COUNCIL MEETING

AGENDA

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11th April 2014

Dear Sir/Madam,

NOTICE OF MEETING

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

Bagdad Community Club
Midlands Highway Bagdad
Wednesday 16th April 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 26th March 2014, 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 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

Nil

5.3.2 Special Committees of Council - Endorsement of Recommendations

Nil

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.

RECOMMENDATION

THAT the minutes of the above Joint Authority meetings be received.

DECISION

<u>DECISION NOT REQUIRED</u>

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

RECOMMENDATION

THAT the reports received from the Joint Authorities be received.

DECISION

<u>DECISION NOT REQUIRED</u>

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 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 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:

- Tas Water – the Chief Executive Officer of Tas Water (Mike Brewster) will attend the meeting at 10.00 a.m. to brief Council in relation to a number of issues, including:

  - Oatlands Water Scheme – Dam Storages;
  - Tunbridge Township Water Supply – Capital Upgrade Plan
  - Tas Water – Pricing Strategy & Update re: Headworks

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

11.1 SOUTHERN MIDLANDS – EVENTS & FESTIVALS STRATEGY

Clr A O Green has submitted the following Motion:

"THAT the Southern Midlands Council establish a working group comprising Councillors, officers, community and external stakeholders to develop and implement a Southern Midlands Events & Festivals Strategy."

Clr A O Green has provided the following supporting comments:

Events enable the positive flow of revenue into a region. An event that spreads the seasonality of tourism in a region also evenly distributes the flow of money into a region, increasing the opportunities for full time employment.

Outcomes from successful events include:

• Increasing visitor length of stay in region/town
• Increasing visitor expenditure in region/town
• Improving destination awareness
• Increasing civic pride or community solidarity.

Events produce significant economic multiplier effects, as well as primary and secondary economic impacts, direct consequences of introducing new, outside money into the local economy.

The purpose of the Southern Midlands Events & Festivals Strategy is to

1. support and strengthen existing events
2. encourage and enable the development of new events

Southern Midlands Council's Strategic Plan 2012-2017 action 5.2.1.2 states that Council is to "Support Community groups who wish to run and/or develop Community based events". Presently there is no Council mechanism or structure in place to support the running and developing of such events, no performance criteria, and the success of the current approach is contestable given the lapse of some prominent events.

The development and implementation of a Southern Midlands Events & Festivals Strategy will provide a framework for implementing action 5.2.1.2 of the Strategic Plan

General Managers' Comments:

There is no doubt that events and festivals should form a major part of any area's tourism development strategy. As mentioned, there are significant economic and broader community benefits associated with these type of activities.

To progress this initiative, it is suggested that the initial step in the process will involve identifying who are the key community and external stakeholders. Whilst the immediate focus (and thought) might be associated with events like the Oatlands and Kempton Festivals, there are numerous other opportunities such as: Dog competitions; weekend markets; arts and craft shows; entertainment (e.g. music); community events (e.g. rodeos).

Whilst the intent is for Council to provide a facilitation and support role, development and implementation of the Strategy will obviously be dependent upon the willingness of the community and other stakeholders to become involved.

DECISION

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

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 the expansion of Shop (local), Signage and relaxation to parking space requirements at 99 Main St, Kempton.

File Reference: *T7747545*

REPORT AUTHOR: **PLANNING OFFICER (D CUNDALL)**
DATE: **9TH APRIL 2014**

ATTACHMENTS:

1. **Development Application**
2. **Representations**

THE PROPOSAL:
The Applicant Robert and Julie Cooke are seeking planning approval (Planning Permit) to expand the Post Office Shop (Local) at 99 Main St Kempton. The proposed works are internal works to the building and some exterior signage.

The current Kempton local shop at 129 Main St, managed by Mr Cooke has closed down and he is seeking to relocate a smaller version of the business, with basic grocery lines and refreshments to the Post Office Shop and therefore expand the existing premises.

As the proposal is to expand the Post Office shop it requires another parking space for customers. As there is no room on site for customer parking the Applicant must seek Council's approval to park on the street.

THE SITE and CURRENT LAND USE
The land is in the Village Zone and the land is currently used for a Post Office Shop (Local) and a Dwelling (Single).

The land is listed in Schedule 4 of the Planning Scheme as a building and works of historic significance. The land is also in the Historic Precinct Special Area.

There is some minor signage on the building a free-standing sign on the footpath and post office boxes on the southern side of the building. There is limited parking directly in front of the shop but the street is generally vacant and customers will generally park further along the street.

The land is adjoined by residential properties.

Photo 1 – Post Office looking north along Main Street

THE PLANNING SCHEME ASSESSMENT

Zoning
The land is located in the Village Zone.

Current Use of the Land
The land is currently used for a Dwelling and a Shop (Local).

Statutory Status
A part change of use from Dwelling to Shop (Local) and associated signage, that accords with the standards for signage in the historic precinct area, is a permitted use/development in the Main Street of Kempton and in the Village Zone.

Council does not have the discretion to refuse an Application for a shop and signage but does have discretion regarding the parking space requirements.
Accordingly an application for a relaxation of the parking space requirements:

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 an other 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 Section 57 of the *Land Use Planning and Approvals act 1993* ("the Act").

Public Notification and Representation
The application was advertised, and all adjoining owners notified on the 22nd of March 2014 for the statutory 14 day period.
Two (2) representations were received. The representation expressed concern for traffic movements and intensification of the business citing impacts on residential amenity.

Representations
The representations have been transcribed in the table below with the personal details omitted. The representation is 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**
We are writing to you to express our concerns regarding the opening hours of Mr Cook & J Matkovich's Post Office/shop. We haved lived in Kempton … for around 30 years and seen it move from one home to the next and it has always operated from 9.00am until 5.00pm which is normal hours and very acceptable times. *Our concern is that when Mr Cook takes his general store up to the Post Office it is going to be operating from 6.00am Monday until Friday which we can put up with, but now it is going to operate on Saturday and Sunday's from 7.30am as well which is not suitable for us.* *The Post Office doesn't open on weekends now, and Julie only opens the gift shop when Kempton has some kind of event in the town which maybe a couple of times a*	The Applicant has since informed the Planning Officer that the 6am start time stated in the Development Application was an oversight and they seek to operate the business from 7am to 5pm weekdays and 7.30am to 12pm on weekends. A Planning Permit should be conditioned accordingly. The Planning Officer recognises that parking over neighbouring driveways and the driveway of the owners of the Post Office is likely to be an ongoing issue. Council should consider some line markings for two (2) vehicles at the front of the store and some yellow lines to prevent parking over the driveways. This would be an acceptable solution to the issues raised by the representation.

year. So how can a business operate outside the hours that they currently have ?. *We are a family of four and three of us only have the weekends to have a sleep in. My husband works 12 hour shifts and I'm sure the early weekend openings are just not going to give him or us the rest we need. We hear all of the neighbours now discussing their daily plans, banging car doors and reving up their car engines when they take off. So having to put up with this on weekends as well is going to cause us a problem.* *The Kempton shop that Mr Cook runs now only opens a few hours a day so why doesn't he stay there and try to make a go of it if he wants to open longer hours.* *Another problem which concerns us will be parking, especially over our driveway. We have had quite a few incidents where people just park their cars over the edge of our drive and they think it's fine but we can't get out until they move.* *So in conclusion can you please take into consideration our point of view regarding weekend opening hours. Maybe 9.00am Saturday and 10.00am Sunday might work for everyone. But at the moment we find the weekend hours unacceptable.*	It shall be noted that the Applicant has installed two (2) small signs on either end of the business 'please keep driveway clear' next to the adjoining owner's access (See *Photo 2* in the report). Line marking for parking is not common in small rural towns and villages, but maybe necessary in this instance given that the driveways on either side of the business are not clearly delineated.
Representation 2	**Planning Officer Comment**
In relation to the development proposal at 99 Main Street, Kempton by the Cookes, we … would like to advise that we make a representation against the proposal. *Our concerns are mainly about parking issues that already exist and will only get worse if there are more customers frequenting the premises. We already have a problem with people parking*	As per the previous representation comment, the parking issue can be resolved with the provision of line marking to delineate car parking spaces and private driveways. The zoning of Kempton as a Village zone actively encourages a mixture of residential development and business in the Main Street.

across our driveway and footpath all the time while they get out and collect their mail and do business inside the post office. Quite often we can be waiting to leave our driveway for 5 mins at a time while someone is inside and are not aware they have blocked us in. Sometimes we are left waiting to turn into the driveway on the main road which is extremely frustrating. I can only imagine the parking will get worse if there are more customers coming and going. Also our property has the longest stretch of parking space in front of it. I do not think its fair we have to carry the brunt of the coming and going of the Cookes customers for 12 hours a day when the ownership should be on them to provide ample parking outside or on their property. *We are concerned about the aesthetic of the streetscape our property is on. We are a heritage listed home as is the Cookes,and in the heritage zone under local government plans. Will the signage be appropriate? Will the modification to their building retain the integrity of the property and surrounding heritage properties? Does the buildings new expansion exceed the percentage space within the property allowed to be used for commercial activity?* *Currently our home has a council bin and post box on one boundary plus another council bin on the other boundary, which is rather annoying, why we need one either side of our home is a mystery. Litter from these frequently blows down our driveway and along our front. I believe this will get worse when they are operating a convenience store too. Where will the extra packaging from there stock be stored? Will they need a small skip bin and where will it be placed? Already*	A local shop is not considered at great detriment to the amenity of the Main Street and is a permitted use/development in this zone. Should there be further issues regarding parking raised with Council in the future then Council should act to try resolve the matter with the addition of signage or bollards. The Applicant has also informed Council that the front of the shop (the verandah) area will be kept clear of any discarded packing boxes. It is also a traffic offence to park over somebody's driveway.

excess cardboard boxes from the post office are piled outside their front door, the proposed new entrance to the store, will this get worse? Opposite we have a road sign for the post office and a sandwich board for the post office next to our driveway, we are concerned that any more signage will be a mess, how many signs, bins, post boxes etc can we have surrounding us? This has all occurred since we purchased our property. *We also are concerned about the noise of the traffic that is proposed, both foot and vehicles, from 6am every weekday and 7am weekends. We already have the big post truck collecting mail late night 5 times a week which is very noisy outside our bedroom windows. All our bedrooms are on the street side and we think there will be much more noise and disturbance for us in the early mornings with people parking outside our property, leaving their cars running while they pop inside for the milk and newspaper.* *Will we expect seating as currently exists outside the shop for customers to have a coffee? Where is this proposed? Will they be looking into my kitchen window?* *[Section Omitted] ... Support should be directed to MoodFood who it seems have invested in the area by already providing this service.*	

Photo 2 - The Applicant has placed a small sign on either end of the property warning motorists to keep clear of driveways.

PARKING (Schedule 6 of Planning Scheme)

Council has the discretion to decrease the parking space requirements in cases where the existing lot coverage precludes the full number of spaces being provided.

There is ample on street parking space for customers to the shop. This is the only local shop in Kempton.

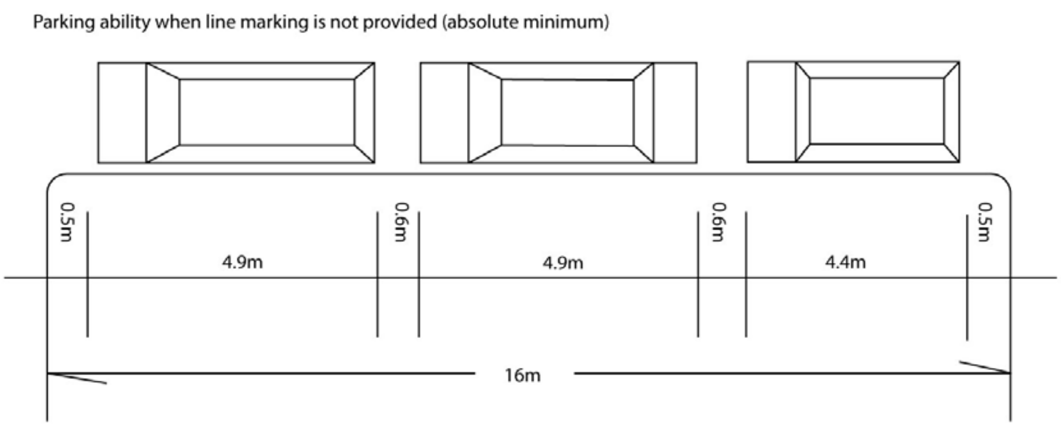
The only issue is, that without some form of line marking or other delineation it is easy for customers to accidentally park over a neighbouring driveway or even park on the concrete footpath. This of course is a traffic offense.

The example of line marking in a small rural town in Photo 3 (Campbell Town example) demonstrates the type of linemarking that would be acceptable in Kempton. Some yellow linemarking next to the driveways and/or in front of the post box may also be beneficial. This would mean that customers would not be parking in such an ad hoc manner and unnecessarily occupying a larger space during busy trading times.

Line marking is an inexpensive solution and can be addressed by Council as resources allow. The actual type of line marking or delineation should be at the discretion of the

Works Department but should accord with the Australian Standards for on street parking facilities.

Photo 3 – Example of parking space line marking in Campbell Town



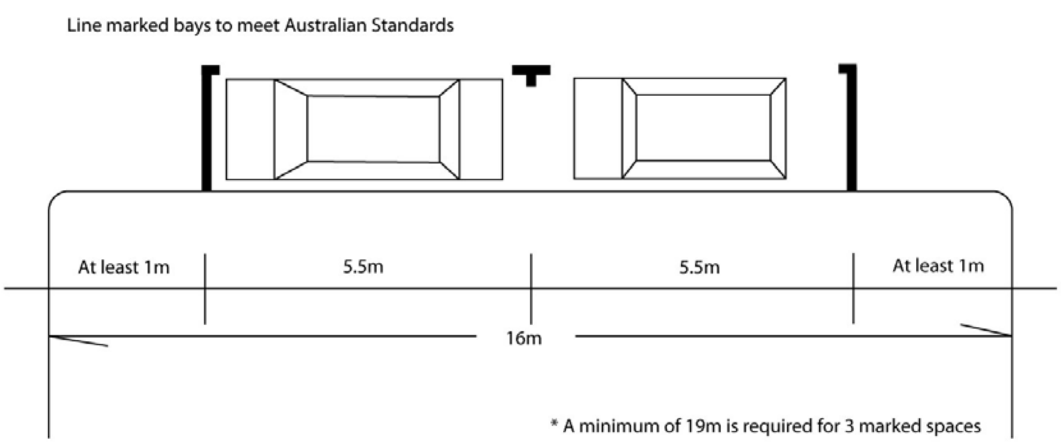


Diagram 1_Parking Bays need to meet the Australian Standard. There is room for 2 bays of 5.5m by 2.6m

CONCLUSION

The Applicant has applied for a Planning Permit to expand the Post Office Shop at 99 Main Street Kempton to include basic grocery lines and refreshments.

An expansion of the Post Office Shop (local) equates to a part change of use from dwelling to Shop (local). This is a permitted use/development along the Main Street of Kempton. The proposed signage is also a permitted development in this zone and special area.

The inability to provide customer parking on the land is however at Council's discretion.

Two representations were received raising concerns with the extended opening hours of the shop and a number of other issues citing the expansion would impact upon the residential amenity of the area.

The Village Zone encourages the use of the Main Street for both minor commercial development like small shops and services as well as residential use and development.

The requested operating hours are a little longer than the current opening hours, however it is not considered to be at major detriment to the amenity of the area. Standard opening hours for a shop should apply to the business and the business should be given the liberty to trade within these hours.

The parking issues raised by the representors and as noticed by the Council Officers can be addressed by simple parking bay line marking to prevent ad hoc parking and try prevent people parking over driveways. Council should apply the line marking as resources allow. This is after all the only local shop in Kempton and is arguably the busiest part of the town.

The proposed use/development is recommended for approval 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 the Expansion of a Shop (local), Signage and relaxation to parking space requirement at 99 Main St, Kempton 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*.

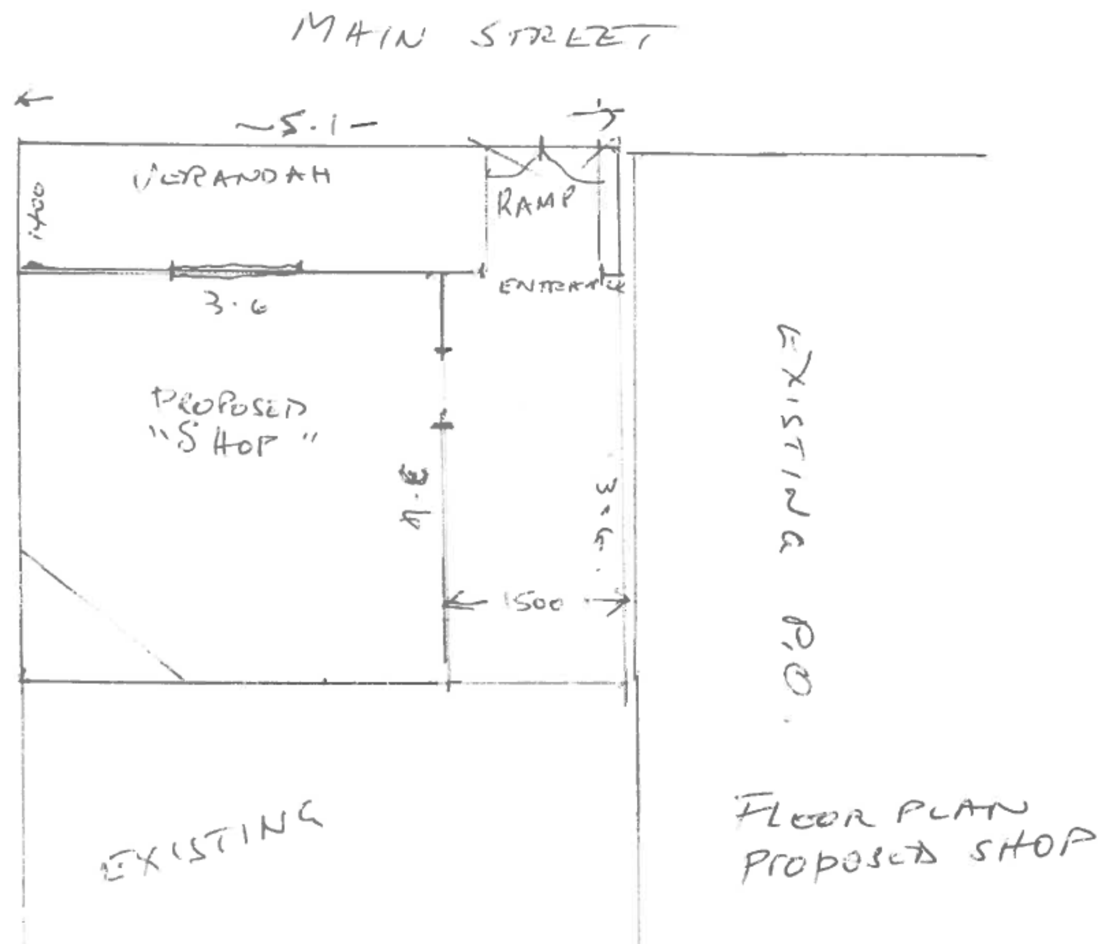
Hours of Operation

3) 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 6:00 p.m.
Saturday	7:30 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	7:30 a.m. to 6:00 p.m.

