

COUNCIL MEETING

AGENDA

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ENCLOSED

**Council Meeting Minutes & Special Committees of Council Minutes
 General Information Bulletin
 Enclosures**

Item 12.1.2 - Written Development Application

Item 12.4.1 - Applicant’s Submission

Item 17.3.1- Municipal Emergency Management Plan

17th January 2014

Dear Sir/Madam,

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held at the

**Campania Hall
Reeve Street, Campania
Wednesday 22nd January 2014
10.00 a.m.**

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

COUNCILLORS PLEASE NOTE:

- **Public Question Time has been scheduled for 12.30 p.m.**

Yours faithfully,



**Mr T F Kirkwood
General Manager**

OPEN COUNCIL AGENDA

1. PRAYERS

Councillors to recite the Lords Prayer.

2. ATTENDANCE

3. APOLOGIES

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 11th December 2013, as circulated, are submitted for confirmation.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.2 ANNUAL GENERAL MEETING MINUTES

The Minutes of the Annual General Meeting of Council held on the 11th December 2013, as circulated, are submitted for confirmation.

There are no decisions arising from the Annual General Meeting which require further consideration.

RECOMMENDATION

THAT the Minutes of the Annual General Meeting held 11th December 2013 be confirmed.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES**5.3.1 Special Committees of Council - Receipt of Minutes**

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

- **Southern Midlands Municipal Emergency Management Committee - Meeting held 6th January 2014**

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- **Southern Midlands Municipal Emergency Management Committee - Meeting held 6th January 2014**

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.4 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)

5.4.1 Joint Authorities - Receipt of Minutes

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

- **Southern Tasmanian Councils Authority – Nil**
- **Southern Waste Strategy Authority - Nil**

Note: Issues which require further consideration and decision by Council will be included as a separate Agenda Item, noting that Council's representative on the Joint Authority may provide additional comment in relation to any issue, or respond to any question.

NO DECISION REQUIRED

5.4.2 Joint Authorities - Receipt of Reports (Annual and Quarterly)

Section 36A of the Local Government Act 1993 provides the following;

36A. Annual reports of authorities

(1) A single authority or joint authority must submit an annual report to the single authority council or participating councils.

(2) The annual report of a single authority or joint authority is to include –

(a) a statement of its activities during the preceding financial year; and

(b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and

(c) the financial statements for the preceding financial year; and

(d) a copy of the audit opinion for the preceding financial year; and

(e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.

Section 36B of the Local Government Act 1993 provides the following;

36B. Quarterly reports of authorities

(1) A single authority or joint authority must submit to the single authority council or participating councils a report as soon as practicable after the end of March, June, September and December in each year.

(2) The quarterly report of the single authority or joint authority is to include –

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- **Southern Tasmanian Councils Authority – Nil**
- **Southern Waste Strategy Authority – Nil**

NO DECISION REQUIRED

6. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2005*, the Agenda is to include details of any Council workshop held since the last meeting.

It is reported that no Council workshops have been held since the last ordinary meeting of Council.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

7. QUESTIONS WITHOUT NOTICE

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

Comments / Update will be provided in relation to the following:

1.

2.

3.

4.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –

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

RECOMMENDATION

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2005*.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

9. DECLARATIONS OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, 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 2005*.

10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2005* states:

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

- (a) *refuse to accept a question; or*
 - (b) *require a question to be put on notice and in writing to be answered at a later meeting.*

- (6) *If the chairperson refuses to accept a question, the chairperson is to give reasons for doing so.*

Councillors are advised that, at the time of issuing the Agenda, no Questions on Notice had been received from members of the Public.

Mayor A E Bisdee OAM to invite questions from members of the public.

10.1 PERMISSION TO ADDRESS COUNCIL

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

➤ Nil

11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005

Nil.

12. 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.

12.1 DEVELOPMENT APPLICATIONS

12.1.1 Development Application for a Garage in the Historic Precinct Special Area requiring a relaxation to the side boundary setback, at 36 High St, Oatlands.

File Reference: T5842960

REPORT AUTHOR: ACTING MANAGER DEVELOPMENT AND ENVIRONMENT SERVICES (D CUNDALL)
DATE: 8TH JANUARY 2014

ATTACHMENTS: Development Application Representation

THE PROPOSAL:

The Applicant Graeme and Jenny French are seeking a Planning Permit to build a domestic garage in the historic precinct special area and seek a relaxation to the standards for a side boundary setback at their property, 36 High St, Oatlands.

The proposed garage is a 6m by 9m corrugated steel colourbond shed with two roller doors (facing Stanley St). The roof is a gabled 27.5 degree pitch roof. The building is proposed to be coloured to match the existing buildings on the property.

The proposed garage is to be located 3m from the Stanley St boundary and angled approximately 2m from the side boundary at the western corner of the garage and 0.5m from the north western corner.

The setback standard for the side boundary is 1.5m in the Commercial Zone or one half the height of the wall whichever is the greater.

THE SITE

The land is in the Commercial Zone and the within the Historic Precinct Special Area. The lot is a 3000m² block of land used for a dwelling. There is a dwelling and outbuildings on the land with two (2) accesses from Stanley St.

The proposed garage is in the western corner of the block adjoining a neighbouring property. This corner of the land contains established conifers and is predominately screened from the neighbouring property. The neighbouring property also has established trees and shrubs that line the boundary fence in this location (see *Photo 1* and *Photo 2* in this report).



Photo 1 – looking east along Stanley St, toward High St. 36 High St dwelling is located in the background. The white fence is the adjoining property.



Photo 2 – Looking northwest from Stanley into the location for the proposed garage.

THE PLANNING SCHEME ASSESSMENT

Zoning

The proposed garage is located in the Commercial Activity Zone.

Commercial Zone

The Commercial Zone is found in Oatlands and recognises land used, or has the potential to be used, for shops and business that primarily cater for the needs of the local population, tourists and other visitors.

Current Use of the Land

The land is currently used for a Dwelling.

Statutory Status

Under the *Planning Scheme*, a garage in the Historic Precinct Special Area and a relaxation of the side boundary setback standard is a ‘Discretionary Use/Development’. Such a use development:

- I. May be granted a Planning Permit by Council, with or without conditions, provided it complies with all relevant development standards and does not, by virtue of

another provision of this Scheme, invoke Clause 11.6 (prohibited use or development); or

II. May be refused a Planning Permit by Council

Extract SMPS 1998

A discretionary use or development must be advertised under S.57 of the Land Use Planning and Approvals act 1993.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on the 23rd November 2013 for the statutory 14 day period.

One (1) representation was received. The representation expressed concern for a relaxation to the side boundary setback.

Representation:

The representation is transcribed in the table below with the personal details omitted. The representation is also attached in its entirety (Attachment 2) to this Report. The comments in the representation (tabled) include a response from the Planning Officer (in *Italics*).

Representation 1	Planning Officer Comment
<p>I believe the standard distance from a building to the boundary should be, by law 1.5m. The plans do not conform to these standards, being only .5m at one point.</p> <p>Due to the size of the block, there does not seem to be any valid reason for the garage to be placed close to the boundary than 1.5m. In fact the garage can be placed effectively in other places on the block, without any need for any planning variations.</p> <p>This would prevent greatly de-valuing the empty block of land next to the existing house, for sale for a <i>proposed building</i>.</p>	<p><i>Yes the standard for a side boundary setback is 1.5m or one half the height of the wall, whichever is the greater. The height of the wall is 2.4m therefore the distance shall be the greater 1.5m from the boundary.</i></p> <p><i>Only a percentage of the wall is within the 1.5m setback distance as depicted in the plans.</i></p> <p><i>Council has the capacity to relax the standard for a boundary setback and shall consider the intent of the commercial zone and the potential for any impact on the amenity of the neighbouring lot or the ability to develop the neighbouring lot. Council shall consider the intended use of the building in making such a decision.</i></p> <p><i>A decision to allow a relaxation is generally a ‘case by case’ scenario.</i></p>

	<p><i>This report shall assess the setback standard against the intent of the Commercial Zone and in assessing the location on site.</i></p> <p><i>The location of the garage is fairly typical giving direct access onto the road. The garage is also screened by existing vegetation and has the potential to be further screened by vegetation.</i></p> <p><i>Landscaping greatly reduces the impact a new building can have on a streetscape. This shall be considered as part of the recommendation.</i></p> <p><i>The shed is a residential garage intended to store vehicles. This is typical for a dwelling. Its use would have a low impact on the surrounding land use from an environmental impact perspective.</i></p>
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Historic Precinct Special Area: Intent & Development Standards

Intent of the Historic Precinct Special Area

The general intent of the Historic Precinct Special Area is to conserve and enhance the historic character of particular areas of Oatlands, Kempton and Campania. The standards of the Historic Precinct are standards to which the proposed building will be assessed. The following intentions are below with a comment from the Planning Officer:

- a) *allow for continued development that respects the streetscape qualities of the settlements through appropriate building form, design and finishes and which is compatible with the general heritage values of town settings;*
- b) *give priority to the protection of the historic integrity of the individual buildings, groups of buildings and the general streetscape within the heritage areas of Oatlands, Kempton and Campania;*
- c) *ensure that the design and external appearance of new buildings or additions / adaptations to existing buildings respects and maintains the historic character and heritage values;*
- d) *Ensure that new buildings do not visually dominate neighbouring 19th Century buildings.*

- e) Maintain the visual amenity of the historic buildings when viewed from the Midlands Highway or from streets within the settlements.*

The Applicant has considered the historical precinct and streetscape in the location, design and size of the garage. The garage conforms with the standards for the front boundary setback and does not visually dominate any nearby buildings.

The proposed building shall match the colours of the existing buildings on the land.

The steeper pitch of the garage, the choice of colours and the corrugated (custom orb) cladding profile are acceptable in the chosen location.

Part 9.1.3 Development Standards of the Historic Precinct Special Area

Works in the Historic Precinct Special Area must be developed generally in accordance with the Development Standards of the Historic Precinct Special Area. The standards are below with a comment from the Planning Officer.

- a) scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings should be appropriate to the site, adjacent buildings, and the heritage values of the local streetscape, taking into account the intent of the Special Area;*
- b) buildings should provide a strong edge to the street consistent with the prevailing building line;*
- c) the visual relationship between the existing and new buildings should be considered, with new buildings avoiding visually dominating neighbouring historic buildings;*
- d) where feasible, additions and new buildings should be confined to the rear of existing buildings;*
- e) architectural details and openings for windows and doors to visually prominent facades shall respect the historic character in terms of style, size, proportion and position;*
- f) outbuildings are generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;*
- g) fences along street boundaries of properties, including both main and side streets should be:
 - i. between 900mm and 1000mm high, with a maximum of 1200mm for posts;**

- ii. *vertically articulated, (such as with dowel-and-rail, picket or palisade fences), and should not be horizontally articulated, (such as with post and rail fences); and*
 - iii. *“transparent” or “open” in appearance, that is, the distance between dowels or pickets, etc, should be such that the fence does not appear solid;*
- h) hedges along street boundaries, including both main and side streets, are acceptable provided*

The existing landscaping around the proposed shed will soften the impacts of a modern building in the historic precinct and streetscape. The Applicant has proposed as shed that satisfactorily meets the standards of the Heritage Precinct in this part of the township.

Standards of the Commercial Zone

The land is within the Commercial Zone and is currently used as a dwelling with outbuildings and gardens. A comment is provided for each of these standards.

4.3.1 Streetscape and Amenity

The aim of these provisions is to ensure that new development will contribute to the quality of the streetscape and improve the amenity for users. To satisfy this aim the design and appearance of new development should:

- (a) enhance and maintain the character of the streetscape in terms of scale, proportions, treatment of parapets and openings and decoration;*

Stanley Street consists of many residential properties. A small domestic garage is not out of character in this part of Stanley St.

- (b) respect the inherent aesthetic, cultural and heritage values of Oatlands;*

The Applicant has proposed a shed that has considered the intent and standards of the Heritage Precinct.

- (c) respect historic buildings and works neighbouring the site and in the vicinity;*

Though the buildings on the land and adjoining the land can be considered to be of heritage significance, they are not listed in the Planning Scheme or on the Tasmanian Heritage Register. The form, materials, location and architectural style of these buildings both indicate early 20th Century or even 19th Century construction and form an important part of the Oatlands historic character.

It is considered the siting and landscaping around the proposed garage respects the more significant buildings in the vicinity.

(d) ensure that neighbouring dwellings and their associated private open space are not unreasonably deprived of sunlight or privacy;

The proposal is a domestic garage for a vehicle. There would be minimal impact on the privacy of the adjoining lot and the loss of sunlight would be very minimal and not considered at the detriment to the adjoining lot.

(e) provide pedestrian facilities and safe access within the commercial areas;

Not applicable.

(f) provide, where possible, spaces for community interaction which incorporate street furniture, lighting, landscaping and public facilities of cultural or civic value;

Not applicable.

(g) provide landscaping which creates visual links between development, minimises conflicts of scale, softens hard or bleak areas and provides shelter, shade and screening; and

Existing landscaping and further landscaping softens the impact of a modern building in the streetscape.

(h) ensure the:

- a. screening of all outdoor storage areas, outdoor work areas and rubbish receptacles from public view;*
- b. placement and design of roof mounted air conditioning equipment, lift motor housings and similar equipment so as to reduce the visual impact on the streetscape; and*
- c. exterior pipework, ducts, vents, sign supports, fire escapes and similar structures are painted and/or designed to match existing exterior surface treatment so that these elements are not prominent in the streetscape.*

CONCLUSION

The Applicant Mr and Mrs French have applied to the Southern Midlands Council for a Planning Permit to build a garage on their land at 36 High St Oatlands. The garage requires a relaxation to the standards for boundary setback and for the Planning Authority to consider this impact on the streetscape and use/development of adjoining land.

Council received one (1) representation raising concern for the relaxation of the setback standard citing the relaxation would result in devaluing the neighbouring land and inhibit the sale of the property and the ability to build on the land.

Through the assessment in this report and through site visits to the area it can be determined that a car garage is not out of character in the area and that the relaxation to the side boundary setback is of minimal impact or detriment to the adjoining land-owner.

The Applicant, through the siting, design and size of the shed has given consideration to the streetscape and heritage precinct special area.

A permit should be granted for the proposed shed.

RECOMMENDATION

THAT, in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and section 57 of the Land Use Planning & Approvals Act 1993, Council approve the application for a Garage in the Historic Precinct Special Area and relaxation to the side boundary setback, at 36 High St, Oatlands with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.
- 3) The garage is approved as ancillary to the existing dwelling use only. It must not be used for any other purpose or be extended or intensified unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Amenity

- 4) The external materials of the garage shall be coloured to match the existing buildings on the land.

Historic Precinct Special Area

- 5) Cladding on the garage is to be corrugated profile (Custom Orb) only.

Parking & Access

- 6) One of the existing vehicle accesses from Stanley St shall be removed and relocated to service the new garage. Any culverts or pipework shall be removed and the nature strip re-instated to the satisfaction of the Manager of Works and Technical Services (Jack Lyall 6254 5008).
- 7) The relocated vehicle access from the carriageway of the road onto the subject land, pursuant to condition 6 of this permit, must be located and constructed in accordance with the construction standards shown on standard drawings SD 1003 prepared by the IPWE Aust. (Tasmania Division) (attached). Works shall be modified to suit the site conditions and shall be to the satisfaction of Council's Manager of Works and Technical Services (Jack Lyall 6254 5008).
- 8) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services (Jack Lyall 6254 5008) before commencing any alteration to the access within a council roadway. It is further advised the Applicant contacts Council to ascertain the necessary access requirements prior to commencing these works.
- 9) The Developer is to contact the Manager, Works & Technical Services to arrange a site inspection within two (2) working days of completion of works.

Services

- 10) 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.

Stormwater

- 11) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Construction Amenity

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

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

- 13) 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. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.
 - e. 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.
- 14) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 15) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies to this permit:


- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.
- C. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
 - a. Minimise site disturbance and vegetation removal;
 - b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;

- d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
- e. Rehabilitation of all disturbed areas as soon as possible.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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Lysaght Building
Solutions Pty Ltd
trading as RANBUILD



Better sheds. Bigger sheds.

CLADDING		
ITEM	PROFILE (min)	FINISH COLOUR
ROOF	CUSTOM ORB 0.42 BMT	CB AA
WALLS	CUSTOM ORB 0.42 BMT	CB AA
CORNERS	-	CB AA
BARGE	-	CB AA
GUTTER	HI-GUARD	CB AA

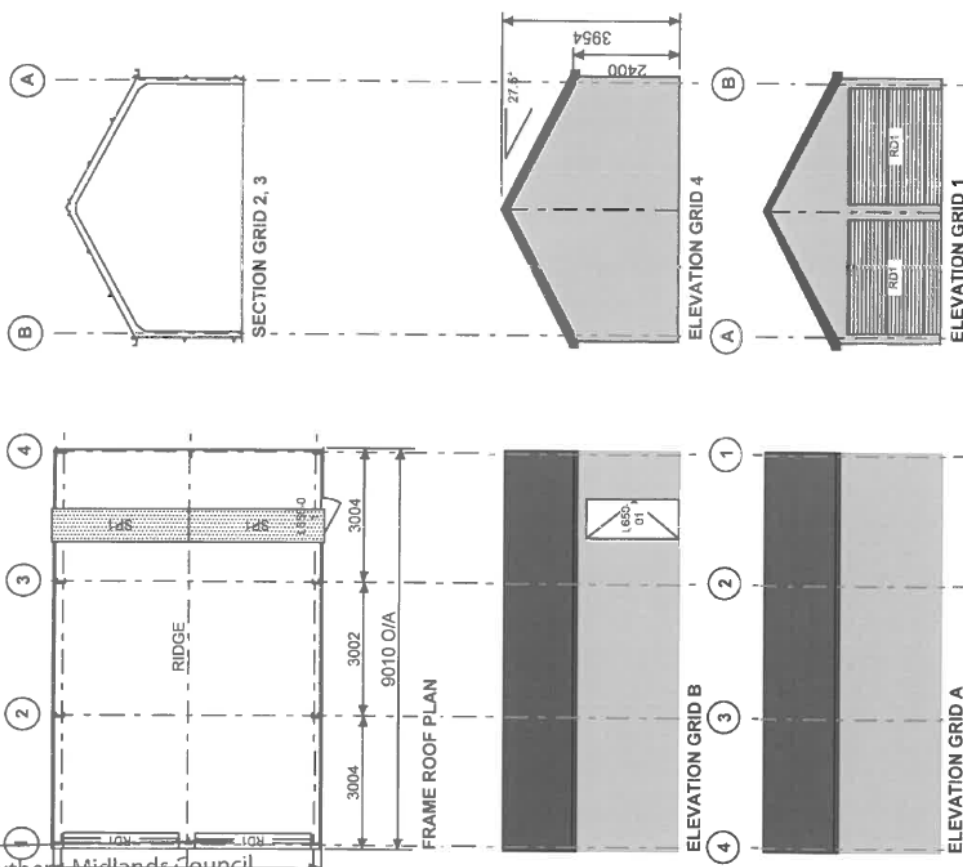
0.35bmt=0.40ict, 0.42bmt=0.47ict, 0.48bmt=0.53ict

ACCESSORY SCHEDULE & LEGEND	
QTY	MARK DESCRIPTION
2	R01 B&D Firmaboor, R.D. Residential "R1F" 2035 high 3.2x5.5 wide Clear-Obstructed CB
1	L650-01 Lennic Door & Frame Kit, 65061 Std 2040 x 820 Clbond
2	SP1 Sheeting, Polycarbonate Corrugated Profile (SFGS/AFCB)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

WIND DESIGN		
IMPORTANCE LEVEL	REGION	TERRAIN
2	A	2.5
		1.0


CLIENT	Graeme French
SITE	/
	OATLANDS TAS 7120
BUILDING	SUNDOWN DELUXE 5970 SPAN x 2400 EAWE x 9010 LONG
TITLE	GENERAL ARRANGEMENT
LICENSE NO	CC21ATG
SCALE	A4 SHEET 1 125
DRAWING NUMBER	KING01-10243
PAGE	1/1



This Building is 12m x 6m.

Southern Midlands Council
Kempton
31 OCT 2013

Received: _____
File No: _____
Doc Id: _____



Cyclad Hobart
 a trading unit of Loraj Pty Ltd
 Postal address: 64 Channel Hwy, KINGSTON TAS 7050
 Site address: 64 Channel Hwy, KINGSTON TAS 7050
 A.B.N. 78135953383
 Licence: CC2747G
 Phone: 03 6229 1790
 Fax: 03 6229 1791
 Mobile: 0439 142 357
 Date: 17/10/2013
 Email: ranbuild@cycladbuildings.com.au
 Web: www.cycladbuildings.com.au

Better sheds. Bigger choice.
 www.ranbuild.com.au
 Contact: **Damian Mizzej**

Independently owned and operated reseller of Ranbuild products

Clients name: **Graeme French** Address: **230 Tea Tree Rd BRIGHTON TAS 7030**
 Trading name:
 Phone: **0488 458 539**
 Email: **graeme.french1@bigpond.com** Delivery: **OATLANDS TAS 7120**

QUOTATION ORDER No.
10243/1

TO CONVERT THIS QUOTATION TO AN ORDER, PLEASE SIGN, DATE AND RETURN ONE ORIGINAL COPY TOGETHER WITH THE NOMINATED DEPOSIT, AND A MAP GIVING DIRECTIONS TO THE PROPERTY.

BUILDING DETAILS AND SPECIFICATIONS. Note! All sizes are nominal only. Wind Code Details

Item: Sundown Deluxe Garage	Region: A	Terr Cat: 2.5	Ms: 1.0
Dimensions: 5970mm wide x 9010mm long x 2400mm eave.	I.L.: 2	Vsit: 39 m/s	Mt: 1.0
Description: Pre-engineered galvanised steel frame structure.			

ITEM	QTY	COLOUR/DESCRIPTION	OPTION	QTY	COLOUR
Roof	2	?-Select a colour!	Vertical Wall Cladding		
Walls	4	?-Select a colour!	B&D, Firmadoor, R.D, Residential "R1F", 2035 high x 2595 wide Clear Opening	2	?-Select a colour!
Barge flashing	4	?-Select a colour!	C/B		
Gutters	6	?-Select a colour!	Larnec Door & Frame Kit, 650/61, Std.	1	?-Select a colour!
Down pipes		(Not Supplied)	2040 x 820 C/Bond		
Skylights	2	Solar GreySheeting, Polycarbonate.	Engineering (Form 55 & Form 35a) supplied	1	
Open bays			Delivery of kit to Oatlands	1	
Open ends					
Roof cladding	22	0.47tct Corrugated Profile, C/B (SGC)			
Wall cladding	40	0.47tct Corrugated Profile, C/B (SGC)			
Gable Infill					
Roof screws		?-Select a colour!			
Wall screws		?-Select a colour!			

PRICE AND TERMS OF PAYMENT

Roof and wall colour combination	All Colorbond
Downpayment to secure order only:	\$842.00
Deposit payable to commence manufacture:	\$3,368.00
Amount to pay 14 days before delivery:	\$4,209.00
Amount payable on placing concrete:	\$0.00
Amount payable for construction:	\$0.00
Total price of Order/Quote (inc. of GST):	\$8,419.00
This quotation is valid until 4/11/2013. GST in sales:	\$765.37

Drawing No. **KING01-10243**

COLORBOND® and ZINCALUME® are registered trademarks of BlueScope Steel Limited.

Concrete by: **Client**
 Construction by: **Client**
 Mass: **1,317 kg**
 Delivery by: **Road transport**

Quote will only be valid from the date of receipt and may be amended due to price rises, errors and/or omissions.

I have read the details herein, and read the Terms and Conditions of the order (on the reverse side) and agree to place this Order.

All Government or Building Authority charges, Building or Contents Insurance are the clients responsibility.

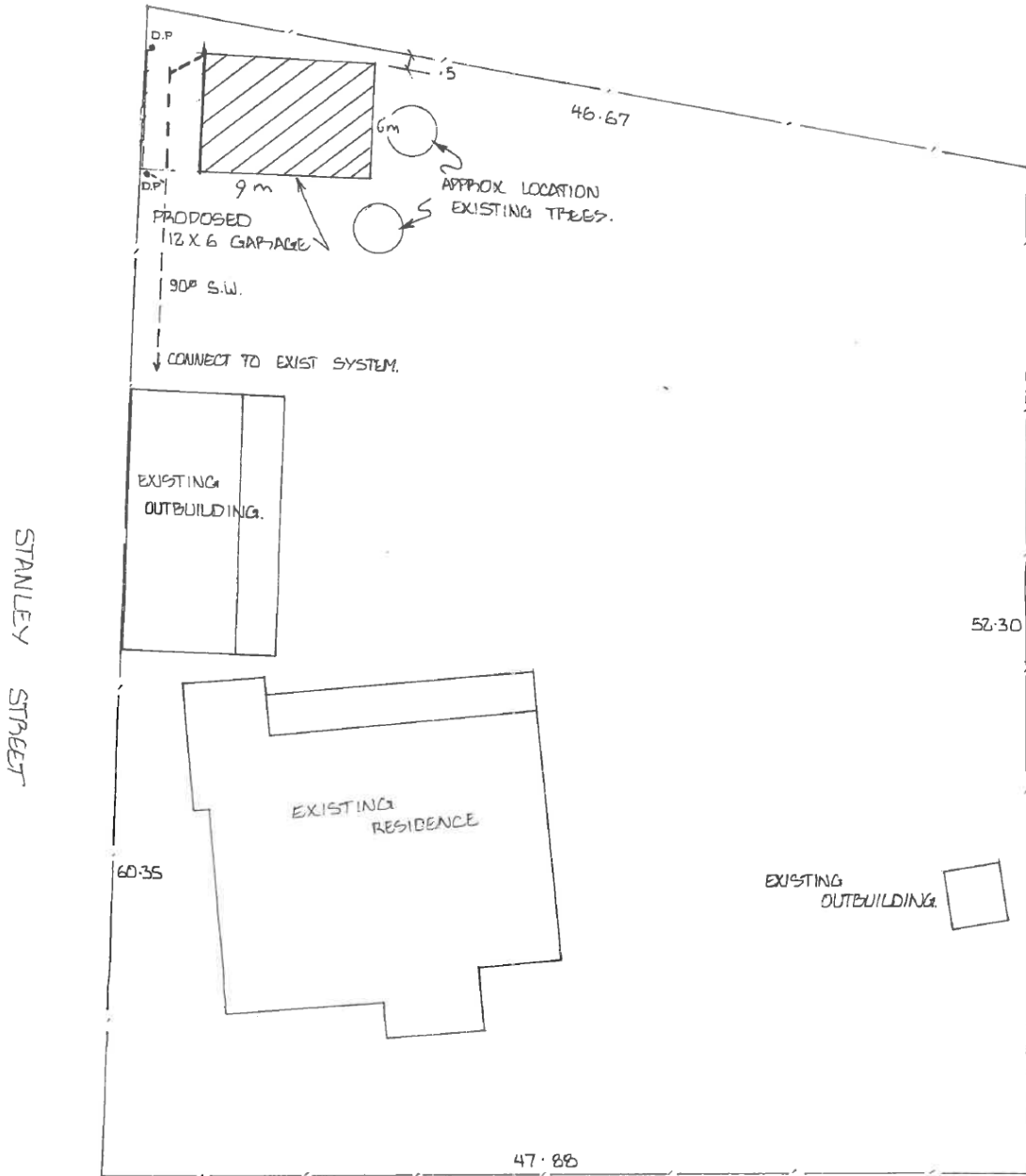
Buyer Southern Midlands Council	Seller Cyclad Hobart
Per Date Kempton	Per Date

Additional cost: Concrete slab approx \$ Erection of structure \$2,210.00 (does not include stormwater connection)
31 OCT 2013
 Received.
 File No:

Actual colours may vary from those on the drawings. Buyers should view actual samples before confirming colours. The suitability of the terrain category, topography (Mt) and shielding (Ms) factors quoted is required to be confirmed by a site evaluation from a licensed builder or building certifier.

PROPOSED 12m X 6m GARAGE
AT 36 HIGH ST OATLANDS
FOP7 G+J FRENCH
SCALE 1:200

Shed to be
3m from Stanley St Boundary
Per letter.



Planning Approval
This plan should be read in conjunction with the conditions attached to the planning permit.
DARREN JONES
Signed
Authorised Officer
Director

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

12.1.2 Development Application for a ‘Tourist Boutique Whisky Distillery’ defined as a Tourism Facility and Liquor Licenced Establishment Development in the Historic Precinct Special Area seeking relaxation to height standard and variation to parking space requirements, located behind the ‘Midlands Hotel’, 91 High St, Oatlands

File Reference: T5842477 HIGH

REPORT AUTHOR: PLANNING OFFICER (D CUNDALL)
DATE: 14TH JANUARY 2014

ATTACHMENTS: Plans
Representations

ENCLOSURE: Written Development Application

THE PROPOSAL:

The Applicant Mr Sam Issa, the owner of the Midlands Hotel at 91 High St, Oatlands has applied to the Southern Midlands Council for a Planning Permit to build and operate a ‘Tourist Boutique Whiskey Distillery’. The development requires a new building and car-parking area behind the Midlands Hotel.

