

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

SPECIAL COUNCIL MEETING

Friday, 12th May 2017
Municipal Offices, 85 Main Street, Kempton

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OPEN COUNCIL MINUTES

MINUTES OF A SPECIAL MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD
ON FRIDAY, 12TH MAY 2017 AT THE MUNICIPAL OFFICES, KEMPTON
COMMENCING AT 10.00 A.M.

1. ATTENDANCE

Mayor AE Bisdee, Deputy Mayor AO Green, Cllr A Bantick, Cllr E Batt, Cllr D Fish, Cllr D Marshall, Mr Tim Kirkwood (General Manager), Mr David Cundall (Manager, Environment and Development Services), Ms Jacqui Tyson (Planning Officer), Ms Elisa Lang (Executive Assistant)

2. APOLOGIES

Cllr R Campbell

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*.

Agenda Item 4.1.1

It was noted that Cllr A Bantick informed the meeting that members of his family do own property adjoining the Midland Highway within the area subject to this development application, however it was deemed that a pecuniary interest does not exist.

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 APPLICATIONS

4.1.1 DEVELOPMENT APPLICATION (DA 2017/16) FOR MIDLAND HIGHWAY SAFETY UPGRADES AT MANGALORE, DEPARTMENT OF STATE GROWTH

Author: PLANNING OFFICER (JACQUI TYSON)

Date: 9 MAY 2017

Enclosures:-

*Development Application documents
Representations*

PROPOSAL

The Applicant, Department of State Growth, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") for Safety Upgrades to the Midland Highway section identified as Mangalore to Bagdad (Stage 2 – Mangalore).

This project forms part of the Midland Highway Action Plan which is a 10 year project funded by the State and Federal Government to improve the safety and efficiency of the Midland Highway. The key objectives of the Plan are:

- Upgrade the road safety to a minimum 3 Star Australian Road Safety Assessment Program (AusRAP) rating;
- Reduce head-on collisions by providing a flexible safety barrier in the central median;
- Consolidate breaks in the central median barrier;
- Provide additional safe overtaking opportunities in a '2+1' lane arrangement;
- Maintain a 110km/h speed environment;
- Upgrade existing junctions; and
- Improve horizontal and vertical alignment of the road where necessary and cost effective.

This development application is for upgrades to a 7km length of the Midland Highway extending from the Pontville roundabout north to Eddington Road. This section of the Midland Highway carries in the order of 7000-8000 vehicles per day, with 11-12% of consisting of commercial vehicles including heavy vehicles. Currently a 100 km/h speed

limit applies for the majority of the highway between Mangalore and Bagdad. Surrounding land is used for agricultural and residential purposes.

The proposal design for this section has undergone several revisions due to changes in the project objectives and due to consultation with landowners. Under the current proposal the highway will be widened to accommodate the central turning lane (left and right turn) and the standardisation of verge and shoulder widths. The widening will generally be on the eastern side of the highway. Additional land is to be acquired from approximately 26 properties to accommodate widening, batter construction and some intersection widenings. Land acquisition will include sufficient land for future extension of the footpath on the eastern side of the highway. The large number of accesses and intersections has influenced to the design, with a reduction in speed limit and no central flexible wire barrier proposed in this case.

The proposed safety upgrade works will include:

- Widening of the highway to incorporate a 3.0 m wide central turning lane;
- Incorporation of dedicated turn lanes at side road intersections as necessary;
- Widening of the sealed shoulders and installation of roadside safety barriers to minimise the potential for crashes as a result of vehicles running off road - where a safety barrier is proposed the verges will be widened to 1.0 m;
- Treatment of road side hazards through removal or protection with safety barrier where applicable;
- Incorporation of pedestrian refuges at intersections and along the highway as appropriate;
- Regrading and sealing of property accesses within the road reservation to suit the new pavement levels; and
- Reduction of the speed limit to 80km/h.

The upgrade will result in a road with the following general cross section:

- 3.5m wide traffic lanes;
- A central 3.0m wide central turning lane;
- 2.0m sealed shoulders;
- 0.5m unsealed verges, widened where a safety barrier is provided at the edge of the road.

Other works associated with the project include:

- Demolition of the existing dwelling at 1192 Midland Highway (on the north eastern corner of the intersection with Ballyhooly Rd)
- Planting of replacement trees near where Pioneer Avenue trees have been removed, subject to landowner consent. Replacement of other vegetation removed will be considered on a case by case basis, noting that it is intended that those large trees removed north of Wilsons Rd and between School Road (north) and Eddington Road will be replaced on private land, subject to landowner consent.
- The existing path between Eddington Road and Roberts Road will be reinstated at a new location adjacent the widened road. The potential construction of an unsealed,

1.2m wide gravel path between Roberts Road and Black Brush Road is currently under consideration in consultation with Council.

A list of the road intersections that will be affected by this proposal and the proposed treatments are summarised in the table below. All side road connections that do not carry sufficient traffic volumes to warrant dedicated turn lanes will benefit from the addition of the central turn lane.

Intersection	Treatment
Shene Road	Access via central turning lane
Ballyhooly Road	Existing Channelised Right Turn treatment (northbound) to be reinstated. Existing Channelised Left Turn treatment (southbound) to be reinstated.
Blackbrush Road	Existing Channelised Right Turn treatment (southbound) to be reinstated. Existing Channelised Left Turn treatment (northbound) to be reinstated.
Goodwins Road	Access via central turning lane
Roberts Road	Access via central turning lane
Quarry Town Road (3 connections)	New dedicated Right Turn lane (southbound) for northern access. Central access retained. Southern most connection to be closed from highway and a cul de sac constructed.
Wilson's Road	Access via central turning lane
De Camera Road	Access via central turning lane
School Road (2 connections)	Existing Channelised Right Turn treatment (northbound) for southern entry to be reinstated. Existing Channelised Left Turn treatment (southbound) for northern entry to be reinstated.
Eddington Road	Access via central turning lane

Construction is planned to commence in late 2017 with an 18 month construction period expected. The construction contract will require the contractor to nominate excess fill disposal sites to the relevant Council and obtain any relevant regulatory permits prior to site use. The contract will also require the contractor to assess and document the condition of any Council road that will be subject to the cartage of excess fill from this project, a minimum of one month prior to the commencement of that activity on that Council road. The

Contractor will be contractually expected to repair any damage to that Council road that is clearly attributable to the cartage of excess fill, at the conclusion of construction.

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

The existing Midland Highway corridor is within the Utilities Zone. Land that is to be acquired for the project includes the Rural Resource Zone, Significant Agriculture Zone and Rural Living Zone.

Under the Planning Scheme major road works are classified Utilities use class, which has a Permitted status in the Utilities Zone. The use class is Discretionary in the Rural Resource, Significant Agriculture Zones and Rural Living Zones.

Demolition works at 1192 Midland Highway is Discretionary and must be assessed against Section 9.4 of the planning scheme.

The application is also subject to a number of planning scheme codes, creating further discretions. The applicable Codes are:

- E2.0 Potentially Contaminated Land Code
- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E13.0 Historic Heritage Code

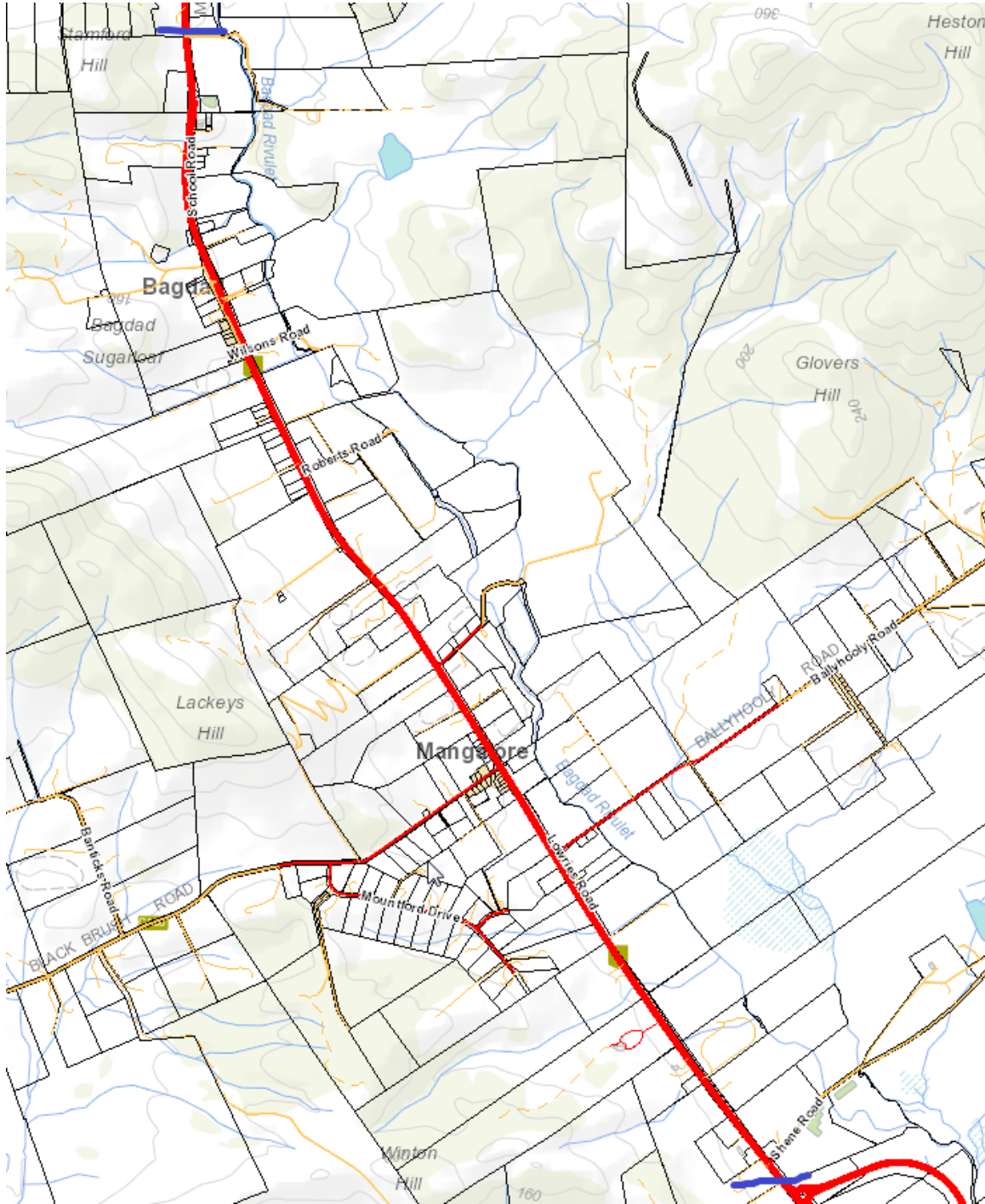
The proposal is considered at the discretion of Council. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

The Council gave notice of the application for public comment on 1st April 2017 until 21st April 2017, with the usual 14 day period extended to account for the Easter public holidays. A total of six (6) representations were received.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the application and issue a permit subject to conditions.

THE SITE

The maps below show the section of Midland Highway subject to this application and the surrounding areas.



Map 1: Topographic image of the subject area – the blue lines indicate the approximate extent of the upgrade section.



Map 2 Aerial image of the northern section of the subject area.



Map 3 Aerial image of the southern section of the subject area.

THE APPLICATION

The Applicant has submitted set of design drawings and supporting documents to describe the proposed works and address the applicable planning matters. A brief outline of these reports is provided below.

Development Application Supporting Report (State Growth)

This document provides an overview of the project and relevant matters including:

- Design explanation and justification;
- Background information on site and project objectives;
- Stakeholder consultation;
- Access and intersection work information;

- Identification of affected properties and land acquisitions;
- Stormwater issues;
- Construction management;
- Landscaping;
- Service relocations;
- Natural environment including geology, biodiversity and land capability;
- Historic and Aboriginal heritage information;
- Assessment against the planning scheme and State policies.

Traffic Impact Assessment (Pitt & Sherry)

This report assesses traffic impacts including construction impacts, safe intersection sight distances, traffic operations and road safety. The report concludes that the likelihood and severity of most crashes will be reduced by the proposed work, sight distances at side roads and accesses are adequate for an 80km/h speed limit; the reduction of the speed limit will only increase travel time by approximately 30 seconds in each direction and the upgrade will not generate a permanent increase in traffic.

Hydraulic/Drainage Assessment (Pitt & Sherry)

The report considers stormwater culvert capacity for 19 stormwater crossing on this section of the Midland Highway and additional 99 side road and access culverts. The report makes recommendation for upgrades to some culverts. As the deficient culverts under the highway only have marginally less capacity than required for a 1 in 100 year rainfall event, and to State Growth's knowledge there is no previous history of the culverts causing water to impact on the operation of the highway, it is intended to retain these existing culverts and extend them as required to suit the new highway cross section width. The roadside culverts where overflow would result in water overtopping the highway will be replaced with culverts of sufficient capacity as part of the upgrade works.

Flora and Fauna Survey (North Barker Ecosystem Services)

North Barker Ecosystem Services undertook a field survey along the alignment in November 2014 . This survey followed a desktop analysis which identified flora and fauna species potentially occurring within the upgrade area. Land immediately adjoining the road was surveyed for a distance of 25m either side of the centre line. Native vegetation, any potential flora and fauna habitat areas and all native species were recorded. Weeds species, including environmental weeds, were recorded. No targeted fauna surveys were undertaken. Permits from DPIPWE will be required for removal of some populations of plants that will be removed as part of the works, including rough speargrass and narrowleaf new-holland daisy. Overall, major impacts can be avoided through detailed design and management actions. Weed management is recommended and is required as part of the standard works contract specifications used by State Growth.