DECISION

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


MAIN STREET
~5.1~
VERANDAH
1400
RAMP
ENTRANCE
3.6
PROPOSED "SHOP"
EXISTING P.O.
1500
EXISTING
FLOOR PLAN
PROPOSED SHOP

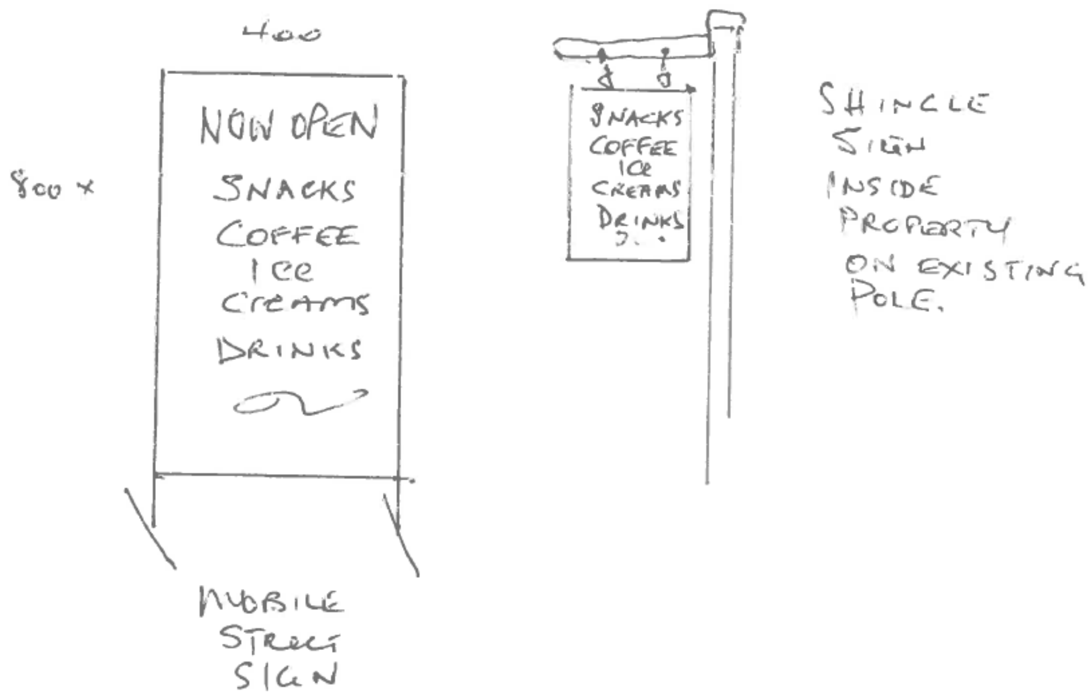
Re- application for planning approval at 99 main Street Kempton

Description:

A small retail outlet as adjunct to existing business (Post Office and gift store)
Incorporating 'run out' grocery items, light snacks, coffee/tea drinks etc.

Parking
I cannot provide space on the property for parking.
However, existing 'on street parking' for the post office traffic presents no problems and I cannot foresee this as an issue for the small increase in activity.

Signage
A) moveable 'now open' street sign.
B) a shingle 400mmX 600mm on existing pole on property.
Wording - coffee/tea/snacks sympathetic in design/colour to cottage surrounds.



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

12.1.2 Development Application for New Signage and Structure (Building Fascia) requiring relaxation to road boundary setback standard in the Scenic Corridor Special Area at 'Mood Food', 3001 Midland Highway, Kempton

File Reference: *T5465069*

REPORT AUTHOR: **PLANNING OFFICER (D CUNDALL)**
DATE: **8TH APRIL 2014**

ATTACHMENTS:

1. **Site Plan and Drawings**
2. **JMG Planning Appraisal**

THE PROPOSAL:

The Applicant JMG Engineering and Planning on behalf of the owners T M and R J Bennett (Bennetts Petroleum) have applied to the Council for a Planning Permit for new signage and other building works at Mood Food at 3011 Mildand Hwy, Kempton.

The proposal is at Council's discretion for development:

- of an existing non-conforming use;
- requiring the relaxation of the 50m highway setback standard; and
- within the Scenic Corridor Special Area.

The proposed free standing sign is a 10m by 0.8m high sign externally illuminated by two narrow LED up-lights, at the base, and an internally illuminated 'mood food' logo at the top (see attached drawing number 04).

The proposed building works are a 4m high fascia board around the existing courtyard area and landscaping, minor walls and external building improvements and general refurbishment.

The developer is also removing much of the existing advertising and other signage. It is noted that some of the existing signage, notably a 'Mood Food' sign at the southern entrance has already been removed (see *Photo 3* in this report).

THE SITE and NON CONFORMING EXISTING USE RIGHTS

Mood Food is a service station, café' and take away food premises located on the Midland Highway approximately 1km north of the Kempton township.

The business has been in operation for many years and predates the current *Southern Midlands Planning Scheme 1998* ("Planning Scheme"). The land use is prohibited in the Rural Zone under the current Planning Scheme, however afforded rights to continue operation as determined by Section 20 of the *Land Use Planning and Approvals Act 1993* ("the Act") and given limited rights to expand or develop as determined by Part 1 'Non-Conforming Existing Use Rights' of the Planning Scheme (as the use/development existed prior to the coming into operation of the current scheme).

Photo 1_Mood Food, looking north along the Midland Highway

THE APPLICATION

The applicant has provided a completed standard application form, detailed site plan, design and elevation drawings, lighting plan and a well detailed planning appraisal by JMG. There is sufficient information for the Planning Authority or any member of the public or stakeholder to form a view on the Development Application and assess under the relevant legislation.

THE PLANNING SCHEME ASSESSMENT
Use/Development Definition
The proposal is defined as 'signage' and 'development' and development of a 'non-conforming existing use' under the Planning Scheme.

Zone:

The land is zoned Rural Agriculture Zone.

Special Area Overlay:
The land is within the Scenic Corridor Special Area that extends 100m either side of the Midlands Highway as indicated on the Planning Scheme Plans

Statutory Status
Under the *Planning Scheme*, the proposal is a 'Discretionary Development' and as such:

III. 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 any other provision of this Scheme, invoke Clause 11.6 (prohibited use or development); or

IV. May be refused a Planning Permit by Council

Extract SMPS 1998

A discretionary use or development must be advertised under Section 57 of the Act.

Public Notification and Representation
The application was advertised, and all adjoining owners notified on the 22nd of March 2014 for the statutory 14 day period. No Representations were received.
The Application was however referred to the Department of Infrastructure Energy and Resources (DIER) as the development is within the 50m highway setback.

Development Standards of the Rural Agriculture Zone - Setback and Building Height (Part 6.3)

Buildings shall not exceed 10 metres in height in the Rural Zone. The proposal complies with this standard as the sign is a maximum 10m high and the proposed fascia board is a maximum 4m high.

The minimum setback from a road alignment is 50m. A developer may apply to Council for a relaxation of the standard at Council's discretion. The proposed 10m high sign is 10m from the road boundary and roughly level with the existing stonewalls on the site and level with the 'shop side' of the existing fuel canopy. The proposed fascia board, around the courtyard area, is approximately 13m from the road boundary and located behind the existing fuel canopy and level with the existing shop building.

It is not considered a significant variation to the standard when considering the existing location of the shop and associated buildings and structures.

Photo 2_Existing Courtyard Area and location of the proposed fascia board

DIER as Road Authority

The Application was referred to DIER as the Road Authority for a comment and recommendation. Matters for DIER to consider are primarily traffic safety and traffic generation and/or potential distraction to road users and any impacts on the roadway or ability to upgrade or maintain the roadway. DIER responded with the following (transcribed for this report):

> "[DIER]… has no objection, in principle, regarding this proposal. [DIER]… reserves the right to request the removal or modification of the proposed new sign if it proves to be a distraction to vehicles on the Midland Hwy [in accordance with] the *Traffic Act* Part 4 Clause 60 (1 & 2). [DIER]… note the changes to lighting and believe it will be an improvement."
> (End)

Part 4, Section 60 (1) & (2) of the *Traffic Act 1925* states that:

> *"Removal of obstructions to vision of drivers*

> *(1) Where, in the opinion of the Commission, any building, hoarding, fence, or other structure, or any tree, hedge, or other vegetation on any land is so constructed or placed, or in such condition, as to constitute an obstruction calculated to limit the vision of persons driving vehicles, trams, or trains upon or near any public street, the Commission, by notice in writing to the owner of such land, may require him to remove the object causing such obstruction, or to modify the same as the Commission, by such notice, may direct.*
>
> *(2) If such owner fails within 30 days after the service of such notice upon him to comply with such requirement, the Commission may enter upon such land and effect such removal or modification, as the case may be (doing therein as little damage as may be), and may recover from such owner the cost of so doing."*

Requesting to remove the signage or alter the works or lighting at the discretion of DIER in accordance with the *Traffic Act* has been raised with the Applicant. It is not envisaged or thought appropriate to include this comment as a condition in any Permit issued. This is not the Planning Authority's responsibility and is a separate legislative enforcement power by DIER.

Council should nevertheless consider a relaxation to the setback standard on the merits presented in the Development Application and given that the proposed development is located behind the building line. The lack of objection in principle by DIER as the Road Authority should also be taken into consideration.

Standards for Rural Character (Part 6.3.3)

The aim of these provisions is to ensure that development does not detract from the character of the rural areas. To satisfy this aim the design and appearance of new development should:

a) have minimal impact on the existing landscape character of the surrounding area;

The Kempton and Melton Mowbray area is a uniquely Tasmanian rural landscape of rolling hills and pastoral plains dotted with old homesteads and farming properties. The Mood Food site is, in some ways, a stark contrast to the surrounding area yet much of its appeal, as a stop for motorists, is its scenic location.

The proposed refurbishment to the building, with the use of natural timbers, colours and landscaping better assimilate and compliment the landscape character more than the existing (and former) buildings, works and signage. The 10m high sign is a more appealing and sophisticated sign than the previous 'Mood Food' sign (see *Photo 3* below). The former sign was also a potential obstruction to a motorist's sight lines.

The proposed 10m high sign is of a high quality thought appropriate for this particular use and location alongside a major highway allowing plenty of notice to approaching drivers.

Photo 3_Old Mood Food sign on the southern entrance to the site (January 2010 photo)

b) *not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;*

The development is not on a skyline, it does not interfere with a watercourse and Mood Food is not considered to be a 'natural environment' by way of the intent of the standard.

c) *be of a scale and design that is not intrusive within the rural landscape;*

There are many narrow structures in the rural zone that are 10m high or higher. It is not considered to be a great impact on the surrounding landscape when viewed from a distance or from any dwellings or vantage points in the surrounding area. The proposed external and internal illumination of the sign is considered moderate and considerate to the safety of highway users and the surrounding rural landscape.

d) *be constructed of materials, colours and finishes complimentary to existing rural buildings and the rural setting; and*

As discussed in standard (a). The proposal largely meets this standard.

e) *require minimal excavation for building sites and the construction and location of access roads to avoid the unsightly appearance of major cut and fill works.*

The development is in accordance with this standard.

Photo 4 - looking south. A large part of the proposed sign would be obstructed by the existing buildings and structures.

Intent of the Rural Agriculture Zone

As the existing use of the land is a ‘non-conforming existing use’ it does not entirely conform with the intent of the Rural Activity Zone. The intent of the Rural Activity Zone is to foster, protect and encourage agricultural use/development and ensure that new development does not fetter or prevent the ongoing use of rural land.

New development such as this Application, shall at best, meet the development standards of the zone and the principles of developing a ‘non-conforming existing use’ in accordance with Part 1 of the Planning Scheme.

The proposed development is unlikely to fetter the surrounding agricultural land use and the business has been in operation for many years.

Development of a Non- Conforming Existing Use

The Applicant has provided a detailed assessment against the principles of this part of the Planning Scheme in the attached JMG Planning appraisal.

The Planning Officer largely agrees with most of the appraisal given. The proposal does not increase the gross floor area of the business per the Planning Scheme definition of 'gross floor area' and does not cause:

- any air, water, noise and land pollution
- an increase on parking demand for Council
- an increased risk to traffic safety; or
- create any unsightly appearance

The proposal will, anecdotally, increase traffic generation. This is fundamentally the rationale behind the proposed development (to improve the appearance of the site and increase business). Arguably the developer could provide a detailed business model or study demonstrating how improvements to signage and amenity increase business and traffic generation. But this is unnecessary as it is just pure common sense.

The developer has proposed a high quality sign, lighting and high quality alterations to the building and car parking area with good consideration to traffic safety.

In considering the potential to generate more traffic, Council shall give weight to DIER's appraisal of the proposal and other external factors such as the Brighton Bypass that have invariably increased traffic movements to the site (anyway).

Scenic Corridor Special Area

New development in the Scenic Corridor Special Area should not adversely impact on the rural landscape values along the route.

As Mood Food is a well-established business with associated parking, lighting, buildings etc the proposed sign and fascia board are not considered to be at the detriment to the values of the scenic corridor along the Midland Highway. They are considered works to an existing site and not considered to be a completely new and out of place development. The rural landscape values can still be appreciated despite the inclusion of a tall and slender new sign and alterations to the building and landscaping.

Other Matters for Consideration

Traffic Safety is the most significant factor in any development at the Mood Food site. The land adjoins a 110kph highway and any proposed development should not result in an increased risk to persons or road users. The comments made by DIER (although succinct) form an integral part of the assessment of this Development Application.

The Applicant has stated that the intention of the new sign is to notify road users well in advance of the access and give motorists more time to slow-down and turn into the site. The sign also needs to be of a certain height to be above the existing building to notify road users travelling south. This is a better solution than multiple signs on every side of the building.

The alterations to lighting and the removal of existing signage are all considered positive measures to reduce any distractions or obstructions to road users. It is overall a well-considered development of the site within the confines of an existing non-conforming use.

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 New Signage and Structure (Building Fascia) requiring relaxation to road boundary setback standard in the Scenic Corridor Special Area at 'Mood Food', 3001 Midland Highway, Kempton.

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 permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

Services

3. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Construction Amenity

4. 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.

5. 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.

6. Public roadways 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.

7. The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

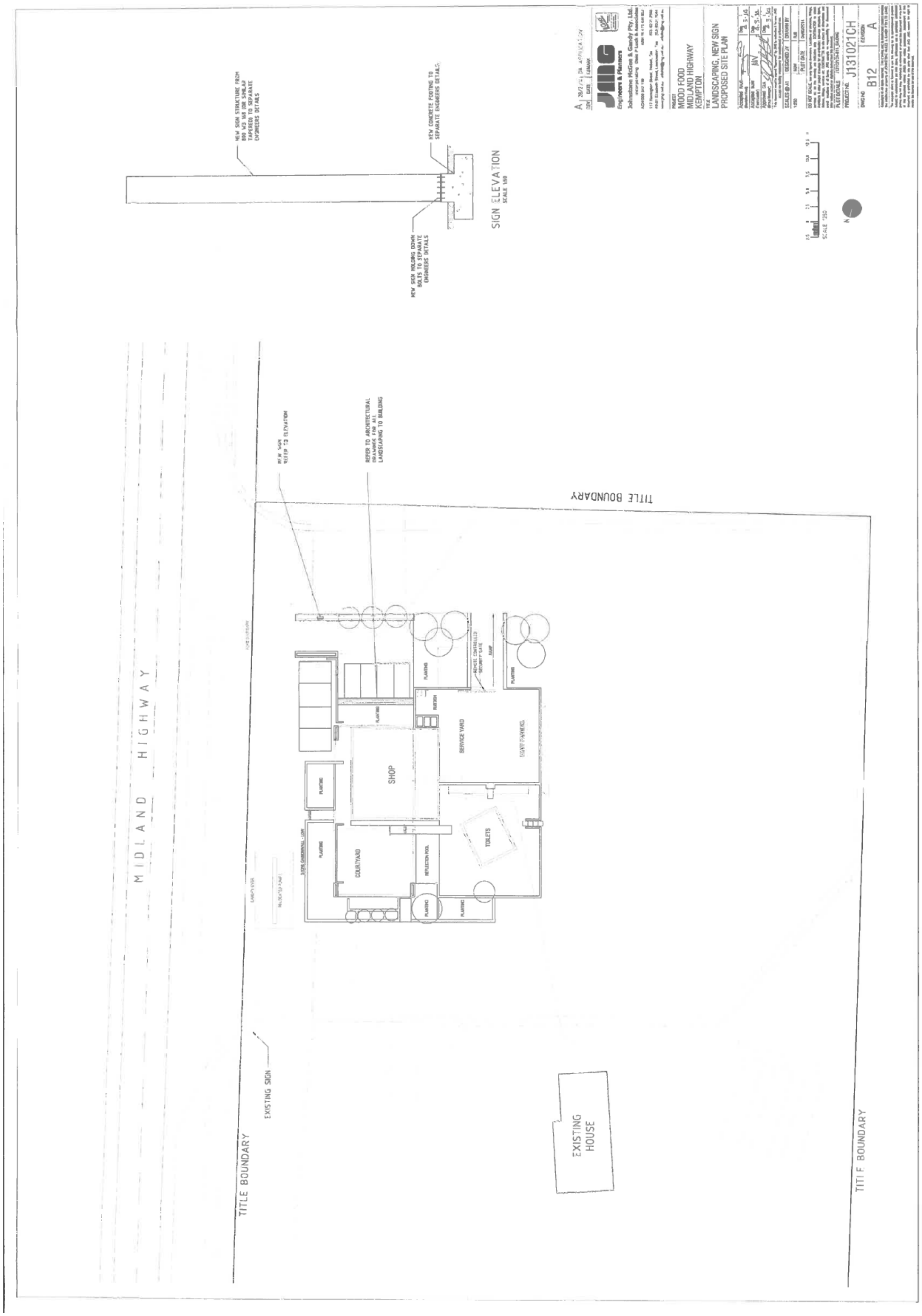
The following advice applies to this permit:

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. 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 B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	