The Development Application is considered at Council’s discretion for a Licquour Licensed Establishment and Tourism Facility in the Commercial Zone and for development in the Historic Precinct Special Area, and requires a relaxation of Council’s height standard and car-parking requirements.

The proposed building is an approximately 490m2 building occupying an area of land behind the Midlands Hotel. The building is comprised of 3 distinct gabled roofed structures constructed of sandstone, timber and brickwork with a colour-bond roof. The buildings have been designed to give the impression of a row of 3 Georgian style barns that emulate the buildings and roof forms in the immediate vicinity and can be found in older working and industrial buildings of the Georgian and Victorian era.

The building is to be used for distilling whiskey and is open to the public as a tourist attraction.

THE APPLICATION

The applicant has provided a detailed application. This includes assessment against the relevant provisions of the planning scheme, drawings and an environmental effects report.

All of these documents were made available to the public at both the Kempton and Oatlands Council Chambers.

There is enough information to provide an adequate assessment of the development and for members of the public and adjoining landowners to form a view on the proposal.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

The proposed works are defined as a ‘Tourism Facility’ and ‘Liquor Licenced Establishment’ development in the ‘Historic Precinct Special Area’. The development requires the demolition and removal of existing buildings and seeks a variation to the development standards for height and parking requirements.

Statutory Status

Applications for this type of use/development are discretionary and invoke Clause 11.5 of the Planning Scheme; and accordingly, may be granted a Planning Permit by Council, with or without conditions, or may be refused a Planning Permit by Council, pursuant to S.57 of the Act.

A discretionary use or development must be advertised under S.57 of the *Land Use Planning and Approvals act 1993* for at least 14 days.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on Saturday 14th December 2013 for the 14 day notification period (extended for the Christmas break and office closures). Two (2) representations were received. One of these representations is considered a letter of support, but shall be tabled and considered as part of this assessment.

Representation 1	Planning Officer Comment
<p>In relation to the height of the building and the request for relaxation of the standard, I would expect that they would be required to obtain an environmental shade map to establish the shade distance towards (the southerly properties). This would be extremely important during winter months.</p> <p>The second issue would be relaxation of the requirement to provide 62.5 car parking spaces. I agree that the vacant land at the rear of the proposed building should not be converted to a bitumen car park. The Council car park adjoining Callington Park is not presently being used by tourists when they visit Callington Mill. The reality is they do not want to walk even that short distance. Car parking will be a real problem.</p>	<p><i>A shadow diagram has been since supplied to Council. This diagram is included in the attached plans and drawings. The plan demonstrates shadowing at 12pm on the shortest day of the year.</i></p> <p><i>Shadowing in a built environment is a normal part of any town.</i></p> <p><i>This report, among many other matters, shall consider Part 4.3.4 ‘Variations’ in making a recommendation regarding the building setback and height. The matters to be considered are:</i></p> <ul style="list-style-type: none"> <i>• Amenity of neighbouring residential lots</i> <i>• Existing setback on neighbouring lots</i> <i>• Particular shape, contours or slope of adjoining lots</i> <i>• The existing use and potential use of</i>

<p>The final comment I feel we should make is that this hotel has a track record of ignoring building, heritage and council requirements. The current one is the illegal sign which has been erected which in no way complies with heritage or council requirements. The sign is still standing. This is a concern with a project of this magnitude if council has not already been able to require them to remove the illegal sign</p>	<p><i>adjoining lots</i></p> <ul style="list-style-type: none"> • <i>existing natural features</i> • <i>all other relevant provisions of the scheme</i> • <i>Council must also be satisfied that the proposal does not conflict with the intent of the zone.</i> <p><i>The proposal meets the setback requirements from a boundary. The standard in the Commercial Zone is 1.5m or one half the height of the wall whichever is the greater. At the closest point to the boundary, the proposed building is 4.7m. The height of the wall at this point is 5m. It therefore meets the setback requirement (as it is over 2.5m).</i></p> <p><i>The proposed building is a large gabled roof building. A significant part of the building is well over the wall height (given the design). The building stands at 9m high at the ridgeline. Therefore the setback would need to be 4.5m from the boundary.</i></p> <p><i>The proposed setback from the highest part of the building is 6.8m from the boundary. Therefore the development would meet the necessary setback.</i></p> <p><i>Keeping this in mind, the further assessment of Part 4.3.4 of the Planning Scheme shall be considered in greater detail as part of this report.</i></p> <p><i>The parking discretion is one of the major considerations for Council Officers in assessing this application and a major consideration for Council in making a determination. This component of the assessment is best addressed as part of this report. The comments from the representor are certainly noted.</i></p> <p><i>The recent signage Development Application is not relevant to this Application for the Whiskey Distillery.</i></p>
<p>Letter 2</p>	<p>Planning Officer Comment</p>
<p>I refer to the Development Application at reference regarding the proposed ‘Tourist</p>	<p><i>Council shall note this letter in making a determination.</i></p>

<p>Boutique Whisky Distillery’ at 91 High Street Oatlands.</p> <p>The proposal is an excellent initiative, which will further enhance Oatlands as a destination, and attract tourists who will actually spend money in the town, rather than visiting for a free experience as so many currently do. The applicants have sensitively incorporated the new venue into the heritage streetscape and existing plans for the longer term development of Oatlands.</p> <p>The request for a minor relaxation of the height restrictions recognises that many of the adjacent buildings already exceed the 8m limit, and the broken roof lines and pitch angle nicely accord with the local Georgian architecture. The angling of the buildings on the block serves well to meet a variety of planning and aesthetic concerns.</p> <p>The DA’s proposed use of the Barrack Street carpark, entirely accords with the SMC’s Pat Barwick plan and its intent to encourage visitors to walk around the Mill, and Military Precincts. Also, the proposed development utilises Ms Barwick’s identification of the second well in the Mill Precinct as a nodal point. The Council should relax the parking requirements in recognition of this broader intent; many other businesses will benefit coincidentally.</p> <p>The proposal targets the high-end tourist with a quality niche product. It provides an opportunity to expand the local barley industry, and has a longer term view to developing distilling as a local industry. However, boutique distilleries are already being developed elsewhere. The SMC should therefore speed up this comprehensive and well-considered application as much as possible so that this window of opportunity is not missed.</p>	<p><i>The Planning Officer agrees that the Applicant has submitted a building design and location that has thoroughly considered the heritage precinct and values of the town.</i></p> <p><i>Car-Parking will be assessed as part of this report. The carpark in Barrack Street could be better utilised as a parking area for tourists and visitors to the town.</i></p>
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PLANNING SCHEME ASSESSMENT

Zone: Commercial Zone

The Scheme gives priority to commercial use and development along High Street in Oatlands through the management of one zone. The Commercial Zone recognises land that is used, or has the potential to be used, for shops and businesses that primarily cater for the needs of the local population, tourists and other visitors.

It would be appropriate for the Planning Officer to begin assessing the development by the specified intentions of the zone:

4.2 The intent of the Commercial Zone is to:

- a) *give priority to having suitable areas for shops and businesses and primarily cater for the needs of the local population and visitors to the area;*

The proposal would enhance visitor numbers to the shops and businesses in the Commercial Zone. The development would encourage visitors and tourists to the town providing employment and opportunities for the local population. The development meets this intent.

- b) *strengthen the settlement of Oatlands as the primary focus for commercial use within the Council area;*

The proposal meets this intent.

- c) *provide sufficient land to accommodate expected growth in local business activities that do not adversely impact surrounding residential areas;*

The proposal makes good use of vacant land in a busy high demand commercial and tourist area. There are well established residents adjoining the land, the impact of which will be discussed under part 4.3.4 of the Planning Scheme as part of this report.

- d) *encourage consolidation of commercial uses and minimise potential impacts on surrounding residential areas;*

The proposal meets this intent. However the impact on the surrounding residential property will need to be further assessed.

- e) *encourage pedestrian access and improve the amenity and facilities of the public spaces to cater for resident and visitor use;*

The development encourages pedestrian access and encourages locals and visitors to enjoy the town on foot.

- f) *ensure the efficient utilisation of infrastructure services.*

The large roof area of the proposed building will require a plumbing permit to discharge water into the stormwater system.

The proposal does not require upgrade works to the road network and seeks to encourage visitors on foot and visitors to the Callington Mill Park.

Sewer and water impacts are assessed by TasWater and any necessary conditions or head-works charges shall be included in any permit issued by Council.

Commercial Zone: Development Standards

The aim of these provisions is to ensure that new development will contribute to the quality of the streetscape and improve the amenity for users.

To satisfy this aim the design and appearance of new development should:

- a) *enhance and maintain the character of the streetscape in terms of scale, proportions, treatment of parapets and openings and decoration;*

The proposed building is conveniently located behind the Midlands Hotel, which would conceal a large proportion of the building. Similarly neighbouring properties also conceal a great portion of the proposal from the High St.

The aspects of the building that will be readily viewed from the streets and surrounding public areas and vantage points have been well-considered by the Applicant through the design and materials used in the buildings construction.

- b) *respect the inherent aesthetic, cultural and heritage values of Oatlands;*

The proposal respects this component of Oatlands and arguably forms an integral part of the business' attraction and raison d'être.

- c) *respect historic buildings and works neighbouring the site and in the vicinity;*

This is better articulated in the standards for the Historic Precinct Special Area.

- d) *ensure that neighbouring dwellings and their associated private open space are not unreasonably deprived of sunlight or privacy;*

As discussed in the response to the representation this standard is an important consideration for Council and will be better articulated under the Part 4.3.4 of the Planning Scheme.

Nevertheless the highest part of the proposed building, at 9m at the ridgeline, it is still 6.8m from the adjoining property boundary. Overshadowing is also further negated by the existing vegetation along the south western boundary and the shed on the adjoining property. Any

overshadowing would be confined to the boundary of the Midlands Hotel and the vegetation, fencing and neighbouring shed.

The building exceeds the setback requirements of the Planning Scheme.

- e) *provide pedestrian facilities and safe access within the commercial areas;*

This is enhanced and encouraged by the proposal. The development should encourage visitors to the town to use the Barrack St Carpark and appreciate the Callington Park area and township.

- f) *provide, where possible, spaces for community interaction which incorporate street furniture, lighting, landscaping and public facilities of cultural or civic value;*

The development would allow visitors to access the Midlands Hotel land and access the public open spaces around the hotel.

- g) *provide landscaping which creates visual links between development, minimises conflicts of scale, softens hard or bleak areas and provides shelter, shade and screening; and ensure the:*

- i. *screening of all outdoor storage areas, outdoor work areas and rubbish receptacles from public view;*
- ii. *placement and design of roof mounted air conditioning equipment, lift motor housings and similar equipment so as to reduce the visual impact on the streetscape; and*
- iii. *exterior pipework, ducts, vents, sign supports, fire escapes and similar structures are painted and/or designed to match existing exterior surface treatment so that these elements are not prominent in the streetscape.*

The siting and design of the building has considered this standard. The more industrious equipment and storage areas are confined to the space between the Midlands Hotel and the proposed building and between the boundary fence and the rear of the proposed building.

Commercial Zone: Relaxation to Height Standard – Part 4.3.4

Council has the discretion to relax the 8m height standard upon consideration of the following criteria:

- a) the effect on the amenity of neighbouring residential lots;
- b) the existing setback on neighbouring lots;
- c) the particular shape, size, contours or slope of the subject land, or of adjoining land;
- d) the adjoining land uses and/or zoning;
- e) the existing natural features or qualities of the location; and
- f) all other provision of this Scheme.
- g) if it is satisfied that such a relaxation would not conflict with the intent of the Commercial Zone.

The following shall be considered by Council in making a determination:

- As discussed, shadowing, created by the proposal will be mostly confined to within the boundary of the Midlands Hotel, the existing fence, the stonewall, the

vegetation on the north eastern boundary (of the adjoining lot) and the existing shed in the adjoining lot (see Image 1 below). There is potential for some significant shadowing in the early hours of the shortest day of the year across the adjoining lot, this would be created irrespective of the variation to the height standard. The attached plan demonstrates that the shadowing will sweep easterly as the day continues. The private open space of the adjoining land will still be afforded many hours of sunlight.

- The proposed building exceeds the setback requirements of the planning scheme. The vast majority of the building is below the 8m height standard. The only discretion is the section of building above the 8m. The plans clearly indicate that this part of the building, over 8m, is the narrowest part of the building (the ridgeline of the gabled roof). This is considered justifiable under the standards of the Heritage Precinct as the intent is to assimilate a large building into a historically sensitive area. Reducing the height to less than 8m would warp the proportions of the building and have little effect on any overshadowing of the adjoining lot.
- The proposal clearly meets the intentions of the Commercial Zone
- The proposed building does not overshadow habitable rooms of adjoining buildings
- The zoning of the land actively encourages development in the Commercial Zone.
- The Applicant has also attempted to reduce any overshadowing by exceeding the scheme setback requirements from a boundary. The Applicant has provided a well-considered view on this matter as part of the written DA report submitted to Council. The Applicant has sought to find a balance between impacts on the heritage setting and impacts on the adjoining land. It is overall considered acceptable under the *Planning Scheme*.



Image 1_This clear aerial image was taken in January 2011. The photo shows the shed and vegetation on the north eastern boundary of the adjoining lot. Over-shadowing would be confined to this part of the adjoining lot. No habitable rooms will be impacted by over-shadowing.



Image 2_the photo was taken looking south west from the rear lot of the midlands hotel. The vegetation on the adjoining lot can be seen in the background.

Historic Precinct Special Area: Development Standards

Development within the Historic Precinct Special Area must be in accordance with the following principles:

- a. scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings should be appropriate to the site, adjacent buildings, and the heritage values of the local streetscape, taking into account the intent of the Special Area;*

The Applicant has taken into consideration all aspects of this standard. Heritage Tasmania have offered further comments on this matter which is included in this report.



Image 3_ Aerial Photograph taken in 2013. The image demonstrates the settlement patterns of Oatlands around the Midlands Hotel Land.

- b. buildings should provide a strong edge to the street consistent with the prevailing building line;*

The proposed building is set well back from the street and behind the hotel.

- c. the visual relationship between the existing and new buildings should be considered, with new buildings avoiding visually dominating neighbouring historic buildings;*

The proposal does not dominate nearby historic buildings and is intended to enhance the historic look and feel of a working historic town.

- d. where feasible, additions and new buildings should be confined to the rear of existing buildings;*

The proposal meets this standard.

- e. architectural details and openings for windows and doors to visually prominent facades shall respect the historic character in terms of style, size, proportion and position;*

This has been largely achieved. Heritage Tasmania offer further comments on this matter.

- f. outbuildings are generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;*

Not applicable. This is not an outbuilding.

- g. fences along street boundaries of properties, including both main and side streets should be:
- between 900mm and 1000mm high, with a maximum of 1200mm for posts;
 - vertically articulated, (such as with dowel-and-rail, picket or palisade fences), and should not be horizontally articulated, (such as with post and rail fences); and
 - “transparent” or “open” in appearance, that is, the distance between dowels or pickets, etc, should be such that the fence does not appear solid;
 - hedges along street boundaries, including both main and side streets, are acceptable provided they are kept to the height indicated for fences in (vii), above.

A fence is not proposed as part of the development.

SCHEDULE 5 – PARKING

The Applicant is seeking a relaxation to the car parking requirements for a new use/development. The Applicant proposes 17 plus 2 disabled parking places. The proposed development and car parking area will effectively eliminate the existing car park for the Midlands Hotel.

Currently there is an unknown number of car parking places for the Midland Hotel. The existing carpark is a rough bitumen area that could easily accommodate over 20 vehicles. The submitted written Development Application (p20) states that the existing hotel would require 36.5 parking spaces based on the current planning scheme standards.

The existing hotel and its various uses were approved under previous planning schemes or possibly prior to planning schemes, it is unknown how many parking places were ever required. Regardless of this, the theory provided by the Applicant is useful in making a determination on the matter.

The Applicant believes they would need 26 spaces for the proposed development. Based on the Applicants methodology, the combined parking area needed, including the existing hotel, would be 62.5 parking spaces.

In making a determination the following shall be considered in accordance with the Planning Scheme and in considering the township and future growth and direction of Oatlands:

1. In accordance with Schedule 5, the number of parking spaces are ‘as determined by Council’ for a Tourist Facility,
2. Due to the historical lay-out and development of the High St i.e. pre- the invention of the car, there are very few places that can accommodate a business and carpark on the same land and also have convenient access to the High St. Most new businesses in Oatlands require Council to relax the standards for carparking. Most people in Oatlands tend to park on the street and as close to the business/destination as possible.

3. The proposed distillery, the existing hotel and the carpark would/do not occupy the entire site. There is a large vacant grassed area to the rear of the lot. The Applicant could potentially seek to use this part of the land as carparking.
4. There is a usually vacant car park in Barrack St that can be conveniently accessed by any visitors to the Callington Park area. The car park is intended to service this part of the town. This is free carparking that is now well sign posted through-out the main street. Council further intends to find ways to encourage visitors and locals alike to use this parking area and enjoy the Callington park area on foot with-out congesting the streets with vehicles. This carpark is only 60m from an access to the Midlands Hotel. A path could potentially be constructed across the Callington Park subject to community approvals to allow visitors to access the Midlands Hotel and have an alternative access to the High St and Partere Gardens.
5. It is normal practice to find dedicated parking areas in the side or back streets of historic towns. Many historic towns in Tasmania, and across the globe, encourage this method of exploring a new place. It is a more sophisticated and modern way for people to enjoy a working historic town by parking away from the busy main street and then walking along dedicated tracks or footpaths to fully appreciate all the town has to offer. The Barrack Street carpark is conveniently located close to the Midlands Hotel site.
6. In accordance with Schedule 5.3 'Cash in Lieu', Council can require the developer to make a cash payment toward upgrading, purchasing or maintaining land for public parking purposes. This may be necessary when the developer cannot provide parking spaces on their own land.
7. The Applicant has deliberately designed and sited (clustered) the proposed building close to the existing hotel to minimise impacts on the surrounding heritage landscape. Large bitumen parking areas would be at the detriment to the surrounding historic sites. The open grassed area forms a significant part of the open rural look of the Callington Park area; and is often visited and depicted in photographs of the Callington Mill historic site. This is quite possibly one of the most historically sensitive parts of the township. Council should give careful consideration to this parking matter in weighing up the intent of the Commercial Zone and the intent of the Historic Precinct and the intent of the Developer to keep this part of the land open.
8. The grassed area could also be used for marquees, stalls or special events associated with the Midlands Hotel, or proposed distillery. It could also be used for the occasional overflow of carparking (should this become necessary for a special event in the dryer months).
9. The proposed carpark should be better delineated with line markings or other measures to denote carparking areas which in turn should encourage visitors to the both the distillery and the hotel to make better use of the parking area rather than parking on the High St.

Any permit issued shall include a condition of approval to ensure that carparking is formed to current standards for carparking.

With these key points in mind, the Planning Officer makes the recommendation that Council allows for the relaxation of the carparking requirements, with further consideration to forming a pathway to the existing gap in the stonewall. It is recommended a condition of approval could be a cash contribution to forming a curved (or whatever deemed appropriate) gravel pathway across the Callington Mill Park area subject to permission by the Lake Dulverton and Callington Mill Management Committee. It shall be further considered that such a path would also encourage visitors find a short-cut to the High St shopping area.

A cash contribution is considered appropriate given the considerably significant reduction in the parking space requirements.

OTHER PLANNING CONSIDERATIONS

Heritage Tasmania Comments

In accordance with Part 11.10.2 of Part 11 ‘Approval Procedures’ of the *Planning Scheme*, Council may seek the advice of ‘...any organisation or person in its consideration of an application’. The Development Application was referred to Heritage Tasmania for a comment and any advice. Heritage Tasmania was chosen as the particular organisation as they have assisted Council in the past on similar Development Applications in historically sensitive areas. Heritage Tasmania offered the following:

I have reviewed the documentation relating to the “Proposed Tourist Development” at the above address and are pleased to accept your invitation to provide comment on this application.

Please note that this is not to be taken as a representation under section 57 of LUPAA. It is comment provided at officer level by Heritage Tasmania, and does not reflect the position of the Tasmanian Government as a whole.

In my opinion:

- *the siting, scale and massing of the development is sympathetic to the townscape and to those heritage places that form the immediate context.*
- *The external cladding materials are sympathetic to the context if they are what they appear to be; that is: Galvanised iron or Colorbond steel roof, timber barge boards, weatherboard gables, rendered masonry and sandstone “feature” lintels and corner dressings.*
- *The scale and placement of the fenestration is acceptable and compatible with the form of the proposed building and its context.*
- *Some architectural details could benefit from refinement, preferably based on the advice of an architect possessing a good understanding of Tasmanian heritage buildings. In particular, I recommend that:*
 - o *The lower horizontal division in the windows be omitted.*
 - o *The windows be timber framed, or otherwise have framing detailed to resemble the sectional size of timber.*

- *The doors be solid and composed of vertical boarding or otherwise glass with minimal framing and no divisions (in keeping with the blending of Colonial vernacular and contemporary architecture).*
- *The window and door lintels not be sandstone, as the span is too great for stone to perform this function without the aid of steel. Timber or concrete would be more honest materials to use in this context.*
- *The “feature” sandstone corner treatment be omitted, as this is a too obviously fake heritage treatment that is based on a misunderstanding of vernacular building practices. It is better to encourage an honest expression of building materials, just as Colonial vernacular buildings were honest in the expression of the materials from which they were composed.*
- *The roofs be “short sheeted” to provide some relief to the large roof planes. A significant characteristic of the historic buildings of Oatlands (and heritage buildings more generally) is the articulation of surfaces. In contrast, large expanses of uniform material are typical of modern industrially produced materials.*
- *The scale and placement of the signage is acceptable and compatible with the form of the proposed building and its context.*

Further information is needed to ensure that the materials proposed are what they appear to be, and in particular the finishes (including colours) need to be ascertained. A oiled finish to the weatherboard and Indian red painted treatment on the barge boards and joinery would, for example, be acceptable. The finishes of paving and carparks, and the landscaping (ie: plant selection/placement) are also important to ensure compatibility with the significant aesthetic characteristics of Oatlands.

I note that the site plan indicates “walkway link to mill”. My recommendation is that this particular link remain unformed (ie: in its natural state), so as to provide a range of experiences for visitors and importantly to provide experiences that are not the product of development for tourism.

I trust that this advice is of assistance.

TasWater

The application was referred to TasWater in accordance with the *Water and Sewerage Industry (General) Regulations 2009*.

TasWater have provided a list of conditions that will be attached to any Planning Permit issued. The conditions relate to the increased demand on water and sewer services. TasWater have also imposed head-works charges on the development for the increased demand on services.

CONCLUSION

This report has assessed a proposed boutique whiskey distillery, behind the Midlands Hotel at 91 High St Oatlands, in accordance with the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning and Approvals Act 1993*.

The proposal satisfactorily meets the intent of the Commercial Zone and the intent of the Historic Precinct Special Area. Assessment in this report has largely focused on the height and parking discretions which has ultimately demonstrated they should be considered acceptable by Council as the proposal generally enhances the Commercial Zone and Historic Precinct Special Area.

The Development Application was referred to Heritage Tasmania as part of the assessment with the comments from Heritage Tasmania included in this report. It is recommended that these comments are included as advice in any permit issued.

The potential lack of parking area can be resolved by further encouraging people to use the Barrack St carpark which in turn encourages visitors to the town to enjoy Oatlands on foot. Improvements to the existing carpark would also encourage visitors to make use of the area rather than parking in the High St. It is recommended that the developer provide a cash contribution to the Council to provide a gravel walkway from the Barrack St car-park to the Midlands Hotel land which in turn gives an alternative access to the High St and Partere gardens. It is noted that Council has recently installed a series of tourist directional signs in the township to direct visitors to this carpark. This should help to alleviate congestion problems in the High St. Further encouragement of visitors to use this carpark should be further investigated by Council at some stage in the future.

The Development Application should be approved by Council subject to conditions.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a ‘Tourist Boutique Whisky Distillery’ defined as a Tourism Facility and Liquor Licenced Establishment Development in the Historic Precinct Special Area seeking relaxation to the height standard and variation to parking space requirements, located behind the ‘Midlands Hotel’, 91 High St, Oatlands 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, which ever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.

Parking & Access

- 3) The Developer shall pay a cash contribution of \$4640.00 to Council, for the construction of a pedestrian gravel path from the Barrack St Carpark to the ‘gap in the wall entrance’ to the ‘Midlands Hotel’ land across the land described as CT 33996/12. Works shall be completed prior to the completion of the building and shall be to the satisfaction of the Lake Dulverton and Callington Park Management Committee.

- 4) The areas set-aside for parking and associated access and turning must have: -
 - a. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Works and Technical Services.
 - c. Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - d. Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.
 - e. Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- 5) Any damage to the cross-over accessing the property, from the property boundary to the formation of High Street, resulting from activities associated with the development is to be repaired to the satisfaction of the Manager, Works & Technical Services (Jack Lyall 6254 5008); following completion of the works. Associated costs are the responsibility of the developer.

Signage

- 6) The developer shall submit a proposed plan of signage prior to their installation. Signage shall comply with Schedule 6 Signs of the *Southern Midlands Planning Scheme 1998* and in accordance with the Tasmanian Heritage Council 'Practice Note 6 – Signs and Hoardings on Sites Listed in the Tasmanian Heritage Register'. The submitted plan shall be to the satisfaction of Council's Planning Officer.

Services

- 7) 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.

Stormwater

- 8) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Southern Water

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

Protection of Water Quality

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

Construction Amenity

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

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

- 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. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.
 - e. 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.
- 13) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period unless approved by the Manager of Works and Technical Services.
- 14) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

Hours of Operation

- 15) The use or development must only operate between the following hours unless otherwise approved by Council’s Manager of Development and Environmental Services:

Monday to Friday	8:00 a.m. to 9:00 p.m.
Saturday	9:00 a.m. to 9:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.

Heritage Tasmania Advice

- C. Heritage Tasmania offer the following advice to be considered by the Developer:
- The windows be timber framed, or otherwise have framing detailed to resemble the sectional size of timber.
 - The lower horizontal division in the windows be omitted.
 - The doors be solid and composed of vertical boarding or otherwise glass with minimal framing and no divisions (in keeping with the blending of Colonial vernacular and contemporary architecture).
 - The window and door lintels not be sandstone, as the span is too great for stone to perform this function without the aid of steel. Timber or concrete would be more honest materials to use in this context.
 - The “feature” sandstone corner treatment be omitted, as this is a too obviously fake heritage treatment that is based on a misunderstanding of vernacular building practices. It is better to encourage an honest expression of building materials, just as Colonial vernacular buildings were honest in the expression of the materials from which they were composed.
 - The roofs be “short sheeted” to provide some relief to the large roof planes. A significant characteristic of the historic buildings of Oatlands (and heritage buildings more generally) is the articulation of surfaces. In contrast, large expanses of uniform material are typical of modern industrially produced materials.
 - The scale and placement of the signage is acceptable and compatible with the form of the proposed building and its context.
 - Further information is needed to ensure that the materials proposed are what they appear to be, and in particular the finishes (including colours) need to be ascertained. A oiled finish to the weatherboard and Indian red painted treatment on the barge boards and joinery would, for example, be acceptable. The finishes of paving and

carparks, and the landscaping (ie: plant selection/placement) are also important to ensure compatibility with the significant aesthetic characteristics of Oatlands.

- I note that the site plan indicates “walkway link to mill”. My recommendation is that this particular link remain unformed (ie: in its natural state), so as to provide a range of experiences for visitors and importantly to provide experiences that are not the product of development for tourism.

- D. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	



Copyright © 2012 South Australia Council
Web date: 2012 chart

Scale: 1:1000

0 5 10 15 20 metres

DRAWN/DATE		DATE	

NOTES

- 1. This site plan / development is for information only. It is not a contract and does not constitute an offer of any kind.
- 2. The site plan / development is subject to the approval of the Council and the relevant authorities.
- 3. The site plan / development is subject to the approval of the Council and the relevant authorities.
- 4. The site plan / development is subject to the approval of the Council and the relevant authorities.
- 5. The site plan / development is subject to the approval of the Council and the relevant authorities.