Historic Heritages Assessment and Historic Plantings Heritage Assessments (Austral)

Historic Heritage Assessments and a separate Historic Plantings Heritage Assessment were prepared by Austral Tasmania to assess the significance of buildings and plantings along the highway from Bagdad to Mangalore and to determine likely impacts of the project. Three Heritage listed properties will be directly impacted by the proposal. Sayes Court at 1546 Midland Highway and 11 Eddington Road will have small areas of land acquired at the highway frontage. Cornelian Hill at 1358 Midland Highway will not have land acquired however a sandstone entry feature of relatively recent construction will need to be moved back within the new boundary. These works have all received exemptions from Heritage Tasmania.

A number of heritage listed buildings are located along the alignment with four of these comprising the Heritage Mile Cultural Landscape Precinct. The significance of this precinct relates to three intact and highly prominent homesteads of the early to mid-nineteenth century (Oakwood, Marlbrook & Woodburn) and a large Federation Queen Anne homestead (Wybra Hall), with their associated rural outbuildings. The properties retain their original land grants as reflected by fencing and road side properties, and the patterns of land use and remnant vegetation are reflective of the original land uses. No works are proposed on the western side of the existing highway alignment so as to avoid impacts on this precinct.

The Historic Plantings Heritage Assessments by Austral determined there are 38 likely Pioneer plantings within the entire Mangalore safety upgrade project area. The area covered by the current proposal (which extends slightly into the Stage 1 study area), includes 23 of these. The assessment determined that the survival rate of trees is considered to be low (likely less than 10%) and that this section compares poorly with other sections of highway recently surveyed. The majority of the surviving trees date to the 1950's replanting works. Although this section of the highway was not considered to be a significant Pioneer Avenue landscape, the assessment recommends the surviving plantings should be conserved wherever possible and accounted for in any future highway upgrade works. A review of the alignment against the location of pioneer plantings indicates that 3 of the 23 remaining trees will be removed or trimmed to accommodate the works. A landscaping plan including replacement plantings is included with the application.

Contaminated Land Assessment (GHD)

Two sites within the project area have the potential for contamination. These are the former service station at 1172 Midland Highway and the dwelling and associated buildings at 1192 Midland Highway which is alleged to have historically been used for mechanical repairs. A narrow strip of land, 3m wide along the frontage of the service station site will be impacted by the works. The dwelling at 1192 Midland Highway is to be demolished to allow intersection widening and upgrade and to ensure road side safety. This report assesses the potential for contamination and provides management recommendations for construction.

Stakeholder and community engagement

Prior to submitting the application, State Growth conducted a strategic program of engagement with stakeholders including Council staff and Councillors, Heritage Tasmania, TasRail and affected property owners and users. State Growth representatives have met with the majority of landowners adjacent to this section of the Midland Highway to explain the project objectives and impacts on their properties.

This consultation has resulted in evolution of the project design in this area. To date, the key concerns raised by landowners primarily relate to access which has been addressed through the decision to abandon design with a flexible wire rope barrier and instead incorporate the central turn median. Concerns relating to the heritage values of the Heritage Mile Cultural Landscape Precinct resulted in the works generally being located on the eastern side of the existing highway.

An initial public display of a previous design was undertaken in March 2016, with comments from the public leading to the design being redeveloped into the current form. The public display of the current design plans was held on 25 November 2016 at the Pontville Community Hall, with notification being given in the Mercury and Examiner newspapers prior to the event. A flyer advertising the public display, explaining the project and providing contact details for the Department was provided to landowners and businesses in the area. Plans and project information are also made available on the State Growth project webpage.

Use/Development Status under the Planning Scheme

The proposed development is discretionary, and was advertised in accordance with Section 57 of the Act.

A permit for this use/development may be granted by Council, with or without conditions. Alternatively, Council may refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 1st April 2017 to the 21st April 2017, with the advertising period extended due to the Easter public holidays. A total of six (6) representations were received.

The concerns of the representors are detailed in the table below.

Representation 1	Officer Comment
1. We begin by expressing our appreciation that the Department of State Growth has made a number of significant changes from earlier draft plans. We are very supportive of the removal of the central safety barrier and its associated roundabouts as well as the passing land. We also strongly support the lowered speed limit.	1. Comments noted. 2. State Growth have advised that a grassed

<p>2. Property frontages. We also appreciate the consideration of heritage matters. In line with this we ask that a ‘nature strip’ suitable for us to maintain by mowing be preserved in front our property. We are prepared to undertake this work because of the contribution it makes to our properties and the beautification of the Heritage Mile.</p>	<p>table drain and nature strip will be maintained in front of the Heritage Mile properties.</p>
<p>3. Property entrances. We are concerned that the planned new crossovers will detract from the heritage curtilage and conflict with the objective of the Heritage Mile planning area.</p>	<p>3. State Growth has advised that property entrances will be sealed to the boundary to provide consistency and prevent excess gravel moving into the road. Within the property boundary owners may finish their driveways however they like. However, State Growth will continue to liaise with property owners through the detailed design phase so alternatives may be able to be considered at that time. It is noted that as no works are proposed within property boundaries the Heritage Mile Cultural Landscape Precinct is not relevant to this assessment.</p>
<p>4. Mile Marker Post. We ask that the traditional mile marker post opposite our property be retained.</p>	<p>4. State Growth advised that all mile marker posts will be retained. If necessary they will be moved back to accommodate road widening.</p>
<p>5. Vibration damage. We would like to re-iterate strong concerns already expressed to State Growth representatives, about the vulnerability of Woodburn to damage by vibrations during construction. How will the structural integrity be protected.</p>	<p>5. See part 1 of the written response from State Growth reproduced below.</p>
<p>Representation 2</p>	<p>Officer Comment</p>
<p>I visited the council chambers at Kempton yesterday (12/4) to view the final draft of the above project.</p> <p>With regards to the work to be carried out in front of our property (Wybra Hall) we have a couple of concerns regarding stormwater culvert /drainage and also the width of the shoulder of the road approaching our property from the Hobart</p>	<p>State Growth advises that the proposal will provide more space for turning than the current highway as the lane width will be increased to 3.5m in addition to the provision of 2m shoulders. Turn movements of heavy vehicles and trailers/floats should not be impeded.</p>

<p>side. As we have a rural property, we have stock trucks /horse floats often turning in from that direction and would hope that the shoulder will be of sufficient width for this to happen in a safe manner.</p>	
<p>Representation 3</p>	<p><i>Officer Comment</i></p>
<p>I strongly object to the current proposed upgrade pertaining to my property.</p>	<p>This property owner will be impacted by some land acquisition. State Growth will continue to liaise with all affected owners during the detailed design phase to attempt to mitigate any concerns where possible.</p>
<p>Representation 4</p>	<p><i>Officer Comment</i></p>
<p>Your records identify that I am the owner of a residential property that is impacted by the proposed Midland Highway Upgrades. I am writing to object to the proposed upgrades on the basis of a number of issues:</p> <p>1. Lack of communication to impacted property owners.</p> <p>I initially became aware of potential upgrades and associated land acquisition by word of mouth. I did not receive any written communication. Upon making numerous enquiries I was able to contact Simon Brown (Project Services Branch Department of State Growth) to obtain details. In an email of 6/12/2016 he said “I apologise again that you were mistakenly omitted from the mail-out.” In the same email he said “A member of the project team will phone you to tee up a time in February 2017 to discuss the impacts on your properties in detail, listen to your concerns and check if there are matters that the Department is not yet aware of, this will be followed by meetings to negotiate compensation for the loss of land.” No one from the project team contacted me in February 2017. I initiated subsequent email communication with Simon Brown in an attempt to set up an appropriate time and understand what impact the final plan will have on my property. Simon has promised that someone from the project</p>	<p>1. Council officers cannot comment on the pre-application communication with State Growth representatives.</p> <p>During the statutory notification period plans and documents were made available via email link to anyone who requested them. Documents are also continually available on the State Growth website.</p> <p>2. There will be a considerable cut and batter in the vicinity of this property. The cut will be grassed to reduce potential visual impacts.</p> <p>The dwelling is over 100m away from the proposed road works, reducing any privacy or visual impacts to an acceptable level.</p> <p>3. Overall the drainage design for this section of the Midland Highway upgrade will maintain the existing drainage paths to Bagdad Rivulet, with some capacity upgrades where necessary. Roadside drainage will be improved with grassed swales being installed.</p>

team will contact me (see attached email). No one has made contact with me. I live interstate and am not able to access the plans at Kempton with little notice. Simon Brown is 100% aware of this. I have not been provided with a final copy of the proposed upgrade. It is not appropriate that the proposal proceed at this time given the absolute lack of communication, and disregard and contempt shown to impacted property owners.

2. Impact to privacy of, and outlook from my residential property.

I understand from the initial plan for the upgrade (I have not been able to view the final plan) that there will be a significant embankment built into existing land at the proposed southern end of School Road where it joins the Midland Highway. This is immediately to the north of my property. This will have a significant impact on the outlook from the residence, plus will significantly detract from the privacy of the residence with noise and visual pollution. I have not seen anything in the proposed plan that addresses these issues (which I have previously raised with Simon Brown).

3. Water runoff from the Midland Highway impacting properties.

I have on a number of occasions contacted Department of State Growth with regard to the impact to my property as a result of water run-off from the Midland Highway. There is a large area of tarmac / old road between the existing road and my boundary fence, and the water from this drains onto my property via the driveway. The Dept of State Growth has continually advised that they will address to ensure that the water drains into the roadside drain, however no remedial action has been completed.

There will be a considerable addition to the road surface area of the School Road

4. The proposal includes a new culvert for this watercourse, which will then be directed to the existing watercourse within the private property. The culvert has been designed to a 1 in 100 year rainfall event capacity. Any flooding that occurs during a higher rainfall event will not be exacerbated by the works.

5. There will be no impact to agricultural land beyond the relatively minor land acquisition requirements. All new fencing will be in place before the road works commence.

<p>(at the southern end) where it borders with this property. I have not seen any proposed drainage arrangements to address the water runoff.</p> <p>4. Impact to watercourse at Midland Highway (residential property).</p> <p>There is an existing watercourse that runs along the northern half of the Midland Hwy boundary of this property (runs under the Midland Hwy from the west and then changes course to run north). From the proposed plan that has been distributed (once again I have not seen the final plan) it appears that land is proposed to be acquired for the purpose of relocating the watercourse. This will result in considerable damage to this residential property and to potential flooding.</p> <p>5. Impact to farmland Lot 1, Midland Highway</p> <p>This property is zoned rural (I believe that is the correct term). The proposed acquisition of land will significantly impact the ability for this land to be used for commercial rural (farming) purposes, therefore will be detrimental to the Council's current zoning policy.</p>	
<p>Representation 5 (with attachments)</p>	<p><i>Officer Comment</i></p>
<p>As a party with significant family and financial interests in the property situated at Mangalore, I am notifying the Southern Midlands Council about our wish to submit an Objection to Council regarding the changed circumstances that would result to this property if the proposed alterations by the Department of State Growth are implemented.</p> <p>The basis of our objection is loss of amenity to the local travelling public and visitors to Tasmania that could be provided at this property in Mangalore.</p> <p>Previous designs required the whole property to be acquired. Based on the information provided to us, we have</p>	<p>The former service station was established prior to modern planning requirements and existing use rights have lapsed. Gaining approval and completing work require for a business use of these premises will require a significant investment of resources and would not be guaranteed approval in any case.</p> <p>It is noted that there are currently two Development Applications for this site that are on stopped clock requiring further information. Enforcement notices have also been sent in regard to unapproved occupancy and building work.</p>

<p>concluded the following:</p> <ul style="list-style-type: none"> • The present southbound carriageway is 8.00 metres from the existing building. • The proposed reconstructed southbound carriageway edge will be 5.5 metres from the existing building. • The shoulder to the proposed reconstructed southbound carriageway edge will be 3.5 metres from the existing building. • The proposed metal safety barrier will be 2.6 metres from the building. <p>If the proposal to erect a safety barrier is accepted it can be concluded that the property and associated buildings will be significantly reduced in value and not able to provide a service to the community (as a fuel station) because access to the highway will be denied.</p> <p>(History of property is provided in detail with relevant attachments to representation)</p>	<p>State Growth has advised that the safety barrier is required due to the close proximity of the building to the highway to avoid risk of collisions with the building.</p> <p>The amenity of occupants is not a significant consideration at this time as the building is not approved for residential use. Further, it is advised that the installation of the safety barrier at this time does not rule out opening access again in the future if a legitimate application with supporting information can be provided. The access from Lowries Road is also adequate for most potential uses of the site</p>
<p>Representation 6 (2 parts)</p>	<p><i>Officer Comment</i></p>
<p>Part 1</p> <p>We would like to make the following representation in relation to the Midland Highway Safety Upgrades.</p> <p>1. Traffic Island at CH. 1368 (MC15)</p> <p>It would appear from the plan that this traffic island is too close to our northern driveway. We feel that it would make it difficult for large trucks leaving our property heading south to turn onto the road. We would like to suggest moving this island to CH1358.</p> <p>2. Memorial Avenue Tree Plantings.</p> <p>These are mentioned on the heritage report but are not marked on the accompanying map. We would like assurance that they will not be effected by the road works.</p>	<p>1. State Growth advise that the placement of traffic islands has accounted for access locations, however this will be revised during the detailed design phase and will be adjusted if necessary.</p> <p>2. The supporting documents indicate that there are a total of 23 trees remaining of the Pioneer Avenue plantings in this section of the highway. The retention of trees in this section was found to compare poorly with other sections of highway recently surveyed. The majority of the surviving trees date to the 1950's replanting works. 3 trees will be removed as part of the highway upgrade works with replanting on private property proposed.</p> <p>3. As mentioned above, State Growth advised that all mile marker posts will be retained. If necessary they will be moved back to</p>

<p>3. 18 Mile Marker Post</p> <p>This marker post is mentioned within the report but is not marked on the map. We are concerned it may be damaged or removed by accident.</p> <p>4. Lawn area in front of Oakwood</p> <p>It is unclear exactly what the grass verge in front of Oakwood will look like after the road upgrade. We currently maintain the lawn area between the road and our property and would not like to see it compromised by the proposed works.</p> <p>This is important to the Heritage Vista of the Heritage Mile Precinct.</p> <p>Will someone liaise with us as to how our front entrance (currently a grass swayle) will be effected.</p> <p>We also feel that the current culvert being used for entrance driveways is unsympathetic to the heritage vista of the precinct and would like to discuss a more sympathetic design for the Heritage Mile at Mangalore.</p> <p>5. Vibration from Road Works</p> <p>We have concerns about potential damage to our property given the damage caused to an historic house at Bagdad by the recent road works there, we would like assurance that there will be a heritage risk assessment done and that vibration meters will be installed to alert everyone to potential issues.</p> <p>Part 2</p> <p>According to the Austral Tasmania Midland Highway, Mangalore to Bagdad, volume 2: Historic Heritage Assessment Report (23 March 2015) there have been seven different heritage investigations of this valley. They all basically say the</p>	<p>accommodate road widening.</p> <p>4. State Growth has advised that a grassed table drain and nature strip will be maintained in front of the Heritage Mile properties. Owners are welcome to maintain the grass.</p> <p>5. See part 1 of the written response from State Growth reproduced below.</p>
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same thing – it is REALLY IMPORTANT.