MIDLAND HIGHWAY
TITLE BOUNDARY
PARKING
PARKING
ROOF OVER SHOP
SHOP
STAFF PARKING
TOILETS
OUTDOOR AREA
CANOPY OVER PUMPS
TRUCK PARKING
EXISTING SIGN
EXISTING HOUSE
MOOD FOOD
MIDLAND HIGHWAY
KEMPTON
LANDSCAPING
EXISTING SITE PLAN
J131021CH
B11
A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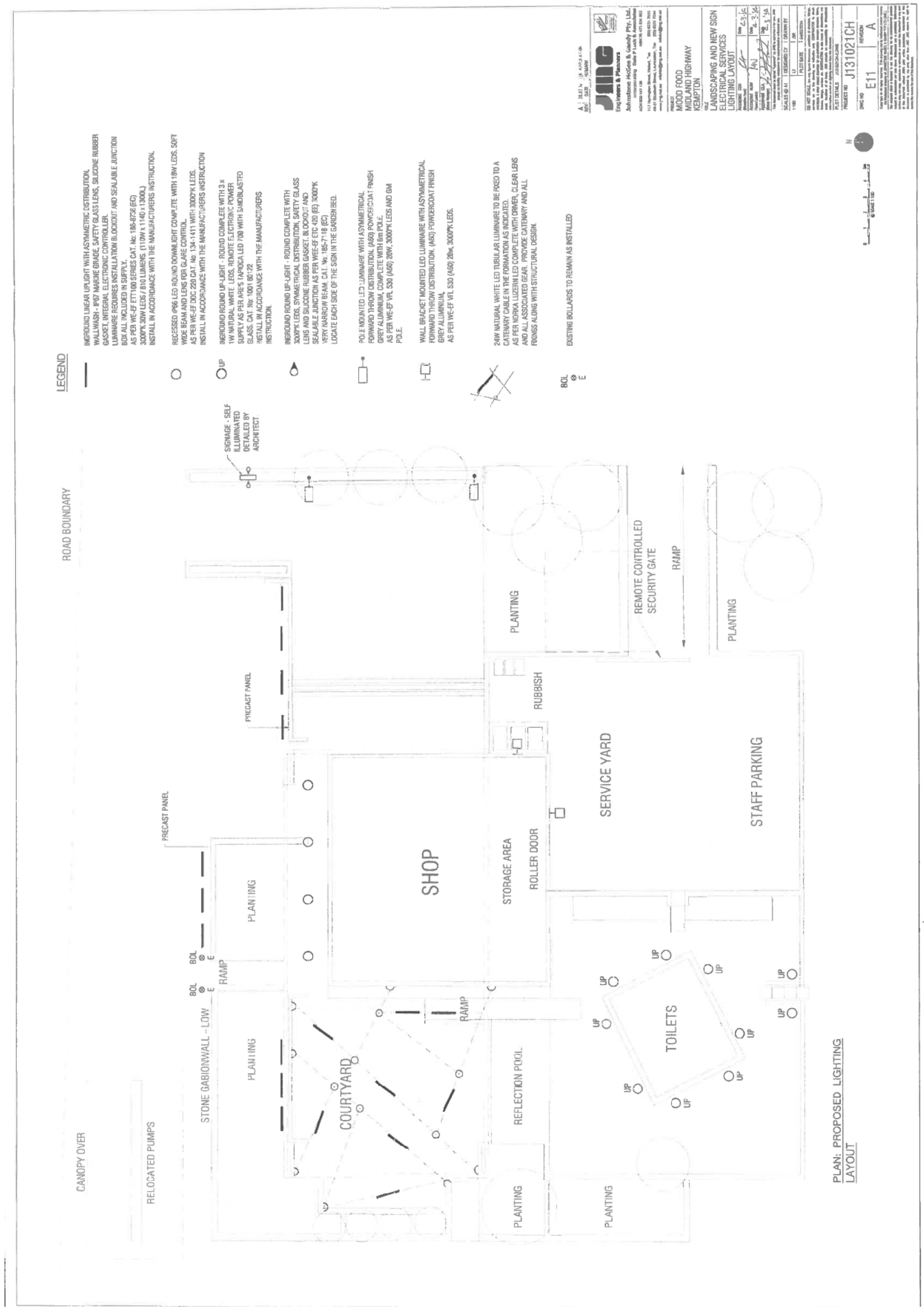
MIDLAND HIGHWAY
TITLE BOUNDARY
EXISTING SIGN
EXISTING HOUSE
SHOP
COURTYARD
SERVICE YARD
TOILETS
Johnstone McGee & Gandy Pty. Ltd.
MOOD FOOD
MIDLAND HIGHWAY
KEMPTON
LANDSCAPING, NEW SIGN
PROPOSED SITE PLAN
J131021CH
B12
A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ROAD BOUNDARY
CANOPY OVER
RELOCATED PUMPS
STONE GABIONWALL - LOW
PLANTING
COURTYARD
REFLECTION POOL
SHOP
STORAGE AREA
ROLLER DOOR
RUBBISH
SERVICE YARD
STAFF PARKING
TOILETS
REMOTE CONTROLLED SECURITY GATE
RAMP
PRECAST PANEL
EXISTING BOLLARDS TO REMAIN AS INSTALLED
PLAN: PROPOSED LIGHTING LAYOUT
MOOD FOOD
MIDLAND HIGHWAY
KEMPTON
LANDSCAPING AND NEW SIGN
ELECTRICAL SERVICES
LIGHTING LAYOUT
J131021CH
E11
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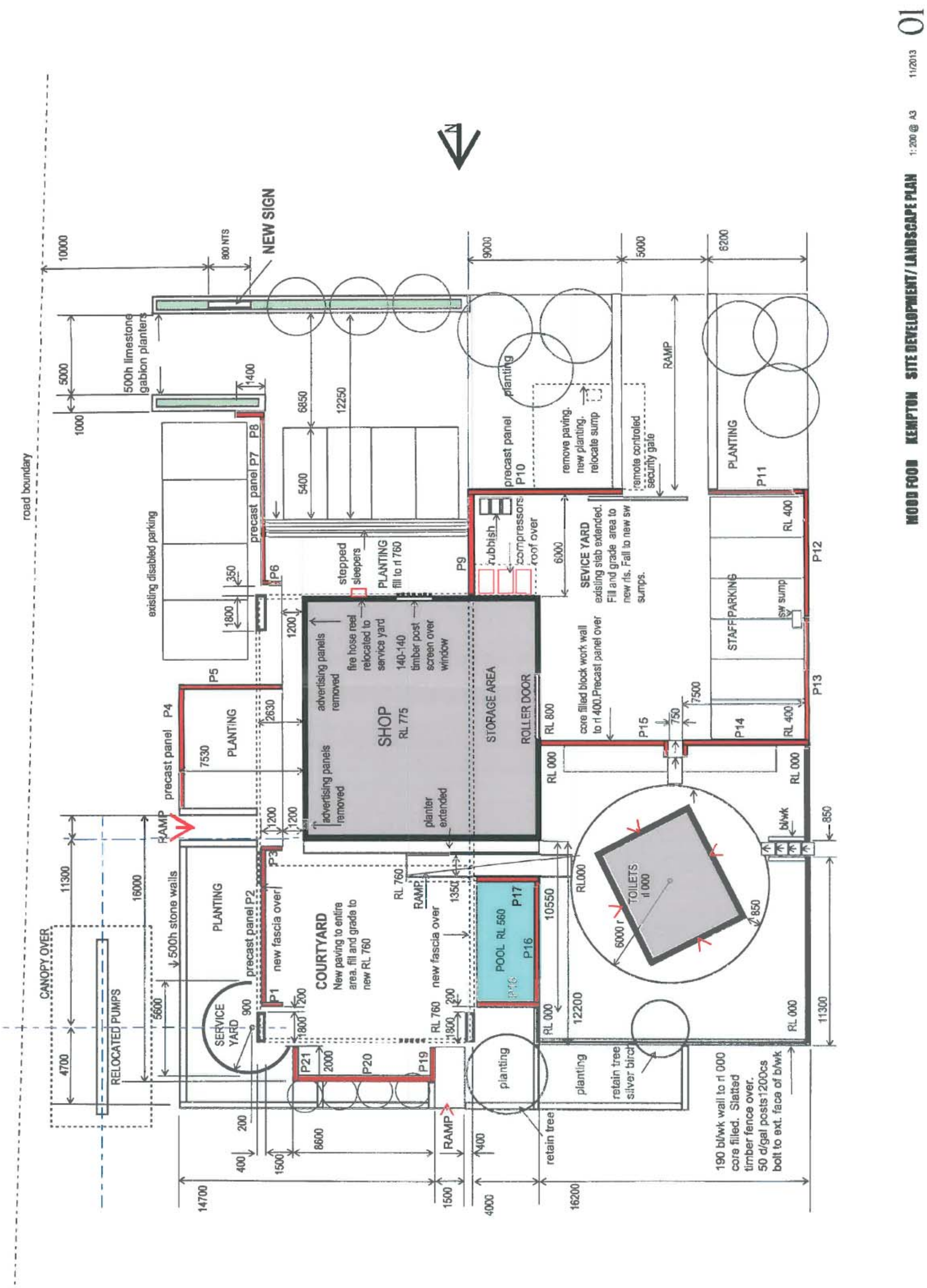
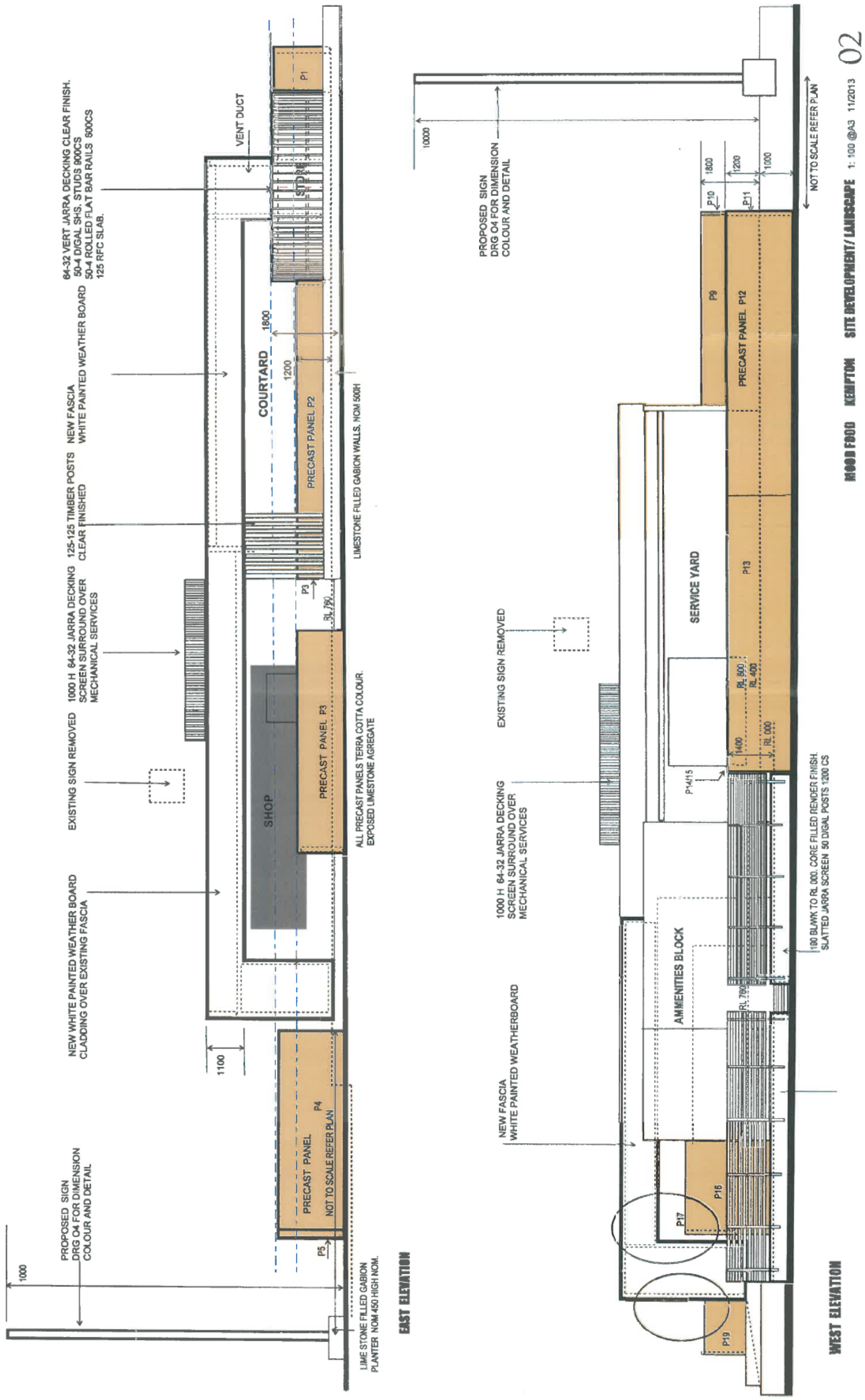
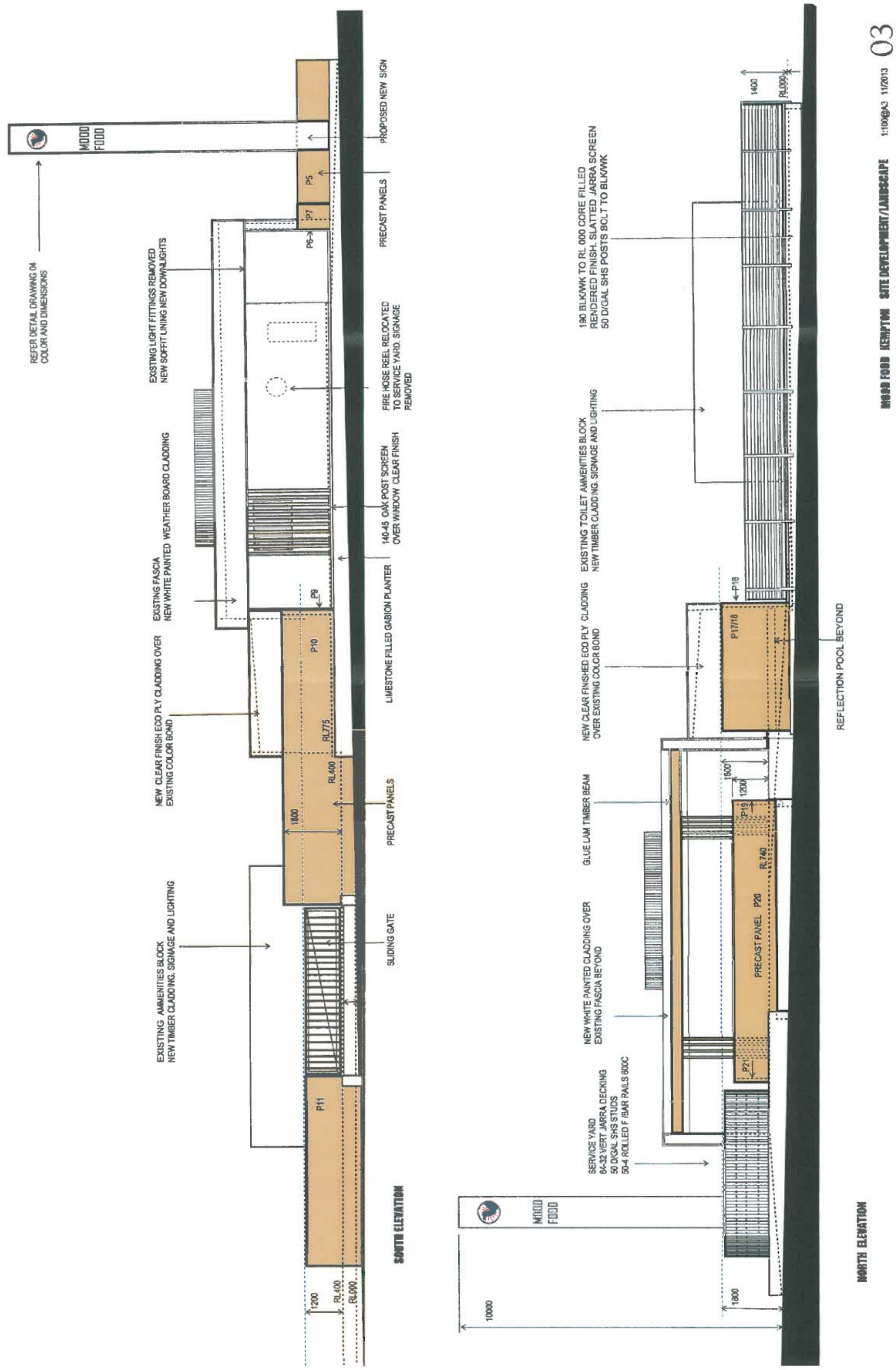
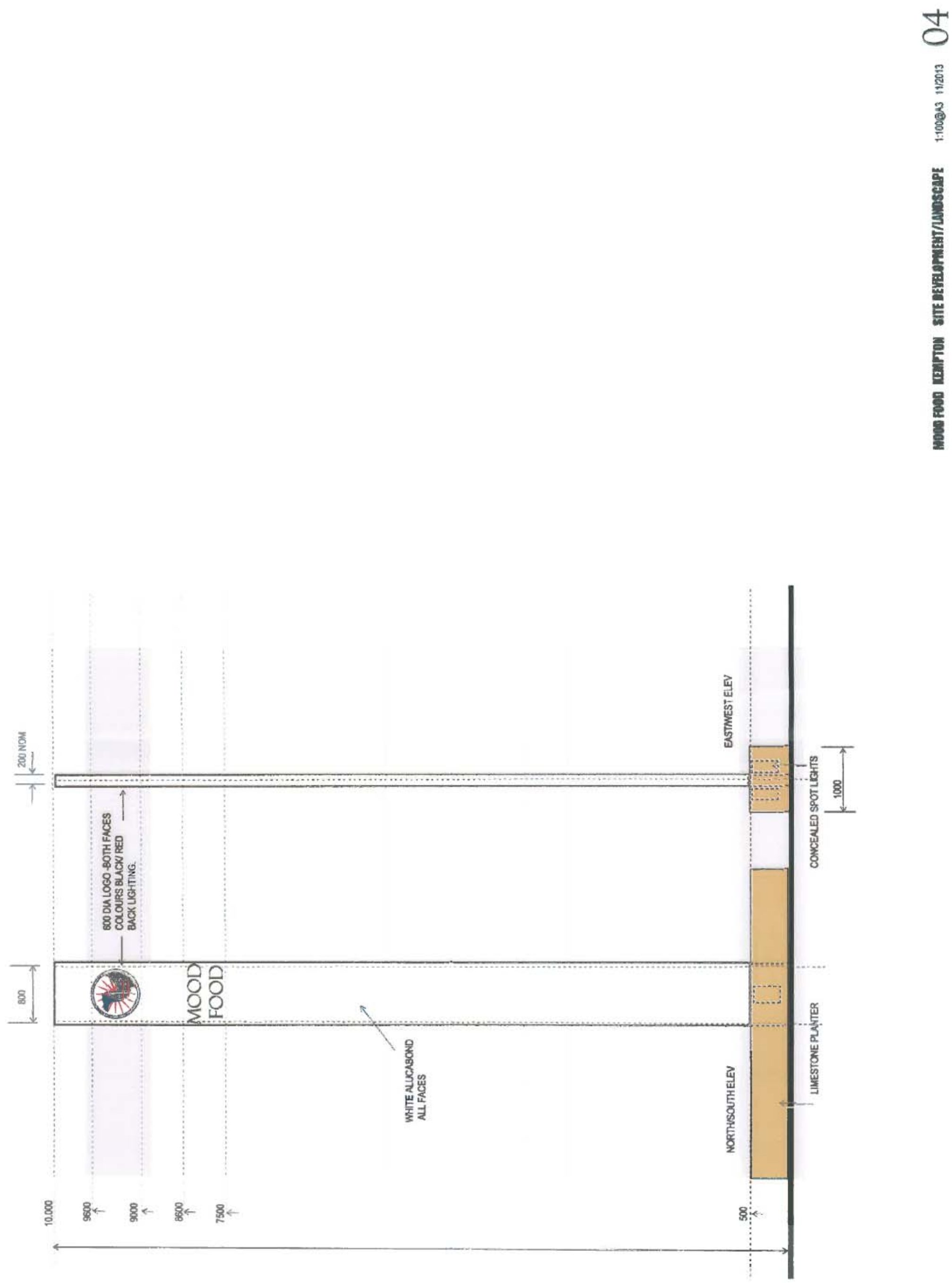