PROJECT DETAILS

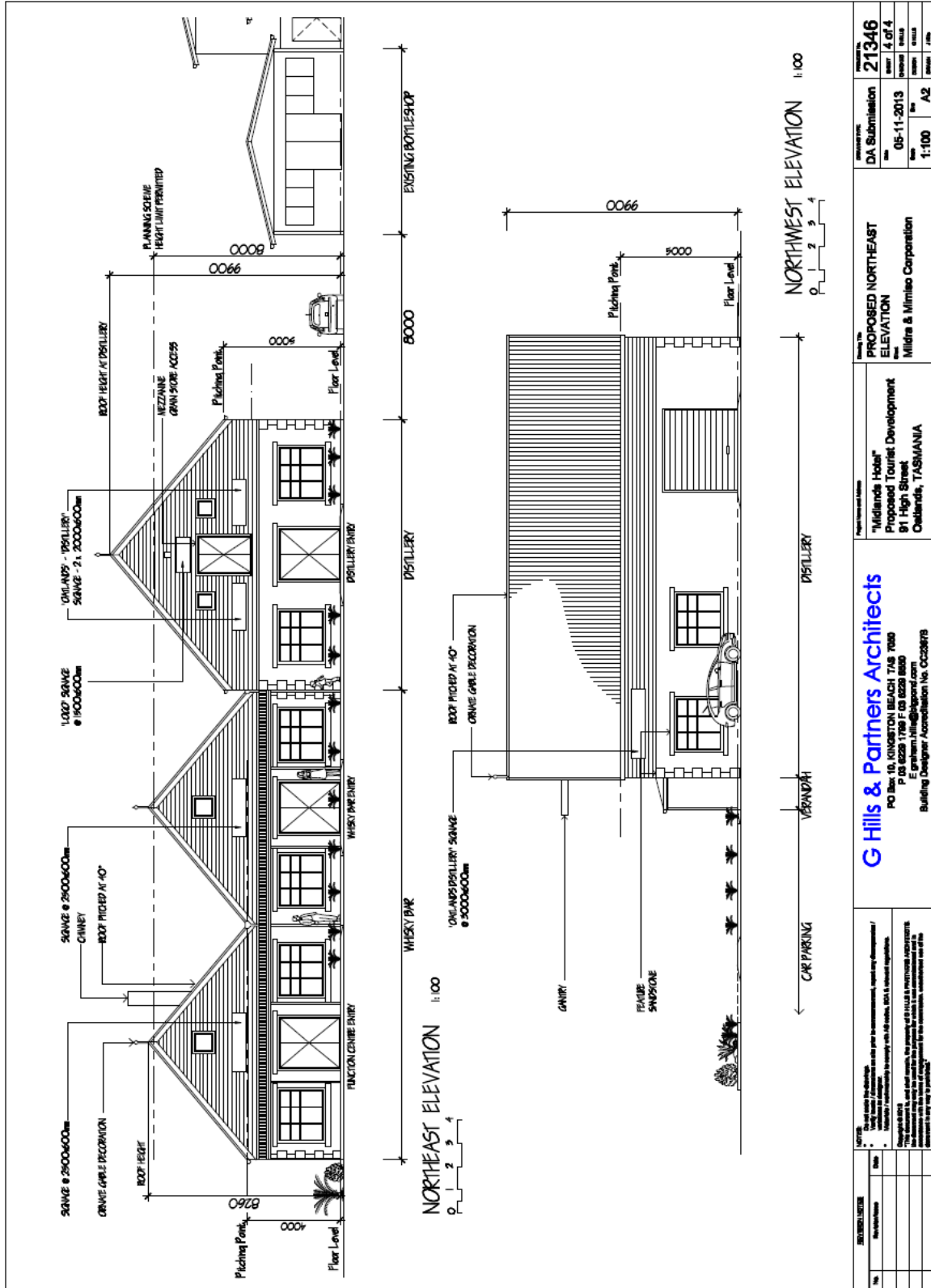
Project Name: "Midlands Hotel" Proposed Tourist Development
Address: 81 High Street, Oatlands, TASMANIA

Client: Midre & Minitia Corporation

Site Plan: PHOTO IMAGE
Scale: 1:1000

DA Submission: 21346
DA Number: 2 of 4
Date: 05-11-2013
Scale: N.T.S.
Sheet: A2

G Hills & Partners Architects
 PO Box 10, KINGSTON BEACH, TAS 7050
 P 03 6229 1190 F 03 6229 8630
 E graham.hill@gopart.com
 Building Designer Accreditation No. CC226978



PROJECT INFORMATION		SUBMISSION	
No.	21346	DA Submission	21346
Project Name	PROPOSED NORTHEAST ELEVATION	Date	05-11-2013
Client	"Midlands Hotel" Proposed Tourist Development 91 High Street Caulfield, TASMANIA	Scale	1:100
Architect	G Hills & Partners Architects PO Box 10, KINGSTON BEACH TAS 7000 P 03 6223 7783 F 03 6223 8500 E graham.jill@ghillspartners.com Building Designer Accreditation No. CC20879	Author	4 of 4
Designer		Checked	
Reviewer		Drawn	
Approver		Scale	A2



DA Submission No	21346
Date	16/1/2014
Page	2 of 3
Sheet	
Scale	
Author	
Drawn	
Checked	
Approved	

SHADOW DIAGRAM
21st JUNE NOON
Mills & Mills Corporation

"Seaside Hotel"
Proposed Tourist Development
61 High Street
Coburns, TASMANIA

G Hills & Partners Architects
PO Box 16, LONGSTON BEACH TAS 7008
P 03 6229 1188 F 03 6229 8000
E graham.mills@ghillspartners.com
G.Hill & Partners Architects Pty Ltd, Australia

DISCLAIMER
This shadow diagram is a computer-generated image and does not represent actual conditions. It is provided for informational purposes only and should not be used for any other purpose. The accuracy of the diagram is not guaranteed. The user of this diagram is advised to consult the relevant authorities for further information. This diagram is not to be used for any other purpose. The user of this diagram is advised to consult the relevant authorities for further information. This diagram is not to be used for any other purpose. The user of this diagram is advised to consult the relevant authorities for further information.

ATTACHMENT 3

**EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL
GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.**

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

11.3.1 COUNCILLOR INFORMATION:- MUNICIPAL SEAL APPLIED UNDER DELEGATED AUTHORITY TO SUBDIVISION FINAL PLANS & RELATED DOCUMENTS

Nil Report.

12.4 PLANNING (OTHER)

12.4.1 Amendment 6/2013 to the *Southern Midlands Planning Scheme 1998* to develop land at ‘Lot 6’ William St, Oatlands for a Whiskey Distillery and Bond Stores – Pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993*

File Reference: T2700000

REPORT AUTHOR: PLANNING OFFICER (D CUNDALL)
DATE: 16TH JANUARY 2014

ATTACHMENTS: Plans
Development Application Assessment
Instrument of Certification

ENCLOSURE: Applicant’s Submission

INTRODUCTION

This report shall consider an application by Mr Sam Issa to amend the *Southern Midlands Planning Scheme 1998* (“the Scheme”) to include a specified departure to allow for an ‘Industry (Limited Impact) as a Discretionary use/development in the Residential zone on land located on William St, Oatlands and described on Certificate of Title Volume 14587 Folio 6. The land is owned by N C (Superannuation) Pty Ltd.

Pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993* (“the Act”) the planning scheme amendment application is combined with a Development Application for a Planning Permit for the use/development of a Whiskey Distillery and Bond Stores defined as an ‘Industry (Limited Impact)’ at ‘Lot 6’ William St. The Applicant’s submission and Application is attached to this report.

PROPOSAL

The proposal is to include a ‘specified departure’ in the Planning Scheme. This shall appear in Part 10.14 ‘Scheme Amendments’ as a written statement giving ‘bond stores associated with a distillery’ a discretionary status in the Residential Zone on the William St ‘Lot 6’ only.

It is also proposed that a Planning Permit is granted for the development under Section 43A of the Act to allow for the proposed use/development of the land.

The Act allows for Council, after it has decided to initiate an amendment to the Scheme, to consider a Development Application concurrently with the preparation of a requested amendment. Both the amendment and permit application would be advertised for public comment. If Council decides not to initiate the amendment requested there is no requirement or need to consider the Development Application.

THE SITE

The land is accessed from William St in Oatlands (See 2011 Aerial photo below). The land is vacant land divided by the Low Impact Industrial Zone and the Residential Zone. The land is also with an Attenuation Special Area that surrounds the adjoining stone-works. The only vegetation on the land is pasture and gorse.

The land is adjoined by a row of residential lots, a stone manufacturing business, woodyard and mill and other low impact industrial pursuits. There is also a large residential lot east of the subject lot.

The land is gently undulating with access/frontage from both Wellington St and William St. Access is proposed from William St. The proposed access is close the Stanley St/Midland Hwy Junction.



Photo 1 – Aerial Photo taken in January 2011 clearly shows the lot subject to the Amendment and Development Application and the adjoining properties

PROVISIONS OF THE SOUTHERN MIDLANDS PLANNING SCHEME 1998**Zoning**

The land is divided by the Residential Zone and the Low Impact Industrial Zone. This is clearly demonstrated in the attached plans.

The intent of the Low Impact Industrial Zone is to:

- a) *Give priority to setting aside areas within Oatlands to encourage small scale, non-polluting and non-hazardous operations that primarily service the Southern-Midlands;*
- b) *Ensure that any industrial development does not have an unacceptable impact on streetscape and amenity, particularly with respect to visual intrusion, discharge of waste, traffic generation and noise; and*
- c) *Require a high standard of design for all new developments including treatment of any wastes generated at the site.*

The intent of the Residential Zone is to:

(a) to give the highest priority to residential use and the protection and enhancement of residential amenity;

- a) *to allow a range of dwelling types to satisfy different housing requirements within the community;*
- b) *to restrict non-residential uses to those which are compatible with residential use and amenity;*
- c) *to encourage the consolidation of existing serviced and vacant residential areas on an orderly basis;*
- d) *to ensure that subdivision and development is within the capacity of Council and/or the developer to provide adequate services; and*
- e) *to ensure the efficient utilisation of infrastructure services*

Use/Development Status in the Planning Scheme

An ‘Industry (Limited Impact)’ is a Permitted use/development in the Low Impact Industrial Zone and a prohibited use/development in the Residential Zone, the proposal is also within the Attenuation Area and shall be considered as part of the Development assessment (Attachment 2).

Objectives of the Planning Scheme

In initiating an amendment to the Scheme the Council shall consider Part 2.2 ‘Objectives of the Planning Scheme’. The objectives are as follows:

- i. *to acknowledge Oatlands and Kempton as the main centres providing administrative functions for the Southern Midlands and the smaller settlements of Campania, Tunbridge, Colebrook, Bagdad, Parattah and Tunnack as local service centres;*
- ii. *to encourage infilling and consolidation of development primarily in the settlements of Oatlands, Kempton, Bagdad and Campania and, secondarily, in the settlements of Tunbridge, Colebrook, Parattah and Tunnack;*
- iii. *to support the development of a broader economic base within the municipality;*
- iv. *to encourage suitable long term use of appropriate areas for agricultural, pastoral and forestry activities;*
- v. *to prevent inappropriate subdivision and development of rural land;*
- vi. *to provide for the development of intensive agriculture and related activities and to maximise the potential economic benefits from the existing and future stages of the South East Irrigation Scheme;*

- vii. *to make efficient and effective utilisation of infrastructure and services;*
- viii. *to maintain a safe and efficient road system;*
- ix. *to ensure the safety and health of residents through the appropriate, adequate and equitable provision of facilities and services;*
- x. *to conserve and enhance the scenic and heritage qualities, including streetscapes and land scapes, of the Southern Midlands;*
- xi. *to minimise the potential environmental and land use conflicts between different land use activities;*
- xii. *to provide sufficient land and facilities for the recreational and open space needs of residents and visitors; and*
- xiii. *to protect areas which may be required for future development from inappropriate or premature development.*

The proposed amendment would largely conform with the strategic objectives of the scheme. The Development Application shall also further consider the impacts the use/development with consideration to the surrounding amenity and within the Attenuation Special Area.

The Application is to use Residential Land for a low impact industrial use. There is still a very large balance of residential land in the immediate vicinity that has never been developed. There is little consequence for using a small portion of the Residential Land for an alternative purpose given there is the potential for around 60 houses in the immediate vicinity (calculated at a higher density level of multiple dwellings at 1 dwelling per 350m² of land).

DISCUSSION

The Applicant has provided a detailed assessment and submission to accompany the application for the Amendment and Development Application. The primary reasons to support the amendment are as follows:

- a) The Applicant proposes that the less environmentally intrusive ‘Bond Stores’ are the only buildings required in the ‘Residential Zone’. The actual distillery is proposed in the industrial zone. The Applicant states that a distillery is a more ‘benign’ type of industrial activity. The Bond Stores are three (3) buildings used to store whiskey and spirits.
- b) Allowing the bond stores as ‘Discretionary’ seems reasonable on this land as this part of the Residential Zone is also within the ‘Attenuation Special Area’. The scheme overlay is intended to identify land uses such as quarries, mining, sewerage treatment, stone works etc. and any other activities that could potentially give rise to an environmental nuisance. Accordingly any proposed use or development within an Attenuation Special Area is to be considered at Council’s discretion with consideration given to the likelihood of any impacts/conflict between the uses i.e Council would need to carefully consider an application for a more sensitive use such as a new dwelling within this special area to protect the ongoing use of the industrious activity and vice versa.

- c) The Applicant proposes to only alter the scheme to allow for this particular use/development and not a complete rezoning of the land. The amendment does not leave the land open to other industrial type uses. It is specific to this particular development. It is arguably a low-impact development and use of the land generating infrequent noise or activity. The Applicants states it is a good transition from the industrial activity along Stanley St toward the Residential Zone.

LAND USE PLANNING AND APPROVALS ACT 1993

The Act requires Planning Scheme Amendments to seek and further the objectives of Schedule 1 of the Act and be prepared in accordance with State Policies. Schedule 1 (Extract from the Act):

SCHEDULE 1 - Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and*
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*
- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*
- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- (i) to provide a planning framework which fully considers land capability.*

(Extract End)

Discussion of Schedule 1 Objectives:

The objectives are used for strategic direction for planning and sustainable development in Tasmania. Planners will often refer to these objectives in land rezoning, scheme amendments, strategic plans and major projects.

The proposed amendment is a minor alteration to the scheme seeking to make use of under-utilised land for a minor industrial, low impact type use within an attenuation special area. The proposal does not put great impost on local or state infrastructure to accommodate the use or negate the ability for adjoining property owners to develop or use the land. The proposal would not cause undue pressure on the Council to further rezone land in the nearby vicinity in lieu of this proposal.

STATE POLICY

There are two (2) state policies to be considered as part of a Scheme Amendment. The *State Policy on the Protection of Agricultural Land* and the *State Policy for Water Quality Management*.

It is considered the proposal would further the objectives of the *Agricultural Land Policy* by supporting rural industry and farming in the area. The proposed activities associated with the amendment will make good use of barley in whiskey production and other fruits and crops for the production of other spirits.

The Planning Officer agrees with the Applicants assessment of the *Water Quality Management Policy*. Any conditions of approval associated with the Development Application shall ensure conformity with this policy via a plumbing permit and measures to mitigate any contamination or pollution. The Development Application is also referred to TasWater under the *Water and Sewerage Industry Act 2008*.

RECOMMENDATION

That:

- A. This report be received**
- B. Pursuant to Section 34(1) of the Land Use Planning and Approvals Act 1993, Council resolve to initiate an amendment to the Southern Midlands Planning Scheme 1998 to include a specified departure in Part 10.14 to allow ‘bond stores associated with a distillery’ to be considered at Council’s discretion on Lot 6 on SP 145487**
- C. Pursuant to Section 35 of the Land Use Planning and Approvals Act 1993, Council certify that the 6/2013 Amendment to the Southern Midlands Planning Scheme 1998 meets the requirements of Section 32 of the Land Use Planning and Approvals Act 1993 and authorise the Mayor and the General Manager to sign the Instrument of Certification (Attachment 3)**
- D. Pursuant to Section 38 of the Land Use Planning and Approvals Act 1993, Council place the 6/2013 Amendment to the Southern Midlands Planning Scheme 1998 on public exhibition for a 3 week period following certification.**
- E. Pursuant to Section 43A of the Land Use Planning and Approvals Act 1993, Council grant a permit for a Distillery (Main Production Facility) at ‘Lot 6’ William St, Oatlands subject to the conditions specified in the Attachment 1 Report.**

Attachment 2

Section 43A Development Application Assessment for the ‘Oatlands Distillery (Main Production Facility)’ defined as Industry (Limited Impact) at ‘Lot 6’ William St, Oatlands

File Reference: T2700000

APPLICANT: Mr Sam Issa
LAND OWNER: N C (Superannuation) Pty Ltd
REPORT AUTHOR: David Cundall (Planning Officer)
DATE: 16th January 2014

THE PROPOSAL:

The Applicant Mr Sam Issa, has applied to the Southern Midlands Council to amend the Planning Scheme and seek a Planning Permit for a whiskey distillery and bond stores at ‘Lot 6’ William St, Oatlands.

The proposal is part of a ‘Section 43A’ application to both amend the Planning Scheme to allow bond stores associated with a distillery to be considered at Council’s discretion in the Residential Zone and within the Attenuation Special Area.

If Council endorse the recommendations of the Amendment Report to amend the Planning Scheme then this Development Application can be assessed as if the amendment has already been certified. This is the unique feature of the ‘Section 43A’ application it allows a person to apply to Council to both change the zoning and seek a permit in the same application. The purpose of which is to streamline the process into a single process.

THE APPLICATION

The applicant has provided a detailed application. This includes assessment against the relevant provisions of the planning scheme, drawings and an environmental effects report. The application is also the supporting submission to amend the Planning Scheme.

The documentation will be made available to the public as part of the public exhibition of the draft amendment.

There is enough information to provide an adequate assessment of the development and for members of the public and adjoining landowners to form a view on the proposal.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

The proposed use/development is defined as ‘Industry (Limited Impact)’ in the Low Impact Industry Zone and Residential Zone and within the Attenuation Special Area (a scheme overlay that surrounds the stoneworks on Stanley St).

Statutory Status

The Application is discretionary and invokes Clause 11.5 of the Planning Scheme; and accordingly, may be granted a Planning Permit by Council, with or without conditions, or may be refused a Planning Permit by Council, pursuant to S.57 of the Act.

Public Notification and Representation

As this is a Section 43A Application, the development is advertised along with the exhibition of the Planning Scheme Amendment after Council has initiated the Amendment.

PLANNING SCHEME ASSESSMENT**Zone: Low Impact Industrial Zone**

The proposal is a ‘Permitted’ use/development in this zone. The discretion is for a new use/development in the ‘Attenuation Special Area’. The development does not require a variation to the development standards for height or setback in this zone. The distillery building is the only building in the Low Impact Industrial Zone.

The proposed siting, size and design of the distillery building has taken into consideration the standards for design and appearance of new development in this zone. The building has prominent exposure to the Midland Highway. The added features to the building including dormer windows, large wall windows, custom made sliding doors, hardwood timber cladding and ‘Oatlands Distillery’ Signage on the side of the building all assist to ‘break-up’ a potentially ordinary industrial building. This is an important consideration for the Council.

Any large development on this land has an impact on the surrounding amenity. The gun metal roofing, use of timber and cream walls and windows, are all considered appropriate in this zone and in this part of the town. The developer has attempted to create buildings in sympathy to the Georgian character of the township. It is expected that landscaping around the buildings will also help to assimilate the buildings into the landscape and further enhance this industrial area.

Zone: Residential Zone***Part .3.4 Standards for Residential Amenity***

The design of new development should ensure that:

- (a) residential amenity on neighbouring properties is not detrimentally affected;*
- (b) dwellings and their associated private open space on neighbouring properties are not unreasonably deprived of privacy, sunlight/daylight or views;*
- (c) sufficient open space is provided for each dwelling to meet the requirements of occupants for outdoor activities;*

- (d) *private open space is suitable for private recreational use, accessible, capable of receiving reasonable levels of direct sunlight and has reasonable privacy;*
- (e) *communal outdoor space is located within reasonable proximity to the dwelling units, is readily accessible by the occupiers and is capable of receiving reasonable levels of sunlight/daylight;*
- (f) *sufficient landscaping is provided to assist with the provision of privacy and to compliment the streetscape or townscape character; and*
- (g) *existing landscaping is retained where practicable;*

Discussion of Residential Amenity Standards

The proposed bond stores will be located in the Residential Zone. This is a series of three (3) 9m by 15m buildings. The design of these buildings will be similar to the main distillery buildings. The design and siting of these buildings is considered acceptable for their desired use in the Residential Zone.

The bond stores do not require any variation to the height or setback requirements for the Residential Zone. The wall height of the bond stores is 4m which would require a minimum 2m setback from the property boundary. The proposal is for a 3m setback. This is considered acceptable, per the standard, but also acceptable considering the buildings are secure concrete paneled buildings used to store goods and materials. There is little anticipated environmental effects that could be generated by the storage of these goods. The Applicant has also considered the impact of which as part of a Environmental Effects Report supplied with the Development Application.

SPECIAL AREA

Attenuation Area Special Area

The Attenuation Area encompasses land around the existing stone works. The area is depicted as a purple line on the Planning Scheme. The purpose of the area is to afford protection to the stoneworks and to further minimise land-use conflict between differing uses.

As the proposal is an industrial type use, there is expected to be little conflict between the two developments. The bond stores on the residential land would have less impact on the stoneworks than an actual residence.

The proposal is considered an acceptable use/development within this special area.

ACCESS and PARKING

Parking

The developer has proposed a sufficient number of car-parking places. It is noted there is also scope create further parking should this become necessary. A condition of approval should ensure that the parking area is formed to an acceptable standard.

Access

There is currently no formed access to the land. As a commercial venture the development will require a formed sealed access to William St. A condition of approval shall require the access be formed to the appropriate standard for a commercial access onto a sealed road.

OTHER PLANNING CONSIDERATIONS

TasWater

The application was referred to TasWater in accordance with the *Water and Sewerage Industry (General) Regulations 2009*.

TasWater will provide a list of conditions that will be attached to any Planning Permit issued. The conditions relate to the increased demand on water and sewer services. TasWater may also impose head-works charges on the development for the increased demand on services.

CONCLUSION

This report has assessed a proposed whiskey distillery and bond stores, on land described at ‘Lot 6’ William St, Oatlands. The proposal is submitted as a combined Development Application and Scheme Amendment and has been assessed under the requirements of the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning and Approvals Act 1993*.

The proposal satisfactorily meets the intent and standards of the Low Impact Industrial Zone and the standards of the Attenuation Special Area. The proposed bond stores in the Residential Zone are a considerably low impact development in terms of their intended usage, size, design and siting.

The Development Application is recommended for Approval subject to conditions.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning & Approvals Act 1993*, Council approve the application for a ‘Whisky Distillery and Bond Stores’ defined as an Industry (Limited Impact) on land described as ‘Lot 6’ William St, Oatlands, 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.

Parking & Access

2. The vehicle access from the carriageway of the road onto the subject land must be located and constructed using a sealed pavement in accordance with the construction standards shown on standard drawings SD 1012 prepared by the IPWE Aust. (Tasmania Division) (attached) and to the satisfaction of Council's Manager of Works and Technical Services (Jack Lyall 6254 5008). The works shall be modified to suit the conditions and to the satisfaction of the Manager of Works and Technical Services.
3. The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services (Jack Lyall 6254 5008) before commencing construction works within a council roadway.
4. The Developer is to contact the Manager, Works & Technical Services to arrange a site inspection within two (2) working days of completion of works.
5. Adequate manoeuvring space on the land must be provided in accordance with Standards Australia (2002): *Australian Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Standards Australia, Sydney. This shall ensure that heavy trucks may leave the site in a forward direction.
6. The areas set-aside for parking and associated access and turning must have: -
 - a. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Works and Technical Services.
 - c. Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - d. Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.

Landscaping

7. The site must be landscaped by trees, shrubs, fences or other means. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas.

Signage

8. The developer shall submit a proposed plan of signage prior to their installation. Signage shall be to the satisfaction of Council's Development Assessment Committee. The approved plans shall then form part of this Permit

Services

9. 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.

Stormwater

10. Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Southern Water

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

Protection of Water Quality

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

Construction Amenity

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

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

14. 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. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.

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

Hours of Operation

- 17. The use or development must only operate between the following hours unless otherwise approved by Council’s Manager of Development and Environmental Services:

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

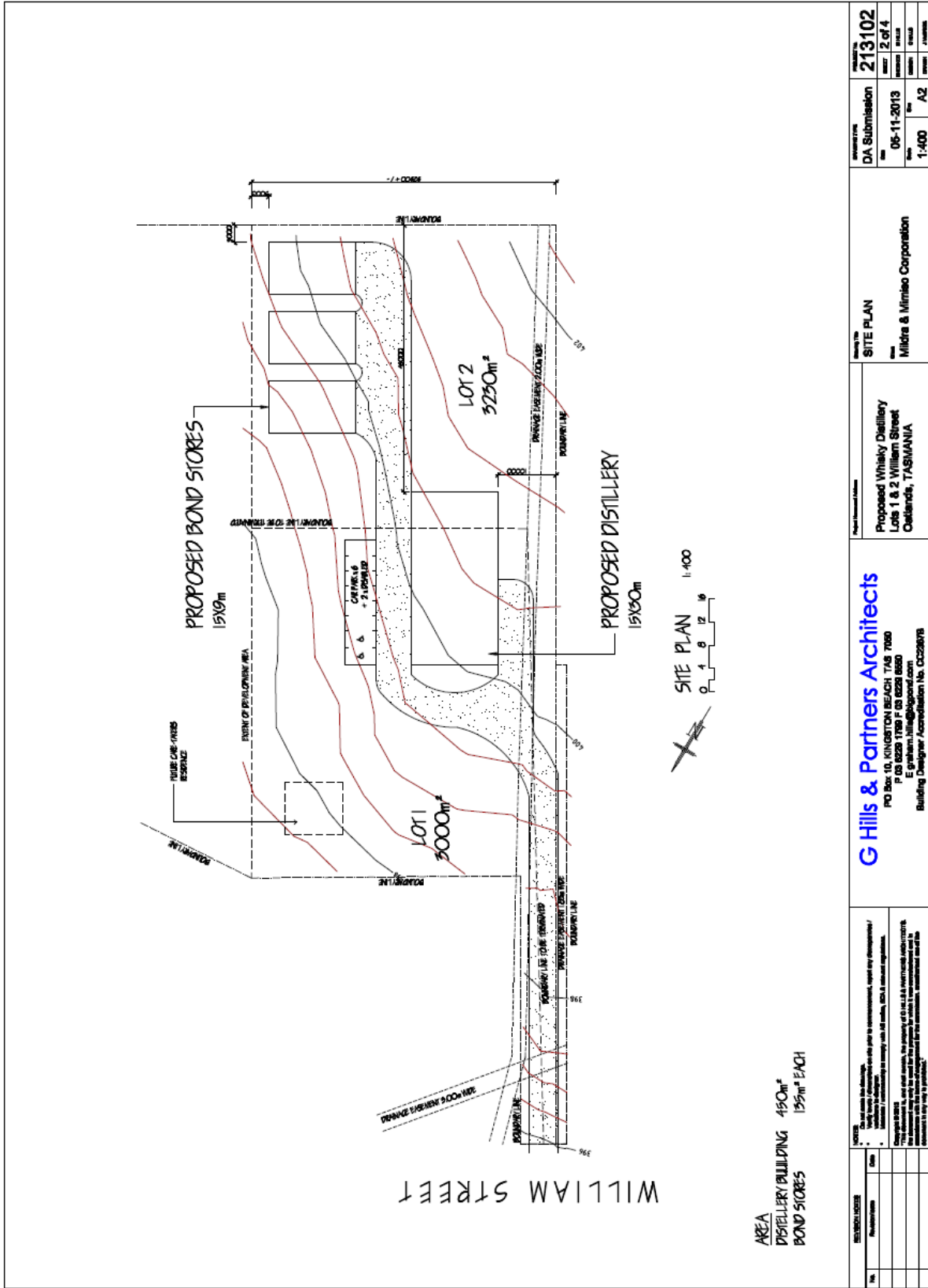
The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.
- C. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.