Despite recognising the importance of this valley and recommendations NOT to proceed with major road upgrades, this is what we are presented with. There is nothing in this proposal that tries to soften the impact on the Heritage Mile at Mangalore.

The Heritage Mile is the gateway to the Southern Midlands and we must do something to preserve and enhance it.

Here is what I propose:

1. That the 6 proposed traffic islands be constructed of sandstone to blend into the Georgian landscape.

2. That instead of wire barriers where there are steep sides on either side, we use the Mixed Wood and Steel Guardrail system I have previously suggested (www.safe.direction.com.au) - this system has been crash tested at 110km/h so should be acceptable at our 80km/h. The system is used on the mainland and internationally in high value landscape situations.

3. That culverts have some stone element to be in keeping with the Georgian landscape.

4. That we discuss a landscape proposal for the verge between the road and our front fences. So far we have no idea what is proposed or what it will look like between the road and our properties. Here is an opportunity to maybe plant more hedgerows or at least have grass swales that we (the residents) can maintain.

5. Finally, to avoid the battles the Heritage Mile residents have every few years with Tasnetworks, whilst the road works are happening it would be a good idea to get our power lines put underground.

I believe this proposal will go some way

1. State Growth advice is that the traffic islands will be finished in sandstone coloured concrete, as used in the Bagdad section. Use of stone is cost prohibitive and would be inconsistent with other sections of the upgrade works.

2. State Growth advice is that these barriers are not adequate for the required safety levels and would be inconsistent with other sections of the upgrade works.

3. Use of stone is generally cost prohibitive, however owners may discuss potential options with State Growth during the detail design phase for individual crossovers.

4. An overall objective of the highway upgrade works is to reduce obstructions within the road reserve. As such plantings of trees and/or shrubs such as a hedge row is not being considered. Owners can plant landscaping within their boundaries.

5. State Growth is committed to a 'like for like' replacement/relocation of existing services where required. The project cannot absorb the costs of upgrades such as placing power lines underground.

towards mitigating what would otherwise be a pretty ugly highway.	
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Following the advertising period a meeting was held with representatives of the Department of State Growth to discuss the content of the representations. Further comments have been provided on some of the representors issues, reproduced below:

1. State Growth Construction Specification for pre-works condition assessment:

It is understood this information is not provided to inform a condition of approval, rather to ensure Council are aware that the construction contractor will take into consideration impacts of construction on adjacent buildings outside of the DA process, under our new Specification.

PART F - OFF-SITE

160. F1 INSPECTION OF PROPERTY

Prior to commencing operations, the Contractor shall engage a suitably qualified and experienced architectural consultant or accredited building PR actioner to undertake inspections on all buildings and structures (including heritage structures) within a minimum distance of 50m of the site. Two copies of the written existing conditions report for each property, including any photographs, shall be prepared and signed by the property owner and the architectural consultant or accredited building PR actioner.

The condition of the buildings, structures and the property shall be detailed in the existing conditions reports which shall form the basis of assessment of any structural damage to buildings and structures arising out of the Contractor's operations in the event of a claim by the owner/occupier. The Contractor shall be responsible for the repair of any damage caused to property due to the Contractor's operations.

The Contractor shall submit to the Superintendent a copy of all existing condition reports of property and buildings prior to commencing work adjacent to such property or building. The copy of this report will be returned to the Contractor within 10 business days of submission. For the purposes of this clause the Site is defined as the nearest point of the work adjacent to any building or structure. The Contractor shall bear all costs associated with any claim for damages resulting from the effects of the Contractor's operations, including ground vibration, directly caused by the Contractor's construction methods. The cost of such damage shall be in addition to damage caused by other action attributed to the Contractor's work. Before final payment is made, the Contractor shall obtain written clearance from all landowners and occupiers affected by the provision of this clause, to certify that the landowner and occupier have no claim for any loss or damage due to the Contractor's operation. A copy of all written clearances shall be forwarded to the Superintendent prior to the Contractor's Final Claim.

2. Poplar Impacts at Mangalore:

We confirm that the poplars located within the highway reserve north and south of School Road will require removal due to the road upgrade.

Section 3.1 Proposal General of the Development Application Supporting Report provides that:

Replacement of vegetation removed will be considered on a case by case basis, noting that it is intended that those large trees removed north of Wilsons Rd, and between School Road (north) and Eddington Road will be replaced on private land, subject to landowner consent.

Similar will be considered for poplars located south of School Road to be removed as part of the works, subject to feasibility and landowner agreement.

It is understood this information is not provided to inform a condition of approval, rather that these impacts are being considered outside of the DA process.

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

The *Southern Midlands Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied upon.

Assessment against Zone Provisions

Utilities Zone

The majority of the proposed works fall within the existing road corridor which is in the Utilities Zone. Road works fall within the *Utilities* use class which has a Permitted status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 28.3.1 – Hours of Operation		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Hours of operation of a use within 50 m of a residential zone must be within 7.00 am to 7.00 pm, except if: (i) for office and	P1 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	The proposed works will occur within 50m of some residential properties. The hours of construction will typically be 7am to 6pm Monday to Saturday and 10am to 6pm on Sundays; however this may

administrative tasks; or (ii) a Utilities use.	commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	be exceeded on some occasions. As this is a Utilities use this will still meet the Acceptable Solution.
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Section 28.3.2 – Noise

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.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(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;</p> <p>(c) 65dB(A) (LAm_{ax}) at any time.</p>	<p>P1 Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>	<p>The proposed works will not comply with the Acceptable Solution as construction noise at the boundary of Rural Residential zoned properties will exceed the specified limits at time.</p> <p>State Growth has developed a State Road Noise Strategy supported by the Tasmanian Traffic Noise Management Guidelines to manage traffic noise on State roads. The project will comply with these Guidelines. The proposed upgrade works will not increase noise levels on the highway once construction work is finished.</p>

Section 28.3.3 – Street Lighting

To ensure that external lighting (not including street lighting) does not have unreasonable impact on residential amenity on land within a residential zone.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 External lighting (not including street lighting) within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must</p>	<p>P1 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>There is existing street lighting on this section of the Midland Highway, primarily at road junctions. The lights operate between 6pm and 8am. Where widening of the highway will impact on an existing street light, the light pole will be relocated clear of the highway. New street lights may be</p>

<p>be baffled to ensure they do not cause emission of light outside the zone.</p>	<p>(b) distance to habitable rooms in an adjacent dwelling.</p>	<p>installed as part of the highway upgrade works to ensure that appropriate illumination is provided. Where street lights are located close to residences they will be baffled to comply with the relevant Australian Standard.</p> <p>This complies with the acceptable solution.</p>
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Section 28.4.5 - Fencing

To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Fencing must comply with all of the following:</p> <p>(a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage;</p> <p>(b) fences along a frontage must be 50% transparent above a height of 1.2 m;</p> <p>(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.</p>	<p>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:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <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</p>	<p>Complies with A1 as any new fencing will be reinstated agricultural wire fences on the new boundaries where land acquisition is required.</p>

	<p>and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>	
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Rural Resource Zone

Some of the proposed works fall outside the existing road corridor in the Rural Resource Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 26.3.3 – Discretionary Use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p>	<p>Complies with P1.</p> <p>The proposed upgrade works will not impact on any agricultural uses.</p> <p>Only minor areas of land are involved in addition to the highway reservation and these are required to improve access and provide space for future footpath construction between Black Brush Rd and the Pontville roundabout.</p> <p>Fences will be replaced where acquisition occurs as part of the first stage of construction. Current land uses will continue un-impeded by the upgrade works.</p>

	<p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use</p>	
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Section 26.4.3 - Design

To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <p>(a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(b)</p>	<p>Complies with P1.</p> <p>(a) The proposed works are not located on a skyline or ridgeline.</p> <p>(b) The zone does not have any Desired Future Character Statements.</p> <p>(c) Some vegetation will be cleared in order to facilitate road widening and junction/access upgrades. The design seeks to minimise the disturbance if vegetation, however the location of the works is determined by the alignment of the current highway. A landscape assessment has been completed for the project and includes replacement of some vegetation impacted by the proposed works.</p>

	<p>be consistent with any Desired Future Character Statements provided for the area;</p> <p>(c) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p>	
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p>The extent of earthworks required exceed 2m, so assessment against P3 is required.</p> <p>Fill levels will result from extension of the existing road formation and upgrading of intersections to ensure new surfaces are consistent with existing road levels.</p> <p>Batters will be installed to ensure stability of fill. All embankment batters will be hydromulched and ultimately have grass cover.</p>

Significant Agriculture Zone

Some of the proposed works fall outside the existing road corridor in the Significant Agriculture Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 27.3.3 – Discretionary Use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p>Complies with P1.</p> <p>The proposed works will be limited to small areas of land bordering the existing road corridor and will not adversely affect the characteristics or use of agricultural land in a material way.</p> <p>Fences will be replaced where acquisition occurs as part of the first stage of construction. Current land uses will continue un-impeded by the upgrade works.</p>

Section 27.4.3 - Design

To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <p>(a) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline;</p> <p>(b) be located within a building area, if provided on the title;</p> <p>(c) be an addition or alteration to an existing building.</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <p>(a) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p> <p>(b) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p>	<p>Complies with P1.</p> <p>(a) Some vegetation will be cleared in this zone in order to facilitate road widening and safety improvements. The location of the works is determined by the alignment of the current highway. A landscape assessment has been completed for the project and includes replacement of vegetation impacted by the proposed works.</p> <p>(b) The proposed works are not located on a skyline or ridgeline.</p> <p>(c) The zone does not have any Desired Future Character Statements.</p>

	<p>(ii) significant impact on the rural landscape is minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(c) be consistent with any Desired Future Character Statements provided for the area.</p>	
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p>The extent of earthworks required exceed 2m, so assessment against P3 is required.</p> <p>Fill levels will result from extension of the existing road formation and upgrading of intersections to ensure new surfaces are consistent with existing road levels.</p> <p>Batters will be installed to ensure stability of fill. All embankment batters will be hydromulched and ultimately have grass cover.</p>

Rural Living Zone

Some of the proposed works fall outside the existing road corridor in the Rural Living Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 13.3.1 – Non-residential use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Hours of operation must be within:</p> <p>(a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12.00 noon Saturdays;</p> <p>(c) nil Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p>P1 Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p>Complies with P1.</p> <p>The hours of construction will be 7am to 6pm Monday to Saturday and 10am to 6pm on Sundays, unless required under special circumstances.</p>
<p>A2 Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm_{ax}) at any time.</p>	<p>P2 Noise emissions measured at the boundary of the site must not cause environmental harm.</p>	<p>Satisfies P1.</p> <p>The proposed works will not comply with the Acceptable Solution as construction noise will exceed the specified limits, however the noise will not cause environmental harm.</p> <p>State Growth has developed a State Road Noise Strategy supported by the Tasmanian Traffic Noise Management Guidelines to manage traffic noise on State roads. The project will comply with these Guidelines. The proposed upgrade works will not increase noise levels on the highway once construction work is finished.</p>

<p>A3 External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>P3 External lighting must not adversely affect existing or future residential amenity, 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 dwelling.</p>	<p>There is existing street lighting on this section of the Midland Highway, primarily at road junctions. The lights operate between 6pm and 8am. Where widening of the highway will impact on an existing street light, the light pole will be relocated clear of the highway. New street lights may be installed as part of the highway upgrade works to ensure that appropriate illumination is provided. Where street lights are located close to residences they will be baffled to comply with the relevant Australian Standard.</p> <p>This complies with the acceptable solution.</p>
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Section 13.4.3 - Design

To ensure that the location and appearance of buildings and works minimises adverse impact on the landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building.</p>	<p>P1 The location of buildings and works must satisfy all of the following:</p> <p>(a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</p> <p>(ii) there is no significant impact on the rural landscape;</p> <p>(iii) building height is minimised;</p>	<p>Complies with P1.</p> <p>(a) The proposed works are not located on a skyline or ridgeline.</p> <p>(b) The zone does not have any Desired Future Character Statements.</p> <p>Some vegetation will be cleared in this zone in order to facilitate road widening and safety improvements. The location of the works is determined by the alignment of the current highway.</p>

	<p>(iv) any screening vegetation is maintained.</p> <p>(b) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.</p>	
<p>A4 Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</p> <p>(b) extent is limited to the area required for the construction of buildings and vehicular access.</p>	<p>P4 Fill and excavation must satisfy all of the following:</p> <p>(a) does not detract from the landscape character of the area;</p> <p>(b) does not unreasonably impact upon the privacy for adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining land.</p>	<p>The extent of earthworks required exceed 1m, so assessment against P4 is required.</p> <p>Fill levels will result from extension of the existing road formation and upgrading of intersections to ensure new surfaces are consistent with existing road levels.</p> <p>Batters will be installed to ensure stability of fill. All embankment batters will be hydromulched and ultimately have grass cover.</p>

Part E – Assessment against Code Provisions

Section E2.0 – Potentially Contaminated Land Code

Two sites within the project area have the potential for contamination, the former service station at 1172 Midland Highway and the dwelling and associated buildings at 1192 Midland Highway which is believed to have historically been used for mechanical repairs. A 3m wide strip of land along the frontage of the former service station site will be acquired and impacted by the works. The dwelling at 1192 Midland Highway is to be demolished to allow intersection widening and upgrades. A report has been supplied with the application assessing the Code requirements. Given the nature of the proposed use as road and the limited potential for risk, the report concludes that an assessment and management plan approach is appropriate in this instance. This will ensure all hazards are assessed prior to construction beginning to reduce the potential risks to workers. A methodology for assessing the potential for contamination and the management of potentially contaminated land during construction has been developed and will be implemented during construction.