MOOD FOOD KEMPTON SITE DEVELOPMENT/ LANDSCAPE PLAN
1:200 @ A3
11/2013
01


EAST ELEVATION
WEST ELEVATION
64-32 VERT. JARRA DECKING CLEAR FINISH.
50-4 D/GAL SHS. STUDS 900CS
50-4 ROLLED FLAT BAR RAILS 900CS
125 RFC SLAB.
NEW FASCIA
WHITE PAINTED WEATHER BOARD
125-125 TIMBER POSTS
CLEAR FINISHED
1000 H 64-32 JARRA DECKING
SCREEN SURROUND OVER
MECHANICAL SERVICES
EXISTING SIGN REMOVED
NEW WHITE PAINTED WEATHER BOARD
CLADDING OVER EXISTING FASCIA
PROPOSED SIGN
DRG 04 FOR DIMENSION
COLOUR AND DETAIL
VENT DUCT
COURTARD
PRECAST PANEL P2
PRECAST PANEL P3
PRECAST PANEL P4
SHOP
NOT TO SCALE REFER PLAN
LIMESTONE FILLED GABION WALLS, NOM 500H
ALL PRECAST PANELS TERRA COTTA COLOUR.
EXPOSED LIMESTONE AGREGATE
LIME STONE FILLED GABION
PLANTER NOM 450 HIGH NOM.
SERVICE YARD
PRECAST PANEL P12
AMMENITIES BLOCK
NEW FASCIA
WHITE PAINTED WEATHERBOARD
190 BLKWK TO RL 000. CORE FILLED RENDER FINISH.
SLATTED JARRA SCREEN 50 D/GAL POSTS 1200 CS
MOOD FOOD KEMPTON SITE DEVELOPMENT/ LANDSCAPE 1: 100 @A3 11/2013 02


REFER DETAIL DRAWING 04 COLOR AND DIMENSIONS
MOOD FOOD
EXISTING LIGHT FITTINGS REMOVED NEW SOFFIT LINING NEW DOWNLIGHTS
EXISTING FASCIA NEW WHITE PAINTED WEATHER BOARD CLADDING
NEW CLEAR FINISH ECO PLY CLADDING OVER EXISTING COLOR BOND
EXISTING AMMENITIES BLOCK NEW TIMBER CLADDING, SIGNAGE AND LIGHTING
PROPOSED NEW SIGN
PRECAST PANELS
FIRE HOSE REEL RELOCATED TO SERVICE YARD, SIGNAGE REMOVED
140x45 OAK POST SCREEN OVER WINDOW CLEAR FINISH
LIMESTONE FILLED GABION PLANTER
PRECAST PANELS
SLIDING GATE
SOUTH ELEVATION
190 BLKWK TO RL 000 CORE FILLED RENDERED FINISH, SLATTED JARRA SCREEN 50 D/GAL SHS POSTS BOLT TO BLKWK
EXISTING TOILET AMMENITIES BLOCK NEW TIMBER CLADDING, SIGNAGE AND LIGHTING
NEW CLEAR FINISHED ECO PLY CLADDING OVER EXISTING COLOR BOND
GLUE LAM TIMBER BEAM
NEW WHITE PAINTED CLADDING OVER EXISTING FASCIA BEYOND
SERVICE YARD 64-32 VERT JARRA DECKING 50 D/GAL SHS STUDS 50-4 ROLLED F.BAR RAILS 600C
REFLECTION POOL BEYOND
PRECAST PANEL P20
NORTH ELEVATION
MOOD FOOD KEMPTON SITE DEVELOPMENT/LANDSCAPE 1:100@A3 11/2013
03


MOOD FOOD KEMPTON SITE DEVELOPMENT/LANDSCAPE 1:100@A3 11/2013 04
200 NOM
800
800 DIA LOGO -BOTH FACES COLOURS BLACK/ RED BACK LIGHTING.
MOOD FOOD
WHITE ALUCABOND ALL FACES
10,000
9600
9000
8600
7500
500
NORTH/SOUTH ELEV
EAST/WEST ELEV
LIMESTONE PLANTER
CONCEALED SPOT LIGHTS
1000

Johnstone McGee & Gandy
incorporating **Dale P Luck & Associates**

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JMG Ref: J131021CH
Council Ref: 5465069

SOUTHERN MIDLANDS COUNCIL
Rec'd - 5 MAR 2014
File no.
Doc. Id

4th March 2014

General Manager
Southern Midlands Council
PO Box 21
Oatlands
TAS 7120

Attn: David Cundall

Dear David,

3001 MIDLAND HIGHWAY (MOOD FOOD) – DEVELOPMENT APPLICATION

Please find enclosed the following documents forming a development application under the *Land Use Planning and Approvals Act 1993:*

- A completed development application form;
- Three copies of proposal plans (existing and proposed site plans, architectural plans and lighting layout plans);
- A copy of the certificate of title.

Application fees will be paid direct to Council by the applicant. Upon receipt of payment we trust that the enclosed documents form a valid application in accordance with s.51(1AC) of the Act.

1. PROPOSED DEVELOPMENT

The proposed development includes the following components:

1. External facades - improvements to the external facades of existing buildings, including:
   - Augmentation of existing fascia on the eastern and western elevations of service station building (with new supporting columns and extended fascia);
   - New external painted timber cladding on existing service station, existing amenities block and to screen existing rooftop plant equipment;

2. Signage - erection of one new freestanding internally illuminated sign and removal of an existing internally illuminated rooftop sign. The proposed

freestanding sign will have a height of 10.0m, a width of 0.8m and a depth of 0.2m at the top;

3. Lighting improvements – the site currently uses pole and building mounted floodlights for external illumination. The quality of site illumination will be improved and degree of light spillage will be reduced through removal of lights and floodlighting and the use of recessed fitting LED and directional lighting;

4. Landscaping works - including:
    - Erection of precast concrete panel walls, stone gabion wall and freestanding slatted jarrah screens and fences;
    - New security gate to amenities block;
    - Landscape beds and water feature.

It is important to note that the proposed development itself will not increase the capacity of the site to accommodate increased traffic in any way. No change to the existing use of the site – the nature of the land use, the amount of gross floor area or opening hours is proposed. No change to the overall number of parking spaces or capacity to accommodate vehicles is proposed. With the exception of the new sign, the development is essentially a refurbishment of existing ageing facilities.

The proposed freestanding sign is typical of the form of signage that is commonly placed on service station sites around Tasmania, albeit narrower, shorter and arguably more subtle than other examples. It is intended to make sure motorists are aware of the site's location from a reasonable distance so that they have time to decelerate safely and exit the highway. Anecdotally, the site operators have observed that the current absence of adequate business identification means that some motorists often only see the site when in close proximity and then need to rapidly decelerate in order to turn off.

The proposed lighting will include the new backlit sign and replacement lighting around the existing facilities (refer to JMG drawing no. J131021CH-E11). The lighting improvements around the existing facilities aim to benefit the safety of all site users and have been designed to ensure that no significant light spillage onto the highway occurs. This will be achieved through the use of LED lights in appropriate locations as follows:

- The new sign will be backlit, with light diffused and muted by the image/colour of the signage. Two narrow beam LED up-lights will be aimed at the signage structure from its base - no direct light will be aimed at the highway;
- A number of LED lights will be located under the building fascia and at the rear of the site to enhance visibility of facilities to pedestrians moving around the site;
- The existing courtyard area will have overhead LED lighting.

2. PLANNING SCHEME

The site is currently zoned 'Rural Agriculture' under the Southern Midlands Planning Scheme 1998 and the use of land for a 'Service Station' currently operates under non-conforming existing use rights pursuant to s.20 of the *Land Use Planning and Approvals Act 1993.*

It is noted that Council's draft Interim Planning Scheme will give 'Vehicle fuel sales' and 'Food services' discretionary status on the site, which will remove the current restrictions in due course.

2.1 Exempt Development

Clause 1.5 exempts some types of development from planning approval, as listed in Schedule 1. This includes:

> *(f) Tree Planting and Removal:*
>
> *The planting of trees, shrubs or other vegetation on any land, provided such operations do not constitute development or involve a change of use under this Scheme.*
>
> *The removal or trimming of trees for reasons of safety and protection of property.*

Vegetation to be planted within in the landscape beds identified on the architectural plans is exempt as it will not constitute a change of use.

> *(g) Fences and Walls:*
>
> *The construction of fences and walls, not more than 2.1 metres high in the case of side and rear fences, and 1.8 metres in the case of front fences, provided the Council and other statutory authorities can retain access to any service easements.*
>
> *This exemption does not apply to fences along street boundaries within an Historic Precinct Special Area.*
>
> *This exemption does not apply to fences and walls on the boundaries of heritage properties listed in Schedule 4 within the Heritage Mile Precinct Special Area*

The Planning Scheme does not define 'walls', however the precast concrete panels are considered to be 'walls' in the common meaning. The jarrah screens are of more lightweight construction and are intended to separate pedestrian movement away from vehicle manoeuvring areas and landscaped areas. Similarly, the security gate is intended to restrict movement and improve safety. The jarrah screens and security gate are therefore considered to be 'fences' in the common meaning.

The concrete panel walls between the eastern shop façade and the highway will have a maximum height of 1.8m above natural ground level and are therefore exempt. Concrete panel walls, jarrah screening and the security gate to the side and rear of the service station are a maximum of 2.1m in height and are therefore also exempt.

2.2 Non-Conforming Existing Use

Under the current Planning Scheme, Council may approve an application for a 'Service Station' development on the site under clause 1.10, which states:

> ***1.10 NON-CONFORMING EXISTING USE - BRINGING INTO GREATER CONFORMITY***
>
> ***(a)*** *Council may approve an application to bring an existing use of land, which does not conform with the Planning Scheme, into greater conformity with the Planning Scheme. Such an application may involve:*
>
> *(i) development with or without a change to existing use; and/or*
>
> *(ii) the establishment of an alternative prohibited use either in whole or in part.*
>
> ***(b)*** *Before determining such an application, Council must consider whether the proposed use or development:*
>
> *(i) will be less detrimental than the existing non-conforming use to the amenity of the locality, adjoining uses and uses prevailing in the locality in terms of air, water, noise and land pollution, traffic generation and traffic safety, parking demand, appearance and the like;*
>
> *(ii) will be more compatible with the intent and provisions of the zone; and*
>
> *(iii) will not lengthen the process of ultimately bringing the use of the land into conformity with the provisions of the Planning Scheme.*
>
> ***(c)*** *An application made under this Clause is discretionary and invokes Clause 11.5 accordingly*

Clause 1.10(c) specifies that the application has discretionary status. Paragraph (b) sets out the criteria that the application must meet.

Paragraph (b)(i)

No new land uses are proposed - the application does not introduce any new activities that would result in conflict with surrounding agricultural land. No increase is roofed area or impervious surface is proposed hence the development will not have any significant impact in terms of stormwater flow or quality. The development is accordingly not considered to be in conflict with - or any more detrimental to - any adjoining land uses.

An important consideration is traffic safety, in particular whether the development will be less detrimental than the existing conditions by virtue of sightlines, light spillage and distraction, visibility or traffic volumes.

The replacement fascia will be setback 13m from the road reserve, in-line with the existing roofline and fascia. The proposed freestanding sign will be set back 10m from the road reserve, which is adequate to ensure that it will not affect sightlines from vehicles entering or exiting the site. Notably this is significantly further back than an existing Caltex sign that is located close to the site's frontage. The sign will be relatively narrow (0.8m) and will not be located on any inside curves in the highway. The development is therefore not considered to have any significant impact on sightlines for traffic entering/exiting the site or traffic moving along the highway.

As discussed previously, the replacement lighting is designed to improve the safety of the site and to reduce and avoid any detrimental light spillage onto the highway. Improvements to lighting around the existing facilities will be of benefit for site users, particularly the elderly or those with poor vision. Improving illumination, particularly at the rear of the site, will have the added benefit of improving passive surveillance and deterring crime. The lighting of the freestanding sign does not involve any direct lights aimed at the highway and does not include any moving or animated elements. The signage is typical of what could be expected at a service station site and is not considered to be a significant source of distraction for motorists. Furthermore, the freestanding sign will increase the visibility of the site to approaching motorists and will therefore allow them more time to safely decelerate and turn into the site. In this way, the development is considered to be beneficial to traffic safety.

The development does not involve any expansion of floor area, the number of fuel pumps or the number of parking spaces for patrons, staff or trucks and therefore does not increase the scale or intensity of the land use. The development does not generate any requirements for additional car parking under the Planning Scheme. Therefore, the development is not considered to have any significant effect with respect to traffic volumes.

The refurbishment of ageing facilities will improve the appearance of the site generally, improving the visual amenity of the property. The freestanding sign will be a new visual element for the site. Given that the site is over 1km from the Kempton Township on relatively flat land, the new sign is considered to be of negligible significance with respect to the visual character of the existing Kempton Township.

It is concluded that the proposed development will make the existing use of the site less detrimental to the amenity of the locality and other uses in the locality in terms of air, water, noise and land pollution, traffic generation and traffic safety, parking demand and appearance.

Paragraph (b)(ii)

As will be discussed further in this report, the development will make the site more compatible with the intent and provisions of the Rural Agriculture Zone when compared to the existing conditions.

Paragraph (b)(iii)

Rather than lengthen the process of ultimately bringing the land use into conformity with the Planning Scheme, the development will further align the site with Planning Scheme by virtue of improved visual appearance and site amenity and improved traffic safety by virtue of utilising appropriate business identification signage.

2.2 Zone Intent

6.2.2 Intent of the Rural Agriculture Zone

The intent of the Rural Agriculture Zone is to:

(a) *give priority to the sustainable long term use of land for agricultural, pastoral, forestry and other rural uses;*

(b) *recognise and protect the potential of land in the Kempton, Bagdad/Mangalore and Jordan valleys for future intensive agricultural use in anticipation of the completion of the South East Irrigation Scheme;*

(c) *encourage expansion and diversification of agricultural activities;*

(d) *protect rural land from development that may:*
- *(i) jeopardise its long term capability for agricultural use;*
- *(ii) cause unplanned and premature demands on the Council for the provision of infrastructure services, or*
- *(iii) cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;*

(e) *retain the prevailing rural character of the areas generally characterised by open paddocks and timbered ridges;*

(f) *allow for the development of activities that are associated and compatible with long term rural use of the land;*

(g) *ensure that land is used and developed within its capability as defined by the Land Capability Classification System; and*

(h) *ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.*

The site is an existing service station site and is not used for agricultural purposes. The current application will not change the existing use of the site in any way and will not introduce any new activities or impacts that would fetter surrounding agricultural land.

The refurbishment and landscaping of the existing facilities with some natural local materials (stone) is considered to have a small positive effect on the rural character of the area given that the service station is an existing development.

The proposed freestanding sign will be the most visible element of the development but will be lower than existing pole structures on the site (refer to Figure 1). Given that the sign has been designed to be within the Zone's permitted height standard, will be over 1km from the Kempton Township, is typical of what could be expected at a service station site and will be for business identification purposes only, the sign is also considered to be of little significance to the rural character of the area.

The application is therefore considered to be consistent with Zone Intent as it is stated in clause 6.2.2.

Figure 1: Examples of existing pole structures on site

2.3 Development Controls

Clause 6.3 specifies development standards for the Rural Activity Zones.

6.3.1 Setback and Building Height
***(a)** Buildings shall not exceed 10 metres in height.*
...

As the proposed freestanding sign falls within the Planning Scheme's definition of a 'building' (Schedule 2) it has been designed to comply with the permitted height standard and will have a maximum height of 10.0m above natural ground level.

The replacement fascia will have a maximum height of 4m and jarra decking screening rooftop mechanical services will have a height of 4.6m above natural ground level.

The development is compliant with clause 6.3.1(a).

The applicable setback standard is specified in clause 8.8.1 (not clause 6.3.1) as the site has frontage to a road outside of the General Urban Speed Limit.

8.8.1 Setback Distances   ***(a)*** *The minimum setback of buildings and structures from the road frontage (front boundary) outside the General Urban Speed Limit (60 kph zone) shall be:*   *Category I Roads 50 metres*   ...

The existing service station buildings are located within 50m of the site's frontage – the service station building is set back 13m and the fuel canopy has a setback of approximately 1m.

The proposed fascia will be in line with the existing roofline (13m) but generates a discretion as it is a structure within 50m. The second component is the freestanding sign, which will be set back 10m from the frontage (much further than an existing Caltex sign).

Council has discretion to approve the fascia and signage setbacks under clause 8.8.2 which states:

8.8.2 Variations   ***(a)*** *Where the above minimum setback requirements cannot reasonably be met, the Council may allow a lesser setback if it is satisfied that the intent of the setback can be met.*   ***(b)*** *An application involving the relaxation of the minimum setback requirement is deemed to be discretionary (D) and invokes Clause 11.5 accordingly.*   ***(c)*** *An application involving the relaxation of the minimum setback requirement from Category I and II Roads shall be referred to the relevant road authority for comment.*

The setback intent must be considered, as listed in clause 8.8.1(c). These matters are considered below.

Clause 8.8.1(c) **Intent of Road Setback**	**Comment**
(i) to allow for future road upgrading;	The new fascia will be situated in-line with the existing roofline of the service station building and will therefore have no impact on the potential for road upgrades. The proposed sign will be set back 10m, which is further than other structures on the site at present, such as the fuel canopy and pumps. Given that it will be no closer than existing development, the sign structure is not considered to preclude future road upgrading.

