of the Tasmanian Railway Pty Ltd are the views of the individual sender and shall be understood as neither given nor endorsed by Tasmanian Railway Pty Ltd.



**TasRail Standard Notes (as at 24 October 2019)**

- Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time. Landowners and prospective landowners should undertake appropriate due diligence to ensure they are aware of train noise and vibration, particularly train horn noise.
- The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
- Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
- No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc.
- No persons should enter rail land without formal authorisation.
- Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
- As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au)
- As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.

**5. CLOSURE**