Section E3.0 - Landslide Code

The Landslide Code applies the proposal as a section of the proposed works fall within a low Landslide Hazard Area. The only works impacted by this Code are the junction improvement works near the Bagdad post office where widening of Quarry Town Road is required to improve turning paths for vehicles. In this area some excavation is required to establish a new roadside drain.

No parts of the works are located within a High landslide hazard area. The works proposed are relatively minor and will be appropriately battered and stabilized to ensure the potential for landslip is minimised.

Section E5.0 – Road and Railway Assets Code

The purpose of this Code is to protect the safety and efficiency of road and railway networks and reduce the conflict between sensitive uses and major roads and the rail network. A Traffic Impact Assessment has been prepared to demonstrate compliance with the standards of this Code.

The upgrade will not generate additional traffic overall and will not create additional traffic movements at any of the existing junctions. No new accesses are proposed. The applicable standards of the Code are satisfied.

Section E6.0 – Parking and Access Code

No new accesses will be provided within the project site. Existing accesses impacted by the works which are to be retained will be upgraded as part of the project. Accesses have been designed based on the current vehicles using the access and will meet the requirements for safe intersection sight distance.

Section E7.0 – Stormwater Management Code

This Code is relevant as the proposed development requires management of stormwater. A stormwater hydraulics report is included in the application demonstrating the suitability of the proposed drainage works. Run off from the additional impervious area generated through widening of the highway will be directed into existing drainage lines which connect into the Bagdad Rivulet. The increase in impervious area is expected to have negligible impact on the performance on the existing drainage system downstream of the highway as the current infrastructure is of sufficient capacity.

Section E10.0 – Biodiversity Code

The Code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area. In this case no mapped Biodiversity Protection Areas are present with the area impacted by the works so the Code does not apply. However, some flora of conservation significance has been identified in the works area as described in the natural values assessment provided with the application. The alignment generally avoids habitat and known records of threatened plants, although a permit from DPIPWE will be required to take some threatened plants once the final design is completed.

Section E11.0 - Waterway and Coastal Protection Code

An area of the highway is subject to a Waterway and Coastal Protection Area, being five east-west flowing tributaries or drainage lines that flow towards the Bagdad Rivulet as

identified on the planning scheme overlay map. The Waterway and Coastal Protection Area code applies to works within this area of the project.

All existing pipes or culverts will be maintained or upgraded as required. No significant riparian vegetation is present within the areas mapped in this overlay and any clearing will be limited to that required for the works and appropriate safety clearances. No riparian vegetation or habitat values were identified in the flora and fauna assessment. State Growth requires that the contractors' construction methodology and management of potential environmental impacts be in accordance with guidelines including: DPIPWE Wetlands and Waterways Works Manual; Soil and Water Management Plan and Site Rehabilitation Plan, forming part of the overall Construction Management Plan.

Section E13.0 – Historic Heritage Code

Three Heritage listed properties will be directly impacted by the proposal. Sayes Court at 1546 Midland Highway and 11 Eddington Road will have small areas of land acquired at the highway frontage. Cornelian Hill at 1358 Midland Highway will not have land acquired however a sandstone entry feature of relatively recent construction will need to be moved back within the new boundary. The Austral report states “a new entrance was created at the southern end of the property, running parallel and to the east of the current highway. Sandstone gates of fairly recent construction mark the current entrance”. This feature is not original and as such is not considered to be part of the protected heritage values on site. The works to all three properties have all received exemptions from Heritage Tasmania as the impact on heritage values will be acceptable.

With regard to landscape elements, the heritage assessment determined that potential impacts at Sayes Court relate primarily to the hawthorn hedgerow along the southern side of the entrance drive to the dwelling. Replanting was recommended if possible. At 11 Eddington Road the row of eucalypts on the highway frontage are relatively recent plantings and while not of particular heritage significance they do provide screening for the dwelling. These are required to be removed and replacement planting will be undertaken.

The proposed works extend through the section of Mangalore identified within the Heritage Mile Cultural Landscape Precinct. Assessment against the Cultural Landscape Precinct standards is not required as no works are proposed on the western side of the existing highway alignment within the designated precinct.

Section 9.4 - Demolition

The proposal includes the demolition of the existing dwelling at 1192 Midland Highway, located on the north eastern corner of the intersection with Ballyhooly Road.

Section 9.4 - Demolition	
Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:	
	OFFICER COMMENT
(a) the purpose of the applicable zone;	The proposed demolition forms part of the overall application for upgrade works to the Midland Highway and has been
(b) any relevant local area objective or desired future character statement of the applicable	

zone; (c) the purpose of any applicable code; and (d) the purpose of any applicable specific area plan.	assessed against the relevant zone and code requirements.
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CONCLUSION

The report has assessed a Development Application for Midland Highway Safety Upgrades at the section identified as Mangalore to Bagdad (Stage 2 – Mangalore). The works form part of a 10 year plan to improve the safety and efficiency of the Midland Highway.

A total of six (6) representations were lodged with Council, and the concerns of the representors have been addressed above. State Growth has also provided responses to these concerns.

Overall, it is considered that this proposal has been designed with care and attention to the values contained in this area and addresses the planning scheme requirements.

It is recommended the Development Application be approved and a planning permit issued, subject to 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 application for Midland Highway Safety Upgrades at Mangalore, applicant Department of State Growth 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, whichever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.

Heritage Tasmania

- 3) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 5250 dated 7 April 2017.

Services

- 4) 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.

Landscaping

- 5) Landscaping must be completed substantially in accordance with the concept landscaping plan within 12 months of practical completion of the roadworks and to the satisfaction of the Manager of Development and Environmental Services.
 - a. The developer must arrange inspection of the landscaping works with Council once works are completed.
- 6) Post Council inspection of the works pursuant to condition 5 of this permit the landscaping must continue to be maintained, with the replacement of any dead plants or trees, for a minimum period of 24 months to the satisfaction of the Manager of Development of Environmental Services.
 - a. The developer must arrange inspection of the landscaping works with Council 24 months post the initial inspection pursuant to condition 5 of this permit.

Council Roads and Assets

- 7) Prior to the development commencing, on any Council roadway, a Traffic Management Plan is to be submitted for approval by Council's Manager of Works and Technical Services. The Traffic Management Plan is to include:
 - A condition assessment of road pavements and bridges used for cartage routes
 - Details of any road closures
 - Management of upgrades to infrastructure
 - Traffic sign removal and reinstatement
 - Speed limits, transport times and other restrictions during transport
 - Management for the use of escorts for over-dimensional vehicles
 - A public contact plan
 - Procedures for incident management
 - Details of permits required; and
 - A maintenance program for affected roads.
- 8) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services before commencing construction works within a council roadway.
- 9) The Developer is to contact the Manager, Works & Technical Services to arrange inspection of any Council road assets altered as a result of the works within two (2) working days of completion of works.
- 10) Upon practical completion, a post construction condition assessment of Council roads and bridges used for cartage of materials associated with the works must be submitted to Council's General Manager. The assessment must be undertaken at the developers' expense. Any damage or excess wear and tear which may be attributed to the development is to be made good at the developer's expense to the satisfaction of Council's General Manager.

Construction

- 11) Construction and rehabilitation (including soil and water management) is to be in accordance with a *Construction Management Plan* as prepared by the “successful contractor” per part 10.5.11 of the submitted Development Application. A copy of the *Construction Management Plan* shall be submitted to Council prior to the works commencing.
- 12) 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:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Unsightly appearance of any building, works or materials including stockpiles of materials in public view.
 - d. 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.

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. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- C. It is the responsibility of the developer to obtain further approvals for the disposal of any

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr A Bantick

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 application for Midland Highway Safety Upgrades at Mangalore, applicant Department of State Growth and that a permit be issued with the following 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, whichever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.**

Services

- 3) 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.**

Landscaping

- 4) Before any work commences a landscape plan prepared by a suitably qualified person must be submitted to and approved by Council's Manager Development Services. The landscape plan should be designed to replace trees of heritage value identified for removal and significant landscape plantings, in particular the poplar trees on the eastern side of the highway in Mangalore.**
- 5) Landscaping must be completed substantially in accordance with the concept landscaping plan within 12 months of practical completion of the roadworks and to the satisfaction of the Manager of Development and Environmental Services.
 - a. The developer must arrange inspection of the landscaping works with Council once works are completed.****
- 6) Post Council inspection of the works pursuant to condition 5 of this permit the landscaping must continue to be maintained, with the replacement of any dead plants or trees, for a minimum period of 24 months to the satisfaction of the Manager of Development of Environmental Services.
 - a. The developer must arrange inspection of the landscaping works with Council 24 months post the initial inspection pursuant to condition 5 of this permit.****

Council Roads & Assets

- 7) Prior to the development commencing, on any Council roadway, a Traffic Management Plan is to be submitted for approval by Council's Manager of Works and Technical Services. The Traffic Management Plan is to include:
- A condition assessment of road pavements and bridges used for cartage routes
 - Details of any road closures
 - Management of upgrades to infrastructure
 - Traffic sign removal and reinstatement
 - Speed limits, transport times and other restrictions during transport
 - Management for the use of escorts for over-dimensional vehicles
 - A public contact plan
 - Procedures for incident management
 - Details of permits required; and
 - A maintenance program for affected roads.
- 8) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services before commencing construction works within a council roadway.
- 9) The Developer is to contact the Manager, Works & Technical Services to arrange inspection of any Council road assets altered as a result of the works within two (2) working days of completion of works.
- 10) Upon practical completion, a post construction condition assessment of Council roads and bridges used for cartage of materials associated with the works must be submitted to Council's General Manager. The assessment must be undertaken at the developers' expense. Any damage or excess wear and tear which may be attributed to the development is to be made good at the developer's expense to the satisfaction of Council's General Manager.

Construction

- 11) Construction and rehabilitation (including soil and water management) is to be in accordance with a *Construction Management Plan* as prepared by the "successful contractor" per part 10.5.11 of the submitted Development Application. A copy of the *Construction Management Plan* shall be submitted to Council prior to the works commencing.
- 12) 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:
- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise
 - b. The transportation of materials, goods and commodities to and from the land.

- c. Unsightly appearance of any building, works or materials including stockpiles of materials in public view.**
- d. 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.**

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. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**
- C. THAT Council request the Department of State Growth review the installation of a safety barrier in the vicinity of 1172 Midland Highway, Mangalore, considering it may restrict future land uses.**

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr D F Fish	√	
Clr D Marshall		√

4.1.2 DEVELOPMENT APPLICATION (DA 2017/10) FOR MIDLAND HIGHWAY SAFETY UPGRADES AT ST PETER PASS TO SOUTH OF TUNBRIDGE, DEPARTMENT OF STATE GROWTH

Author: PLANNING OFFICER (JACQUI TYSON)

Date: 9 MAY 2017

Enclosures:-

*Development Application
Representations*

PROPOSAL

The Applicant, Department of State Growth, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) for Safety Upgrades to the Midland Highway section identified as St Peter Pass to south of Tunbridge.

This project forms part of the Midland Highway Action Plan which is a 10 year project funded by the State and Federal Government to improve the safety and efficiency of the Midland Highway. The key objectives of the Plan are:

- Upgrade the road safety to a minimum 3 Star Australian Road Safety Assessment Program (AusRAP) rating;
- Reduce head-on collisions by providing a flexible safety barrier in the central median;
- Consolidate breaks in the central median barrier;
- Provide additional safe overtaking opportunities in a ‘2+1’ lane arrangement;
- Maintain a 110km/h speed environment;
- Upgrade existing junctions; and
- Improve horizontal and vertical alignment of the road where necessary and cost effective.

This development application is for upgrades to a 10.7km length of the Midland Highway extending from 3.6km south of the Sorell Springs Road junction to south of Tunbridge. This section of the Midland Highway carries in the order of 5000 vehicles per day, with close to 18% of that consisting of commercial vehicles including heavy vehicles.

The proposed road design includes road widening largely to the western side of the existing highway due to the close proximity of the North South rail line which runs adjacent to the eastern side of this section of the Midland Highway.