DECISION

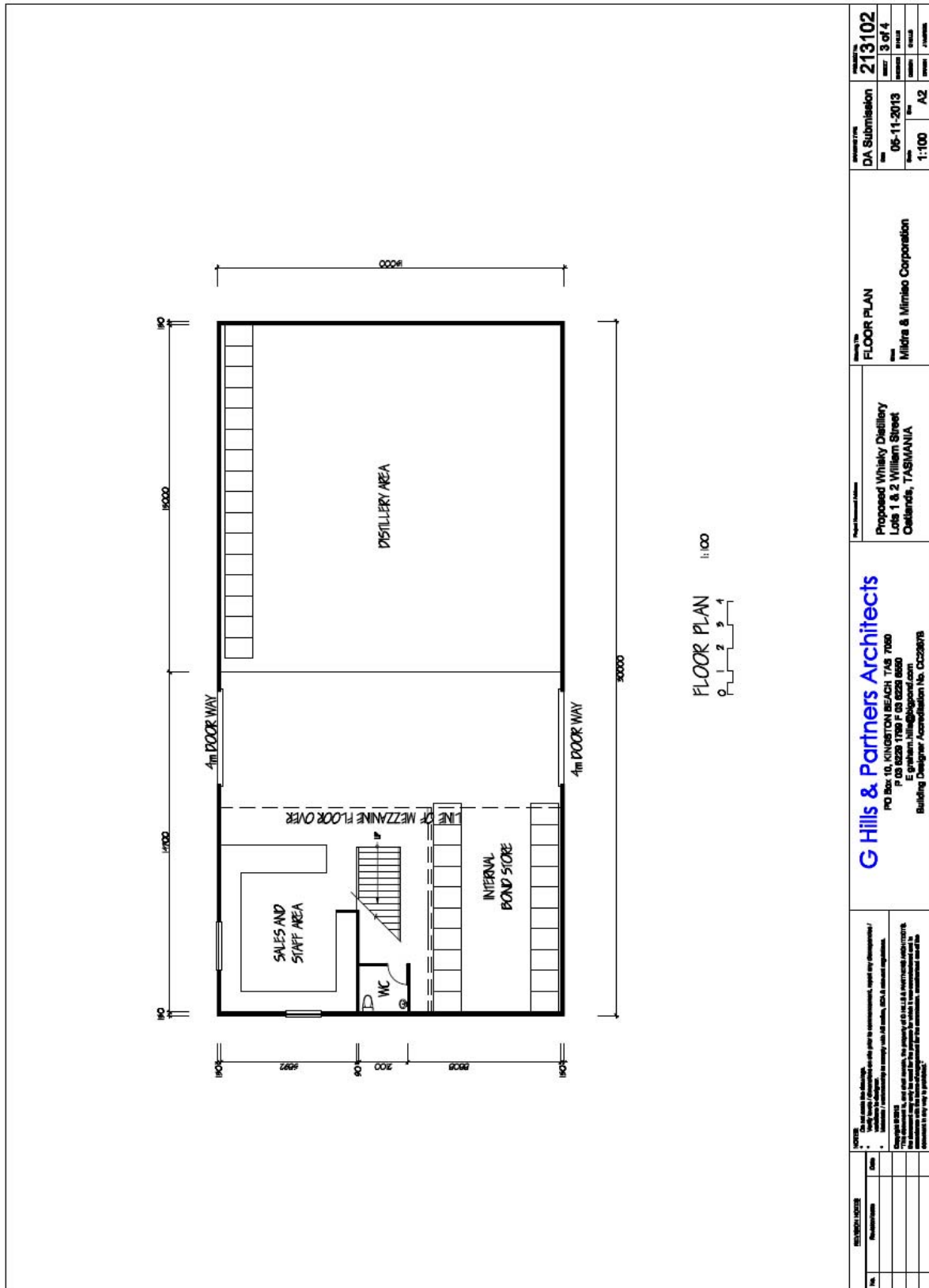
Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	





AREA
DISTILLERY BUILDING 450m²
BOND STORES 135m² EACH

REVISIONS		PROJECT INFO		SUBMISSION INFO		DRAWING INFO	
No.	Description	Date	By	DA Submission No.	Date	Scale	Sheet No.
				213102 <td>05-11-2013 <td>1:400 <td>A2 </td></td></td>	05-11-2013 <td>1:400 <td>A2 </td></td>	1:400 <td>A2 </td>	A2
<p>G Hills & Partners Architects PO Box 16, KINGSTON GARDENS TAS 7050 Phone: 081 438 1111 Email: g.hills@ghillspartners.com.au Building Designer Accreditation No. CC226878</p>		<p>Proposed Whisky Distillery Lots 1 & 2 William Street Oatlands, TASMANIA</p>		<p>SITE PLAN Mirdra & Mirdra Corporation</p>		<p>2 of 4 2 of 4 2 of 4 2 of 4</p>	



FLOOR PLAN 1:100

<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Date										<p>NOTES</p> <ul style="list-style-type: none"> 1. This plan is submitted for the purpose of assessment, subject to any conditions/requirements of the relevant authority. 2. This plan is submitted for the purpose of assessment, subject to any conditions/requirements of the relevant authority. <p>Copyright © 2014 This document is the property of G.Hills & Partners Architects and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without the prior written permission of G.Hills & Partners Architects.</p>		<p>Project Information</p> <p>Project Name: FLOOR PLAN</p> <p>Client: Mildra & Minisao Corporation</p> <p>Proposed Whisky Distillery Lots 1 & 2 William Street Oakland, TASMANIA</p>		<p>DA Submission</p> <p>DA Submission No: 213102</p> <p>DA Submission Date: 05-11-2013</p> <p>Scale: 1:100</p> <p>Sheet No: A2</p> <p>Sheet Count: 3 of 4</p>	
No.	Description	Date																	
<p>G Hills & Partners Architects</p> <p>PO Box 10, KINGSTON SEASIDE TAS 7080 P 08 8529 1739 F 08 8529 8650 E g.hills@ghillspartners.com.au Building Designer Accreditation No. CC29878</p>		<p>Scale</p> <p>0 1 2 3 4</p> <p>1:100</p>		<p>Project Information</p> <p>Project Name: FLOOR PLAN</p> <p>Client: Mildra & Minisao Corporation</p> <p>Proposed Whisky Distillery Lots 1 & 2 William Street Oakland, TASMANIA</p>		<p>DA Submission</p> <p>DA Submission No: 213102</p> <p>DA Submission Date: 05-11-2013</p> <p>Scale: 1:100</p> <p>Sheet No: A2</p> <p>Sheet Count: 3 of 4</p>													

Attachment 3

**SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 6/2013**

The *Southern Midlands Planning Scheme 1998* is amended by the inclusion of a 'Specified Departure Clause (b)' under Part 10.14 (a) of the Scheme. This part of the Scheme currently reads:

10.14 Scheme Amendments

- a) Scheme Amendments provide for particular areas of land identified on the Planning Scheme Plans and listed below to be developed or used in ways that were not initially provided for under the Scheme but have nevertheless come to be considered appropriate.

The Amendment 6/2013 shall insert the following Clause:

- b) Notwithstanding any other provision of this scheme, the development and use of bond stores associated with a distillery on land currently described as Lot 6 SP 145487 within the Attenuation Area Special Area is discretionary and invokes Clause 11.5 accordingly.

The Southern Midlands Council has resolved at its meeting of the 22nd Day of January 2014 that, draft Amendment 6/2013 to the *Southern Midlands Planning Scheme 1998* meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

Member

Member

General Manager

**12.4.2 Draft Amendments to the Southern Midlands Planning Scheme 1998
Bagdad / Mangalore Area**

File Ref: 9/084

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 16TH JANUARY 2014

- ATTACHMENTS**
1. Planning Scheme Amendment 1.1/2014
 2. Planning Scheme Amendment 1.2/2014
 3. Planning Scheme Amendment 1.3/2014
 4. Planning Scheme Amendment 1.4/2014
 5. Planning Scheme Amendment 1.5/2014
 6. Planning Scheme Amendment 1.6/2014
 7. Planning Scheme Amendment 1.7/2014
 8. Planning Scheme Amendment 1.8/2014
 9. Planning Scheme Amendment 1.9/2014
 10. Planning Scheme Amendment 1.10/2014
 11. Bagdad Mangalore Structure Plan key map

- ENCLOSURE**
1. Bagdad Mangalore Structure Plan July 2010 (previously Provided)

PRELIMINARY

At the 27 November 2013 meeting Council resolved to initiate a suite of planning scheme amendments aimed at implementing the Bagdad Mangalore Structure Plan, with a six-week public exhibition period beginning on 25 January 2014.

Officers from the Tasmanian Planning Commission have undertaken a preliminary assessment of the amendment documents and have recommended a number of minor alterations to the text.

The nature of the alterations are:

- Correcting a number of minor errors in the text of several amendments.
- Altered wording in the way the certification text references the legislation.

Whilst these do not materially affect the substance of the proposed amendments, it is considered appropriate to implement them to ensure the documents are as sound as possible.

The purpose of this report, therefore, is to rescind the November 2013 decision and re-initiate the amendments with the amended wording.

The following sections of the report are generally as they were in the November 2013 agenda report, with the minor amendments as appropriate.

A different date for the start of the public consultation is proposed. Given the Council meeting is 22 January, it is considered appropriate to start the consultation a week later than originally envisaged, on 1 February, to ensure the new documents are provided to the TPC in sufficient time.

1. BACKGROUND

For some years Councils has been working towards the preparation of a new planning scheme for the Southern Midlands. This has included a great deal of local strategic planning work, much of which was done under the Joint Land Use Planning Initiative (JLUPI), a sub-regional planning project with the three other Councils in our subregion that was commenced in 2007. The objective of the JLUPI project was that the four Councils would together develop their new planning schemes based on the same model and supported by the same sub-regional strategy.

However, as the JLUPI project was completing the strategic planning work, and before planning scheme drafting could commence, the broader Southern Tasmania Regional Planning Project (STRPP) was initiated by a Memorandum of Understanding between State Government and Local Government in the region. This had similar aims to the JLUPI project but involved all twelve Southern Councils. Drafting work on the planning schemes was therefore delayed whilst the STRPP developed the Southern Tasmania Regional Land Use Strategy (STRLUS) and then prepared the Southern Tasmania Regional Model Planning Scheme upon which all twelve Southern planning schemes are now to be based.

The Regional Model Planning Scheme has now been completed and Council officers are completing the drafting work to create the new Draft Southern Midlands Interim Planning Scheme. It is anticipated this will be presented to the February 2014 Council meeting for a decision to formally submit it to the Minister for Planning for consideration for declaration as an *interim planning scheme*. The timeframe for declaration is not certain but it is likely to be declared by the Minister late in 2014.

Two years ago the State amended the *Land Use Planning and Approvals Act 1993* to re-introduce the concept of *interim planning schemes*, which had been eliminated in 1993 when the legislation was overhauled. The Regional Planning Project's MoU between the State and the Southern Councils sets down the State's expectation that the new planning

schemes will be submitted to the State as draft interim planning schemes. The Minister has continued to emphasise this expectation in recent times.

As Councillors will recall, in August 2012 Councils were advised by the TPC that it had received advice from the Solicitor General to the effect that the interim planning scheme mechanism has a number of limitations in terms of the changes that such schemes can introduce. The key issue is that interim planning schemes come into effect prior to the statutory public consultation and formal hearings process, whilst in the traditional draft planning scheme process new schemes coming into effect at the end of the statutory public consultation and hearings process. Changes brought in by an interim planning scheme can therefore deny due process / natural justice to people impacted by the changes.

It is apparently the Solicitor General's view that significant changes should only be introduced through an interim planning scheme if necessary to implement the relevant Regional Land Use Strategy or to convert from the old scheme to the new State Planning Scheme Template. The Minister and the TPC have since clarified that changes derived from local strategic planning documents that are not inconsistent with the Regional Strategy may also be appropriate in an interim planning scheme under some circumstances. This view has now been strengthened by recent amendments to the STRLUS that acknowledge the role of local strategy.

Notwithstanding this, at the August 2013 meeting Council determined that certain major changes envisaged in the new scheme that derive substantially from local strategic planning work (such as JLUPI) should be brought in by the 'traditional' planning scheme amendment process. This will provide all members of the community with the opportunity to formally participate in the process and, if they wish, be heard at a public hearing at the TPC. In other words, everyone will be afforded due process and no one will be denied natural justice.

The purpose of this report, therefore, is to propose amendments to the Southern Midlands Planning Scheme 1998 in the Bagdad Mangalore area, which generally derive from recommendations in the Bagdad Mangalore Structure Plan 2010, (BMSP).

2. THE JOINT LAND USE PLANNING INITIATIVE, THE SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY and the BAGDAD MANGALORE STRUCTURE PLAN.

As mentioned above, the Joint Land Use Planning Initiative (JLUPI) project was a sub-regional planning project undertaken by four Councils in the region consisting of Brighton, Central Highlands, Derwent Valley and Southern Midlands. The JLUPI project finished its strategic planning work just as the Southern Tasmania Regional Planning Project commenced its strategic planning work. The JLUPI subregional and local strategic planning work was taken into consideration by the Regional Planning Project and the two bodies of work are generally consistent.

The Southern Tasmania Regional Land Use Strategy, being a high level instrument, does not delve into matters that are ‘local’ only. It is therefore the case that whilst the JLUPI work is consistent with the STRLUS, very little of its detail could be said to be ‘necessary’ to implement the STRLUS.

Nevertheless, much of the JLUPI outputs remain relevant, given that the STRLUS addresses genuinely regional matters only and does not attempt to resolve local strategic planning issues. In terms of providing the strategic foundation of the pending new planning scheme, the JLUPI documents provide a very substantial contribution. The role of local strategic planning work is now recognised in the STRLUS.

A succession of planning exercises working from sub-regional to local resulted in the Bagdad Mangalore Structure Plan:

- JLUPI Phase One: The (Sub) Regional Land Use Strategy.
 - JLUPI Phase Two: The (Sub) Regional Settlement Strategy.
 - JLUPI Phase Two: The Bagdad Mangalore Structure Plan.

All of the above pieces of work involved extensive public consultation, including stakeholder workshops, community workshops, community drop-in sessions and advertising for public comment.

There is a significant level of expectation within the community generally - including the Bagdad Mangalore valley - that the planning scheme will include the changes developed by their council with their input.

3. THE BAGDAD MANGLORE STRUCTURE PLAN

The Bagdad Mangalore Structure Plan (BMSP) was completed and formally endorsed by Council in 2010. A copy of the BMSP was enclosed with the 27 November 2013 agenda. The key recommendations of the Plan are set out within section 4 of the report and visually depicted on the map in its Appendix C – which is included in this report in Attachment 11.

The draft planning scheme amendments are derived from, and supported by, the BMSP in particular and also the higher level JLUPI planning documents more generally. Key overarching objectives particularly relevant to the draft amendments can be summarised and paraphrased as follows:

- To consolidate residential development (including rural-residential development) in nodes and retain the rural landscape between the nodes. In other words, the rural-residential sprawl that has occurred just south of the Bagdad Mangalore valley either side of the Brighton township is not to be repeated in Southern Midlands.

- To retain the expansive productive agricultural areas on the valley floor for long term agricultural use. This includes back-zoning areas of inappropriately zoned but undeveloped rural residential zoned land.

Note that the STRLUS provides additional and more definitive direction in this regard, particularly in respect of the spatial allocation of the State Template Significant Agricultural Zone in the pending new interim planning scheme.

- To zone new rural residential land on the sides of the valley adjacent to existing development, especially where not requiring new accesses on the Midland Highway, thereby consolidating and strengthening these rural living areas.
- To recognise and protect land immediately around the Bagdad village for future residential / village development.

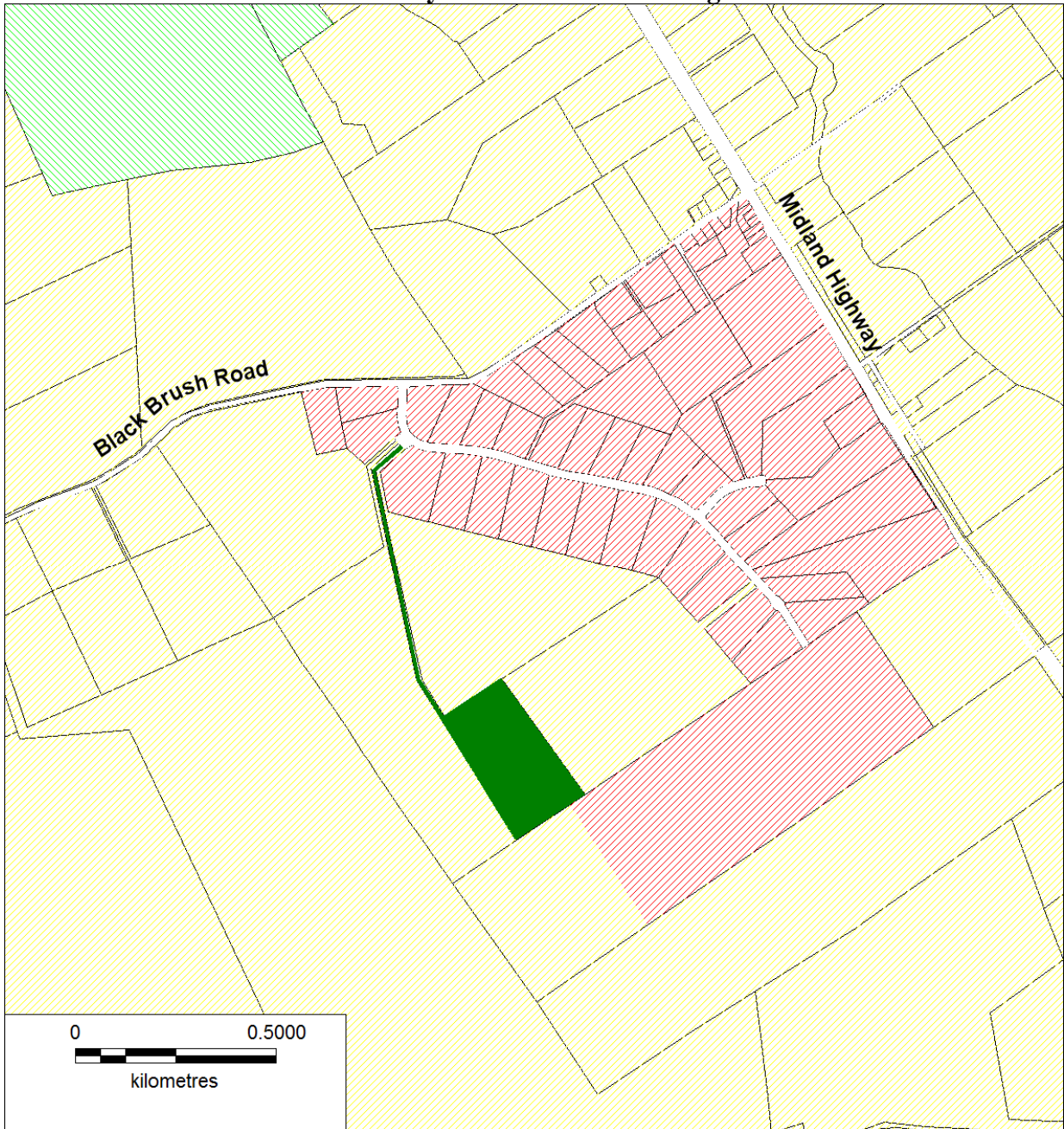
4. THE PROPOSED AMENDMENTS – SPATIAL DETAILS

The proposed amendments are indicated on the following series of maps, as Area 1 to Area 1.10. These numbers match with the amendment numbers, 1.1/2014 to 1.10/2014.

The maps are presented in pairs, showing current and proposed zoning. Each pair of maps shows several amendment areas.

The final map details an additional rezoning in the Mangalore area which follows Council's decision in 2009 to dispose of public land pursuant to S.178(4) of the *Local Government Act 1993*. This, in turn, followed the creation of the Mangalore Recreation Plan in concert with the community which determined to dispose of this unused land on the basis that the proceeds would be used to fund recreation and community projects in the local area.