(ii) to avoid potential road safety hazards, e.g., obstructions of sight distance, distracting lights;	As discussed previously, the lighting improvements and signage lighting has been designed to avoid any significant off-site light spillage to ensure that it will not present a safety hazard for motorists. With respect to sightlines, the fascia will be in-line with the existing building roofline. The freestanding sign will be set back 10m from the road reserve, which is adequate to ensure that vehicles entering and leaving the site will not have sightlines obstructed. The sign will be relatively narrow (0.8m) and will not be located on any inside curves in the highway. The proposal's impact on sightlines is therefore considered to be of minimal significance. Providing for business identification will be beneficial to the safety of for north-bound and south-bound motorists in that early identification will afford drivers more time to decelerate and turn off the highway, rather than decelerate rapidly to turn off as often occurs at present. The proposed signage has been kept to a minimum and will be within the permitted height limit for the Zone. The new sign is of simple design, for business identification purposes only, contains no moving parts or animation and is typical of the form of signage that is commonly erected at service station sites. The signage is therefore not considered to represent a significant source of distraction for motorists.
(iii) to reduce the impact of new buildings and to preserve the landscape values of the road corridor;	The proposal will improve the appearance of the site by refurbishing existing ageing facilities. The site is an existing service station site and the proposed sign is therefore consistent with the existing character of the site. The sign will be within the permitted height standard for the Zone, with a height less than some existing light poles on the site. Furthermore, the structure will be located further back from the road than the existing fuel canopy structure and an existing Caltex sign. The sign is accordingly not considered to be adverse to any 'landscape values'.
(iv) to provide for other movement systems segregated from vehicular traffic, e.g., footpaths, bicycle paths and horse riding trails;	The variation will not affect the use of any footpaths, bicycle facilities or horse riding trails, or the potential future provision of such facilities.
(v) to allow for noise attenuation to dwellings; and	The proposed sign and replacement fascia structures will not be affected by highway noise. The new landscaping structures may have some small

	benefit in terms of reducing noise to occupants of the service station.
(vi) to prevent undesirable highway/land use interaction.	No change to the existing land use is proposed. The proposed lighting will replace existing floodlights and has been designed to avoid any significant light spillage onto the highway.

The proposed setback variation is accordingly considered to be acceptable under clause 8.8.2.

2.4 Rural Character Requirements

Clause 6.3.3 specifies that development within a rural area shall meet the following 'rural character' criteria:

Clause 6.3.3 Criteria	Comment
(a) have minimal impact on the existing landscape character of the surrounding area; *(b) not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;*	The development is essentially a refurbishment of structures on an existing service station site and landscaping with the addition of a new sign that complies with the permitted height standard. As noted previously, the landscaping works will include some natural local materials and the sign will be lower than existing lighting poles at the rear of the site. The development is therefore considered to be of minimal significance in terms of visual impacts on the surrounding landscape. Given the site's context and absence of any significant vegetation or watercourses on the site, the development is also not considered to have any significant impact with respect to visually sensitive environmental features.
(c) be of a scale and design that is not intrusive within the rural landscape; *(d) be constructed of materials, colours and finishes complimentary to existing rural buildings and the rural setting; and*	The proposed fascia and columns are augmenting an existing building element and will not have any significant effect on the height of the service station building. The proposed signage is within the permitted height standard and is relatively narrow in width at 0.8m. All proposed development will be located on an existing commercial site. The proposal is accordingly not considered to be 'intrusive' nor will it conflict with the existing rural setting.
(e) require minimal excavation for building sites and the construction an location of access roads to avoid the unsightly appearance of major cut and fill works.	The development involves installing structural footings for the fascia and sign but does not involve any major excavation or cut and fill.

The development is considered to be in compliance with the requirements of the Rural Agriculture Zone and therefore meets paragraph (b)(ii).

3. CONCLUSION

The development application seeks approval for a new sign, landscaping works and improvements to existing facilities. The application does not intensify the existing land use but is a timely refurbishment of ageing facilities. Notably the replacement of external floodlighting with new LED lights will improve visibility on the site for patrons whilst avoiding light spillage onto the highway.

The development generates the following discretions:

- Clause 1.10 – Non-conforming use;
- Clause 8.8.2 – Setbacks.

As discussed in this submission, both discretions are warranted when considered against the applicable criteria.

If you wish to discuss this matter further, please contact myself on 6231 2555 or at toconnor@jmg.net.au.

Yours faithfully
JOHNSTONE McGEE & GANDY PTY LTD

Tom O'Connor
TOWN PLANNER

12.1.13 Development Application for a New Storage Warehouse in the Historic Precinct Special Area at Roberts 94 High St, Oatlands

File Reference: *T7462371*

REPORT AUTHOR: **PLANNING OFFICER (D CUNDALL) AND MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES (D MACKEY)**

DATE: **9TH APRIL 2014**

ATTACHMENTS: **1. Plans**
2. Representation

THE PROPOSAL:

The Applicant Mr Jarrod Moore, the Branch Manager of Roberts Rural Supplies Oatlands has applied to Council for a Planning Permit to build a new warehouse storage and sales building at Roberts, 94 High St Oatlands. The development is in the Commercial Zone and Historic Precinct Special Area.

The proposed building is a square colourbond (custom orb) 15m wide, 8m high gable roofed building with a 21.7 degree pitched roof. The colour of the walls and roof of the building match the existing buildings on the site. The 'Roberts' sign, currently on the existing shed, would be relocated to the western side (Midland Highway side) of the proposed building.

The proposal includes landscaping and a palisade fence around the proposed shed.

The Development Application is considered at Council's discretion for development in the Historic Precinct Special Area.

THE APPLICATION

The Applicant submitted a completed Application form, detailed site plan and elevation drawings.

The Applicant later submitted a second set of drawings with amendments to the pitch of the roof (steeper), alterations to the fencing around the building and a landscape plan and shadow diagram.

All plans were received prior to the statutory advertising period and were made available to the public for comment.

There is sufficient information for the Planning Authority and any member of the public to form a view on the Development Application and assess under the relevant legislation.

THE PLANNING SCHEME ASSESSMENT

Statutory Status
New development in the Historic Precinct Special area is at Council's discretion.

A discretionary use or development must be advertised in accordance with Section 57 of the *Land Use Planning and Approvals act 1993* for the statutory 14 day period.

Public Notification and Representation
The application was advertised, and all adjoining owners were notified on Saturday 8th March 2014 for the 14 day advertising period. One (1) letter was received. The letter is a general appraisal of the proposed development. The contents of which is included in full below.

Representation 1
As an historian, archaeologist and heritage conservation manager and practitioner, I would like to make the following comments about the Roberts & Co development application for work in Oatlands at the reference. The presence of stock and sale yards in the centre of Oatlands dates continuously from the late 1820s, and although the ownership of such has changed during that time, Roberts & Co have an established relationship with the township dating at least as far back as 1878, when the company disposed of the last of the stage coaches and horses from Samuel Page's estate. The provision of agricultural and pastoral, goods and services in the Oatlands township therefore has been a more enduring feature than military settlement, government and legal administration, religion, inn-keeping, brewing and hospitality, the Callington Mill (which it pre-dates), and tourism (which the sheep sales also promote). Heritage is broadly defined as anything which people want to preserve, and consequently is usually interpreted as meaning artefacts and buildings. However, activities also fall within the heritage purview. In this case, Roberts' delivery of agricultural and pastoral, goods and services is an activity which represents a sense of continuity and purpose, and explains the township's economic survival in the recession-prone history of Tasmania's Southern Midlands. It is therefore perhaps the most important remaining element of our cultural heritage. The irony therefore will be that as Oatlands transitions towards a manufactured representation of its heritage for gentrification and tourism purposes, the real, rural heritage of our township will come under threat from those who claim to be acting to preserve it. The dilemma for planners and local government is how to manage that tension, and the core of the issue is the type of new construction which is to be allowed in our 'heritage' precincts. Such decisions are also affected by the fashions which permeate heritage architectural advice, and in that respect, 'expert' opinions differ and change over time. Mine is therefore only one of such 'qualified' 'expert' opinions. Nevertheless, as a resident, rate-paying stakeholder I would like to offer it all the same.

From a heritage perspective, the activities of Roberts & Co in the centre of the township are more significant than other remaining enterprise. The proposed development is a small addition to an existing facility; there is no change of use; the materials proposed harmonise with the current structure; the use of the galvanised fencing links with the construction of the associated sheep pens; and the Roberts sign facing the highway sends a clear message that this historic, iconic Tasmanian agricultural company is still supporting the regional rural centre of Oatlands.

I believe there is no sound heritage reason to oppose this development application; on the contrary, Roberts & Co's enduring presence in the township best exemplifies continuity of settlement.

As a resident and rate-payer, I also appreciate the service provided to the community by Roberts & Co, and believe that this DA demonstrates a reassuring confidence in the continuity of Oatlands as a regional centre, and ensures our vulnerable, limited local economy retains some diversity.

PLANNING SCHEME ASSESSMENT

Zone: Commercial Zone

The Scheme gives priority to the 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.

The proposal largely meets the intent of the Commercial zone. That is to consolidate commercial activity in the High St of Oatlands and actively encourage further development and business with minimal impact on the historic streetscape.

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;

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

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

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

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

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

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.

Finding the appropriate location for a larger bulkier building (and any new buildings for that matter) is key to trying to incorporate a new or modern building into any historic precinct area. A new development should not interfere with a valuable heritage streetscape or appear overly out of place or dominating the landscape when viewed from a vantage point.

The proposed building is located behind the existing Roberts warehouse and sales buildings, with a minimal amount of the building being visible from the High Street. It should, overall, blend in with the existing buildings on the site.

It is noted that there are several large warehouse/shed type buildings in the immediate vicinity (see *Photo 1* in this report).

The developer has attempted to minimise the perceived scale of the building through landscaping and the palisade fence.

The developer has also provided a shadow diagram demonstrating minimal overshadowing of the adjoining lot. The development also meets the setback and height standard for the Commercial Zone.

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.

Image 3_ Aerial Photograph taken in 2012 demonstrating the extent of the site and the bulky buildings in the immediate vicinity.

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 proposed building is appropriate to the site and blends with the other bulky buildings on this site and also nearby.

The custom orb cladding is generally acceptable for a shed in the historic precinct where the building is not immediately abutting a sensitive historic site or greatly interferes or dominates the streetstcape. The custom orb is a more traditional form of steel sheeting.

The Applicant has taken into consideration the historic precinct special area through increasing the pitch of the roof, matching in the colours of the building with the existing buildings, locating the building behind the existing buildings and including landscaping and fencing to break up the bulky appearance of the building.

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 existing sales buildings and other High Street buildings.

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

The closest historic building is the large timber and stone barn next door. This building is much larger than the proposed building and would be still visible and appreciated from the highway or other vantage points. The existing warehouse sales building is also much bigger than the proposed.

Other nearby historic buildings will still remain the dominant building form in the area.

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;*

   The Applicant has made an effort to try conceal the building from the High Street and reducing the bulky appearance of the building from the highway with landscaping on the western side. The landscaping and new fencing are considered improvements to the site.

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*;

Though not truly an outbuilding, the proposal meets the intent of this condition.

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.

CONCLUSION

This report has assessed a proposed warehouse and sales facility (expansion of Roberts rural supplies), in accordance with the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning and Approvals Act 1993*.

The proposal is essentially a large colourbond shed. There are many places in the town and historic precinct where this would be entirely inappropriate. However its location on a site purposely developed as a rural supplies store and behind the other large supplies buildings should not have a detrimental impact on the heritage values of the township or streetscape.

The developer has made an effort to both conceal the building and reduce its bulky appearance with landscaping and decorative fencing and change the form of the building by increasing the pitch of the roof. This, at a distance, would look more appropriate when compared with the other and much steeper pitched roof buildings in the area.

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* New Storage Warehouse in the Historic Precinct Special Area at Roberts, 94 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*.

Services

3. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Stormwater

4. 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

5. 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.

6. 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:

    f. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
    g. The transportation of materials, goods and commodities to and from the land.
    h. Obstruction of any public footway or highway.
    i. Appearance of any building, works or materials.
    j. 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.

7. 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.

8. 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. 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 B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

Roberts Rural Supplies

Oatlands Merchandise, 94 High Street, Oatlands TAS 7120

For

Fairdinkum Sheds

38 McIntyre St Mornington TAS, 7018

Planning Application

2013-118

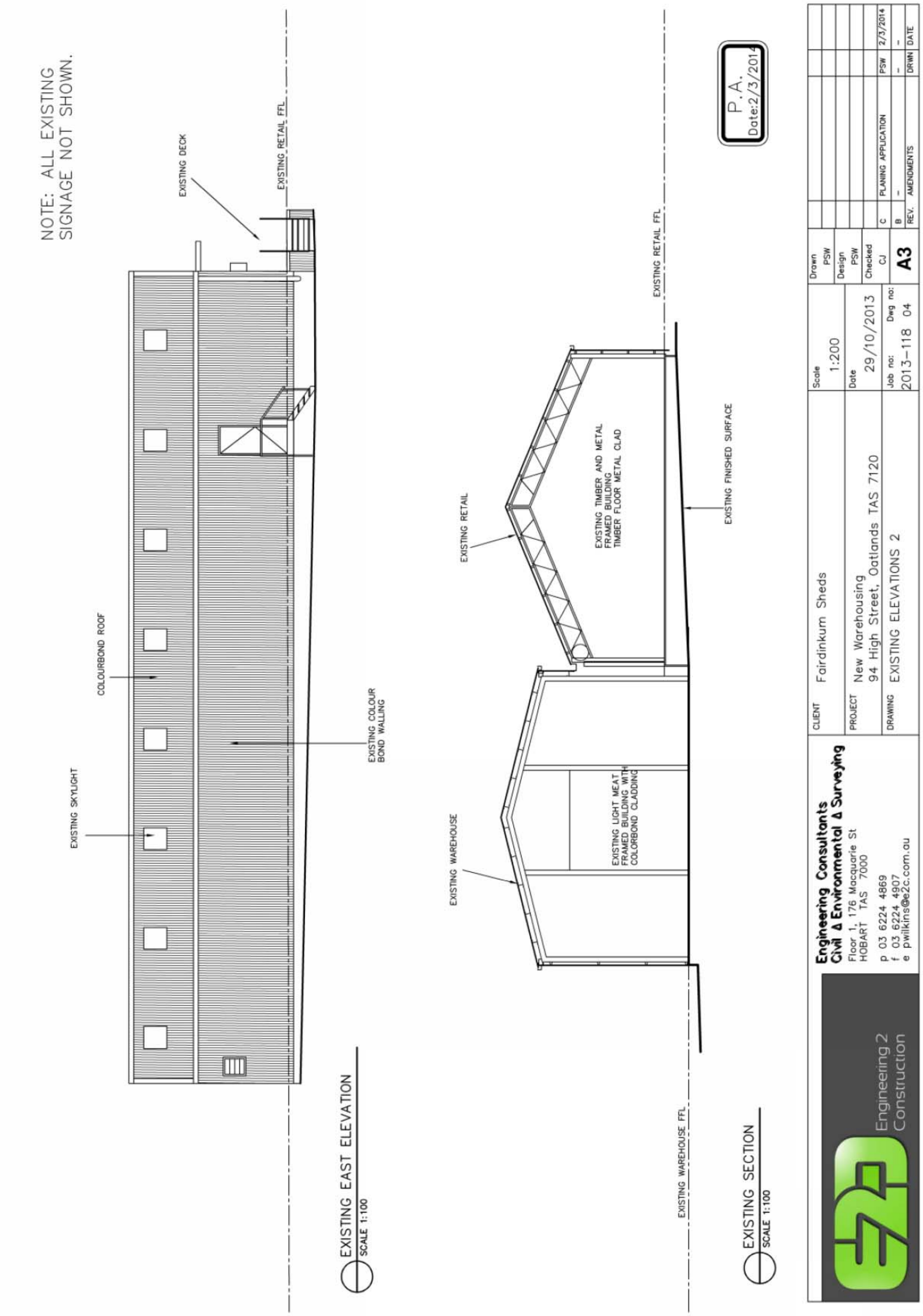
SHEET	TITLE	REV	DATE
01	LOCATION PLAN EXISTING	C	29/10/13
02	EXISTING FLOOR PLAN	C	29/10/13
03	EXISTING ELEVATIONS 1	C	29/10/13
04	EXISTING ELEVATIONS 2	C	29/10/13
05	PROPOSED SITE PLAN	D	29/10/13
06	PROPOSED PLAN	D	29/10/13
07	PROPOSED ELEVATIONS	D	29/10/13
08	PROPOSED SECTION	D	29/10/13
09	FENCE DETAILS	A	29/10/13
10	SUN STUDY NEW BUILDING	A	29/10/13