The upgrade will result in a road with the following general cross section:

- 3.5m traffic lanes with alternative overtaking opportunities (three northbound and two southbound overtaking lanes);
- 2.0m sealed shoulders;
- 2.1m central median including the flexible safety barrier; and

- 0.5m unsealed verges or 1.5m verges where a safety barrier is provided at the edge of the road.

Public turn facilities will include a G-turn on Sorell Springs Road, a P-turn for northbound traffic just south of the existing Antill Ponds junction and a P-turn on Old Tier Road. The location and frequency of turning points has been determined with consideration of efficiency of access for adjoining landowners and users, amenity of the general public and emergency services requirements.

A list of the road intersections that will be affected by this proposal and the proposed treatments are summarised in the table below.

Intersection	Treatment
St Peters Pass Rest Area	<ul style="list-style-type: none"> • Raising the vertical alignment of the highway and some tree clearing to improve sight distances. • Provision of Channelized Right Turn and Auxiliary Left Turn facilities.
Sorell Springs Road	<ul style="list-style-type: none"> • Upgrade existing arrangement with compliant Channelized Right Turn and Auxiliary Left Turn facilities. • Excavation of cut batter to improve sight distance.
Antill Ponds Road	<ul style="list-style-type: none"> • Relocation of existing intersection approximately 300m south to improve sight distance and functionality. • Provision of Channelized Right Turn and P-turn manoeuvre for northbound traffic. • Existing intersection to be closed.
Old Tier Road, Glen Morey Road and Melrose Road	<ul style="list-style-type: none"> • Relocate Glen Morey Road intersection to opposite Melrose Road to provide space for Channelized Right Turn and Auxiliary Left Turn facilities into both Old Tier Road and Glen Morey Road. • Right turn movements out of the new Glen Morey Road intersection will be restricted to light vehicles only. • Providing a short acceleration land for southbound vehicles turning out of new Glen Morey Road intersection. • Providing a P-turn facility on Old Tier Road. • Melrose Road access will remain open, however right turn movements into Melrose Road not permitted. • Closing an existing access on western side of Highway between Old Tier Road and Melrose Road.

There are approximately 20 private accesses in this section of the Midland Highway. A detailed examination of the level of use and necessity of the existing accesses has been undertaken by State Growth including consultation with property owners and other users. Some accesses will be closed where they are unlicensed or where accesses can be consolidated. Most private access points will become left in/left out only, due to the central flexible safety barrier, with turns to be made at the public turning points detailed above. The provision of any additional breaks in the flexible barrier would result in a material reduction in safety and overtaking opportunities, undermining the key objectives of the project.

Construction is planned to commence in late 2017 with an 18 month construction period expected. The construction contract will require the contractor to nominate excess fill disposal sites to the relevant Council and obtain any relevant regulatory permits prior to site use. The contract will also require the contractor to assess and document the condition of any Council road that will be subject to the cartage of excess fill from this project, a minimum of one month prior to the commencement of that activity on that Council road. The Contractor will be contractually expected to repair any damage to that Council road that is clearly attributable to the cartage of excess fill, at the conclusion of construction.

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

The existing Midland Highway corridor is within the Utilities Zone. South of Woodbury the surrounding land is zoned Rural Resource while north of Woodbury it is zoned Significant Agriculture. Some of the land impacted by the development that is to be acquired for the project is currently within these zones. Surrounding land is mainly used for agricultural purposes.

Under the Planning Scheme major road works are classified Utilities use class, which has a Permitted status in the Utilities Zone. The use class is Discretionary in the Rural Resource and Significant Agriculture Zones.

The application is also subject to a number of planning scheme codes, creating further discretions. The applicable Codes are:

- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E13.0 Historic Heritage Code
- E14.0 Scenic Landscapes Code
- E15.0 Inundation Prone Areas Code

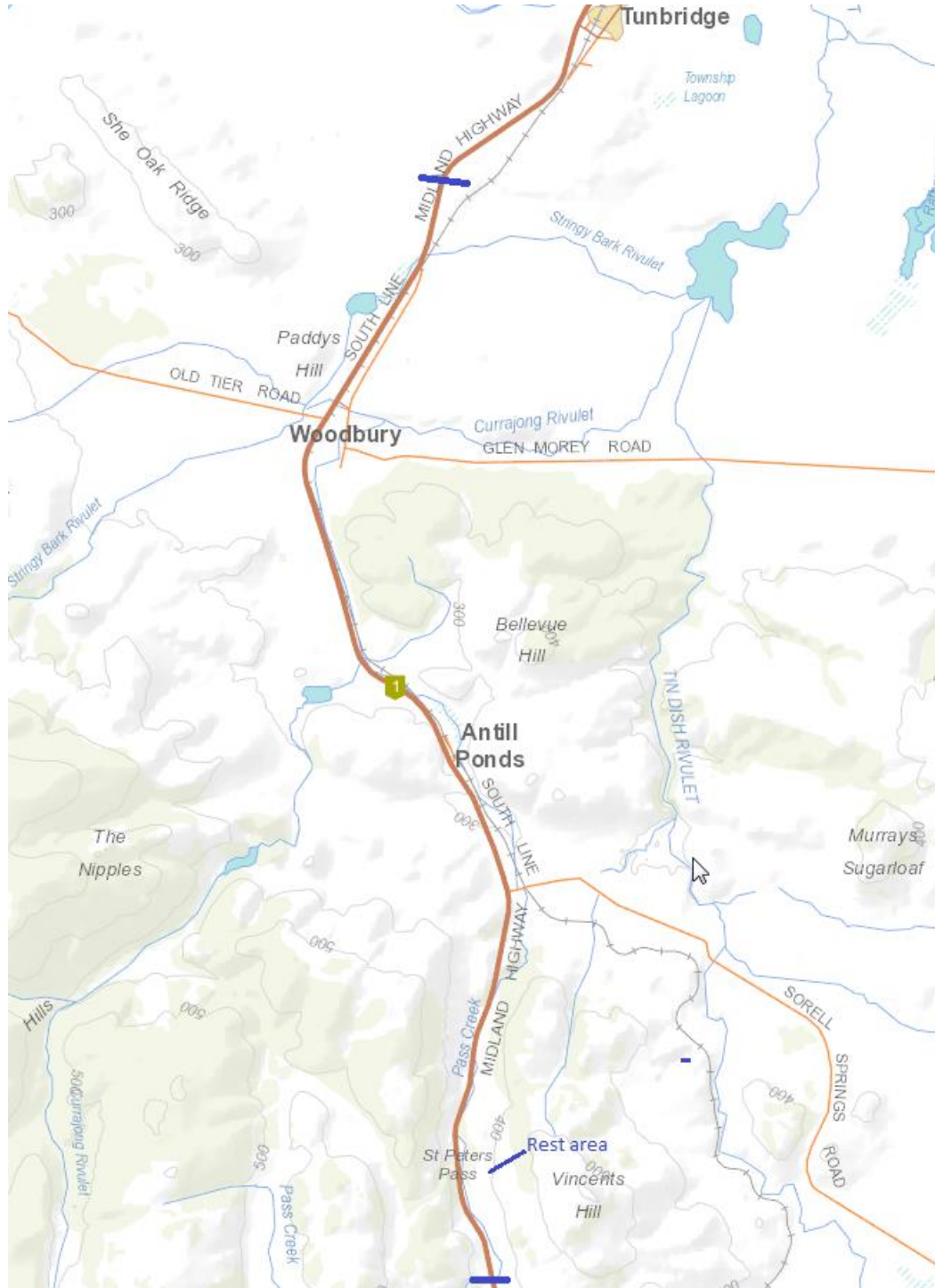
The proposal is considered at the discretion of Council. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

The Council gave notice of the application for public comment on 1st April 2017 until 21st April 2017, with the usual 14 day period extended to account for the Easter public holidays. A total of six (6) representations were received.

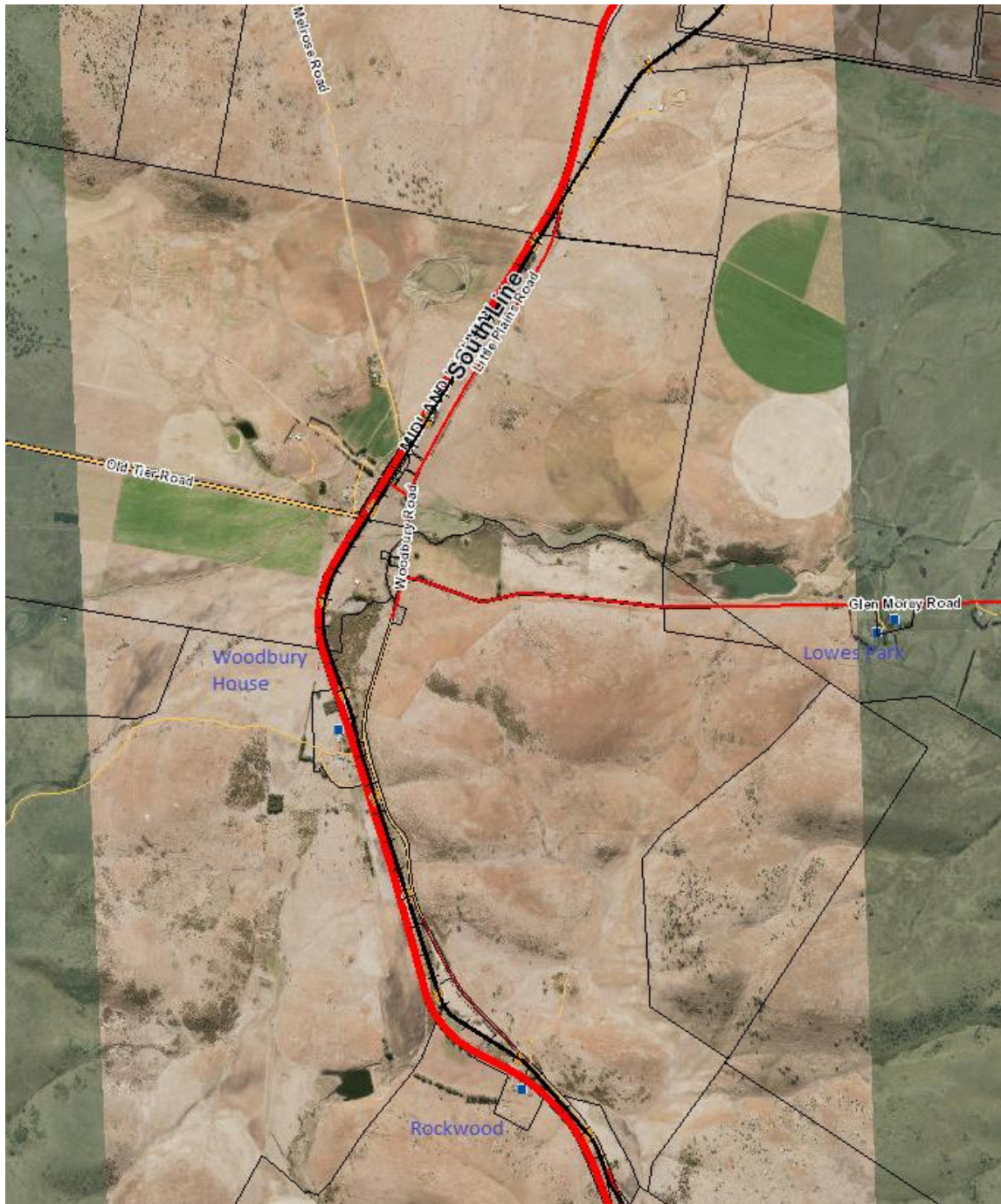
This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the application and issue a permit subject to conditions.

THE SITE

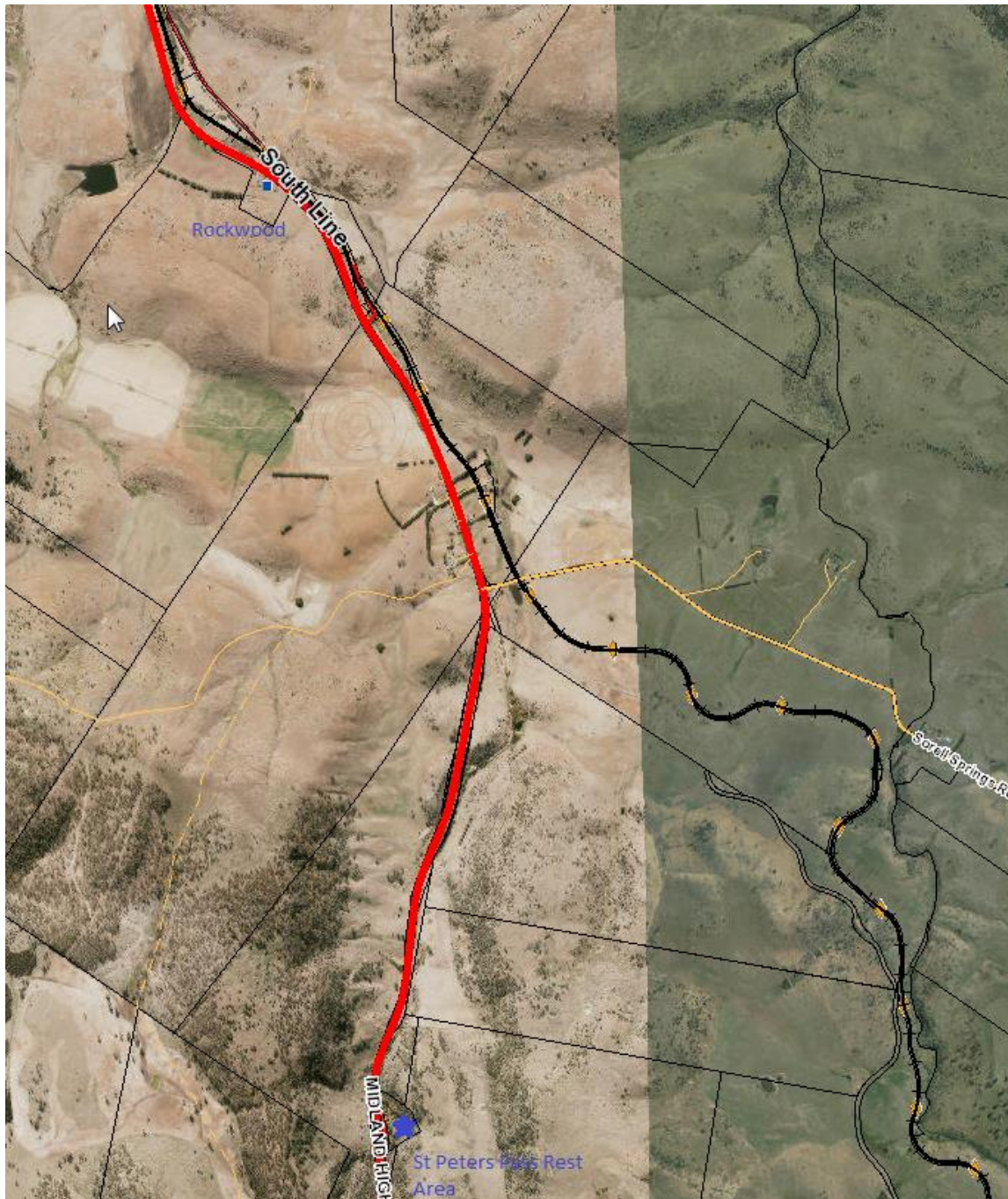
The maps below show the section of Midland Highway subject to this application and the surrounding areas.