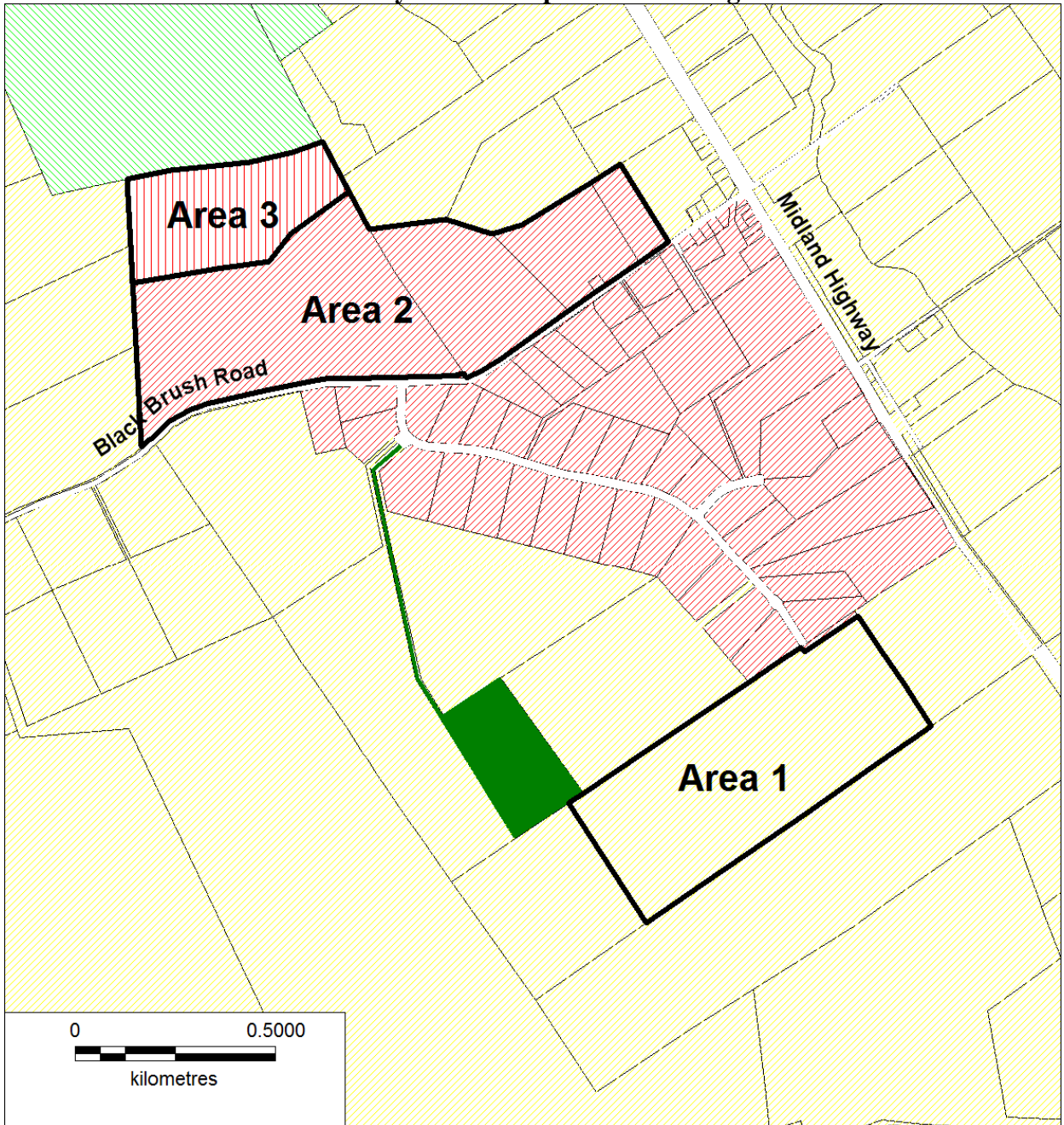
Lower Valley Area – Current Zoning



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

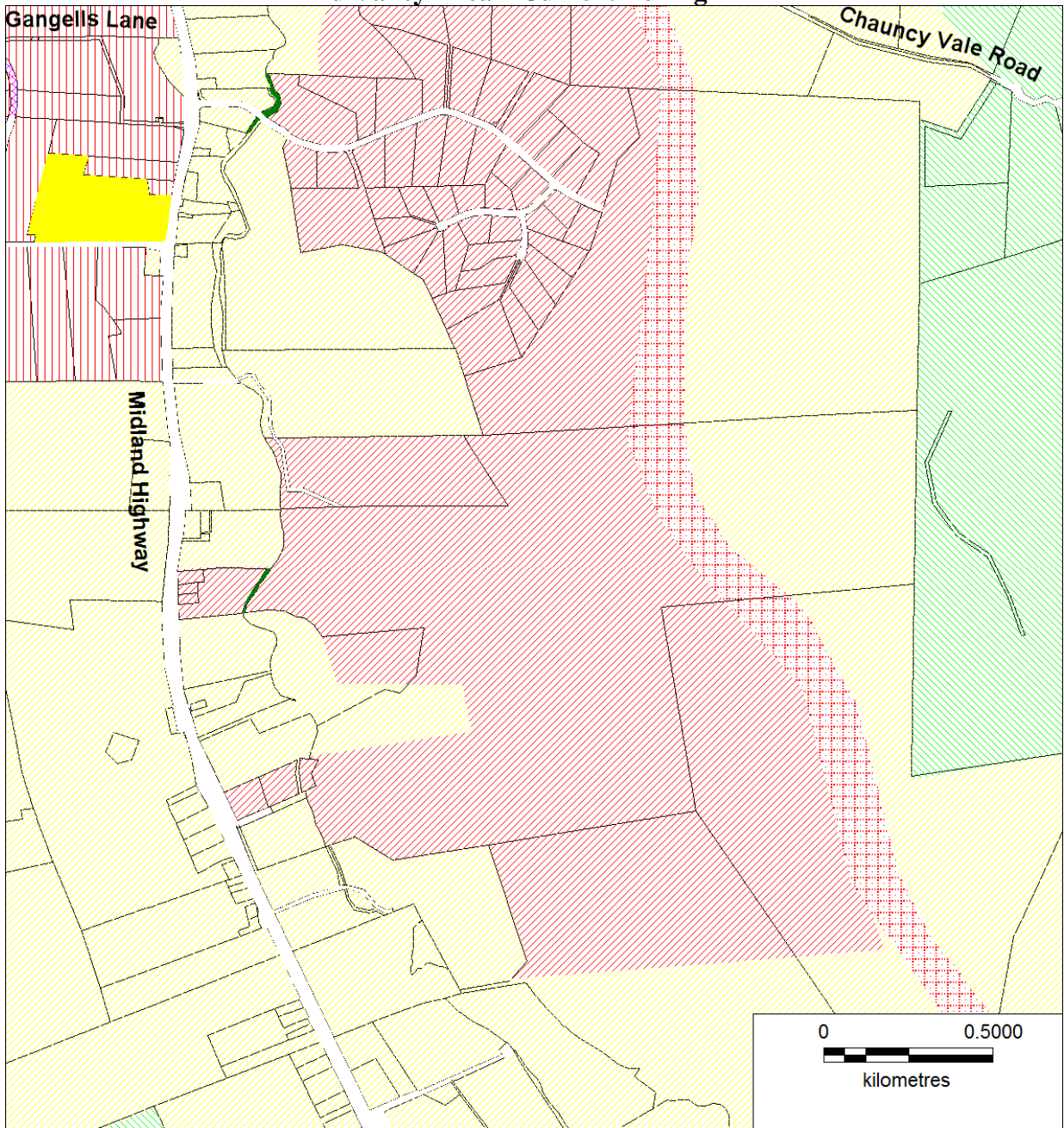
Lower Valley Area – Proposed Re-Zoning



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

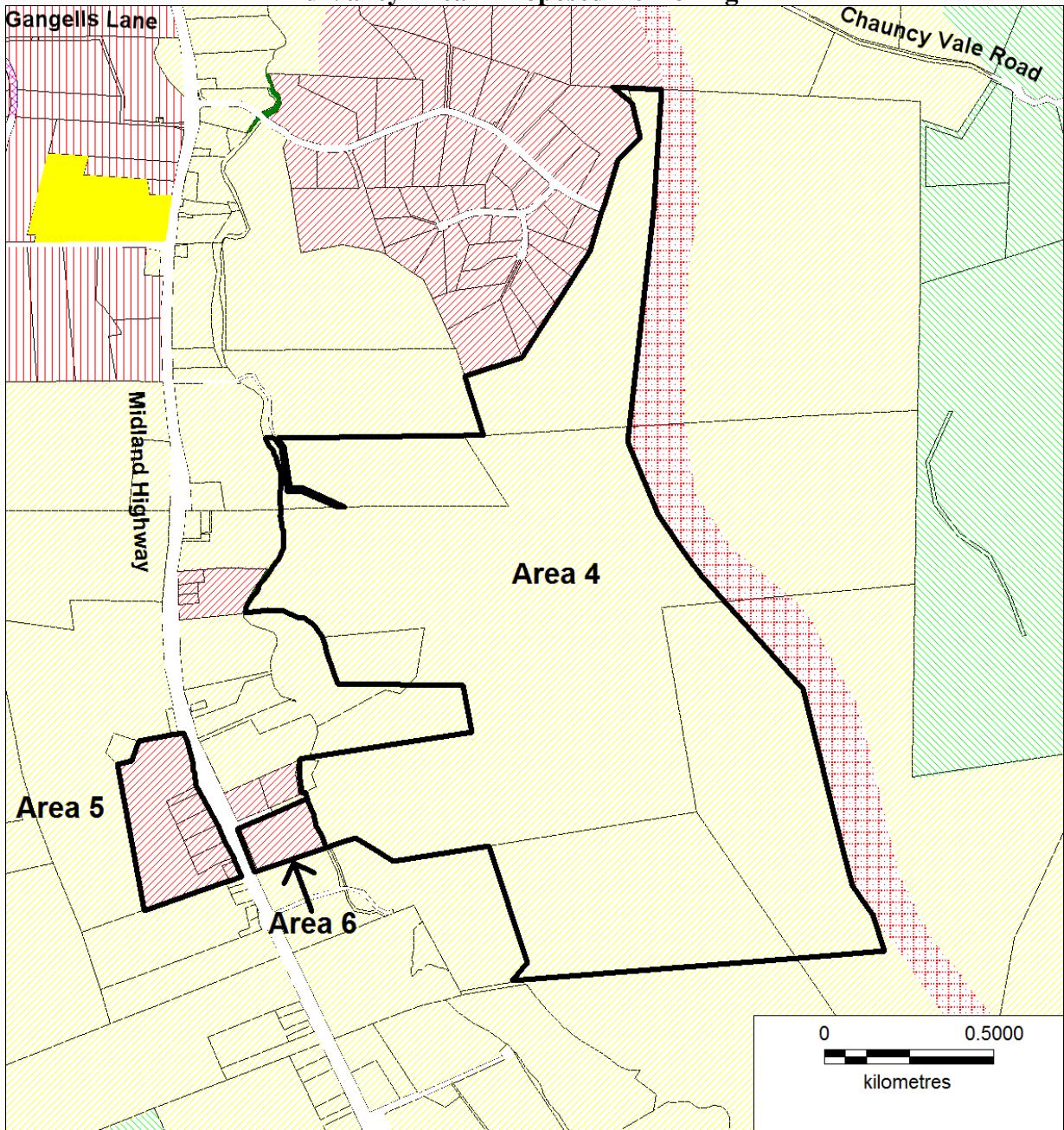
Mid Valley Area – Current Zoning



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

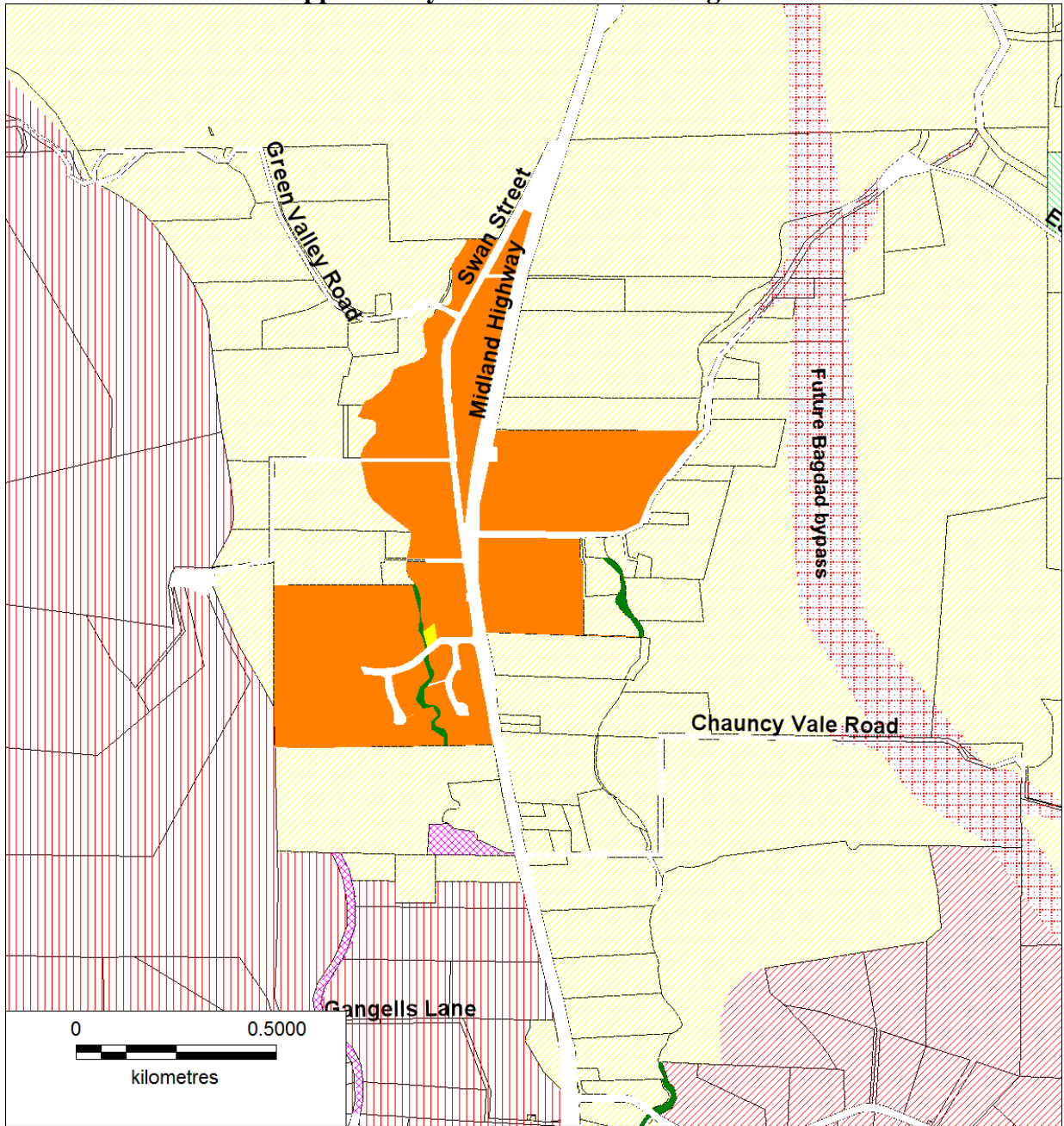
Mid Valley Area – Proposed Re-Zoning



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rual Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

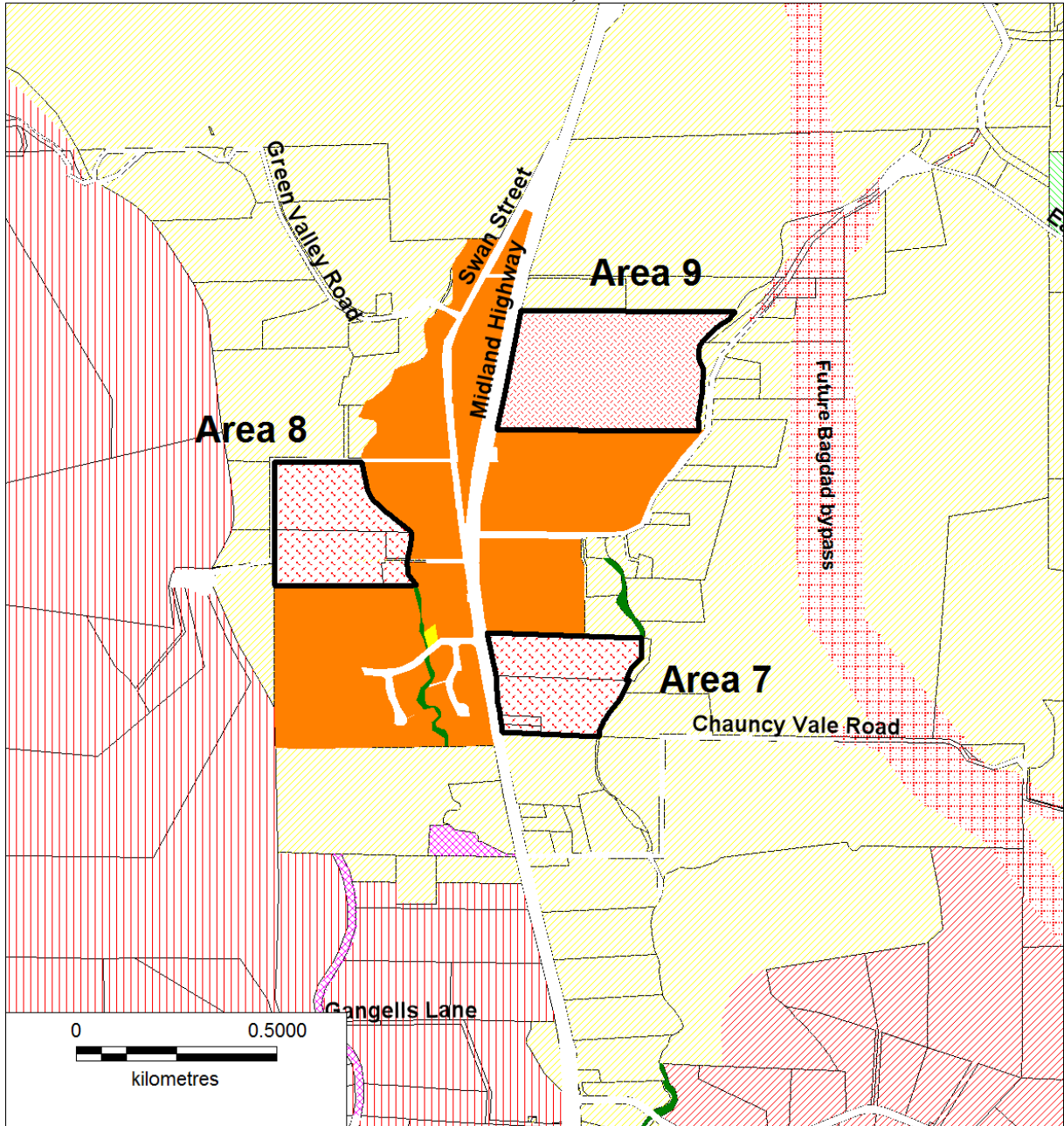
Upper Valley Area – Current Zoning



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rual Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

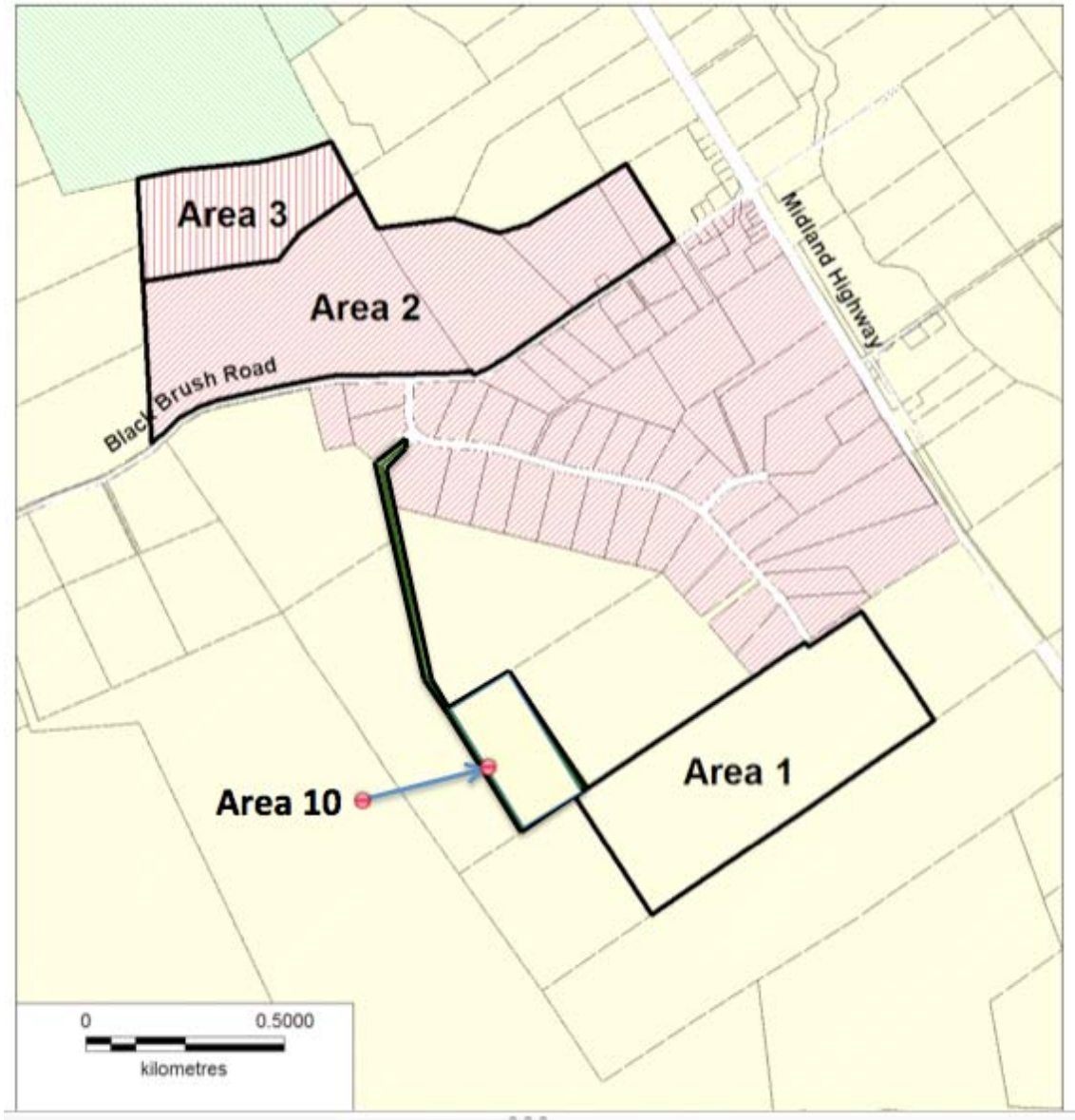
Upper Valley Area – Proposed Re-Zoning (Three areas to become Future Residential)



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

Mangalore Area – Proposed Re-Zoning No.10



5. THE PROPOSED AMENDMENTS – PROPERTY DETAILS**Area 1**

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.1/2014	1638735 (Part)	119147/1 (Part)	30 ha (of 42.3 ha)	Rural Residential A to Rural Agriculture	Jackman, Andrea Mary. Mountford Drive, Mangalore Tas 7030

Area 2

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.2/2014	2831342 (Part)	152939/6 (Part)	25.8 ha (of 38.0 ha)	Rural Agriculture to Rural Residential A	Hunter Heritage Developments Pty Ltd. Black Brush Road, Mangalore Tas 7030
	5018461	123830/1	10.24 ha		Southern Midlands Council. Black Brush Road, Mangalore Tas 7030
	5018381	47455/1	0.51 ha		Curtain, David John Curtain, Elaine Maree. 42 Black Brush Road, Mangalore Tas 7030
	5018453	14387/1	5.76 ha		Scrimshaw, David Albert Scrimshaw, Jean Frances. 40 Black Brush Road, Mangalore Tas 7030
	5018445	6519/1	2.02 ha		Bowerman, Graeme Louis. 26 Black Brush Road, Mangalore Tas 7030
	Total area:				44.33 ha

Area 3

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.3/2014	2831342 (Part)	152939/6 (Part)	12.2 ha (of 38.0 ha)	Rural Agriculture to Rural Residential B	Hunter Heritage Developments Pty Ltd. Black Brush Road, Mangalore Tas 7030

Area 4

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.4/2014	2215179 (Part)	139490/1 (Part)	23.6 ha (of 95.0 ha)	Rural Residential A to Rural Agriculture	Fehlberg, Alan Lyndon Fehlberg, Marlene Anne 133 Winstead Road, Bagdad Tas 7030
	2250687 (Part)	207323/1	16.7 ha		Wilson, Robert Thomas Wilson, Joan Alwynne. 45 Eddington Road, Bagdad Tas 7030
	2250687 (Part)	139483/1	104 ha (of 150.5 ha)		Wilson, Robert Thomas Wilson, Joan Alwynne 45 Eddington Road, Bagdad Tas 7030
	2250679 (Part)	139367/1 (Part)	4.0 ha (of 15.7 ha)		Chalmers, Geoffrey Keith 1552 Midland Highway, Bagdad Tas 7030
	5019341 (Part)	136058/1 (Part)	30.8 ha (of 141.6 ha)		Love & Hemsworth Pty Limited "Milford", 76 Goodwins Road, Mangalore Tas 7030
	7820933 (Part)	138017/1 (Part)	34.9 ha (of 125.0 ha)		Besier, Alan Besier, Marie "Summerville", 79 Ballyhooly Road, Mangalore Tas 7030
	1517052	101987/100	0.39 ha		The Crown
	Total area:		214.39 ha		

Area 5

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.5/2014	5020780	36778/1	0.20 ha	Rural Agriculture to Rural Residential A	Baker, Nerise Gai Maxwell, Stephen James 19 Quarrytown Road, Bagdad Tas 7030
	1896443	131036/4	0.59 ha		Clark, Leo 23 Quarrytown Road, Bagdad Tas 7030
	1896435	131036/3	0.60 ha		Harry, Stewart Reginald Harry, Gaybriel 25 Quarrytown Road, Bagdad Tas 7030
	1896427	131036/2	0.59 ha		Hughes, Sharon Maree Hughes, Michael James 27 Quarrytown Road, Bagdad Tas 7030
	1896419	131036/1	0.57 ha		Hughes, Lionel James Hughes, Monica Estelle 29 Quarrytown Road, Bagdad Tas 7030
	5020799	226107/1	0.20 ha		Bennett, Terrence Michael Bennett, Rosemary Joan "Bagdad Post Office", 41 Quarrytown Road, Bagdad Tas 7030
	2030633 (Part)	134943/1 (Part)	8.55 ha (of 46.3 ha)		Saltmarsh, Raymond Stuart Saltmarsh, Brenda Joy "Springvale", 49 Quarrytown Road, Bagdad Tas 7030
	Total area		11.3 ha		

Area 6

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.6/2014	5019229	112755/1	2.61 ha	Rural Agriculture to Rural Residential A	Bantick, Rhona Fay Bantick, Keith Henry 1516 Midland Highway, Bagdad Tas 7030

Area 7

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.7/2014	5463418	81509/1	0.20 ha	Rural Agriculture to Future Residential	Chivers, Meagan Elizabeth 1830 Midland Highway, Bagdad Tas 7030
	5463397	81509/2	0.21 ha		Medhurst, Dorothy Betty 1832 Midland Highway, Bagdad Tas 7030
	5463389	240816/1	3.56 ha		Grasso, Colleen Wynne Grasso, Sabastian 'Cooinda' 1842 Midland Highway, Bagdad Tas 7030
	2620027	143469/2	3.82 ha		Patterson, Tracey Anne 'Red Cotes' 1844 Midland Highway, Bagdad Tas 7030
Total area:			7.79 ha		

Area 8

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.8/2014	2869519 (Part)	153996/2 (Part)	4.30 ha (of 8.38 ha)	Rural Agriculture to Future Residential	Blake, Maree 9 Blackport Road, Bagdad Tas 7030
	7563324 (Part)	117631/2 (Part)	0.40 ha (of 1.24 ha)		McShane, Sherian Mary "Braemar", 11 Swan Street, Bagdad Tas 7030
	2788452	150929/2	0.43 ha		Denne, Garth Mervyn 17 Cartledge Lane, Bagdad Tas 7030
	2802437	150929/1	3.80 ha		Denne, Robyn Elizabeth Denne, Garth Mervyn 20 Cartledge Lane, Bagdad Tas 7030
Total area:			8.93 ha		

Area 9

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.9/2014	7597276	199860/1	4.03 ha	Rural Agriculture to Future Residential	Webster, Marianne Millicent 1908 Midland Highway, Bagdad Tas 7030
	7597268	236689/1	10.6 ha		Daniels, Diane Nancy 'Rotan Lodge' 1936 Midland Highway, Bagdad Tas 7030
Total area:			14.63 ha		

Area 10

Amendment No.	PID	C.T.	Area	Proposed Rezoning	Owner and Property Address
1.10/2014	7561185	41845/110	7.6 ha	Environmental Management to Rural Agriculture	Southern Midlands Council 12 Mountford Drive, Mangalore Tas 7030

6. COMPLIANCE WITH THE OBJECTIVES OF THE ACT AND STATE POLICES

Objectives of the Act:

The proposed rezonings are considered to be in accordance with the objectives of Tasmania's Resource Management & Planning System, as detailed in schedule 1 of the *Land Use Planning & Approvals Act 1993*.

The suite of rezonings contained in these amendments will provide for the orderly and sustainable development of the existing nodes of development in the Bagdad Mangalore Valley.

The land in between these nodes will be preserved for agricultural use. This will also preserve the rural landscape values of the valley and prevent the rural-residential sprawl that afflicts nearby areas closer to greater Hobart.

The overall plan, therefore, provides for the orderly development of the valley without adversely impacting on natural or cultural values and without creating excessive demand on services that cannot be met. It is in accordance with relevant strategic planning documents and will lead to an enhancement of the social and economic well-being of the area.

The information contained in the Bagdad Mangalore Structure Plan, the JLUPI Settlement and Open Space Strategy and the JLUPI Land Use Strategy further demonstrate general compliance with the objectives of the Act.

State Policies:

The information contained in the Bagdad Mangalore Structure Plan, the JLUPI Settlement and Open Space Strategy and the JLUPI Land Use Strategy demonstrate general compliance with the State's few State Policies.

The State Policy most relevant to the application is the Protection of Agricultural Land State Policy. The outcome of the suit of amendments within this report is to preserve large expanses of good agricultural land on the valley floor from development that would otherwise remove that land from agricultural production permanently.

7. CONCORDANCE WITH THE SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

Whilst amendments to existing planning schemes do not statutorily have to align with the Southern Tasmania Regional Land Use Strategy (STRLUS), it is highly appropriate that they nevertheless do.

The suite of draft amendments in this report align directly with the STRLUS. Of particular note are the following:

- The third paragraph under *2.1 Strategic Planning Framework* which recognises the important role of local strategic land use planning in the formation of planning schemes.
- CV4, in that the amendments will protect the rural cultural landscape of the valley by preserving the valley floor for agricultural use.
- PI2, in that the plan will provide for the orderly growth of the Bagdad Mangalore valley, clustering new development around existing nodes, avoiding need for new accesses onto the Midland Highway and identifying and preserving land for future settlement use.
- LUIT1, in that the plan protects the current and future Midland Highway corridors. New development is in proximity to the existing Midland Highway to facilitate access and transport but sufficiently separate to avoid use conflict.
- T1, in that the plan preserves the rural landscape of the main approach to Greater Hobart from the north. In retaining the rural landscape of the valley it reinforces the concept that the 'gateway' to/from greater Hobart is at Pontville. The plan also preserves the historic context of numerous important country houses in the valley.
- PR1, in that the plan recognises and preserves the expansive good agricultural land on the valley floor for agricultural use. It should be noted that is intended in the new interim planning scheme to zone the best of this land to the State Template's Significant Agricultural Zone. The removal of inappropriate rural residential zoning as part of this planning scheme amendment will facilitate this process.
- SRD 1.2, in that the plan manages the orderly growth of Bagdad and Mangalore.
- SRD 1.3 b, in that the area of land allocated to rural living use within the valley will be reduced, with the removal of approximately 214 ha of existing inappropriately zoned rural residential land on the valley floor and another 30 ha of inappropriately zoned land within the Heritage Mile Precinct Special Area and replacing it with approximately 71 ha of new rural living land in appropriate locations on the side of the valley, building on and consolidating existing development nodes.

8. PREVIOUS REZONING APPLICATION AT BLACK BRUSH ROAD

In 2010/11, in response to a request from the landowner, Council attempted to rezone an area of 38 ha at Black Brush Road, Mangalore, (opposite Mountford Drive) from Rural Agriculture to part Rural Residential A and part Rural Residential B. These areas correspond to the western section of Area 2 and all of Area 3 on the attached planning scheme amendment maps. This was part of a *combined application* under S.43A of the *Land Use Planning & Approvals Act 1993* and included a subdivision proposal plan with

23 lots in the proposed Rural Residential A area and 3 lots in the proposed Rural Residential B area.

The application was refused by the TPC in late 2011, primarily on the basis that it represented just one part of the overall future of the Bagdad Mangalore area, as envisaged by the BMSP, and therefore should not be implemented in isolation of the other structure plan recommendations. The TPC considered that the BMSP should be implemented as a whole package. The key concern of the TPC centred on the fact that elsewhere the BMSP calls for areas to be back-zoned from Rural Residential to Rural, and that unless this occurred the subject rezoning would result in an overall expansion of rural residential land.

It is now Southern Midlands Councils' intention to implement all of the BMSP recommendations through the draft amendments in this report.

9. INFORMAL PLANNING SCHEME PUBLIC CONSULTATION

In June and July this year Southern Midlands Council and the other twelve Southern Councils put their proposed interim planning schemes out for informal public consultation for 6 weeks. The process included a public information 'drop-in' session at the Bagdad Community Club on 2 July, which was well attended.

The changes encapsulated in the draft amendments to the current planning scheme contained in this report are generally consistent with the proposed interim planning scheme exposed to the public in June/July 2013.

10. PUBLIC NOTIFICATION OF THE PLANNING SCHEME AMENDMENTS

Under the Act Council must determine how long draft amendments are subject to public notification, which must be between 3 weeks and 2 months. Amendments must be advertised twice in the daily newspaper. All impacted landowners must also be notified in writing.

Given the range and size of the amendments, it is suggested that the minimum period of 3 weeks would be inappropriate.

It is recommended that a 6 week period be provided.

It is also recommended that the public notification period be delayed until after the Christmas / New Year period, as many people may be on holidays during this time.

It is recommended that this commence on 1 February 2014.

RECOMMENDATION

THAT:

- A. Council decisions C13/11/059/19523 and C13/11/059/19524 of 27 November 2013 pertaining to the proposed planning scheme amendments in the Bagdad-Mangalore area be overturned and replaced with the following decisions.**
- B. Draft amendment 1.1/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 1, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- C. Draft amendment 1.2/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 2, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- D. Draft amendment 1.3/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 3, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- E. Draft amendment 1.4/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 4, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- F. Draft amendment 1.5/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 5, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- G. Draft amendment 1.6/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 6, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- H. Draft amendment 1.7/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 7, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**

- I. Draft amendment 1.8/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 8, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- J. Draft amendment 1.9/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 9, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- K. Draft amendment 1.10/2014 to the Southern Midlands Planning Scheme 1998, as detailed in Attachment 10, be initiated pursuant to S.34 of the *Land Use Planning & Approvals Act 1993* and certified pursuant to S.35 of the Act as meeting the requirements of Section 32 of the Act.**
- L. The draft amendments be subject to a 6 week public notification period commencing on Saturday 1 February 2014.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

ATTACHMENT 1

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.1/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 30 hectare area of land at the end of Mountford Drive, Mangalore, with property descriptors listed below, so that the zone is changed from Rural Residential A to Rural Agriculture, as indicated on the attached plan as Area 1.