2ND March 2014

P.A.
Date:2/3/2014

Engineering 2 Construction

Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au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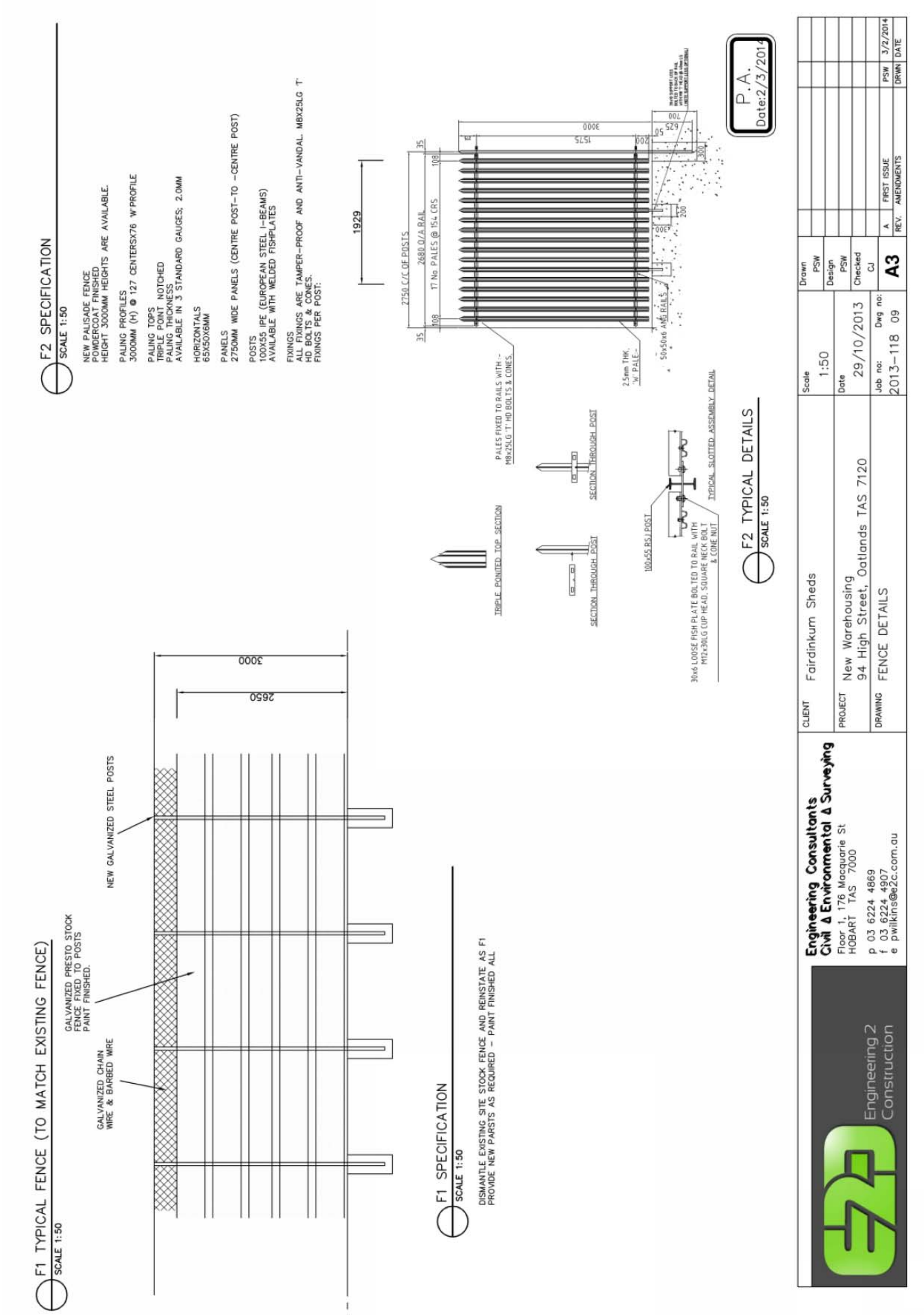
EXISTING RETAIL FFL
EXISTING SKYLIGHT
COLOURBOND ROOF
EXISTING COLOUR BOND WALLING
EXISTING EAST ELEVATION
SCALE 1:100
EXISTING WAREHOUSE
EXISTING LIGHT MEAT FRAMED BUILDING WITH COLORBOND CLADDING
EXISTING RETAIL
EXISTING TIMBER AND METAL FRAMED BUILDING TIMBER FLOOR METAL CLAD
EXISTING FINISHED SURFACE
EXISTING RETAIL FFL
EXISTING WAREHOUSE FFL
EXISTING SECTION
SCALE 1:100
P.A. Date:2/3/2014
Engineering 2 Construction
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING EXISTING ELEVATIONS 2
Scale 1:200
Date 29/10/2013
Job no: 2013-118
Dwg no: 04
Drawn PSW
Design PSW
Checked CJ
A3
C PLANING APPLICATION PSW 2/3/2014
B - - -
REV. AMENDMENTS DRWN DATE


F1 TYPICAL FENCE (TO MATCH EXISTING FENCE)
SCALE 1:50
GALVANIZED CHAIN WIRE & BARBED WIRE
GALVANIZED PRESTO STOCK FENCE FIXED TO POSTS PAINT FINISHED.
NEW GALVANIZED STEEL POSTS
2650
3000
F1 SPECIFICATION
SCALE 1:50
DISMANTLE EXISTING SITE STOCK FENCE AND REINSTATE AS F1
PROVIDE NEW PARSTS AS REQUIRED – PAINT FINISHED ALL
F2 SPECIFICATION
SCALE 1:50
NEW PALISADE FENCE
POWDERCOAT FINISHED
HEIGHT 3000MM HEIGHTS ARE AVAILABLE.
PALING PROFILES
3000MM (H) @ 127 CENTERSX76 'W' PROFILE
PALING TOPS
TRIPLE POINT NOTCHED
PALING THICKNESS
AVAILABLE IN 3 STANDARD GAUGES; 2.0MM
HORIZONTALS
65X50X6MM
PANELS
2750MM WIDE PANELS (CENTRE POST–TO –CENTRE POST)
POSTS
100X55 IPE (EUROPEAN STEEL I–BEAMS)
AVAILABLE WITH WELDED FISHPLATES
FIXINGS
ALL FIXINGS ARE TAMPER–PROOF AND ANTI–VANDAL M8X25LG 'T'
HD BOLTS & CONES.
FIXINGS PER POST:
1929
2750 C/C OF POSTS
2680 O/A RAIL
17 No PALES @ 154 CRS
TRIPLE POINTED TOP SECTION
SECTION THROUGH POST
PALES FIXED TO RAILS WITH M8x25LG 'T' HD BOLTS & CONES.
100x55 RSJ POST
30x6 LOOSE FISH PLATE BOLTED TO RAIL WITH M12x30LG CUP HEAD, SQUARE NECK BOLT & CONE NUT
TYPICAL SLOTTED ASSEMBLY DETAIL
2.5mm THK. 'W' PALE
50x50x6 ANG RAILS
F2 TYPICAL DETAILS
SCALE 1:50
P.A.
Date:2/3/2014
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Civil & Environmental & Surveying
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e pwilkins@e2c.com.au
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING FENCE DETAILS
Scale 1:50
Date 29/10/2013
Job no: 2013-118
Dwg no: 09
Drawn PSW
Design PSW
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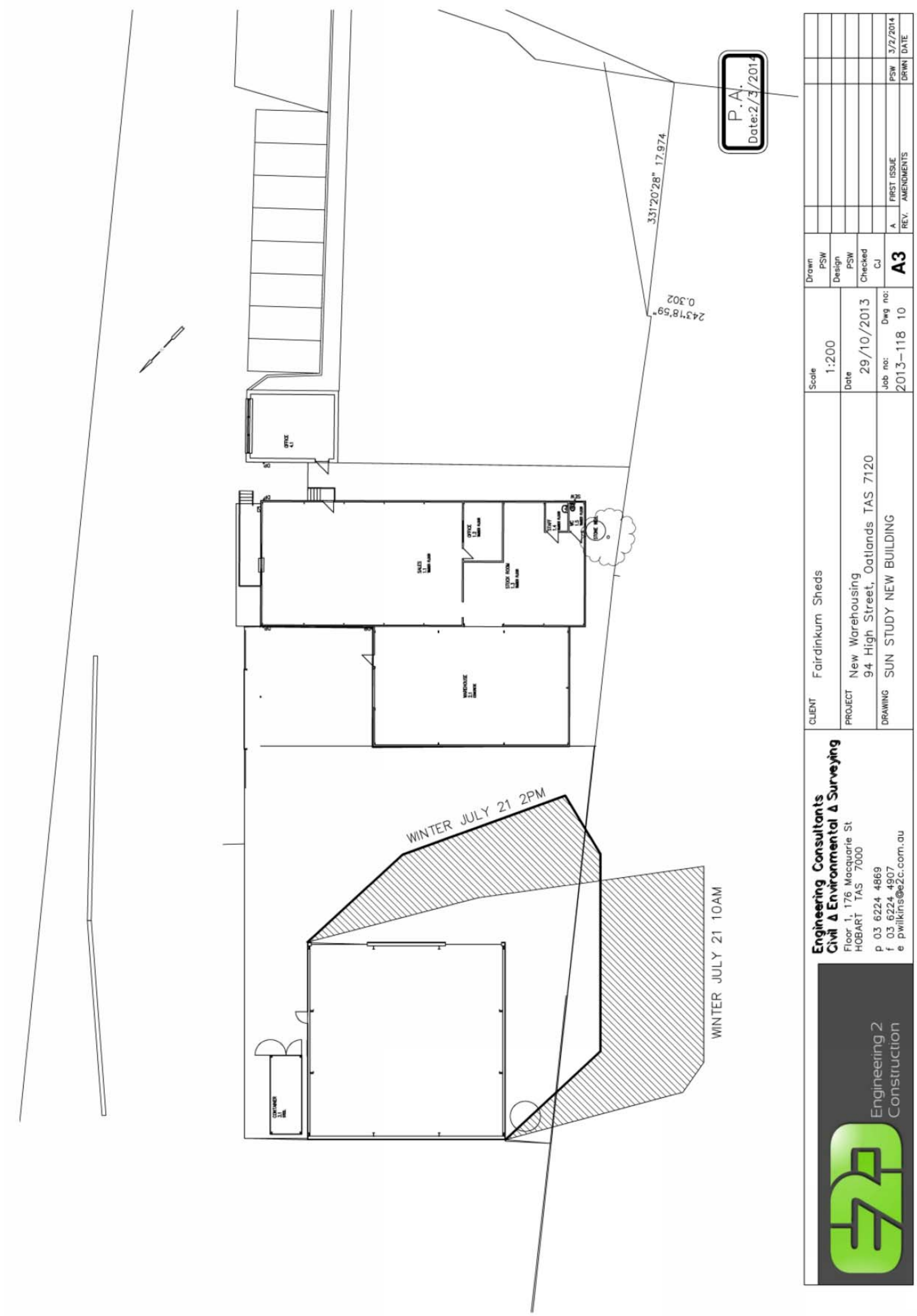
REV. AMENDMENTS DRWN DATE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P.A. Date:2/3/2014
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
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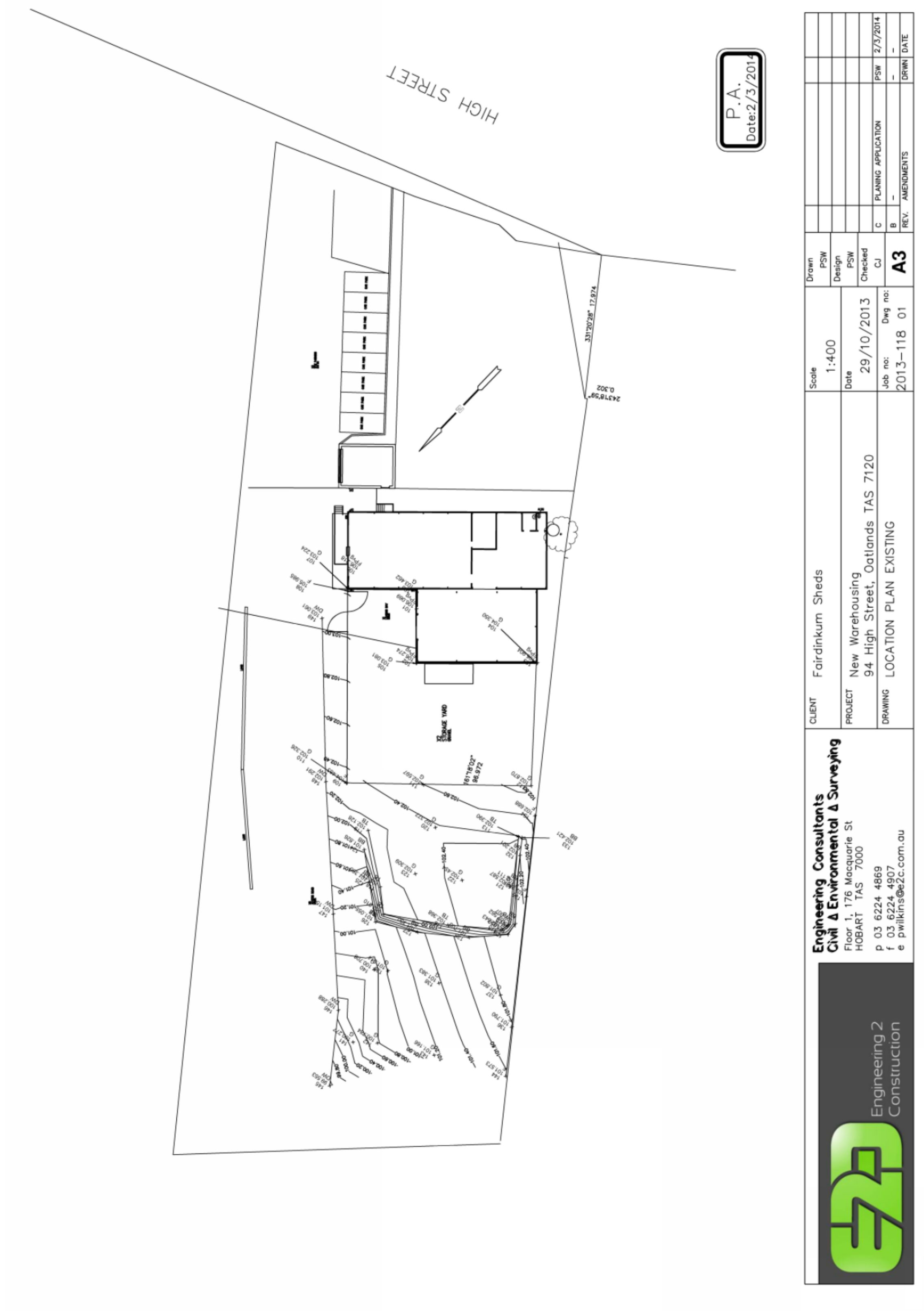
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING SUN STUDY NEW BUILDING
Scale 1:200
Date 29/10/2013
Job no: 2013-118
Dwg no: 10
Drawn PSW
Design PSW
Checked CJ
A3
A FIRST ISSUE PSW 3/2/2014
REV. AMENDMENTS DRWN DATE