Map 1: Topographic image of the subject area – the blue lines indicate the approximate extent of the upgrade section.



Map 2 Aerial image of the northern section of the subject area. Heritage listed properties identified in blue.



Map 3 Aerial image of the southern section of the subject area. Heritage listed properties and St Peters Pass Rest Area identified in blue.

THE APPLICATION

The Applicant has submitted an extensive set of plans and supporting documents to describe the proposed works and address the applicable planning matters. A brief outline of these reports is provided below.

Development Application Supporting Report (State Growth)

This document provides an overview of the project and relevant matters including:

- Design explanation and justification;
- Background information on site and project objectives;
- Stakeholder consultation;
- Access work information;
- Identification of affected properties and land acquisitions;
- Stormwater issues;
- Landscaping;
- Service relocations;
- Natural environment including geology, biodiversity and land capability;
- Historic and Aboriginal heritage information;
- Assessment against the planning scheme and State policies.

Traffic Impact Assessment (Jacobs)

This report assesses traffic impacts including design, capacity, efficiency and safety of road. The report concludes that safety will be improved in regard to reducing head on crashes and reducing likelihood and severity of other crashes. Provision of 2m sealed shoulders will also improve general safety. Sufficient sight distances will be achieved at all intersections, turn facilities and accesses, which improves the current conditions. The median flexible safety barrier will change access arrangements for a number of landowners. Turn facilities have been located in consultation with landowners in order to reach suitable compromise solutions while also achieving the overall objectives for improved road safety and overtaking opportunities.

Hydraulic Assessment (Jacobs)

The intent of the drainage design was to maintain existing catchment characteristics and drainage flow paths as much as possible. The design accounts for a major flood event of 100 year Average Recurrence Interval (ARI). Two culverts have been identified for upgrading. The culvert capacity near the heritage property Woodbury House will be doubled, adding a second 1200 diameter culvert beside the existing one. A culvert and stock crossing south of Old Tier Road on the Stringy Bark Rivulet catchment will also be upgraded to account for higher rainfall events. The report includes assessment against the Stormwater Management Code.

Landslide Risk Assessment and Management Report (Jacobs)

Some sections of the road subject to this application and surrounding slopes are identified as having low or medium risk of landslide. The report presents a landslide risk assessment and management plan to mitigate the risks of landslide. Overall, the risks can be appropriately managed through engineering design and project management processes.

Flora and Fauna Survey and Addendum (North Barker Ecosystem Services)

Presents a comprehensive assessment of flora and fauna impacts of the project, including a later addendum to look at habitat for particular species (tussock skink and ptunnara brown butterfly) in the appropriate season. Overall, the project may have some impact on plant and animal species of significance but major impacts can be avoided through detailed design and management actions. Weed management is recommended and is required as part of the standard works contract specifications used by State Growth.

Historic Heritage Assessment and Historic Plantings Heritage Assessment (Austral and Landscape Plan)

Austral Tasmania Pty Ltd conducted a field survey in November 2015 to record and assess the potential heritage values for both properties and plantings within the study area and surrounds. This includes unlisted values as well as heritage properties included in the Tasmanian Heritage Register and planning scheme.

A number of historical features were observed and recorded during the survey including Pioneer Avenue trees, historic plantings and built heritage. Two separate reports were produced containing an historic heritage assessment and historic plantings assessment.

Extensive work has been undertaken by State Growth during the design process to minimise impacts on important historic features and plantings. A landscape assessment comprehensively reviewed the findings of the heritage investigations and considered them in the assessment. The concept landscaping plan was developed based on the findings of the assessment.

Pioneer Avenue plantings will largely be protected with only two out of 296 trees to be removed. The concept landscaping plan includes replacement of these trees as well as new plantings designed to continue the concept of landscape design of this type.

The 17 existing topiaries will be protected. Some historic plantings including some trees and a hawthorn hedge near St Peters Pass Rest Area will need to be removed as part of the works.

The report provides a summary of identified built heritage sites and impacts to them including the Woodbury and Rockwood properties and the James Pillinger grave site. Small land acquisitions are required from Rockwood and the grave site title however no impacts to the buildings or grave will occur. No acquisition or works on the Woodbury property are proposed. Direct impacts to this property are restricted to removal of vegetation (suckered elms) from the road reserve and table drain outside the boundary.

Heritage Impact Assessment (Dr Sophie Collins, Cultural Heritage Management Australia)

The Heritage Impact Statement reviews the proposed design and provides a detailed assessment of the heritage impacts that may occur as a result of the development. This document includes detailed Heritage Impact Statements for each of the heritage places along this section of the Midland Highway.

Stakeholder and community engagement

Prior to submitting the application, State Growth conducted a strategic program of engagement with stakeholders including Council staff and Councillors, Heritage Tasmania, TasRail and affected property owners and users. State Growth representatives have met with landowners throughout the design process to discuss the proposal and provide information and copies of relevant documents. Information received from landowners regarding their current and future plans have been considered by State Growth throughout this process.

A public display of design plans was held on 9 February 2017 at the Oatlands Community Hall, Oatlands, with notification being given in the Mercury and Examiner newspapers twice prior to the event. A poster explaining the project and providing contact details has been placed in high profile locations in Oatlands, enabling the public to access information through the process. Plans and project information was also made available on the State Growth project webpage.

Use/Development Status under the Planning Scheme

The proposed development is discretionary, and was advertised in accordance with Section 57 of the Act.

A permit for this use/development may be granted by Council, with or without conditions. Alternatively, Council may refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 1st April 2017 to the 21st April 2017, with the advertising period extended due to the Easter public holidays. A total of six (6) representations were received. Five (5) of these were received within the advertising period and one (1) was received late, however it has been included in the assessment as an extension of time was requested in accordance with the Act.

The concerns of the representors are detailed in the table below.

Representation 1	Officer Comment
<p>Formally make objection to the proposed upgrades to the Midland Highway in the vicinity of our property on the following grounds:</p> <ul style="list-style-type: none"> • Cultural and Heritage values <p>The Burra Charter (the international charter for heritage conservation adopted world wide) states that the Cultural and Heritage significance of a site is not confined to the built architectural structures alone but how the buildings sit within and form part of the site and how they demonstrate the properties of the listing within the landscape.</p> <p>When the Midland Highway was relocated there was no consideration or adherence given to the above and as such 'Woodbury House' was heavily compromised by the invasion and construction of the new road through the property's original orchards and vegetable gardens. At present we still retain footprints of these gardens and allotments and over the ensuing 40 years a large amount of 'suckered' fruit tree growth, from original stock, has grown and formed part of a green boundary to the property/road frontage and as such still outlines what we have sadly lost.</p> <p>Under the current proposal the road pavement levels are to be widened and raised 250mm; all growth within and up to the boundary will be removed thus affording a 'nude' frontage to the house. This proposed diabolical rape of these last remaining footprints will adversely compromise the streetscape setting and will impact substantially upon its loss of Cultural and Heritage significance.</p> <p>On completion the access to 'Woodbury House' was entry off the highway then across a bridge over the Tin Dish Creek and finally across the rail line with trees at the entry and along the drive way to the main house. There are a few</p>	<ul style="list-style-type: none"> • Cultural and Heritage values <p>The proposal does not include any works within the boundary of the heritage place 'Woodbury House'.</p> <p>As the representor notes, the relocation of the highway to the existing location directly outside the property boundary (during the 1970s) has impacted the heritage values of this place.</p> <p>However the current upgrade proposal is constrained to the current road alignment and is further limited by the close proximity of the rail line to the east. The design has avoided any acquisition of land from this important property. This was one of the major design parameters for this section of the highway.</p> <p>The 250mm rise in the road pavement is due to the strengthening of the pavement and will be practically imperceptible from the house.</p> <p>Efforts are to be made to conserve the historic trees and some of the suckered elms in the road reserve. Best practice construction methods will be used to protect the root zones of all trees within the property that are close to the boundary.</p>

remaining Cupressus Macrocarpa and Ulmus Minor Atinia that remain from the original plantings situated on and near the road reserve that are both a footprint and delineation of the old original entry. We must now preserve the trees that are the only remaining footprints left depicting the original entry to the property.

- **Waterways and flooding**

The existing road has been constructed in what was a large natural flood water channel and as such has restricted (dammed) the flow of water thus resulting in the flooding of two of our Heritage Listed buildings; namely 'The Barracks c1828 and the Stables c1830. prior to the relocation and subsequent construction of the existing c1970's Highway, the affected buildings did not flood.

A meeting was arranged on 29/09/2016 at 'Woodbury House' to discuss the Highway Upgrade; in relation to flooding it was proposed to enlarge an existing culvert under the road and install an additional culvert south of our property which they informed us would alleviate the problems of future flooding. We explained and gave further evidence that their proposal to enlarge an existing culvert and construct a new one will not stop the flooding as there was no area for the flood waters to escape.

The proposal to construct an extra lane in the tight area between the existing road and rail line with wider verges and an extra pavement level height of 250mm in an area of a natural flood channel will not allow any water to escape past the rail but will only exacerbate the flooding problems to our Heritage listed buildings.

- **Damage to Heritage listed buildings due to heavy road works**

We object to the proposal on the grounds that the use of heavy machinery will have

- **Waterways and flooding**

The hydraulic assessment provided with the application recommends doubling the culvert capacity in this area, which has been incorporated into the proposed design.

The design accounts for a major flood event of 100 year Average Recurrence Interval (ARI). The property may still flood in major floods exceeding this level, but this is no worse than the existing situation.

The report indicates that the proposed works will not exacerbate flooding and will improve the current drainage situation by the provision of the additional culvert and table drain improvements on both sides of the road.

- **Damage to Heritage listed buildings due to heavy road works**

State Growth have advised that the technical specifications for their contracts includes the following (see further

<p>a detrimental effect on the foundations to four of our Heritage listed buildings that are close to the proposed works. The distances vary; the c1828 barracks building which has already been compromised by flooding etc. that has already has resulted in a chimney collapse, is in a very unstable structural condition and is situated only 5 meters from the proposed road works.</p>	<p>below): <i>Prior to commencing operations, the Contractor shall engage a suitably qualified and experienced architectural consultant or accredited building practitioner to undertake inspections on all buildings and structures (including heritage structures) within a minimum distance of 50m of the site.</i></p>
<ul style="list-style-type: none"> • Road and Rail increase in pollution and noise levels <p>We object to the proposed application on the grounds that the proposed heightened pavement level combined with the proposed extra verge width and clearing of the vegetation to our boundary and to the rail line at the opposite boundary will subject the homestead of ‘Woodbury House’ to an increased amount of noise and airborne pollution, given the close proximity of the house to the road: twenty meters.</p>	<ul style="list-style-type: none"> • Road and Rail increase in pollution and noise levels <p>The existing vegetation in the road verge does provide some protection. It is considered that increasing the road level by 250mm will have minimal impact on these concerns.</p> <p>The best solution will be to provide additional landscaping within the property boundary. State Growth has informed Council Officers that they will continue to discuss this option with the landowner in the detail design phase.</p>
<ul style="list-style-type: none"> • Restricted access for 2 residences and 3 separate business’ <p>We object to the proposed Highway upgrade on the grounds that the basic right of entry to our property has been restricted to left in left out. We feel that it is totally unreasonable to expect the users of the ‘Woodbury House’ entry to travel an extra 6.4klms to 8.0klms each journey to gain access and entry to the property.</p> <p>The current ‘Woodbury House’ entry is not a single use entry but is the only licensed entry for two (2) residences and three (3) different business enterprises. It is also the only entry for the air strip that is used by local farmers for the fertilization of their crops and similarly also for our neighbour to service and harvest his renewable hardwood tree plantation. There are more movements per day through the ‘Woodbury House’ entry than are through most minor road</p>	<ul style="list-style-type: none"> • Restricted access for 2 residences and 3 separate business’ <p>State Growth have had ongoing contact with the landowner and business owners mentioned in the representation during the design phase.</p> <p>A number of design options were investigated for both the Woodbury (Ch. 16900) and Middle Park (Ch. 13300) access points, as detailed in the planning submission document. In order to assess the requirement for a full channelized right turn treatment at the Woodbury House and Middle Park accesses, the vehicles making a right turn movement from the highway were estimated from landowner information and also published guidelines. Based on the RTA Guidelines, as well as information provided by landowners, it is estimated</p>

access points.