PID	C.T.	Area	Proposed Rezoning
1638735 (Part)	119147/1 (Part)	30 ha (of 42.3 ha)	Rural Residential A to Rural Agriculture

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.1/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

Member

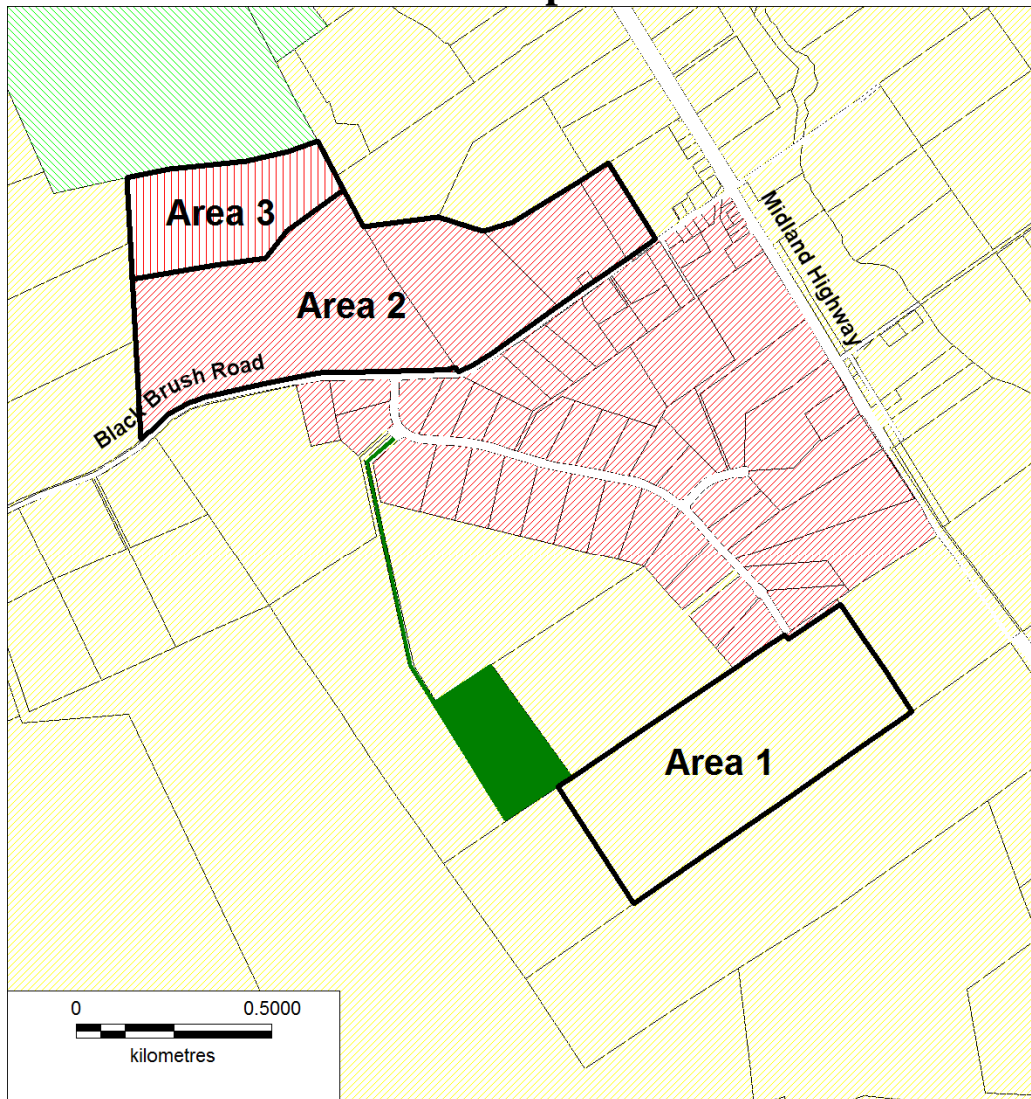
Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.1/2014

PLAN

Area 1 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 2

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.2/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 44.33 hectare area of land on the northern side of Black Brush Road, Mangalore, opposite the Mountford Drive junction, with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the attached plan as Area 2.

PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	25.8 ha (of 38.0 ha)	Rural Agriculture to Rural Residential A
5018461	123830/1	10.24 ha	
5018381	47455/1	0.51 ha	
5018453	14387/1	5.76 ha	
5018445	6519/1	2.02 ha	
Total area:		44.33 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.2/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

Member

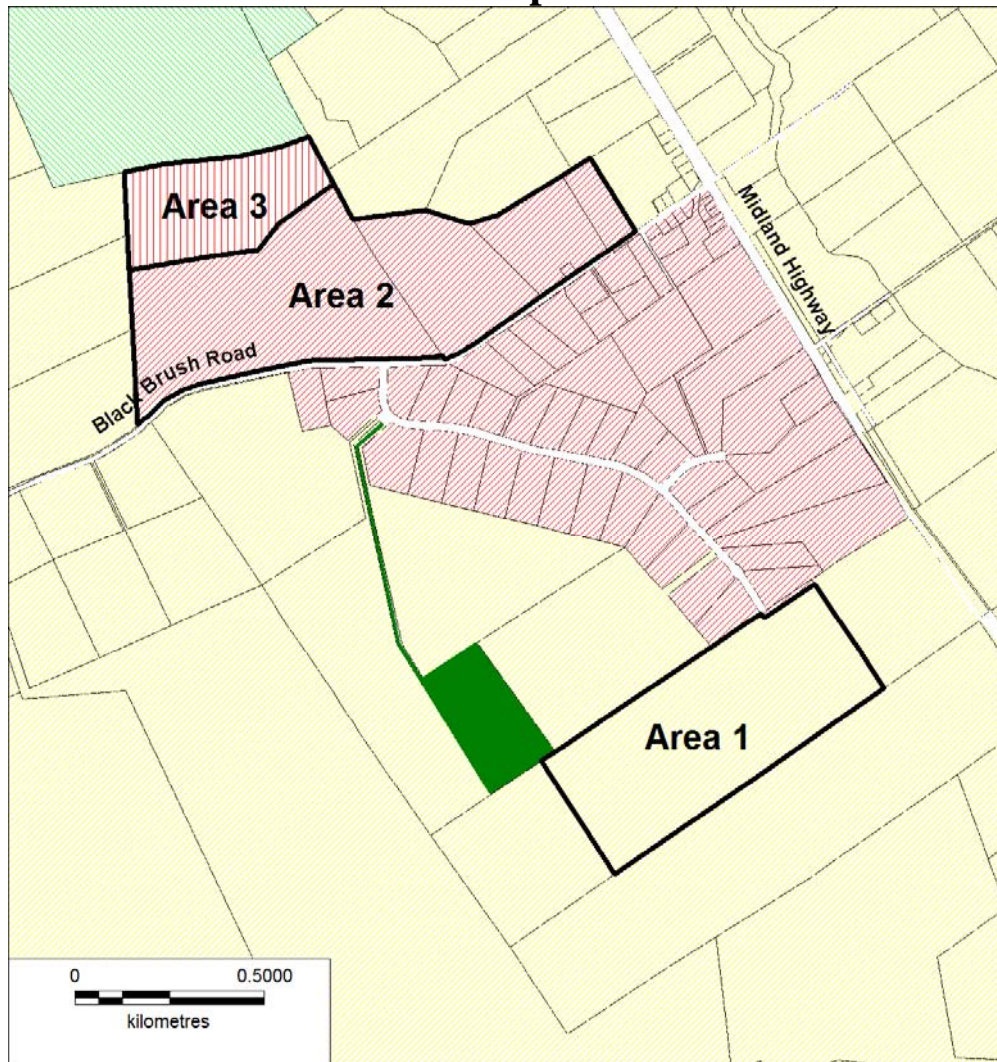
Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.2/2014

PLAN

Area 2 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 3

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.3/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 12.2 hectare area of land on the northern side of Black Brush Road, Mangalore, opposite the Mountford Drive junction, with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential B, as indicated on the attached plan as Area 3.

PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	12.2 ha (of 38.0 ha)	Rural Agriculture to Rural Residential B

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.3/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

Member

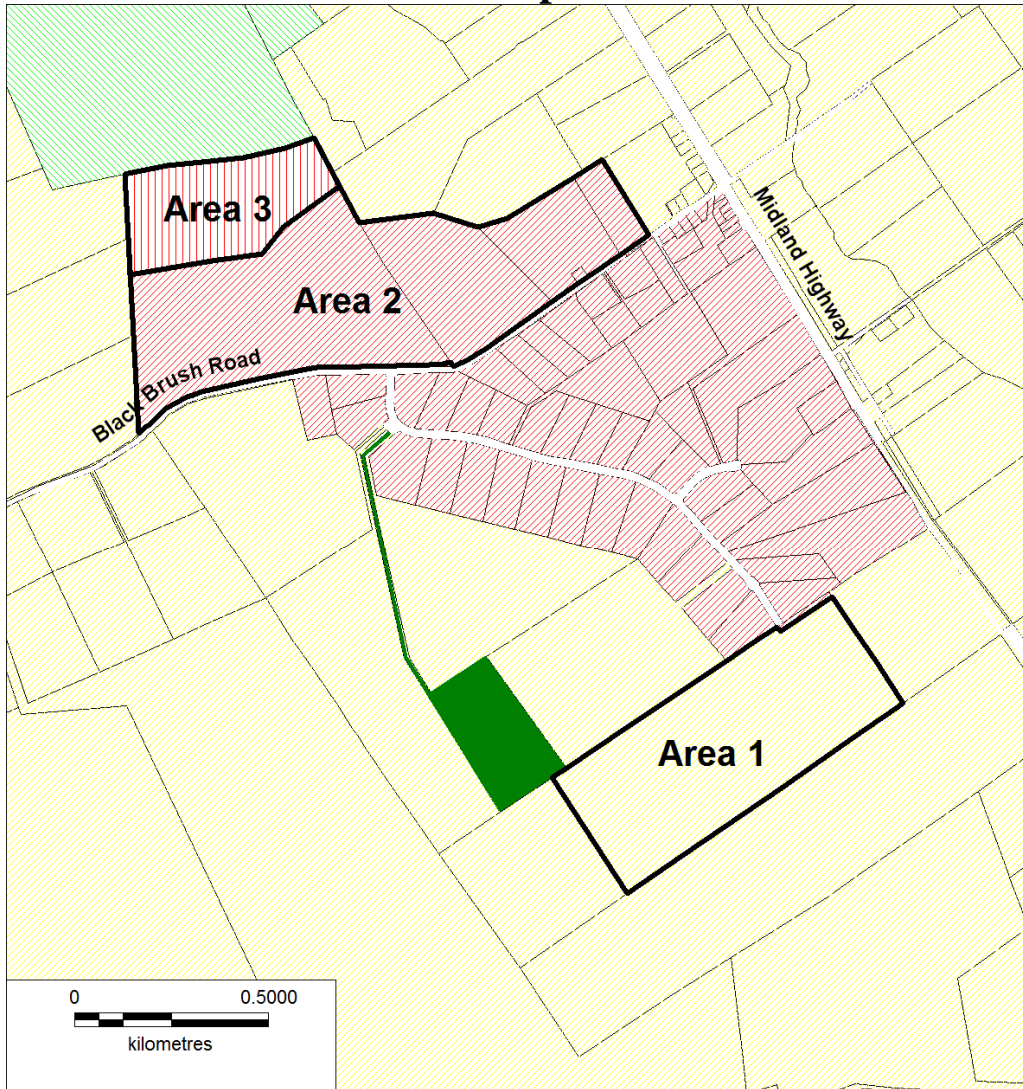
Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.3/2014

PLAN

Area 3 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 4

**SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.4/2014**

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 214.39 hectare area of land located on the floor of the Bagdad-Mangalore Valley generally south of the Winstead Road area, west of the alignment of the future highway corridor and east of the Bagdad Rivulet with property descriptors listed below so that the zone is changed from Rural Residential A to Rural Agriculture, as indicated on the attached plan as Area 4.

PID	C.T.	Area	Proposed Rezoning
2215179 (Part)	139490/1 (Part)	23.6 ha (of 95.0 ha)	Rural Residential A to Rural Agriculture
2250687 (Part)	207323/1	16.7 ha	
2250687 (Part)	139483/1	104 ha (of 150.5 ha)	
2250679 (Part)	139367/1 (Part)	4.0 ha (of 15.7 ha)	
5019341 (Part)	136058/1 (Part)	30.8 ha (of 141.6 ha)	
7820933 (Part)	138017/1 (Part)	34.9 ha (of 125.0 ha)	
1517052	101987/100	0.39 ha	
Total area:		214.39 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.4/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

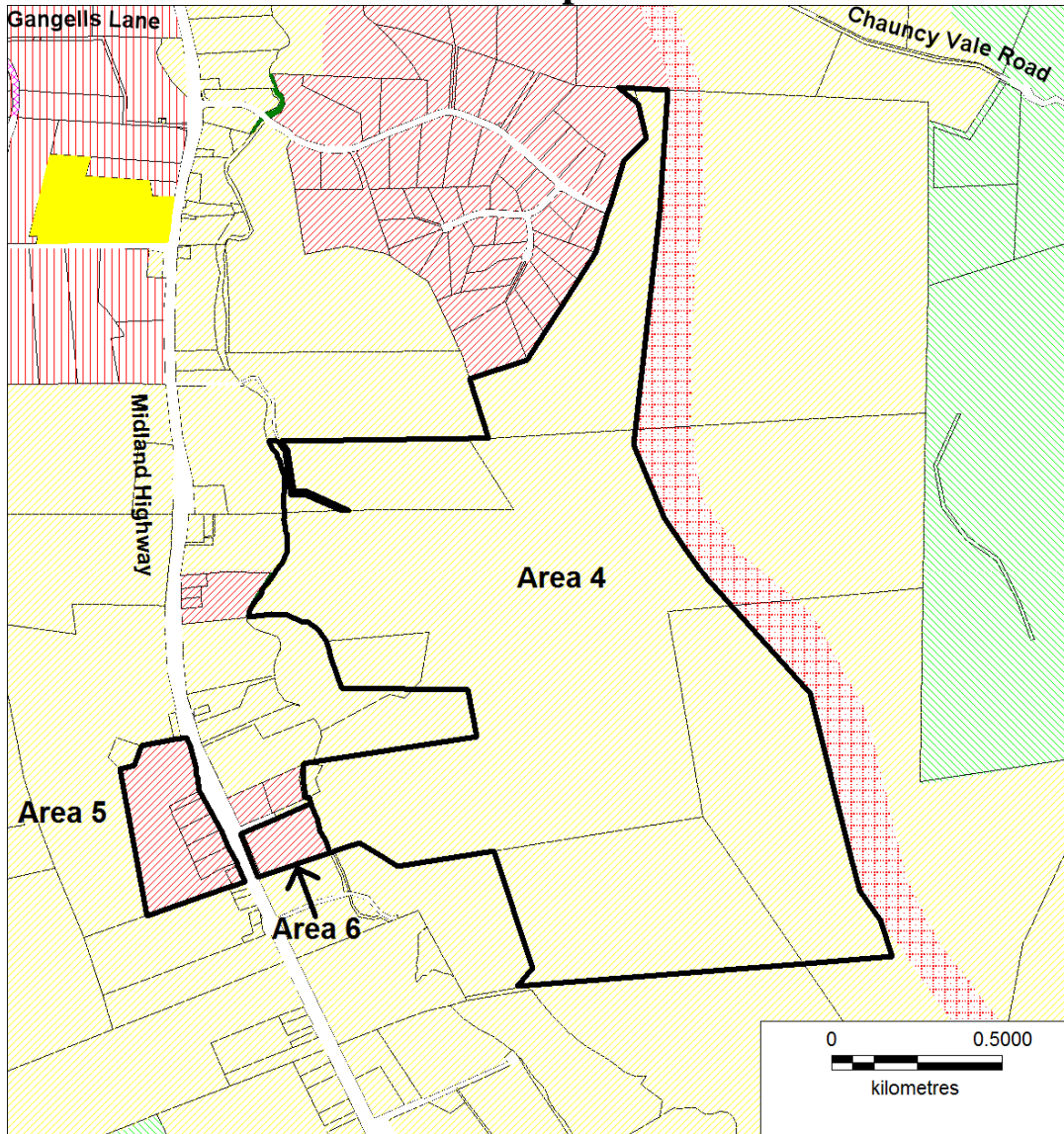
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.4/2014

PLAN Area 4 on the plan below:



- Current Planning Scheme Legend
- Road
 - Rural Agriculture
 - Rural Forest
 - Rural Residential A
 - Future Road
 - Village
 - Utilities
 - Environmental Management
 - Rural Agriculture
 - Community Use
 - Rural Residential B

ATTACHMENT 5

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.5/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 11.3 hectare area of land at Quarry Town Road, Bagdad, with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the attached plan as Area 5.

PID	C.T.	Area	Proposed Rezoning
5020780	36778/1	0.20 ha	Rural Agriculture to Rural Residential A
1896443	131036/4	0.59 ha	
1896435	131036/3	0.60 ha	
1896427	131036/2	0.59 ha	
1896419	131036/1	0.57 ha	
5020799	226107/1	0.20 ha	
2030633 (Part)	134943/1 (Part)	8.55 ha (of 46.3 ha)	
Total area:		11.3 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.5/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

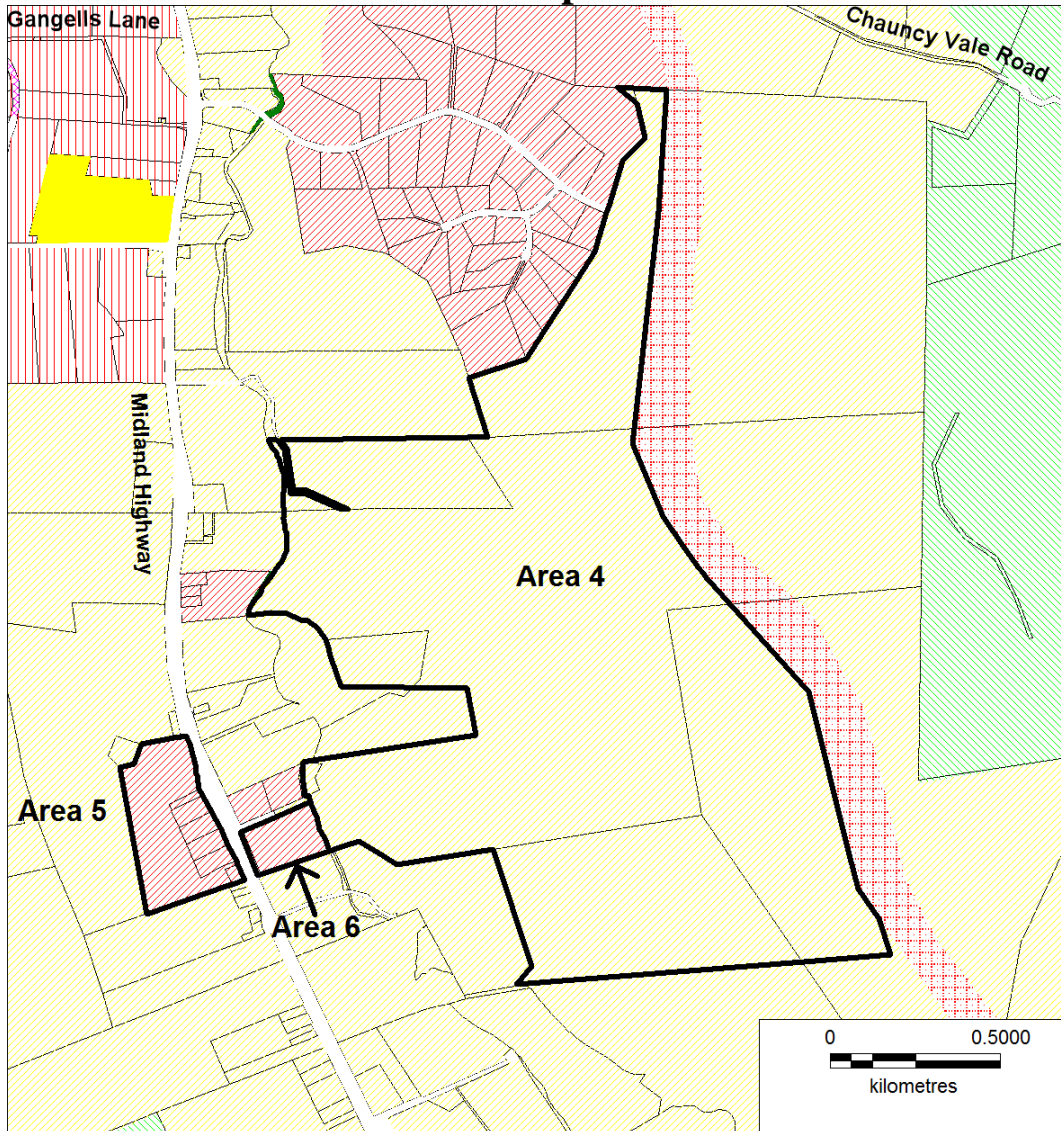
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.5/2014

PLAN Area 5 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 6

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.6/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 2.61 hectare area of land at 1516 Midlands Highway, Bagdad (corner of De Camera Road), with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the attached plan as Area 6.

PID	C.T.	Area	Proposed Rezoning
5019229	112755/1	2.61 ha	Rural Agriculture to Rural Residential A

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.6/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

Member

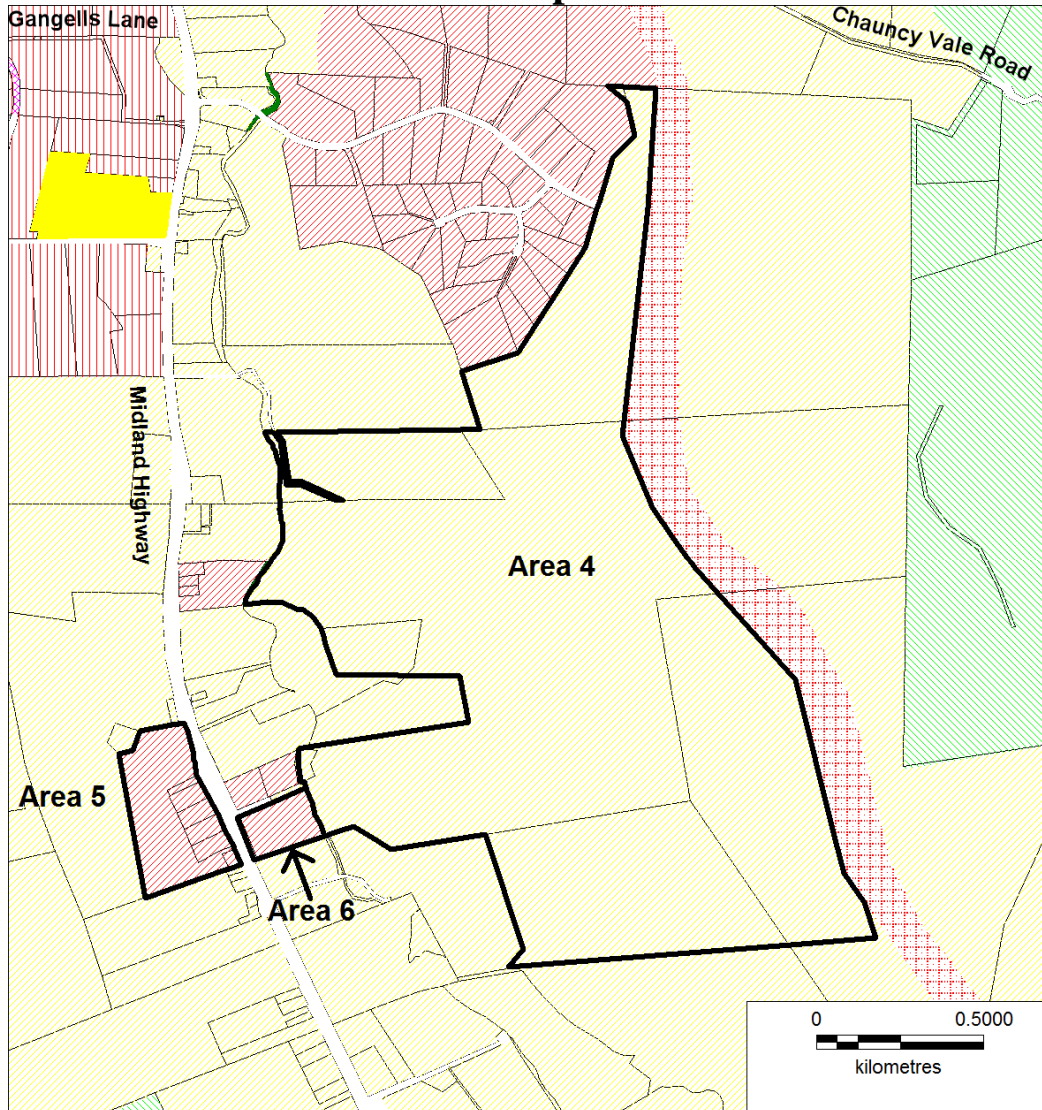
Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.6/2014

PLAN

Area 6 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 7

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.7/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 7.79 hectare area of land at Bagdad located east of the Midland Highway, north of Chauncy Vale Road and west of the Bagdad Rivulet, with property descriptors listed below so that the zone is changed from Rural Agriculture to Future Residential, as indicated on the attached plan as Area 7.

PID	C.T.	Area	Proposed Rezoning
5463418	81509/1	0.20 ha	Rural Agriculture to Future Residential
5463397	81509/2	0.21 ha	
5463389	240816/1	3.56 ha	
2620027	143469/2	3.82 ha	
Total area:		7.79 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.7/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

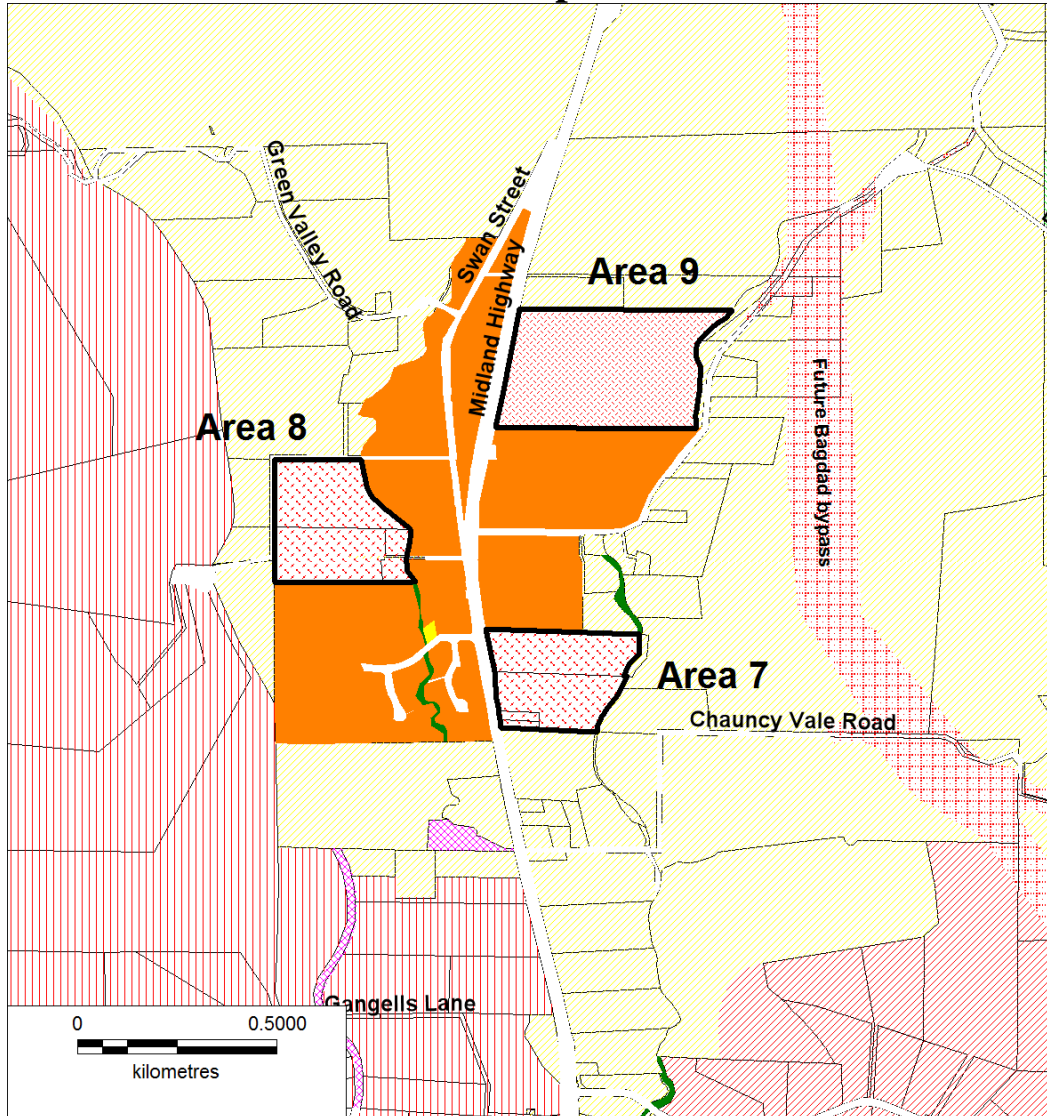
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.7/2014

PLAN Area 7 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 8

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.8/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 8.93 hectare area of land at Bagdad located to the west of the current Bagdad village area and bound on the north and west by Blackport Road, with property descriptors listed below so that the zone is changed from Rural Agriculture to Future Residential, as indicated on the attached plan as Area 8.