HIGH STREET
P.A.
Date:2/3/2014
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING LOCATION PLAN EXISTING
Scale 1:400
Date 29/10/2013
Job no: 2013-118
Dwg no: 01
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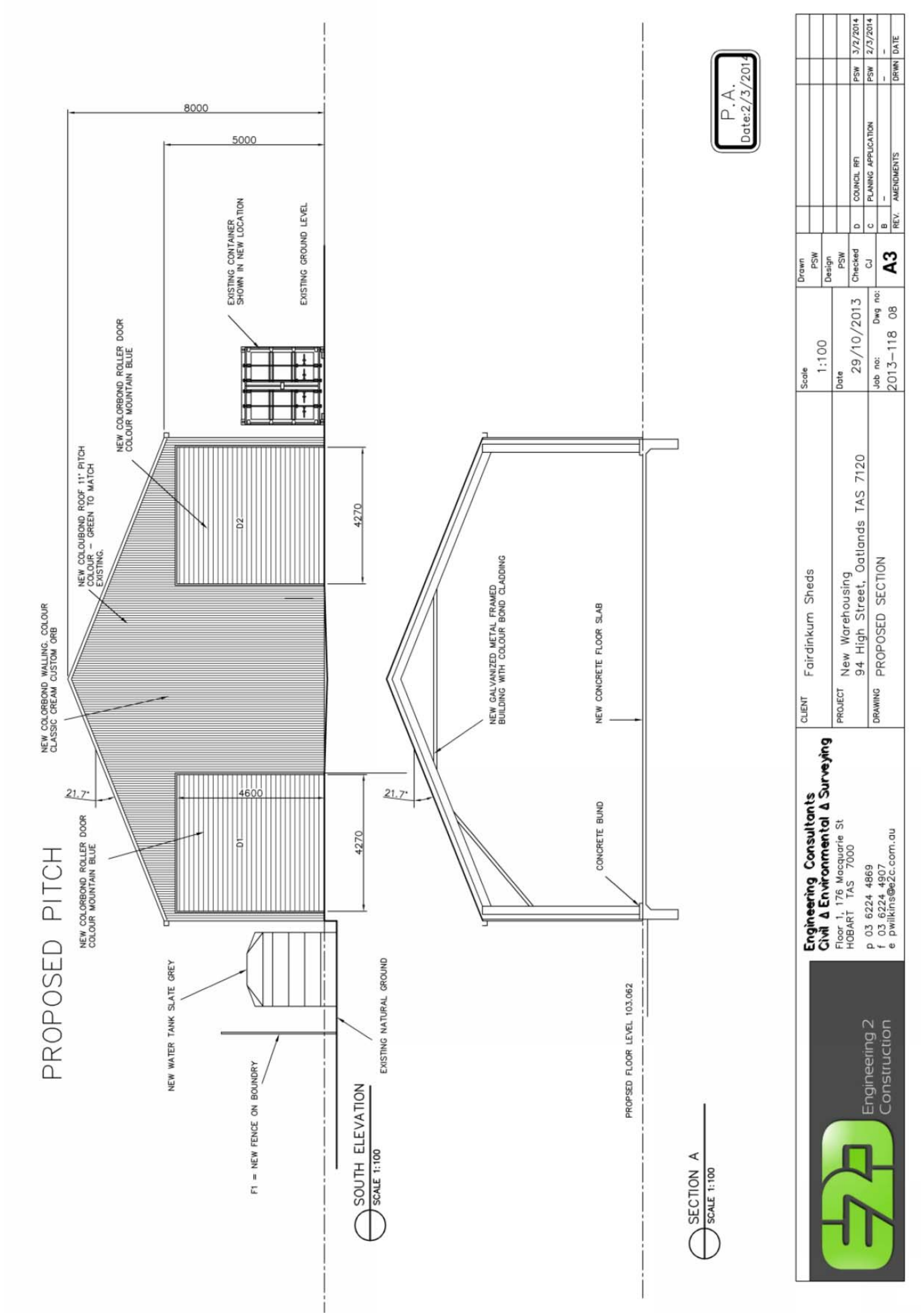
Design PSW
Checked CJ
A3
C PLANING APPLICATION PSW 2/3/2014
B -
REV. AMENDMENTS DRWN DATE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NEW COLORBOND WALLING. COLOUR CLASSIC CREAM CUSTOM ORB
NEW COLOUBOND ROOF 11° PITCH COLOUR – GREEN TO MATCH EXISTING.
NEW COLORBOND ROLLER DOOR COLOUR MOUNTAIN BLUE
EXISTING CONTAINER SHOWN IN NEW LOCATION
EXISTING GROUND LEVEL
NEW WATER TANK SLATE GREY
F1 = NEW FENCE ON BOUNDRY
EXISTING NATURAL GROUND
21.7°
4600
4270
D1
D2
SOUTH ELEVATION
SCALE 1:100
NEW GALVANIZED METAL FRAMED BUILDING WITH COLOUR BOND CLADDING
NEW CONCRETE FLOOR SLAB
CONCRETE BUND
PROPSED FLOOR LEVEL 103.062
SECTION A
SCALE 1:100
P.A. Date:2/3/2014
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING PROPOSED SECTION
Scale 1:100
Date 29/10/2013
Job no: 2013-118
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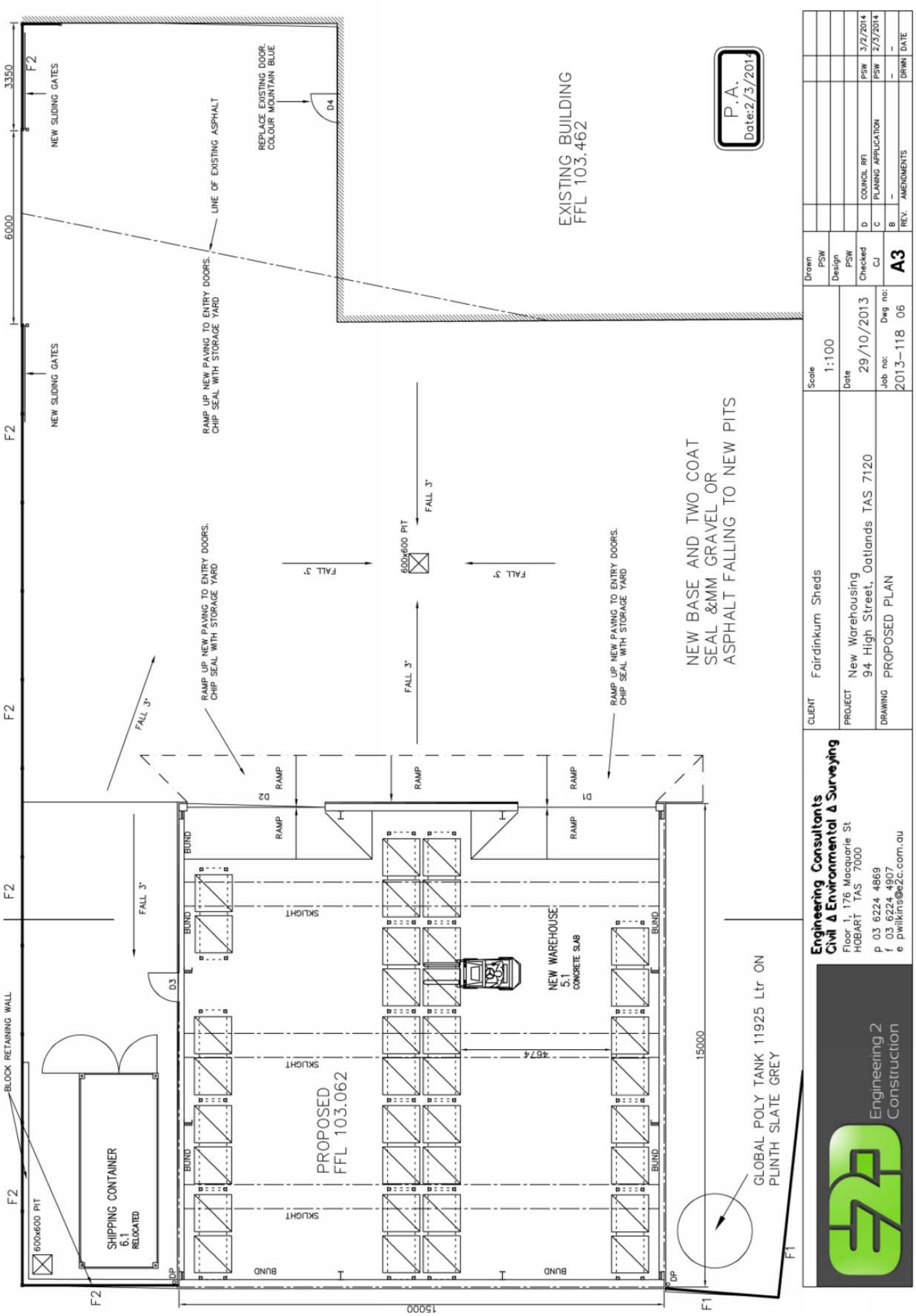
REV. AMENDMENTS DRWN DATE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FFL 103.462
P.A.
Date:2/3/2014
NEW SLIDING GATES
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REPLACE EXISTING DOOR.
COLOUR MOUNTAIN BLUE
RAMP UP NEW PAVING TO ENTRY DOORS.
CHIP SEAL WITH STORAGE YARD
600x600 PIT
FALL 3°
NEW BASE AND TWO COAT
SEAL &MM GRAVEL OR
ASPHALT FALLING TO NEW PITS
BLOCK RETAINING WALL
SHIPPING CONTAINER
6.1
RELOCATED
PROPOSED
FFL 103.062
NEW WAREHOUSE
5.1
CONCRETE SLAB
SKYLIGHT
BUND
RAMP
15000
GLOBAL POLY TANK 11925 Ltr ON
PLINTH SLATE GREY
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2
Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING PROPOSED PLAN
Scale 1:100
Date 29/10/2013
Job no: 2013-118
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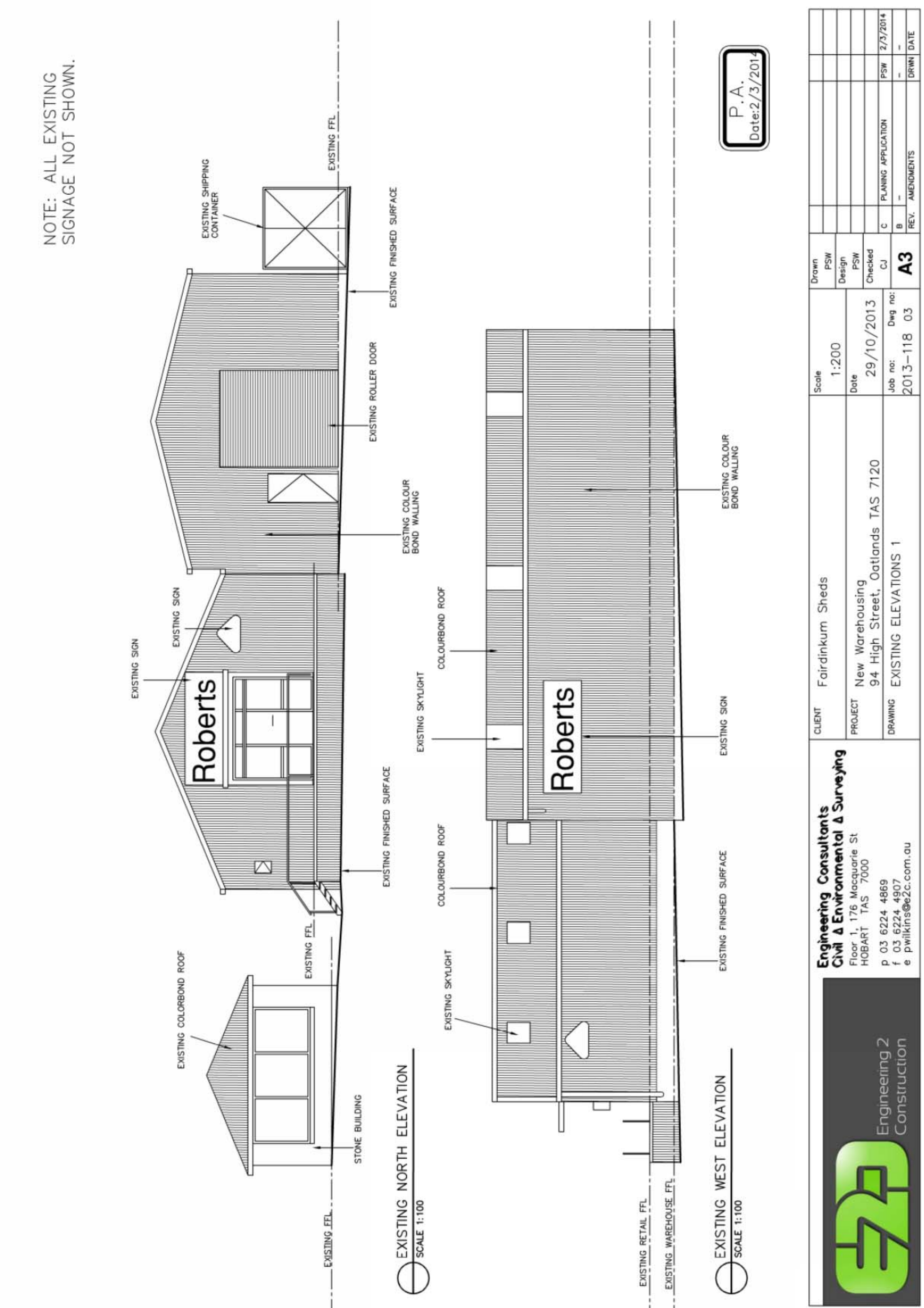
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EXISTING FFL
EXISTING FINISHED SURFACE
EXISTING ROLLER DOOR
EXISTING COLOUR BOND WALLING
EXISTING SIGN
Roberts
EXISTING COLORBOND ROOF
STONE BUILDING
EXISTING NORTH ELEVATION
SCALE 1:100
EXISTING SKYLIGHT
COLOURBOND ROOF
EXISTING RETAIL FFL
EXISTING WAREHOUSE FFL
EXISTING WEST ELEVATION
SCALE 1:100
P.A. Date:2/3/2014
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Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING EXISTING ELEVATIONS 1
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Date 29/10/2013
Job no: 2013-118
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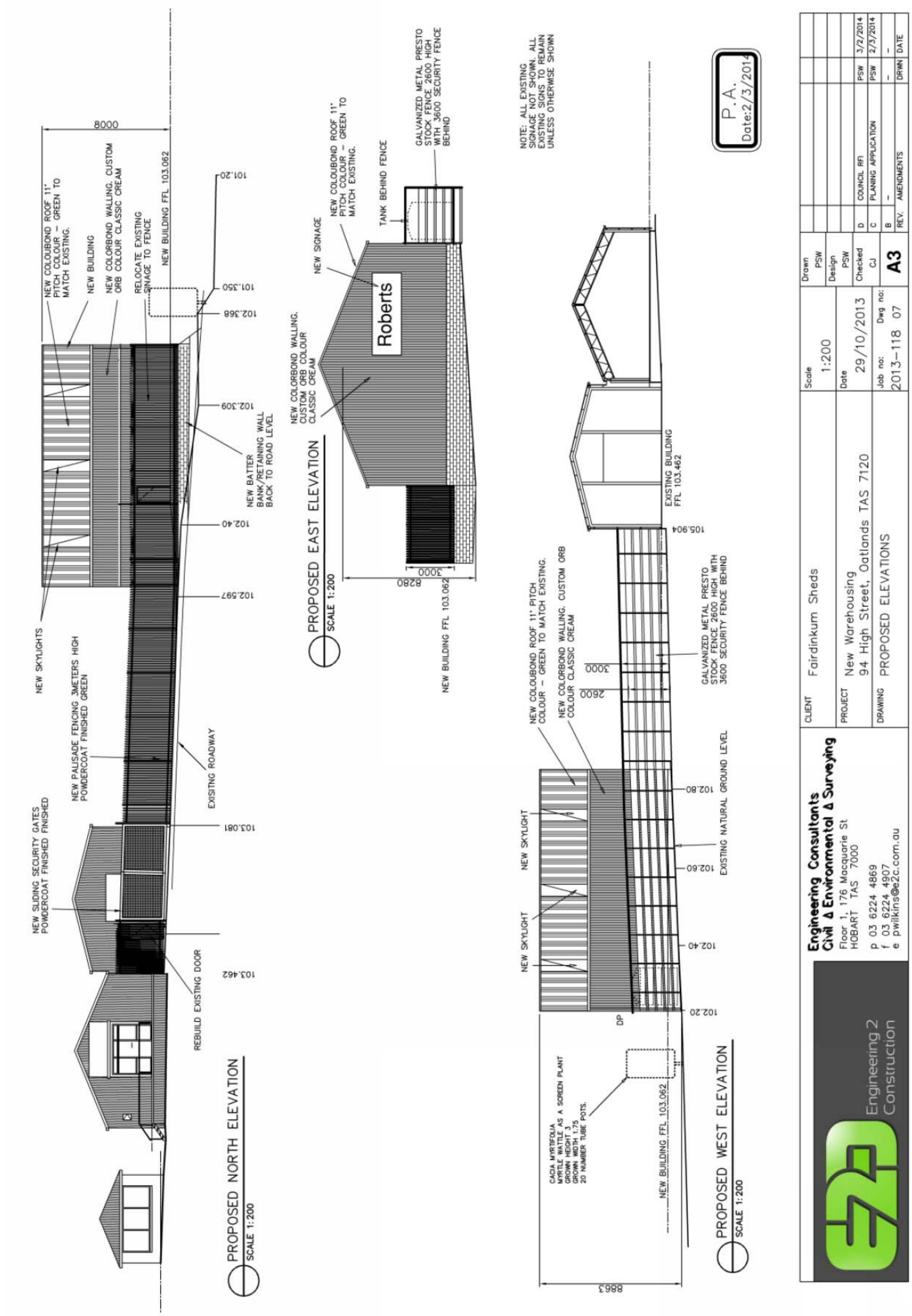
REV. AMENDMENTS DRWN DATE



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PROPOSED EAST ELEVATION
SCALE 1:200
PROPOSED WEST ELEVATION
SCALE 1:200
Roberts
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P.A. Date:2/3/2014
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING PROPOSED ELEVATIONS
Scale 1:200
Date 29/10/2013
Job no: 2013-118
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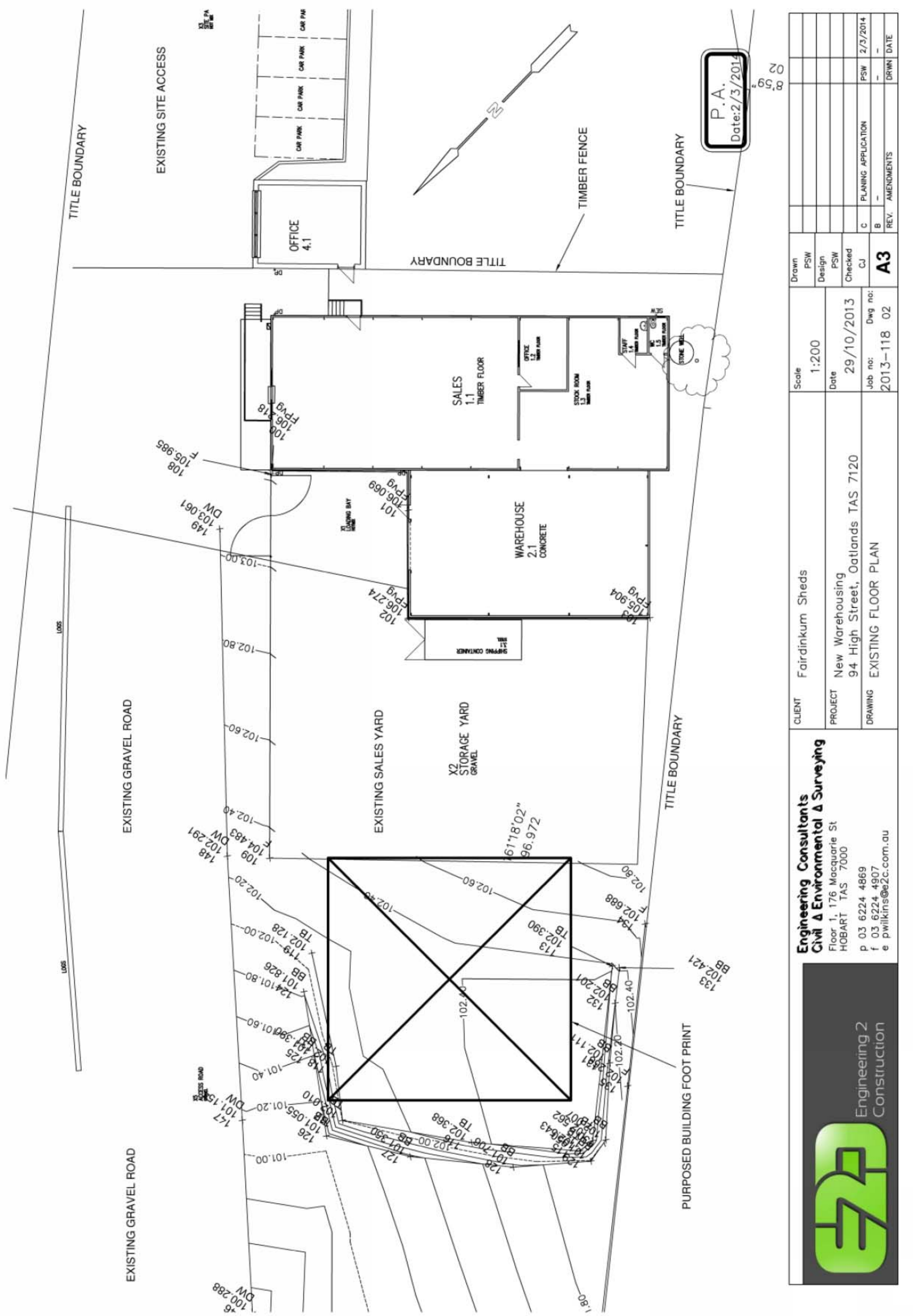
TITLE BOUNDARY
EXISTING SITE ACCESS
CAR PARK
OFFICE 4.1
TIMBER FENCE
TITLE BOUNDARY
P.A. Date:2/3/2014
SALES 1.1 TIMBER FLOOR
WAREHOUSE 2.1 CONCRETE
EXISTING GRAVEL ROAD
EXISTING SALES YARD
X2 STORAGE YARD GRAVEL
TITLE BOUNDARY
EXISTING GRAVEL ROAD
PURPOSED BUILDING FOOT PRINT
61°18'02"
96.972
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING EXISTING FLOOR PLAN
Scale 1:200
Date 29/10/2013
Job no: 2013-118
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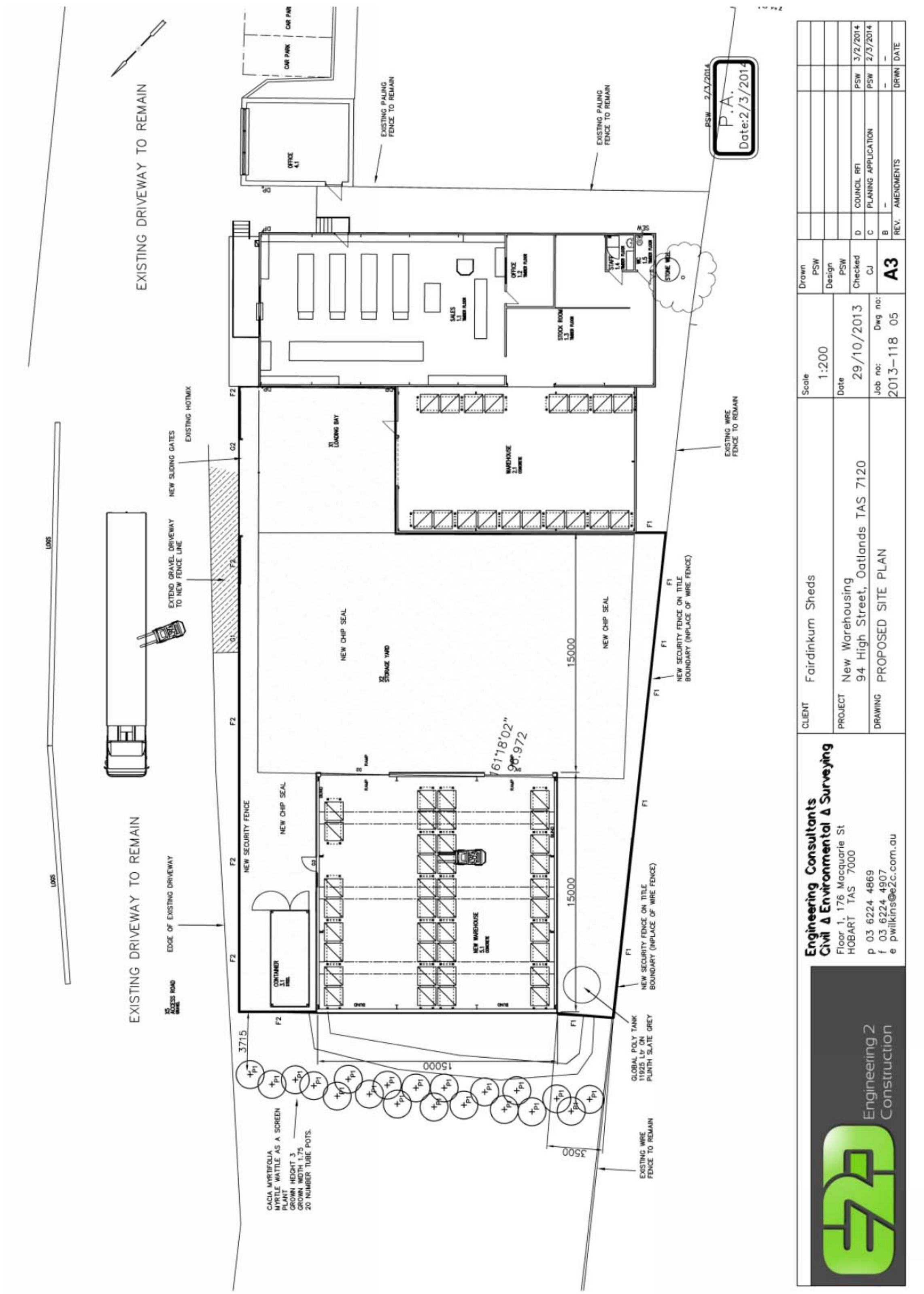
REV. AMENDMENTS DRWN DATE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EXISTING DRIVEWAY TO REMAIN
EXISTING PALING FENCE TO REMAIN
EXISTING WIRE FENCE TO REMAIN
NEW CHIP SEAL
NEW SECURITY FENCE ON TITLE BOUNDARY (INPLACE OF WIRE FENCE)
15000
3715
3500
Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 176 Macquarie St
HOBART TAS 7000
p 03 6224 4869
f 03 6224 4907
e pwilkins@e2c.com.au
Engineering 2 Construction
CLIENT Fairdinkum Sheds
PROJECT New Warehousing
94 High Street, Oatlands TAS 7120
DRAWING PROPOSED SITE PLAN
Scale 1:200
Date 29/10/2013
Job no: 2013-118
Dwg no: 05
A3
COUNCIL RFI
PLANING APPLICATION
AMENDMENTS