- **Loss of income and amenity**

We object to the proposed Highway upgrade on the grounds that our basic right of entry to our property has been restricted and as such will have severe consequences for our earning capacity.

that the peak daily traffic that would use a right turn facility at the Middle Park access is 10 vehicles per day, and at the Woodbury House access 15-20 vehicles per day (8-10 vehicles associated with the Woodbury House property and eventual accommodation facilities, 2-5 vehicles for the farm and 4-5 vehicles for the eventual logging activities).

The Austroads Guide to Road Design Part 4A provides criteria for inclusion of channelized turn treatments for a major road with an operating speed of 100 km/h or more. The estimated hourly traffic

volume for the Midland Highway within the project site is 300 vehicles per hour, therefore based on the guidelines a short channelized right turn treatment is warranted when the turning volume is between 10-50 vehicles per hour, and a full length channelized right turn treatment is warranted when turning volume is greater than 50 vehicles per hour. The estimated peak right turn movements into the Middle Park and Woodbury accesses are only 10-20 vehicles per day, i.e. an average of one to three vehicles per hour.

Dedicated right turn lanes at the Middle Park and Woodbury accesses are not required due to the low traffic volumes. Any reduction in the overtaking lane configuration to allow for right turn movements would result in a material reduction in overtaking opportunities, and require additional breaks in the central median barrier increasing cross-over movements on the highway. The P-turn facility at Antill Ponds Road will also benefit light vehicles travelling south from the Woodbury House access as it reduces the distance to the nearest turning facility from 4km (at Sorell Springs Road) to 2.8km.

	<p>It is clear that some land owners and access users will be negatively impacted by the proposal. However, this must be balanced with the overall intent of the project to make the major north-south road in Tasmania safer and more efficient for the benefit of all users. The proposed access arrangement achieves the target set by State Growth of providing turning locations every 3-5km.</p> <p>Council Officers obtained further response from the Department of State Growth in relation to the access treatment for this property. The details of which are included in this report.</p> <ul style="list-style-type: none"> • Loss of income and amenity <p>It is noted that no development applications have been lodged with Council to establish a business(es) at Woodbury House to date.</p> <p>Other concerns under this heading are largely answered above.</p>
Representation 2	Officer Comment
<p>I am writing to lodge a complaint about the highway alterations at Woodbury. We enter Woodbury House with large farm machinery through a gate as it will not fit over the ramp entrance. With the proposed wire rope on the road we will not have access to the property. We want a hole in the rope so we can turn right coming from the north and a gateway installed for large machinery.</p>	<p>See comments to Representation 1 above.</p>
Representation 3	Officer Comment
<p>I am writing regarding the effect that the proposed access denial the new road upgrades will have on my property behind Woodbury House property. I have a large road system of approximately 30km behind this access that services my tree plantations of about 350 ha and also 700 ha of native</p>	<p>See comments to Representation 1 above.</p> <p>State Growth has advised that the distance to the turn point is 3.9km.</p>

<p>production forests. My problem is that myself and several other properties are denied access from the north to enter my road we are being told that we will have to travel 4-6k more down the road and then turn and travel back the same amount to access my entrance the main problem with this is the extra time and expense it will cost me for the trucks to travel to cart my timber. They charge cents per kilometer per tonne which over the long term will cost my business tens of thousands of dollars directly. I have talked with the proponents several times with alternative suggestions but they have given no ground at all therefore the reason to my objection.</p>	
<p>Representation 4</p>	<p><i>Officer Comment</i></p>
<p>I refer to the above proposed road development and wish to lodge an objection due to the impact that the proposed development will have on the state listed heritage site known as 'Woodbury' located at 7489 Midland Highway, Woodbury. This property was originally purchased and built by my Great Great Great Grandfather and Grandmother, Robert and Elizabeth Harrison, who moved to Tasmania as colonists in 1823. As you can appreciate the 'Woodbury' property is of profound significance to the ancestors of Robert and Elizabeth Harrison, and I hasten to add, to the Tasmanian people and the national as a whole as represented by its listing on your state heritage register. The property, which consists of numerous historic buildings, outbuildings, gardens and associated infrastructure is currently under restoration by Mr and Mrs Allen and Linda Cooper, who are dedicated and prominent heritage conservationists. It is beyond belief that this very significant heritage conservation work and the historic site, of which parts have</p>	<p>See comments to Representation 1 above.</p>

<p>been funded by the Tasmanian Government, could now be jeopardised by the ill-considered nature of the proposed road development, which are likely to directly and indirectly compromise the heritage values of the property.</p> <p>On behalf of the descendants of Robert and Elizabeth Harrison I urge Council and the Tasmanian Government to reconsider the works such that any future road works undertaken does not impact, but rather enhances the property and its heritage values.</p>	
<p>Representation 5</p>	<p><i>Officer Comment</i></p>
<p>We have received instructions from our clients with respect to the proposed upgrade of the highway (and in particular in that area immediately adjacent to their properties at Woodbury).</p> <p>At the outset, we advise that our clients wish to make representations with respect to the upgrade. In particular, those representations are that:</p> <p>(a) There have been insufficient or no regard to any requirements for stock crossings for the farms/farms adjacent to the highway and in particular to the stock crossings for our clients;</p> <p>(b) There has been insufficient or no regard to the agreements made with the farmers adjoining the highway (and in particular to our clients) concerning the stock crossings and/or stock movements on the highway at or near their relevant properties (the Agreements);</p> <p>(c) There has been insufficient or no regard to the terms of the Agreements and/or a breach thereof upon our clients;</p> <p>(d) There is inconsistency of dealings with landowners on properties on the highway and in particular the failure to ensure appropriate stock crossings are provided for our clients' stock.</p>	<p>State Growth has advised that all existing stock crossing agreements will be honoured and retained on a like for like basis.</p> <p>In some cases improved stock access will result from culvert upgrades, but this is a beneficial side effect rather than the aim of the design.</p>

Representation 6 (2 parts)	Officer Comment
<p>I wish to lodge an objection in principle to the above development with relevance to various aspects of the landscape plan, along for concerns for, and the implications of, the actual proposed roadworks construction impinging upon the Rockwood precincts.</p> <p>I also object on the basis of having substantial reservations to the form of the proposed changes and the currently proposed structure.</p> <p>I object to what I perceive as a deficient fencing proposal.</p> <p>I have concerns over the water pipeline to my property, over the road to be built on my property, to the number of trees proposed in the landscape plan and redress of old access road infrastructure.</p> <p>I agree to the new access location and plans for Rockwood but submit that the road construction should continue to the rear entry of the house.</p> <p>I object to the distance away from my residence of the highway U turns to the north and south. I have land title across the highway which will all be part of my plant nursery business. I have a water pump located over the highway which will need to be serviced, sometimes daily. I will not have permission to cross the highway and will be forced to travel a great distance to make the turn. This will be a massive inconvenience and disruption to my operation with lost time and productivity. I have asked for a remote controlled pump to be installed to avoid this. Another alternative would be pedestrian access to the pump.</p> <p>I request more semi-advanced exotic trees with input from myself on species choices to beautify the highway and enhance the appeal of the historic ruins and an avenue to line the new easement access.</p> <p>I am hopeful these matters of concern may be resolved in a satisfactory manner via ongoing discussions with</p>	<p>State Growth has advised that detailed design work and discussion of appropriate accommodations will continue around matters including the water pump, the new driveway construction and landscaping extent and species.</p> <p>Fencing will be replaced like for like, with typical post and wire agricultural fencing.</p> <p>Pedestrian or vehicular access directly across the highway will not be permitted.</p>

representatives of the Road Authority. However, I reserve my right to appeal at a later date.	
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Further Comment from State Growth

Following the advertising period a meeting was held with representatives of the Department of State Growth to discuss the content of the representations. Further comments have been provided on some of the representors issues, reproduced below:

1. Woodbury Access

We confirm that State Growth does not intend to alter the access to Woodbury at Chainage 16900 and to proceed with the design as per the Development Application.

Section 5.6 Design options for Significant Property Accesses of the Development Application Supporting Report provides strong rationale for not providing a dedicated right turn lane at this location due to low traffic volumes, the provision of public turning facilities in close proximity, and the need to retain important overtaking opportunities and meet safety requirements relating to limiting cross highway movements. An option analysis was undertaken and there has been extensive consultation with landowners to address concerns in regards to access – which has resulted in locating turning facilities at closer spacing's to service properties using the access. The design accords with the Austroad Guide to Road Design criteria for inclusion of turn treatments and State Growth Design Guidelines for Category 1 Roads.

In completed sections of the Highway, the Department has provided these facilities in locations such as Redside and Tunbridge in accordance with the Guidelines and through extensive consultation with landowners.

2. State Growth Construction Specification for pre-works condition assessment:

It is understood this information is not provided to inform a condition of approval, rather to ensure Council are aware that the construction contractor will take into consideration impacts of construction on adjacent buildings outside of the DA process, under our new Specification.

PART F - OFF-SITE

160. F1 INSPECTION OF PROPERTY

Prior to commencing operations, the Contractor shall engage a suitably qualified and experienced architectural consultant or accredited building practioner to undertake inspections on all buildings and structures (including heritage structures) within a minimum distance of 50m of the site. Two copies of the written existing conditions report for each property, including any photographs, shall be prepared and signed by the property owner and the architectural consultant or accredited building practioner.

The condition of the buildings, structures and the property shall be detailed in the existing conditions reports which shall form the basis of assessment of any structural damage to buildings and structures arising out of the Contractor's operations in the event of a claim by

the owner/occupier. The Contractor shall be responsible for the repair of any damage caused to property due to the Contractor's operations.

The Contractor shall submit to the Superintendent a copy of all existing condition reports of property and buildings prior to commencing work adjacent to such property or building. The copy of this report will be returned to the Contractor within 10 business days of submission.

For the purposes of this clause the Site is defined as the nearest point of the work adjacent to any building or structure. The Contractor shall bear all costs associated with any claim for damages resulting from the effects of the Contractor's operations, including ground vibration, directly caused by the Contractor's construction methods. The cost of such damage shall be in addition to damage caused by other action attributed to the Contractor's work. Before final payment is made, the Contractor shall obtain written clearance from all landowners and occupiers affected by the provision of this clause, to certify that the landowner and occupier have no claim for any loss or damage due to the Contractor's operation. A copy of all written clearances shall be forwarded to the Superintendent prior to the Contractor's Final Claim.

3. State Growth Construction Specification for Landscaping

The entire landscape specification for construction is large so has not been attached (but can provide on request). The maintenance (establishment) period is 24 months for shrubs and ground cover, and under the contract, this would be applied to trees in the Project Specific Specifications. If Council were to impose a landscaping condition, we would suggest the following:

Landscaping must be implemented substantially in accordance with the concept landscaping plan within 6 months of the completion of the roadworks. Landscape maintenance works must be implemented for a period of 24 months after planting to ensure establishment of trees.

The need for being 'substantially in accordance' is that the Concept Landscaping Plan is still undergoing consultation with landowners and the final agreement with landowners will be subject to confirming the practicalities of farming operations, specific property needs and access, etc. This will be based on the Concept Plan but is likely to have some differences. It is best addressed through flexibility in a permit condition, rather than through requiring a minor amendment to the permit as the scale of any changes would not require it.

The final landscaping design can be provided to Council for information purposes.

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

The *Southern Midlands Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied upon.

Assessment against Zone Provisions

Utilities Zone

The majority of the proposed works fall within the existing road corridor which is in the Utilities Zone. Road works fall within the *Utilities* use class which has a Permitted status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 28.3.1 – Hours of Operation		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Hours of operation of a use within 50 m of a residential zone must be within 7.00 am to 7.00 pm, except if:</p> <p>(i) for office and administrative tasks; or (ii) a Utilities use.</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>The proposed development complies with the Acceptable Solution as the works are not within 50m of a residential zone and are for a Utilities use.</p>

Section 28.3.2 – Noise		
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.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower,</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>The proposed development complies with the Acceptable Solution as it is not on the boundary of the residential zone.</p> <p>The proposed works will not add to the current noise levels on the highway.</p>

<p>between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p>		
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Section 28.4.5 - Fencing
 To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Fencing must comply with all of the following:</p> <p>(a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage;</p> <p>(b) fences along a frontage must be 50% transparent above a height of 1.2 m;</p> <p>(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.</p>	<p>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:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <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</p>	<p>Complies with A1 as any new fencing will be reinstated agricultural wire fences on the boundary of farming properties.</p>

	Character Statements provided for the area.	
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Rural Resource Zone

Some of the proposed works fall outside the existing road corridor in the Rural Resource Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 26.3.3 – Discretionary Use

To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed</p>	<p>Complies with P1.</p> <p>The proposed works will be limited to small areas of land bordering the existing road corridor and will not adversely affect the characteristics or use of agricultural land in a material way.</p>

	non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use	
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Section 26.4.3 - Design
 To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <p>(a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(b) be consistent with any Desired Future Character Statements provided for the area;</p>	<p>Complies with P1.</p> <p>(a) The proposed works are not located on a skyline or ridgeline.</p> <p>(b) The zone does not have any Desired Future Character Statements.</p> <p>(c) Some vegetation will be cleared in order to facilitate road widening and junction/access upgrades. The design seeks to minimise the disturbance of vegetation. A landscape assessment has been completed for the project and includes replacement of vegetation impacted by the proposed works.</p>

	<p>(c) be located in and area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p>	
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p>The extent of earthworks required exceed 2m, so assessment against P3 is required.</p> <p>The works have been designed to balance cut and fill requirements, reducing the overall visual impact.</p> <p>Privacy of adjoining properties will not be affected.</p> <p>The Landslide Risk Assessment Report has been prepared and provides risk management measures to be implemented during construction to ensure land stability is not affected.</p>

Significant Agriculture Zone

Some of the proposed works fall outside the existing road corridor in the Significant Agriculture Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

Section 27.3.3 – Discretionary Use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or</p>	<p>Complies with P1.</p> <p>The proposed works will be limited to small areas of land bordering the existing road corridor and will not adversely affect the characteristics or use of agricultural land in a material way.</p>

	likely agricultural use.	
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Section 27.4.3 - Design

To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <p>(a) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline;</p> <p>(b) be located within a building area, if provided on the title;</p> <p>(c) be an addition or alteration to an existing building.</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <p>(a) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p> <p>(b) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties</p>	<p>Complies with P1.</p> <p>(a) Some vegetation will be cleared in this zone in order to facilitate road widening and safety improvements at existing junctions.</p> <p>The design seeks to minimise the disturbance of vegetation. A landscape assessment has been completed for the project and includes replacement of vegetation impacted by the proposed works.</p> <p>(b) The proposed works are not located on a skyline or ridgeline.</p> <p>(c) The zone does not have any Desired Future Character Statements.</p>

	<p>or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impact on the rural landscape is minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(c) be consistent with any Desired Future Character Statements provided for the area.</p>	
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p>The extent of earthworks required in the Significant Agriculture zone is less than 2m in depth so the Acceptable Solution is satisfied.</p>

Part E – Assessment against Code Provisions

Section E3.0 - Landslide Code

The Landslide Code applies the proposal as a section of the proposed works fall within a Landslide Hazard Area and the project requires excavation of more than 100m³.