PID	C.T.	Area	Proposed Rezoning
2869519 (Part)	153996/2 (Part)	4.30 ha (of 8.38 ha)	Rural Agriculture to Future Residential
7563324 (Part)	117631/2 (Part)	0.40 ha (of 1.24 ha)	
2788452	150929/2	0.43 ha	
2802437	150929/1	3.80 ha	
Total area:		8.93 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.8/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

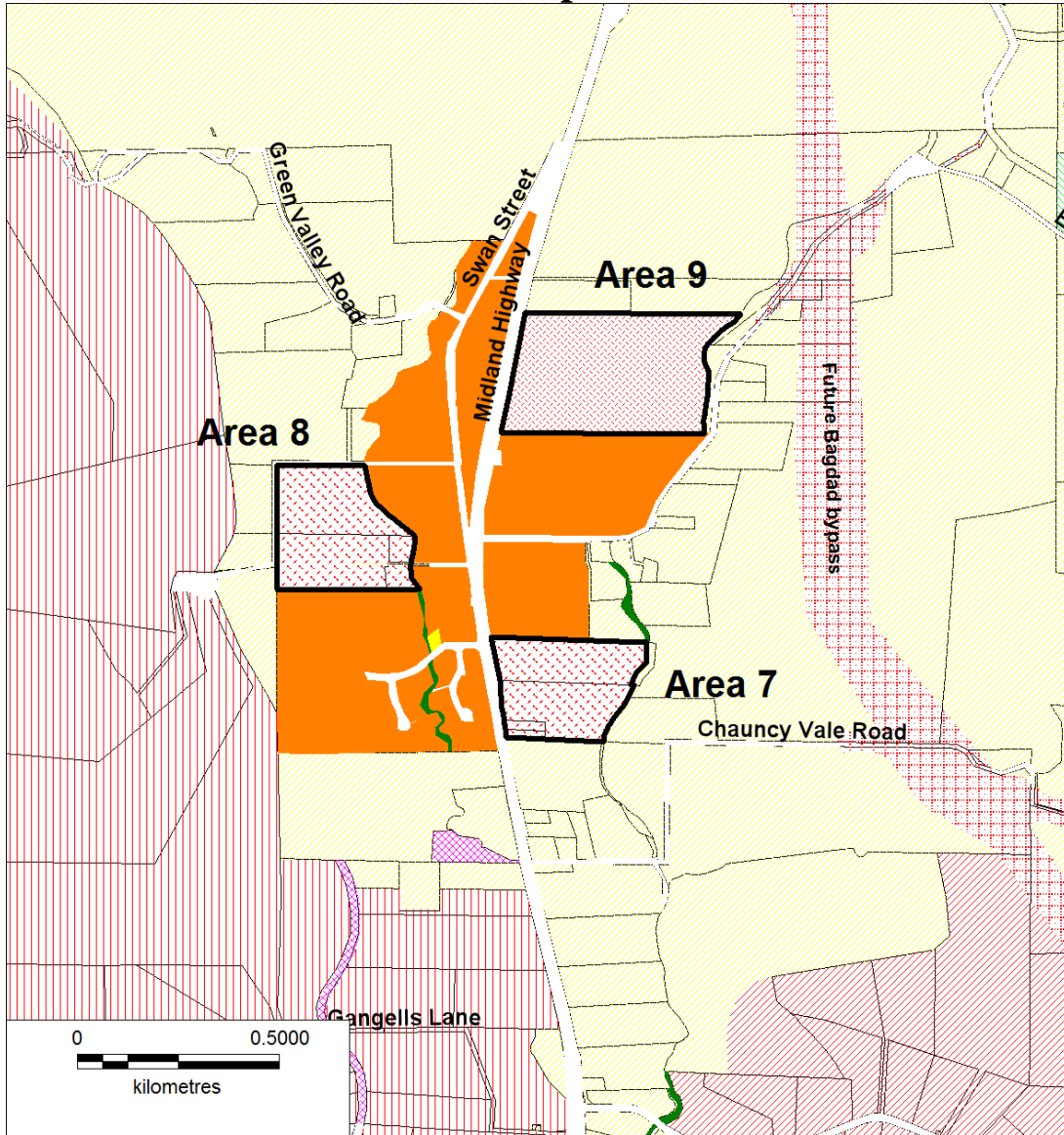
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.8/2014

PLAN Area 8 on the plan below:



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 9

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.9/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 14.63 hectare area of land at Bagdad located at the end of Lyndon Road, north of the current Bagdad village area, east of the Midland Highway and west of the Bagdad Rivulet, with property descriptors listed below so that the zone is changed from Rural Agriculture to Future Residential, as indicated on the attached plan as Area 9.

PID	C.T.	Area	Proposed Rezoning
7597276	199860/1	4.03 ha	Rural Agriculture to Future Residential
7597268	236689/1	10.6 ha	
Total area:		14.63 ha	

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.9/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

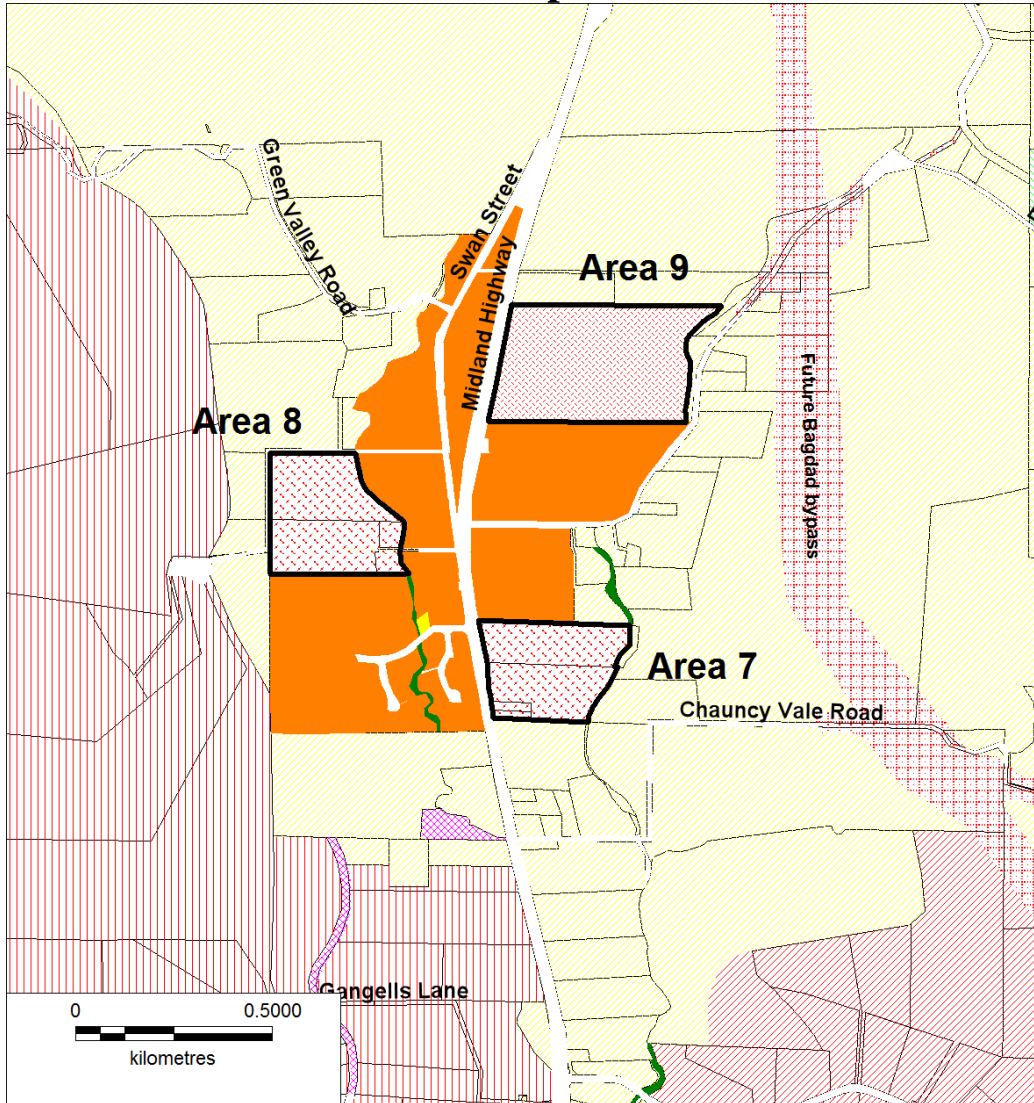
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.9/2014

PLAN Area 9 on the plan below:



ATTACHMENT 10

SOUTHERN MIDLANDS PLANNING SCHEME 1998

DRAFT AMENDMENT 1.10/2014

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 7.6 hectare area of land at 12 Mountford Drive, Mangalore, with property descriptors listed below, so that the zone is changed from Environmental Management to Rural Agriculture, as indicated on the attached plan as Area 10.

PID	C.T.	Area	Proposed Rezoning
7561185	41845/110	7.6 ha	Environmental Management to Rural Agriculture

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 1.10/2014 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality

Passed the 22nd day of January 2014 in the presence of

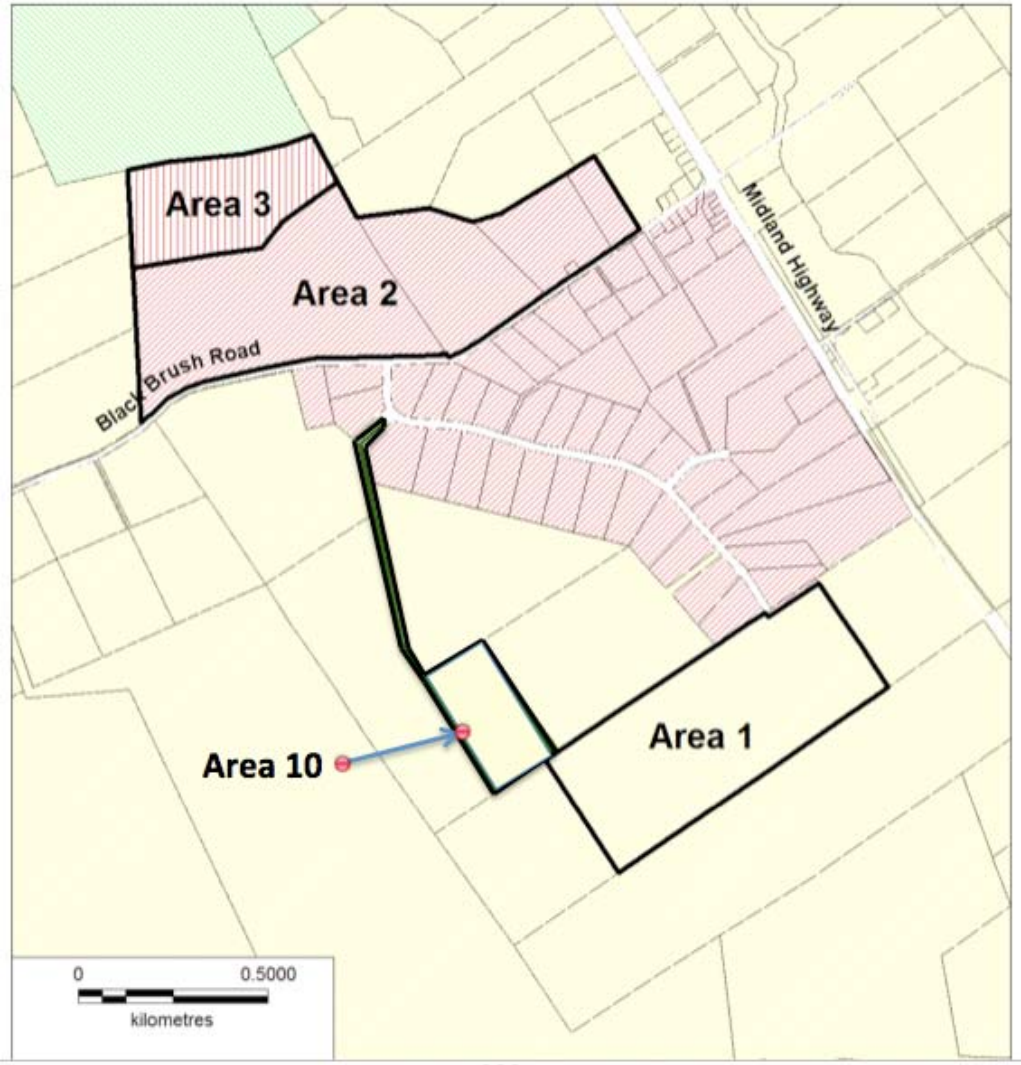
Member

Member

General Manager

SOUTHERN MIDLANDS PLANNING SCHEME 1998 DRAFT AMENDMENT 1.10/2014

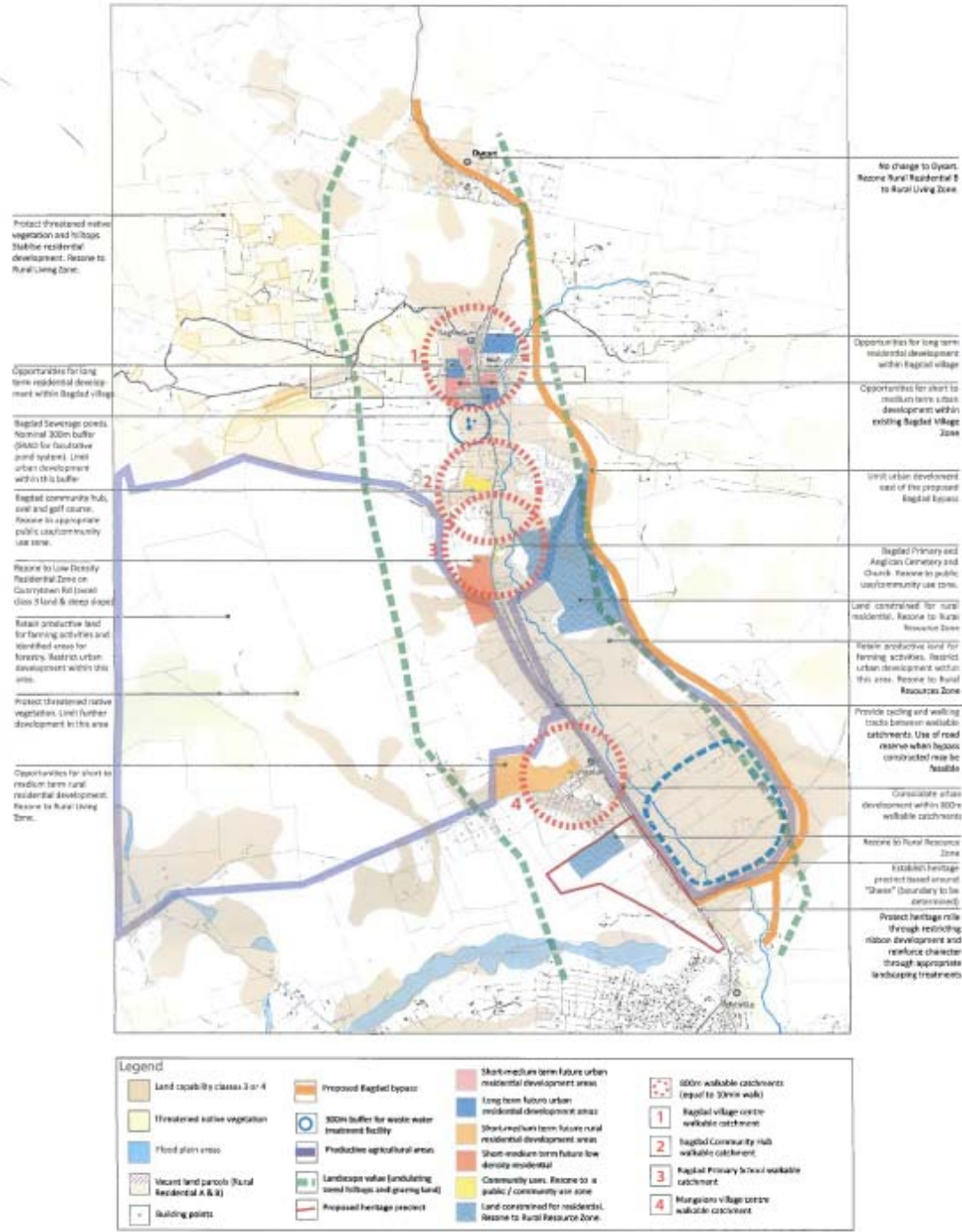
PLAN



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rural Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

ATTACHMENT 11
BAGDAD MANGALORE STRUCTURE PLAN - KEY MAP



Protect threatened native vegetation and help to stabilize residential development. Rezone to Rural Living Zone.

Opportunities for long term residential development within Bagdad village

Bagdad Sewerage ponds. Nominal 300m buffer (300m for facultative pond system). Limit urban development within 15-18 buffer

Bagdad community hub, oval and golf course. Rezone to appropriate public use/community use zone.

Rezone to Low Density Residential Zone on Casuarina Rd (oval close to land & street shape)

Retail productive land for farming activities and identified areas for forestry. Restrict urban development within this area.

Protect threatened native vegetation. Limit further development in this area

Opportunities for short to medium term rural residential development. Rezone to Rural Living Zone.

No change to Oyster. Rezone Rural Residential B to Rural Living Zone.

Opportunities for long term residential development within Bagdad village

Opportunities for short to medium term urban development within existing Bagdad Village Zone

Limit urban development east of the proposed Bagdad bypass

Bagdad Primary and Anglican Cemetery and Church. Rezone to public use/community use zone.

Land constrained for rural residential. Rezone to Rural Resource Zone

Retail productive land for farming activities. Restrict urban development within this area. Rezone to Rural Resource Zone

Provide cycling and walking tracks between walkable catchments. Use of road reserve when bypass construction not yet feasible

Consolidate urban development within 800m walkable catchments

Rezone to Rural Resource Zone

Establish heritage precinct based around "Shore" (boundary to be determined)

Protect heritage site through reinforcing ribbon development and reinforce character through appropriate landscaping treatments



BAGDAD - MANGALORE STRUCTURE PLAN



Date: 10/6/13
 Created by: JH
 Reviewed by: MC
 Project No: 21309504

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil.

13.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

13.3 WALKWAYS, CYCLE WAYS AND TRAILS

Strategic Plan Reference – Page 14

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

Nil.

13.4 LIGHTING

Strategic Plan Reference – Page 14

1.4.1a Improve lighting for pedestrians.
1.4.1b Contestability of energy supply.

Nil.

13.5 SEWERS

Strategic Plan Reference – Page 15

1.5.1 Increase the number of properties that have access to reticulated sewerage services.

Nil.

13.6 WATER

Strategic Plan Reference – Page 15

1.6.1 Increase the number of properties that have access to reticulated water.

Nil.

13.7 IRRIGATION

Strategic Plan Reference – Page 15

1.7.1 Increase access to irrigation water within the municipality.

Nil.

13.8 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.9 WASTE

Strategic Plan Reference – Page 16

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

Nil.

13.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16

1.10.1 Improve access to modern communications infrastructure.

Nil.

13.11 SIGNAGE

Strategic Plan Reference – Page 16

1.11.1 Signage that is distinctive, informative, easy to see and easy to understand.

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)
 DATE 17TH JANUARY 2014

ROADS PROGRAM

Maintenance Grading continuing in the Brown Mountain area, waiting on better weather conditions to continue.

BRIDGE PROGRAM

Works starting on the Brown Mountain Road Bypass section shortly

WASTE MANAGEMENT PROGRAM

Ongoing with no issues

TOWN FACILITIES PROGRAM

Influx on general town waste and toilet cleaning

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 19

2.3.1a Increase the number and diversity of businesses in the Southern Midlands.
2.3.1b Increase employment within the municipality.
2.3.1c Increase Council revenue to facilitate business and development activities (social enterprise)

Nil.

14.4 INDUSTRY

Strategic Plan Reference – Page 20

2.4.1 Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands.

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

2.5.1 The integrated development of towns and villages in the Southern Midlands.

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

- | | |
|-------|--|
| 3.1.1 | Maintenance and restoration of significant public heritage assets. |
| 3.1.2 | Act as an advocate for heritage and provide support to heritage property owners. |
| 3.1.3 | Investigate document, understand and promote the heritage values of the Southern Midlands. |

15.1.1 Heritage Project Officer's Report

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 22nd JANUARY 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

During the two weeks, Southern Midlands Council heritage projects have included:

- The gaol arch is nearing completion.
- The Southern Midlands Convict Sites project is nearing completion, with graphic design in progress.
- Jen is progressing write-ups of the summer archaeology programs 2011-13 and working with Alan on school programs for 2014.
- Review of the Southern Midlands Council Historic Heritage Strategy 2009-13 is continuing.
- Work is continuing on drafting the 2014 HESC program, with a re-branding exercise being undertaken and a re-launch planned for February 2014.
- Brad has been working for Heritage Building Solutions on the implementation of the conservation works at the Barracks (1835), Willow Court, New Norfolk.

- An audit of Council’s heritage collections has been commenced, starting with the National Trust collection.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

15.2 NATURAL**Strategic Plan Reference – Page 23**

3.2.1 Identify and protect areas that are of high conservation value

3.2.2 Encourage the adoption of best practice land care techniques.

15.2.1 Landcare Unit & Climate Change – General Report*File Ref: 03/082*

AUTHOR NRM PROGRAMS MANAGER – (M WEEDING)

DATE 14TH JANUARY 2014**ISSUE**

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Bushlinks 500 project. Site preparation planning for the Round 2 sites continues, together with some maintenance, monitoring and reporting requirements of the sites already completed. Preparation is underway for determining appropriate landholders to be approached for site works under round 3 – however, round 3 is contingent upon a project extension being granted.
- Energy efficient hot water system installations have been completed and reporting obligations under the Local Government Energy Efficiency program have been finalised.
- Graham Green continues undertaking the GIS work required on the Southern Midlands Planning Scheme maps and other GIS data updates and improvements.
- Graham Green continues working with Council's Manager Development and Environmental Services (D Mackey) to assist Central Highlands Council in determining biodiversity matters from a planning scheme perspective.
- Graham has prepared a submission to the Southern Waste Management Authority for funding to prepare a business case for conversion of green waste into renewable energy products.
- Hazell Bros have finished the high pressure water testing the delivery lines of the Midlands Water Scheme, having met the engineering requirements to pass the testing phase. A few issues continue with the supply line section of the scheme (Fulton Hogan section – Arthurs Lake to Floods Creek dam). Hazell Bros and Fulton Hogan

need to have a combined line testing phase to complete the installation of the scheme. The delays are causing the return of the Lake Dulverton water used for the testing to be postponed. Hazell Bros were due to close their Oatlands office on 20th Dec. It is now likely that the office will continue to operate up until February.

- The outcome of the funding application for the completion of Mahers Point Cottage was announced. The Lake Dulverton & Callington Park Committee was unfortunately unsuccessful. 278 applications seeking \$9.762 million were received. 74 applications were funded for a total of \$1.5 million.
- Works to commence clearing the gorse in Hawthorn Bay (Lake Dulverton) are scheduled for mid January, using funds received by the Midlands Tree Committee from the Tasmanian Landcare Association.
- Dulverton Walking Track: -The windmill on private land next to the Dulverton Walking Track was blown over in recent gale force winds. The windmill was a feature point along the track. Another seat has been ordered for installation along the walking track. The Midlands Tree Committee will provide the funds for the seat – to be placed at Hawthorn Bay on a large foreshore rock platform.
- H Geard has been on annual leave for the past month.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

15.3 CULTURAL

Strategic Plan Reference – Page 23

- 3.3.1a Increase the retention, documentation and accessibility of the aboriginal convict, rural and contemporary culture of the Southern Midlands.
- 3.3.1b Ensure that the Cultural diversity of the Southern Midlands is maximised.

Nil.

15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 24

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 24

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

Nil.

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 25

- 4.1.1 Support and improve the independence, health and wellbeing of the Community.

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 25

- 4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 26

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 26

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

Nil.

16.5 VOLUNTEERS

Strategic Plan Reference – Page 26

4.5.1 Encourage community members to volunteer.

Nil.

16.6 ACCESS

Strategic Plan Reference – Page 27

4.6.1a Continue to explore transport options for the Southern Midlands Community.

4.6.1b Continue to meet the requirements of the Disability Discrimination Act.

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 27

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION**Strategic Plan Reference – Page 28**

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

16.8.1 Campania Hall - Skillion Roof Repairs

REPORT AUTHOR: COMMUNITY RECREATION OFFICER (G HUNT)

DATE: 16TH JANUARY 2014

ATTACHMENTS: Quote Independent Roofing Services

BACKGROUND

SMC Maintenance officer Ray Cooper reported in December 2013 that a section of the roof on Campania Hall was in dire need of replacement. The section in question is the almost flat skillion roof at the rear of the building – which covers an area of approximately 8.1 metres x 5.4 metres. Previous maintenance repairs have been undertaken on this section of the roof many times, and the time has now come for replacement to avoid unwanted internal damage should a large downpour occur opening up the ‘gaps’ currently in the roof.

Subsequent discussions on return to work in the first week of January 2014 between myself and Ray led to a quotation from a Hobart reputable roofing company being sought. Ray met the representative from Independent Roofing Services [Tas] Pty Ltd [IRS] on site and a quotation as attached has been received.

Financial Implications

Quote received is for supply and installation of Colorbond Monoclad roof sheeting, together with cost of cartage, Sisalation under the roof and Colorbond apron flashings to finish the job off neatly and serviceably. Safety and WHS equipment is also included, as is removal of waste material from the site.

Quote for this work from IRS is \$2,835.00 Ray Cooper has confirmed that this price appears very reasonable given what is included.

RECOMMENDATION

That the quote from IRS for \$2,835 be accepted and work undertaken as a priority to avoid further damage.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

INDEPENDENT ROOFING SERVICES (TAS.) Pty. Ltd.

ROOFING CONTRACTORS (ABN 77 009 556 987)

LICENCED ASBESTOS REMOVALIST

PO Box 293 Glenorchy, TAS 7010

Ph. 62 728788 Fax. 62 724563

17 January 2014

Quote No. 32 - 0114

Att; Greg Hunt
Southern Midlands Council

Dear Greg,

RE: Campaignia Community Hall – Roof Replacement (Lean-To Section only)

We have pleasure in submitting our quotation for the above project as follows;

SUPPLY AND INSTALL NEW;

- .42 Colorbond ‘Monoclad’ roof sheeting including;-
 - Sisalation
- .55 Colorbond apron flashings

All for the sum of - **\$2,835.00 (Exc. GST)**

The above price includes;

- Cartage
- Safety (guard rail) and access scaffold (as required)
- Removal of all trade waste

The above price excludes;

- Roof penetrations of any kind
- Structural steel or timber frame-work of any kind
- Ceiling batts or roof insulation unless noted above
- Gutters or downpipes of any kind
- Reglets or ‘chasing in’ of flashings to brickwork or concrete panels
- Any work not clearly outlined in the Scope of Works, Plans or Specifications

We thank you for the opportunity to quote and assure you of our close attention at all times. Please call the writer if you have any queries.

John Roberts

Manager

Mble - 0419 891 326

Email john@independentroofing.com.au

Please Note;

1. This quote may be subject to a price variation, depending on the date of acceptance and changes (if any) made to the plans, specifications or scope of work we used, provided by you after the submission of this quote.
2. **We advise that should you ask us to proceed with the work outlined above you/your company will be subject to terms and conditions under the Building and Construction Industry Security of Payment Act 2009.**
3. **The main contractor is to supply power free of charge to Independent Roofing Services (Tas) and all power outlets must be within the standard distance for power chords.**
4. **It is the builder/clients responsibility to provide and unobstructed all weather access around the site.**
5. **Independent Roofing Services (Tas) have in place all necessary insurances including Workers Compensation, Public Liability, Employees Superannuation, Long Service Leave provisions in accordance with the State and Federal awards.**
6. **Independent Roofing Services (Tas) will carry out the above project using Safe Work Practices in accordance with Workplace Standards Authority Regulations and the Code of Practice Working at Heights in Commercial Construction.**

16.9 ANIMALS

Strategic Plan Reference – Page 28

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

Nil.

16.10 EDUCATION

Strategic Plan Reference – Page 28

4.9.1 Increase the educational and employment opportunities available in the Southern Midlands.

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 29

5.2.1 Build the capacity of the Community to help itself and embrace the framework and strategies articulated by the Social Inclusion Commissioner to achieve sustainability.

17.2.1 Green Ponds Progress Association (Kempton Festival) – Request to Increase Donation

AUTHOR GENERAL MANAGER (T KIRKWOOD)
DATE 9th JANUARY 2014

ISSUE

Council to consider a request to increase its donation to the Green Ponds Progress Association (from \$1,000 to \$1,500) to assist with the promotion and management of the Kempton Festival.

BACKGROUND

Council's Donation's Policy provides for a cash contribution of \$1,000 to the Green Ponds Progress Association for the conduct of the Kempton Festival.

DETAIL

The Progress Association's Festival Organising Committee has sought an increase in this contribution (i.e. \$1,500) to enable it to further promote the event and provide for additional activities and attractions.

Human Resources & Financial Implications – In terms of budget, a similar allocation is provided as a contribution towards the conduct of the Oatlands Festival. Recognising this event has not been held in 2013/14, the additional \$500 can be allocated from this fund.

Community Consultation & Public Relations Implications – The Kempton Festival continues to attract considerable numbers and brings visitors to the southern midlands area generally. It is primarily organised and managed by volunteers. Council's donation provides support and encouragement to these volunteers and recognises the value of these events.

Council Web Site Implications: N/A

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council's contribute an amount of \$1,500 to the Green Ponds Progress Association to assist in the promotion and management of the 2014 Kempton Festival.