A Landslide Risk Assessment Report has been prepared. The final detailed design phase will account for recommendations contained in this report to avoid potential problem areas. Overall, the report demonstrates that the risks can be mitigated to satisfy the applicable performance criteria.

Section E5.0 – Road and Railway Assets Code

The purpose of this Code is to protect the safety and efficiency of road and railway networks and reduce the conflict between sensitive uses and major roads and the rail network. A Traffic Impact Assessment has been prepared to demonstrate compliance with the standards of this Code.

The upgrade will not generate additional traffic overall. There will be additional traffic movements at the Sorell Springs Road and Old Tier Road intersections due to the introduction of turn facilities. It is expected that the additional volume will be around 40-50 turning movements per day. The junctions will be upgraded to be able to safely and efficiently cater for the increase in traffic volumes.

Two junctions will be relocated to improve safety (Glen Morey Road and Antill Ponds Road). Sight distances and safety will be improved for all junctions improved by the proposal.

Most private access points will become left in/left out only and the overall number will be reduced, further improving safety and efficiency outcomes.

Road widening will occur within 50m of the rail line in some locations; however this is limited and will not impact the use of the rail line. A new level crossing will be provided on the relocated Glen Morey Road. Both traffic and rail volumes at this location will remain unchanged and safety will be improved by the proposed upgrade treatments.

Section E6.0 – Parking and Access Code

The purpose of the Parking and Access Code is to:

- a) *ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;*
- b) *ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;*
- c) *ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;*

- d) *ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;*
- e) *ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;*
- f) *ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;*
- g) *recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;*
- h) *provide for safe servicing of use or development by commercial vehicles.*

In assessing the proposal against the provisions of the access code, Council should bear in mind that the Midland Highway is a State owned and managed road. The State Government are the road authority. The standards of the Code are weighted to giving the Road Authority control over safety and access arrangements on the Midland Highway.

No new accesses will be provided within the project site. A number of accesses will be closed, reducing the number of accesses on the Midland Highway. Also a number of existing accesses will be reduced to “left in/left out” access; and although Council have received objections against this treatment, Council need to consider the primary purpose of the Code which is to ensure access design is safe. Overall the Road Authority is satisfied the safety and efficiency of the road network is not compromised through access alterations.

Existing accesses impacted by the works which are to be retained will be upgraded as part of the project. Accesses have been designed based on the current vehicles using the access and will meet the requirements for safe intersection sight distance.

Section E7.0 – Stormwater Management Code

This Code is relevant as the proposed development requires management of stormwater. A stormwater hydraulics report is included in the application demonstrating the suitability of the proposed drainage works. All runoff generated as a result of the increased area of impervious surfaces will discharge by gravity into roadside table drains running parallel to the highway, and be conveyed under the roadway by a network of adequately sized cross-drainage infrastructure. Water sensitive urban design principles have been used in the design. All culverts have been assessed for adequacy and have been upgraded as required where they were found to be inadequate for a minor or major storm event.

Section E10.0 – Biodiversity Code

The Code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area, which falls over part of this section of the Midland Highway. A natural values assessment has been provided with the application to address the requirements of this Code.

The vegetation community, Lowland *Poa labillardierei* grassland (GPL) is present within the road upgrade area. This is classified as 'High Priority Biodiversity Values' as per Table E.10.1.

The vegetation community *Eucalyptus viminalis* grassy forest and woodland (DVG) has also been mapped within the Biodiversity Overlay. This is classified as 'Low Priority Biodiversity Values' as it is listed as 'other native vegetation communities' as per Table E.10.1. DVG is not a threatened vegetation community under any state or federal legislation.

The natural values survey results were incorporated into final design to minimise impacts to these vegetation communities. The proposed works are an upgrade to an existing highway, therefore the development must be designed and located on the existing road alignment. All practical measures have been undertaken in development of the design to minimise impacts to priority and other vegetation while ensuring that the objectives of the safety upgrade are achieved.

Section E11.0 - Waterway and Coastal Protection Code

An area of the highway is subject to a Waterway and Coastal Protection Area associated with the Currajong River system identified on the planning scheme overlay map. The Waterway and Coastal Protection Area code applies to works within this area of the project.

The proposed works will be within an area of current land disturbance for farming purposes and will require construction over existing watercourses. Disturbance to the immediate surrounds of rivers and wetlands will be kept to a minimum and controlled with the adoption of appropriate management measures. The construction management plan will be developed in accordance with the Wetlands and Waterways Works Manual (DPIWE, 2003).

Section E13.0 – Historic Heritage Code

This Code applies to this proposal due to land acquisitions from the Rockwood property, which is listed as Heritage Place in the planning scheme and on the Tasmanian Heritage Register.

Along with survey reports for historic heritage and plantings, a Heritage Impact Statement by a suitably qualified person has been undertaken to address impacts of the proposed design on heritage properties and vegetation. The concept landscaping plan based on the landscape assessment is provided to address impacts on heritage plantings.

Heritage Tasmania have provided approval for the application subject to these conditions:

1. Prior to works commencing, the stability of the ruins must be assessed by a qualified structural engineer whom Heritage Tasmania's Works Manager is satisfied as having relevant knowledge and experience with heritage structures of this kind, and any protection measures that this engineer deems necessary are to be carried out. The assessment must include the preparation of an extant record of the ruins which must be submitted to Heritage Tasmania before works commence.

Reason for condition: To ensure that heritage features are protected from damage during the works.

2. The Management Recommendations contained in the Heritage Impact Statement prepared by Cultural Heritage Management Australia (dated 06/02/2017) must be implemented.

Reason for condition: To ensure that heritage features are protected from damage during the works.

The Woodbury property will not be directly impacted so is not subject to assessment against this Code.

Section E14.0 – Scenic Landscapes Code

The section of the Midland Highway subject to the application is located entirely within a Scenic Landscape Corridor under this Code. The corridor applies to land within 100m of the highway.

The Midland Highway between Oatlands and Tunbridge is generally characterised by pastoral land with exotic tree planting along the current and former road alignments with a background of native forest on surrounding hills.

The road upgrade will impact on the existing landscape character. A comprehensive landscape assessment has been undertaken that considers the significant heritage and scenic values within the project area. A concept landscaping plan has been developed in order to mitigate the impact on the landscape values that were identified as part of the assessment.

The following principles were used to inform the landscape design:

Respect the existing landscape character and where possible integrate the proposed road upgrades into its setting

- Provide a low maintenance and safe road corridor;
- Protect and retain Pioneer Avenue trees where possible and provide suitable infill planting to enhance the avenue;
- Removal / control of suckers and invasive species in strategic locations to open up views to historic Pioneer Avenue trees or other landscape features;
- Suckering trees can contribute to the overall landscape experience and in some locations may be retained, provided they do not obscure views to historic plantings and other significant landscape features;
- Potential identification of former road alignment and heritage sites with selected tree planting;
- Tree species selection will be informed by the Pioneer Avenue concept, including a review of the best performing species, local site conditions and environmental values;
- Proposed tree planting will generally be within freehold land and not within the road reserve;
- Plant hardy, low growing native vegetation on embankments to provide soil erosion and weed control; and
- Willow and other declared weeds must be removed / controlled.

Section 15.0 – Inundation Prone Areas Code

This code applies as parts of the works are located within the Riverine Inundation Hazard Area, on the eastern side of the Highway in Woodbury, near the Glen Morey Road intersection.

The new works in this location consist of widening of the road formation predominantly on the western side. The embankment construction on the eastern side is minimal and will have no detrimental effect on the inundation hazard area.

CONCLUSION

The report has assessed a Development Application for Midland Highway Safety Upgrades at the section identified as St Peter Pass to south of Tunbridge. The works form part of a 10 year plan to improve the safety and efficiency of the Midland Highway.

A total of six (6) representations were lodged with Council, and the concerns of the representors have been addressed above. State Growth has also provided responses to these concerns.

Overall, it is considered that this proposal has been designed with care and attention to the values contained in this area and addresses the planning scheme requirements.

It is recommended the Development Application be approved and a planning permit issued, subject to 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 application for Midland Highway Safety Upgrades at St Peter Pass to south of Tunbridge, applicant Department of State Growth 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, whichever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.

Heritage Tasmania

- 3) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 5250 dated 7 April 2017.

Services

- 4) 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.

Landscaping

- 5) Landscaping must be completed substantially in accordance with the concept landscaping plan within 12 months of practical completion of the roadworks and to the satisfaction of the Manager of Development and Environmental Services.
 - a. The developer must arrange inspection of the landscaping works with Council once works are completed.
- 6) Post Council inspection of the works pursuant to condition 5 of this permit the landscaping must continue to be maintained, with the replacement of any dead plants or trees, for a minimum period of 24 months to the satisfaction of the Manager of Development of Environmental Services.
 - b. The developer must arrange inspection of the landscaping works with Council 24 months post the initial inspection pursuant to condition 5 of this permit.

Council Roads and Assets

- 7) Prior to the development commencing, on any Council roadway, a Traffic Management Plan is to be submitted for approval by Council's Manager of Works and Technical Services. The Traffic Management Plan is to include:
 - A condition assessment of road pavements and bridges used for cartage routes
 - Details of any road closures
 - Management of upgrades to infrastructure
 - Traffic sign removal and reinstatement
 - Speed limits, transport times and other restrictions during transport
 - Management for the use of escorts for over-dimensional vehicles
 - A public contact plan
 - Procedures for incident management
 - Details of permits required; and
 - A maintenance program for affected roads.
- 8) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services before commencing construction works within a council roadway.
- 9) The Developer is to contact the Manager, Works & Technical Services to arrange inspection of any Council road assets altered as a result of the works within two (2) working days of completion of works.
- 10) Upon practical completion, a post construction condition assessment of Council roads and bridges used for cartage of materials associated with the works must be

submitted to Council's General Manager. The assessment must be undertaken at the developers' expense. Any damage or excess wear and tear which may be attributed to the development is to be made good at the developer's expense to the satisfaction of Council's General Manager.

Construction

- 11) Construction and rehabilitation (including soil and water management) is to be in accordance with a *Construction Management Plan* as prepared by the "successful contractor" per part 10.5.11 of the submitted Development Application. A copy of the *Construction Management Plan* shall be submitted to Council prior to the works commencing.
- 12) 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:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Unsightly appearance of any building, works or materials including stockpiles of materials in public view.
 - d. 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.

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. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr A Bantick

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 application for Midland Highway Safety Upgrades at St Peter Pass to south of Tunbridge, applicant Department of State Growth and that a permit be issued with the following conditions.

MOTION LOST

Clr Batt left the meeting at 11.07 a.m.

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		√
Dep. Mayor A O Green	√	
Clr A R Bantick		√
Clr D F Fish		√
Clr D Marshall		√

*Clr Batt returned to the meeting at 11.08 a.m.
Mayor A Bisdee left the meeting at 11.08 a.m.*

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

THAT the meeting be suspended for a short interval to consider additional reports relating to this application.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr D F Fish	√	
Clr D Marshall	√	

The meeting reconvened at 11.38 a.m.

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

THAT Council refuse the application for Midland Highway Safety Upgrades at St Peters Pass to south of Tunbridge (applicant Department of State Growth) on the grounds identified below:-

1) E6.0 Parking & Access Code

- The proposed access design does not meet the Performance Criteria of E6.7.2 as ease of accessibility and recognition of all users has not been satisfied.
- Council believe two way access to the Woodbury House property should be maintained due to use by multiple landowners including heavy vehicles for primary production uses. It is also noted that designs are inconsistent for property owners along the Midland Highway which is not a fair or equitable outcome.

2) E7.0 Stormwater Management Code

- The proposal does not comply with the acceptable solutions of E7.7.1 as run off will be increased.
- Council is concerned that the works will increase flooding of the Woodbury House property.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Dep. Mayor A O Green		√
Clr A R Bantick	√	
Clr E Batt	√	
Clr D F Fish	√	
Clr D Marshall	√	

5. CLOSURE

The meeting closed at 12.04 p.m.