Note: The recommended increase, over and above the Policy amount, is to only apply for the 2014 Festival. Any additional amount sought in subsequent years is to be considered at that time.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

17.3 SAFETY

Strategic Plan Reference – Page 30

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

17.3.1 Southern Midlands Municipal Emergency Management Plan (2014 Review)

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 9nd JANUARY 2014

ENCLOSURE: Municipal Emergency Management Plan

ISSUE

Council to approve the revised version of the Southern Midlands Municipal Emergency Management Plan.

BACKGROUND

In reference to the *Emergency Management Act 2006*, it requires each Municipal Committee to prepare a plan for emergency management in the municipal area or municipal areas in respect of which the Municipal Committee has the responsibility of instituting and coordinating emergency management.

The Municipal Committee is to review the Plan at least once every two years.

The current version of the Plan was prepared in early 2012 and formally signed by the State Emergency Management Controller (Police Commissioner) in February 2012.

DETAIL

The Municipal Emergency Management Committee met on 6th January 2014 (refer Agenda Item 5.3.1 & 5.3.2 – receipt and endorsement of Minutes) to review the Plan.

The Committee made a number of determinations in relation to the Plan, and amendments have been made accordingly.

A ‘marked-up’ version of the Plan has been circulated to members of the Emergency Management Committee for final review.

Subject to any late feedback (which may require other minor amendments), the revised Municipal Emergency Management Plan is submitted to Council for endorsement. It will

then be submitted to the State Emergency Management Controller for signing, following a review and recommendation by the State Emergency Service.

Human Resources & Financial Implications – The revised Plan does not result in any change to resource requirements. Note however that the Committee is to conduct a ‘desk-top’ exercise centered around a major transport/motor vehicle accident. This will provide an opportunity to review and assess preparedness, and may identify any areas where there is a shortage of resources from a Council perspective.

Community Consultation & Public Relations Implications – Council will note from the Minutes of the Emergency Management Committee Meeting held 6th January 2014 that an article will be prepared for the next Council Newsletter which invites input / comment from the community in relation to potential risks and other issues associated with emergency management planning for the municipal area.

Council Web Site Implications: N/A

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council’s contribute an amount of \$1,500 to the Green Ponds Progress Association to assist in the promotion and management of the 2014 Kempton Festival.

Note: The recommended increase, over and above the Policy amount, is to only apply for the 2014 Festival. Any additional amount sought in subsequent years is to be considered at that time.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

17.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

17.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 31

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

Nil.

18.2 SUSTAINABILITY**Strategic Plan Reference – Page 32 & 33**

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

18.2.1 Local Government Association of Tasmania – Annual General Meeting & General Meeting (23rd July 2014)*File Ref:* 29/005

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 15TH JANUARY 2014

ATTACHMENTS: Correspondence for the LGAT in regard to the meetings and a call for submission of motions

ISSUE

Council to consider any issues for inclusion on the agenda as motions at the Annual General Meeting and General Meeting to be held 23rd July 2014.

DETAIL

The Local Government Association of Tasmania has advised Council that it's Annual General Meeting and General Meeting will be held at the Wrest Point Casino on 23rd July 2014, motions will need to be received at the Association offices by no later than close of business, Friday 14th March 2014.

RECOMMENDATION

THAT Council determine if there are any issues for inclusion on the agenda as motions.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	



SCANNED X

8 January 2014

Our Ref: AG:CA

SOUTHERN MIDLANDS COUNCIL

Mr Tim Kirkwood
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Rec'd 13 JAN 2014

File no

File no

96719

Dear Tim

**Annual General Meeting and General Meeting
23 July 2014**

In accordance with the Rules of the Association, I give formal notice of the General Meeting and the Annual General Meeting of the Association to be held at Wrest Point Casino, commencing at 11.00am on Wednesday 23 July, 2014.

Councils are invited to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the agenda of the General Meeting.

It is planned to distribute the agenda on Wednesday 25 June 2014 and motions will need to be received at the Association's offices by no later than close of business, Friday 14 March, 2014. This lead time will ensure relevant matters can be forwarded to the State Government for comment in accordance with the Communication and Consultation Protocol Agreement. The responses from State Government will then be included with the agenda to provide councils with a full briefing of the issues to be considered.

A standard template is attached but electronic versions are available on our website or will be forwarded by email upon request.

Please note, the Rules of the Association do not provide for the preparation of a Supplemental Agenda.

Should you require any assistance or advice on the background to issues concerning your Council, the procedures to bring them forward or the wording of motions, Association staff would be only too pleased to assist.

Yours sincerely

Allan Garcia
CHIEF EXECUTIVE OFFICER

18.2.2 Tasmanian Archives and Heritage Office (TAHA) - Recordkeeping for Councillors (Information Management Advice 49)

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 9nd JANUARY 2014

ISSUE

To:

- a) formally advise Councillors that the Tasmanian Archives and Heritage Office has issued a Management Advice relating to recordkeeping for Councillors; and
- b) adopt a Policy in respect to this issue.

BACKGROUND

Nil.

DETAIL

Refer attached Information Management Advice.

The aim of this report is to ensure that Councillors are aware of and meet their responsibilities for recordkeeping when undertaking duties on behalf of Council.

Reference is particularly made to the examples listed which are classified as part of Council's public record. It is emphasised that this only applies to communications sent in an official capacity as a Councillor.

A separate Policy has been developed to ensure awareness and compliance.

Human Resources & Financial Implications – N/A.

Community Consultation & Public Relations Implications – As mentioned in the advice, compliance ensures accountability and transparency within the community.

Council Web Site Implications: N/A

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT:

- a) the information be received; and**
- b) the draft Policy ‘Information Management for Elected Members’ be received and submitted for formal endorsement at the next meeting.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

Southern Midlands Council

Policy - Record Keeping Requirements for Councillors

Introduction

Councillors have organisational and legislative responsibilities to maintain accurate records of correspondence, documents and discussions they are involved with as part of their Council duties.

Transparency and accountability are fundamental characteristics of good governance. Failure to keep adequate records of Council decision making processes and activities can lead to lack of accountability and a loss of public confidence.

As a Local Government Authority, councils are required under the *Archives Act 1983* and the *Local Government Act 1993* to keep accurate records of council business.

A ‘record’ under the *Archives Act 1983* means a document or an object that is, or has been, made or kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance, or thing.

Examples of records include (but are not limited to):

- correspondence regarding building and development matters
- a petition received from a community group
- declarations concerning a Councillor’s pecuniary interests
- speech notes made for addresses given at official Council events, and
- complaints by rate payers about Council services

Conversely, records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be a Council records for the purposes of legislation.

Examples of records that are not Council records include (but are not limited to):

- records relating to political or electoral issues
- personal records of councillors such as personal emails from friends that are unrelated to Council business

The value of records as a corporate asset and resource

Records are a vital asset. Many records created and received by Councillors have the potential to:

- support the work of Councillors and Council's program delivery, management and administration
- help Councillors and Council to deliver customer services in an efficient, fair and equitable manner
- provide evidence of Councillors' actions and decisions and establish precedents for future decision making, and
- protect the rights and interests of Government, the Council, Councillors and its clients and citizens.
- Enable Council to meet legislative and other regulatory requirements
- Support better performance of business activities throughout Council
- Ensure documentation of organisational activity, development and achievement
- Assist in better sharing of recorded information

Councillors record keeping obligations:

The record keeping obligations of Councillors include:

- Making records to support the conduct of Council business activities.
- Creating records that would not otherwise be created.
- Documenting activities that do not by themselves result in the creation of records, for example, meetings, telephone discussions, conferences and oral decisions.
- Providing records for registration in Council's electronic recordkeeping system.

Documenting decisions and their reasons enables Councillors to be able to provide an explanation or justification, and accept responsibility for decisions, events or transactions.

Failure to capture records into recordkeeping systems can result in records which cannot be located when required.

Original records are not to be kept in Councillors own private store, outside of Council's recordkeeping system as they are a corporate asset. It is important that they are available to all other officers who need them.

What records are to be kept

Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- providing advice, instructions or recommendations
- giving permissions and consents
- making decisions, commitments or agreements binding for the Councillor or Council.

In addition, Councillors should capture:

- drafts of documents for Council containing significant annotations or submitted for comment or approval by others
- correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- creating and capturing records of Council or committee meetings where the Council is the secretary
- capturing any records it sends to Councillors regarding Council business.

How to capture records

Records of Council business that are created or received by Councillors (**with the exception of those sent from Council as they are already captured**) are to be saved into official Council recordkeeping systems:-

- As soon as possible after the event to ensure the information is accurate.
- So that Council can assist with their long term management.

The Records Manager will then ensure that the correspondence is recorded in accordance with recordkeeping procedures to maintain system integrity and to assist in researching information.

It is the responsibility of all Councillors to ensure the registration of corporate documents into the recordkeeping system as required by legislation and Council Policy.

Paper records

Records created or received in paper format should be forwarded to Council for registration in Council's record keeping system. If records are of a sensitive or confidential nature, the Councillor should alert the Records Manager to this fact so that appropriate security controls can be applied. Refer all requests to the Council's Records Manager.

Email and electronic records

Email and other electronic records should be forwarded to Council promptly for registration in Council's record system. If records are of a sensitive or confidential nature, the Councillor should alert the Records Manager to this fact so that appropriate security controls can be applied. All questions regarding electronic registration of records should be made to the Records Manager. All emails, letters or file notes etc. to be sent via email to mail@southernmidlands.tas.gov.au.

Registration of records by Council

Records received from Councillors for registration will be handled in accordance with the Council's Records Management Procedures.

Councillor access to records of Council

Councillors have a right to information held by Council which will help them make an informed decision on matters under their consideration, providing the information is relevant and appropriate to the discharge of their obligations. Rights are restricted to matters before Council or due to be listed for which there is notification, reasonable notice for administrative requirements.

Councillors wishing to access records should make application to the General Manager in accordance with section 28A of the *Local Government Act 1993*:

“28A. Information and documents relating to functions

(1) A councillor, in writing, may request the general manager to make available any information or document or a copy of any information or document in the possession of the council that may be required for the purpose of performing any of the councillor's functions.

(2) A councillor who makes a request under subsection (1) is to –

(a) state in writing the relevance of the information or document to any of the councillor's functions; and

(b) declare that he or she would not have, or would be unlikely to have, any pecuniary interest in the matter to which the information or document relates if the matter were to be an item on the agenda of a meeting of the council or a council committee.

(3) The general manager may refuse the request of a councillor if –

(a) the general manager believes that the request would unreasonably extend the resources of the council; or

(b) the councillor has declared an interest under section 48; or

(c) the councillor has failed or refused to make a declaration under subsection (2)(b); or

(d) the general manager considers that the information or document requested is not required for the purpose of performing any of the councillor's functions.

(4) If the general manager refuses the request the general manager is to advise the councillor in writing, stating the reasons for the refusal.

(5) The general manager is to make any information or document made available to a councillor under this section available to any other councillor on request.”

Councillors who are unable to obtain information they seek from Council can ask for review in accordance with s.28B of the *Local Government Act 1993*.

Councillors (like other members of the community) can also apply to access certain information under various Acts such as the *Right to Information Act 2009*.

Borrowing records of Council

If a Councillor needs to borrow a Council record in the course of their duties for Council, they should refer their request to the General Manager.

Unauthorised access or disclosure of Council records

Councillors are bound by the provisions contained within the *Local Government Act 1993* Council's Code of Conduct for Elected Members.

18.2.3 Provision of Computer Equipment to Elected Members (i.e. iPad or Tablet)

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 9th JANUARY 2014

ISSUE

Council to consider providing a computer device (i.e. iPad or Tablet) to elected members for the purpose of providing Council related documents, and circulation of other information, in an electronic format.

BACKGROUND

Council, at its meeting held 11th December 2013, gave brief consideration to a proposal to use technology such as an iPad or Tablet as a more cost effective and efficient means of distributing Agendas and other communications. This would provide Councillors with email and internet access, with the ability to be able to download Agendas, weekly information bulletins and other documents electronically.

The use of these electronic devices would result in significant savings which would include a reduction in administration time, reduced printing and stationery costs.

A further detailed report was requested.

DETAIL

The option of both iPads and Tablets have been investigated with the preferred option being a Samsung Galaxy Note Android Tablet. This device would suit Council's core business programs and allow easy access to set up email and view documents.

In practice, each Councillor would be provided with a separate Email address and functions to enable download of the Agendas and other documents. Basic instructions and training will be given on receiving the device. Operational procedures would be developed as necessary to assist with implementation and systems operation.

Human Resources & Financial Implications – It is proposed to lease the devices which involves a total cost of \$59.00 per month (over a 24 month period). This cost includes a mobile data plan that provides 4GB of data per month (\$40 per month) which would be more than sufficient for Council purposes, and a monthly repayment option fee of \$19).

Total cost per annum: \$708 per Councillor.

This cost would be more than offset with reduced printing, administration and travelling costs.

Community Consultation & Public Relations Implications – Use of technology would enhance capability for elected members to communicate generally with ratepayers/ community.

Council Web Site Implications: N/A

Policy Implications – In terms of associated policy, usage would be restricted to Council use only. This alleviates the need to consider further policies in respect to recharge of excess data costs, specific usage restrictions and policies. Councillors would be required to adhere to Council’s Electronic Computer Use Policy, although this would need to be reviewed to confirm appropriateness in terms of any breaches.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT the information be received and Council endorse the proposal to lease computer equipment (i.e. Tablet) for the purposes detailed in this report.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18.3 FINANCES**Strategic Plan Reference – Page 33 & 34**

- | | |
|-------|---|
| 6.3.1 | Maintain current levels of community equity. |
| 6.3.2 | Major borrowings for infrastructure will reflect the inter-generational nature of the assets created. |
| 6.3.3 | Council will retain a minimum cash balance to cater for extra-ordinary circumstances. |
| 6.3.4 | Operating expenditure will be maintained in real terms and expansion of services will be funded by re-allocation of service priorities or an increase in rates. |
| 6.4.4 | Sufficient revenue will be raised to sustain the current level of community and infrastructure services. |

18.3.1 Monthly Financial Statement (December 2013)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C Pennicott)
 DATE 16th JANUARY 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 31st December 2013 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

Note: Refer to enclosed report detailing the individual capital projects.

- d) Rates & Charges Summary – as at 16th September 2013
- e) Cash Flow Statement - July 2013 to December 2013.

Note: Expenditure figures provided are for the period 1st July to 31st December 2013 – approximately 50% of the period.

Comments**A. Current Expenditure Estimates (Operating Budget)****Strategic Theme – Growth**

- **Sub-Program – Business** - expenditure to date (\$29,718 – 44.86%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Childcare** - expenditure to date (\$5,000 – 50.00%). Expenditure of \$5,000 is the annual ‘one-off’ payment for the Family Date Care Service.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$2,198 – 43.34%). Expenditure of \$2,198 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT DECEMBER 2013 50%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	833089	2651004	23.91%
Bridges	428807	428807	20755	408052	4.84%
Walkways	175603	175603	85531	90072	48.71%
Lighting	89544	89544	22093	67451	24.67%
Irrigation	2450	2450	466	1984	19.00%
Drainage	81322	81322	15561	65761	19.13%
Waste	548480	548480	208864	339616	38.08%
Public Toilets	55726	55726	23018	32708	41.31%
Communications	0	0	636	-636	0.00%
Signage	12300	12300	5238	7062	42.59%
INFRASTRUCTURE TOTAL:	4878335	4878335	1215262	3663073	24.91%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	320782	289338	52.58%
Tourism	188853	188853	6480	182373	3.43%
Business	86250	86250	47233	19017	71.30%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	0	27600	0.00%
GROWTH TOTAL:	901093	901093	374495	526598	41.56%
LANDSCAPES					
Heritage	291385	291385	130989	160396	44.95%
Natural	477908	477908	221713	256195	46.39%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	377099	412204	47.78%
Climate Change	40376	40376	5422	34954	13.43%
LANDSCAPES TOTAL:	1598972	1598972	735223	863749	45.98%
LIFESTYLE					
Youth	160805	160805	53899	107006	33.50%
Aged	1500	1500	2658	-1158	177.17%
Childcare	10000	10000	5000	5000	50.00%
Volunteers	32000	32000	11808	20192	36.90%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	376	7330	4.88%
Recreation	402126	402126	185594	216532	46.15%
Animals	70029	70029	32508	37521	46.42%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	291843	398828	42.25%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	11942	23083	34.10%
Safety	56650	56650	25301	31349	44.66%
Consultation	5070	5070	4438	632	87.54%
Communication	15125	15125	2900	12225	19.17%
COMMUNITY TOTAL:	111870	111870	44581	67289	39.85%
ORGANISATION					
Improvement	7300	7300	4090	3210	56.03%
Sustainability	1925878	1925878	797288	1128590	41.40%
Finances	223263	223263	78267	144996	35.06%
ORGANISATION TOTAL:	2166441	2166441	879646	1278795	40.79%
TOTALS	10337382	10337382	3541049	6796333	34.25%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 DECEMBER 2013

INFRASTRUCTURE	ROAD ASSETS		BUDGET	EXPENDITURE	VARIANCE
	Resurfacing Program	C:1020039	\$ 600,000	\$ 70,626	\$ 529,374
	Reseal Program		\$ 350,000	\$ -	\$ 350,000
	Reconstruct & Seal				
			\$ 68,750	\$ -	\$ 68,750
			\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -
			\$ 137,500	\$ -	\$ 137,500
			\$ 137,500	\$ 17,741	\$ 119,759
			\$ 37,500	\$ 300	\$ 37,200
			\$ 30,000	\$ 310	\$ 30,000
				\$ 2,432	
			\$ 39,375	\$ -	\$ 39,375
			\$ 7,000	\$ -	\$ 7,000
			\$ 10,000	\$ -	\$ 10,000
			\$ 15,000	\$ -	\$ 15,000
			\$ 10,000	\$ -	\$ 10,000
			\$ 29,349	\$ -	\$ 29,349
			\$ 20,000	\$ 3,339	\$ 16,661
			\$ 20,000	\$ 375	\$ 19,625
			\$ 15,000	\$ -	\$ 15,000
			\$ 5,000	\$ -	\$ 5,000
			\$ 15,000	\$ -	\$ 15,000
			\$ 20,000	\$ -	\$ 20,000
			\$ 83,000	\$ -	\$ 83,000
			\$ 27,000	\$ -	\$ 27,000
			\$ 21,000	\$ 6,919	\$ 14,081
			\$ 32,000	\$ 16,719	\$ 15,281
			\$ 25,000	\$ -	\$ 25,000
			\$ 5,000	\$ -	\$ 5,000
			\$ 8,000	\$ -	\$ 8,000
			\$ 8,000	\$ -	\$ 8,000
			\$ 9,700	\$ -	\$ 9,700
			\$ 15,000	\$ -	\$ 15,000
			\$ 1,801,274	\$ 118,761	\$ 1,682,513

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 DECEMBER 2013

	BUDGET	EXPENDITURE	VARIANCE
BRIDGE ASSETS			
C1030003	\$ 557,000	\$ 7,820	\$ 549,180
C1030043	\$ 166,000	\$ 311	\$ 165,689
C1030028	\$ 57,000	\$ 2,809	\$ 54,191
C1030023	\$ 678,000	\$ 2,579	\$ 675,421
C1030044	\$ 81,700	\$ 1,231	\$ 80,469
C1030046	\$ 26,440	\$ -	\$ 26,440
C1030041	\$ 142,900	\$ 27,515	\$ 115,385
C1030013	\$ -	\$ 51,695	\$ 51,695
	\$ -	\$ 1,468.74	\$ 1,469
	\$ -	\$ 648.46	\$ 648
	\$ 1,708,740	\$ 96,064	\$ 1,612,676
WALKWAYS			
C1040014	\$ 50,000	\$ -	\$ 50,000
	\$ 50,000	\$ 3,095	\$ 46,915
C1040005	\$ 10,000	\$ -	\$ 10,000
C1040005	\$ 80,000	\$ 6,506	\$ 73,414
	\$ 5,000	\$ -	\$ 5,000
C1040015	\$ 15,000	\$ -	\$ 15,000
C1040017	\$ -	\$ 27,504	\$ (27,504)
C1040013	\$ -	\$ 3,685	\$ (3,685)
C1040016	\$ 8,000	\$ -	\$ 8,000
	\$ 7,000	\$ -	\$ 7,000
	\$ 225,000	\$ 40,860	\$ 184,140
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
LIGHTING			
	\$ -	\$ -	\$ -
DRAINAGE			
C1090014	\$ 21,882	\$ 8,080	\$ 13,822
C1090015	\$ 75,000	\$ 1,840	\$ 73,160
C1090015	\$ 145,000	\$ -	\$ 145,000
	\$ 10,000	\$ -	\$ 10,000
C1090016	\$ 12,000	\$ 1,007	\$ 10,994
	\$ -	\$ -	\$ -
	\$ 5,000	\$ -	\$ 5,000
C1090018	\$ 15,000	\$ -	\$ 15,000
C1090019	\$ 12,900	\$ -	\$ 12,900
C1090020	\$ 20,000	\$ -	\$ 20,000
C1090021	\$ 6,000	\$ -	\$ 6,000
	\$ 319,882	\$ 10,907	\$ 308,975

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED			
	15/01/2014	15/01/2013	
Arrears Brought Forward	\$352,040.89	\$251,900.24	
ADD Current Rates and Charges Levied	\$4,138,844.33	\$3,939,158.58	
ADD Current Interest	\$40,703.56	\$36,468.31	
TOTAL Rates and Charges Demanded	\$4,531,588.78	\$4,227,527.13	100%
LESS Rates and Charges Collected	\$2,578,282.70	\$2,341,673.75	55.39%
LESS Pensioner Remissions	\$206,043.60	\$200,899.21	4.75%
LESS Other Remissions	-\$5,741.39	-\$3,743.42	-0.09%
LESS Discounts	\$17,747.50	\$13,102.39	0.31%
TOTAL Rates and Charges Collected and Remitted	\$2,796,332.41	\$2,551,931.93	60.36%
UNPAID RATES AND CHARGES	\$1,735,256.37	\$1,675,595.20	39.64%

	INFLOWS (OUTFLOWS) (July 2013)	INFLOWS (OUTFLOWS) (August 2013)	INFLOWS (OUTFLOWS) (September 2013)	INFLOWS (OUTFLOWS) (October 2013)	INFLOWS (OUTFLOWS) (November 2013)	INFLOWS (OUTFLOWS) (December 2013)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities							
Payments	239,458.53	274,071.17	268,147.50	259,876.01	255,270.42	371,181.37	1,668,005.00
Employee costs	277,590.55	437,046.31	181,933.87	342,668.96	302,707.23	174,173.66	1,716,120.58
Materials and contracts	627.25	-	-	-	9,319.64	20,579.12	30,326.01
Interest	9,793.10	34,432.27	32,556.88	62,381.71	16,041.56	15,725.79	170,931.31
Other	527,469.43	745,549.75	482,638.25	664,926.68	583,338.85	581,659.94	3,585,582.90
Receipts	57,079.91	819,356.99	1,104,558.08	139,532.99	422,175.54	162,501.85	2,705,205.36
Rates	97,861.87	48,302.62	43,422.56	83,826.89	54,929.89	83,351.78	411,695.61
User charges	15,891.50	16,810.00	22,072.17	23,089.96	21,998.52	22,448.52	122,310.67
Interest received	-	410,803.25	-	-	410,803.25	-	821,606.50
Subsidies	-	-	-	-	-	-	-
Other revenue grants	-	-	-	-	-	-	-
GST Refunds from ATO	-	-	-	-	-	-	-
Other	17,385.26	29,379.99	5,523.39	21,207.61	60,487.65	25,577.18	38,585.78
Net cash from operating activities	188,218.54	1,324,652.85	1,175,576.20	267,657.45	849,419.55	293,879.33	2,688,447.59
	339,250.89	579,103.10	692,937.95	397,269.23	266,080.70	287,780.61	513,821.02
Cash flows from investing activities							
Payments for property, plant & equipment	48,657.75	76,280.43	30,979.38	343,190.42	281,434.17	103,739.47	884,281.62
Proceeds from sale of property, plant & equipment	15,993.64	-	-	26,000.00	65,716.84	-	107,710.48
Proceeds from Capital grants	2,368.18	9,141.85	6,690.91	327,847.50	7,226.91	7,172.58	360,447.93
Proceeds from Investments	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-
Net cash used in investing activities	46,289.57	51,144.94	24,288.47	10,637.08	208,490.42	96,566.89	416,123.21
Cash flows from financing activities							
Repayment of borrowings	4,704.53	-	-	-	10,105.29	35,555.91	50,365.73
Proceeds from borrowings	-	-	-	-	-	-	-
Net cash from (used in) financing activities	4,704.53	-	-	-	10,105.29	35,555.91	50,365.73
Net increase/(decrease) in cash held	390,244.99	527,958.16	668,649.48	386,612.15	47,484.99	419,903.41	47,332.08
Cash at beginning of reporting year	8,734,794.63	8,344,549.64	8,872,507.80	9,541,157.28	9,154,545.13	9,202,030.12	8,734,794.63
Cash at end of reporting year	8,344,549.64	8,872,507.80	9,541,157.28	9,154,545.13	9,202,030.12	8,782,126.71	8,782,126.71

18.3.2 2013/14 Capital Works Program – Budget Issues

AUTHOR GENERAL MANAGER (T KIRKWOOD)
DATE 9th JANUARY 2014

ISSUE

To report on issues relating to the 2013/14 Capital Works Program Budget.

BACKGROUND

Council adopted the 2013/14 Budget at its meeting held 26th June 2013. In particular, the Budget included two projects which were to be funded from the Regional Development Australia Fund (Round 5) which was a standard allocation per Council that was announced at the Australian Local Government Association Annual Conference by the previous Labor Government Minister:

1. \$80,000 Reeve Street, Campania (Footpath); and
2. \$67,500 Commissariat Property – 79 High Street, Oatlands

DETAIL

Council has recently been advised by the new Australian Government, through the Minister for Infrastructure and Regional Development (Hon Warren Truss MP), that it will not be funding Round 5 of the RDAF as these projects were election commitments of the former government announced during the election campaign or just before. They were to be funded by the Mineral Resources Rent Tax (MRRT), but as the MRRT did not raise significant funds these projects were unfunded.

Reeve Street, Campania (Footpath) - in relation to the Reeve Street project, this can either be deferred (in total) or could at least be progressed to the final design stage. Any costs incurred would remain as 'Works in Progress' at the end of financial year and be considered for funding next financial year. Alternatively, mainly in recognition that the community has been advised that these works have been scheduled, the project can proceed and be funded at a later date (i.e. 2014/15 or even over two future periods). Having said that, I alert Council to an issue raised later in this report prior to making an determination.

Commissariat Property – 79 High Street, Oatlands – works will need to be deferred pending an alternative source of funding.

Another issue which has arisen is associated with the 81 lot subdivision off Reeve Street at Campania. Disposal of storm water extending from the Recreation Ground south on the eastern side of the road will need to connect with the reticulated stormwater from this subdivision. The most appropriate long-term engineering solution would be to pipe the entire length from the recreation ground entrance through to the new roadway proving

access to the subdivision. If Council was to utilise the same contractor that undertakes the subdivision works, the indicative cost is approximately \$44,000. This has not been funded in 2013/14 and it is envisaged that a commitment will need to be given prior to the end of the financial year, although it is highly unlikely that the actual works will be completed.

Human Resources & Financial Implications – Refer comment above.

Note: Local Government Act 1993 (Section 82 – Estimates) – A formal amendment to the Budget requires a decision made an by absolute majority.

Community Consultation & Public Relations Implications – Refer comment above.

Council Web Site Implications: *Nil.*

Policy Implications – N/A.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT:

- a) **The information be received;**
- b) **Council continue to progress with the construction of a footpath along Reeve Street, Campania in accordance with the concept plan and acknowledging that this is long-term infrastructure, fund the estimated total cost of \$80,000 over two years (i.e. 2014/15 & 2015/16);**
- c) **Council provide a commitment to fund the stormwater reticulation system in Reeve Street, Campania (estimated cost \$44,000) which is to be allocated in 2014/15; and**
- d) **Council acknowledge that the Budget allocated to the Commissariat Property (79 High Street, Oatlands) was to be funded from the Regional Development Australia Fund (Round 5) which has been withdrawn by the Australian Government and hence all works will be deferred pending an alternative source of funding.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 16th January 2014.

Information Bulletin dated 20th December 2013 and 6th January 2014 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 20th December 2013, 6th January 2014 and 16th January 2014 be received and the contents noted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

20. MUNICIPAL SEAL

Nil.

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

RECOMMENDATION

THAT Council move into “Closed Session” and the meeting be closed to the public.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

CLOSED COUNCIL AGENDA

22. BUSINESS IN “CLOSED SESSION “

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT Council endorse the decision made in “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

23. CLOSURE