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)

Nil

12.4 PLANNING (OTHER)

12.4.1 Draft Amendments to the Southern Midlands Planning Scheme 1998 Bagdad / Mangalore Area – Consideration of Submissions

File Ref: *9/084*

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 9TH APRIL 2014

ENCLOSURES 1. Representations (x10)

(Note that a copy of each draft amendment – as publicly exhibited – is embedded in the report.)

PREVIOUSLY PROVIDED 1. Bagdad Mangalore Structure Plan July 2010

ISSUE

At the 22 January 2014 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 1 February 2014.

Council now needs to consider the representations received and form a view on them. In particular Council needs to consider whether any of the points raised ought to lead to a change in a draft amendment or even that the amendment should not be made at all. To be precise, the *Land Use Planning & Approvals Act 1993* states that Council must forward to the Tasmanian Planning Commission:

> *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–*
>
> *(i) the need for modification of the draft amendment in the light of that representation; and*
>
> *(ii) the impact of that representation on the draft amendment as a whole; and*
>
> *such recommendations in relation to the draft amendment as the authority considers necessary.*

Council's opinion on each of the representation, the representations themselves and the originally advertised version of each draft amendment will be forwarded to the Planning Commission, which will then hold a public hearing and subsequently make a final determination.

1. BACKGROUND

For some years Council 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 original intent 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 phase of the work, and just before planning scheme drafting was to 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 scheme 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 twelve new Southern planning schemes have now been completed to "draft interim" stage, with the Southern Midlands scheme being endorsed for submission to the Minister for Planning at the February Council meeting. The Minister has been formally requested to consider the draft scheme 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.

Councillors will recall that in August 2012 we 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. 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 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 hearing process. Significant changes brought in by an interim planning scheme can therefore deny due process / natural justice to people potentially impacted by the changes.

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, significant changes brought in through the interim planning scheme process can still deny due process / natural justice to those potentially impacted. With this in mind, at the August 2013 meeting Council determined that certain major changes planned for the new planning scheme ought to be brought in by the traditional planning scheme amendment process. This provides members of the community with the opportunity to lodge formal submissions and to participate in the process by attending 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 the proposed planning scheme amendments subject of this report is to seek to implement major changes in the Bagdad-Mangalore Valley area. They generally derive from recommendations in the Bagdad Mangalore Structure Plan 2010, (BMSP), which was a stage two component of the Joint Land Use Planning Initiative.

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 MANGALORE 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 (a reduced-size map is shown on the next page).

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.

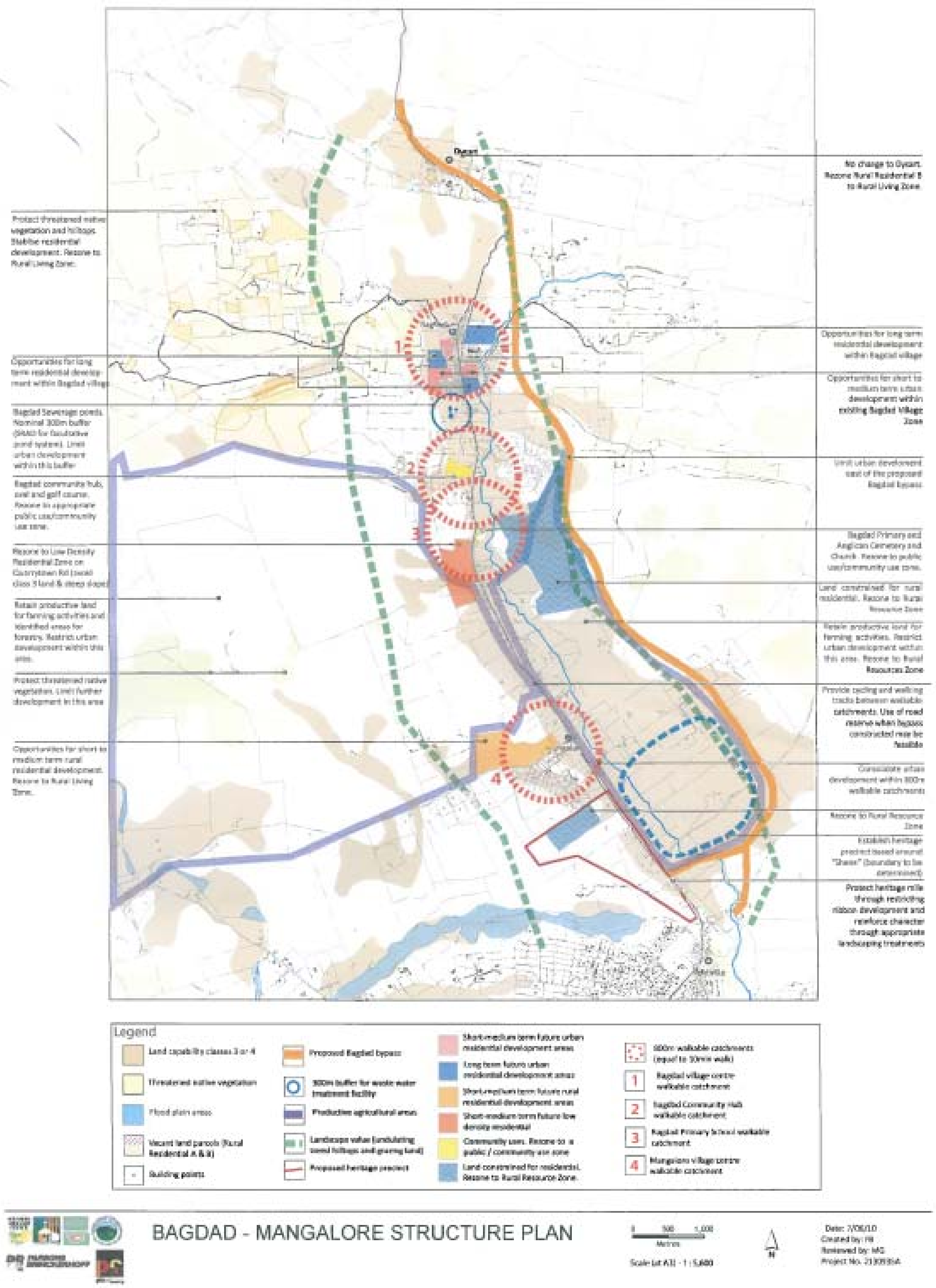
- To retain the expansive productive agricultural areas on the valley floor for long term agricultural use. This includes back-zoning areas of inappropriately zoned but un-developed rural residential zoned land.

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.

The Bagdad Mangalore Structure Plan – Key Map



4. 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 Polices:

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.

5. 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.

- SRD 1.3 c. in that the area at Blackbrush Road proposed to be zoned for rural living use provides for infill and consolidation of exiting rural living communities, including the existing rural living zoned land to the east and south and the rural living use land at Banticks Road and nearby stretch of Blackbrush Road, which is recognised as such pursuant to SRD 1.3 a.

6. PREVIOUS REZONING APPLICATION AT BLACKBRUSH ROAD

In 2010/11, in response to a request from the landowner, Council attempted to rezone an area of 38 ha at Blackbrush 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.

7. INFORMAL PUBLIC CONSULTATION ON PLANNING SCHEME AMENDMENTS

In June and July 2013 Southern Midlands Council and the other eleven 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 (amongst other sessions elsewhere in Southern Midlands), 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.

Prior to the informal consultation of the draft planning scheme, the local community was also engaged through the JLUPI process. This included an Enquiry-by-Design workshop in phase and consultation during the development of the Bagdad Mangalore Structure Plan.

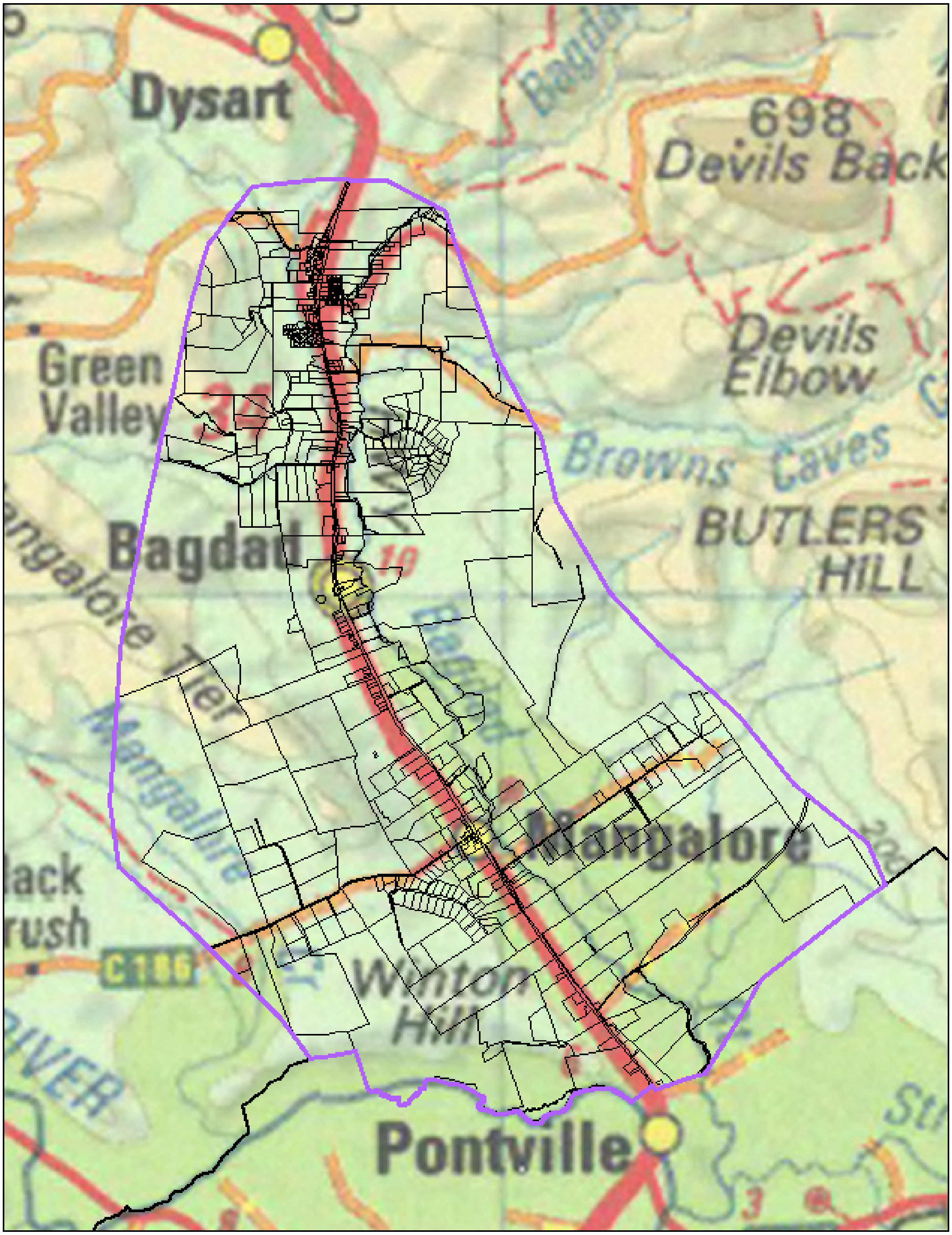
8. PUBLIC NOTIFICATION OF THE PLANNING SCHEME AMENDMENTS

The public notification period ran for six weeks, commence on 1 February and ending on 14 March 2014.

Pursuant to the requirements of the Act, the amendments were advertised twice in the Mercury newspaper.

Letters were sent to the landowners concerned, their neighbours and also to landowners in the broader valley area. A total of approximately 600 notification letters were posted. The area notified is indicated on the following map:

Postal Notification Area



Nine representations were received within the statutory period, divided between the different amendments as follows:

- Three representations pertain to all ten proposed amendments, (although focussing on some more than others).
- One pertains to Amendment 1.1/2014.
- One pertains to Amendments 1.2/2014 and 1.3/2014.
- One pertains to Amendment 1.4/2014.
- Two pertain to Amendment 1.5/2014.
- One pertains to Amendment 1.7/2014.
- A tenth representation was received outside the statutory period. This pertained to Amendment 1.1/2014.

The assessment of the submissions has been undertaken with respect to each proposed amendment in Section 10 of this report.

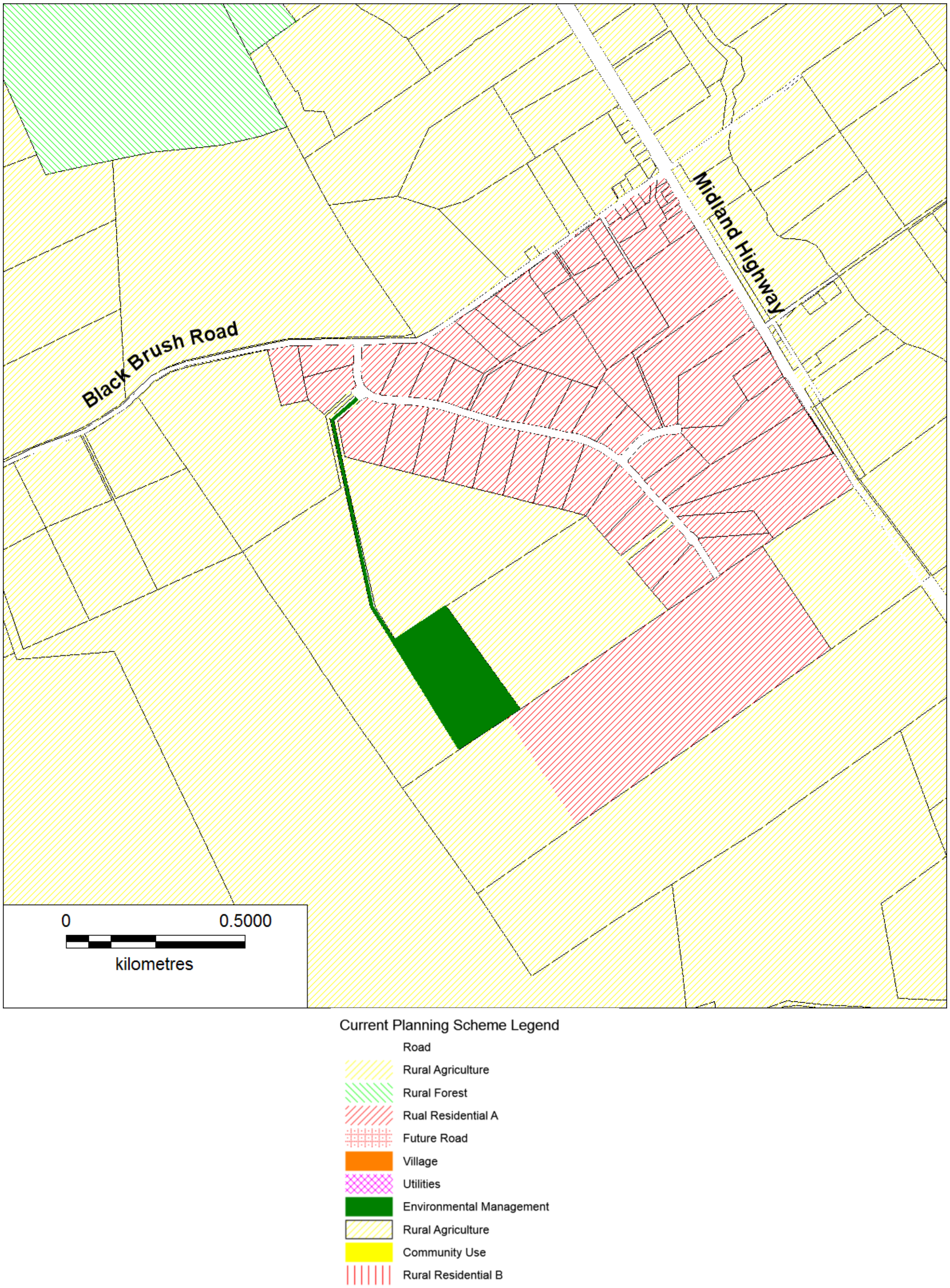
9. CURRENT ZONING

Current planning scheme zoning is indicated on the following three maps, which depict the lower, middle and upper portions of the Bagdad-Mangalore valley area.

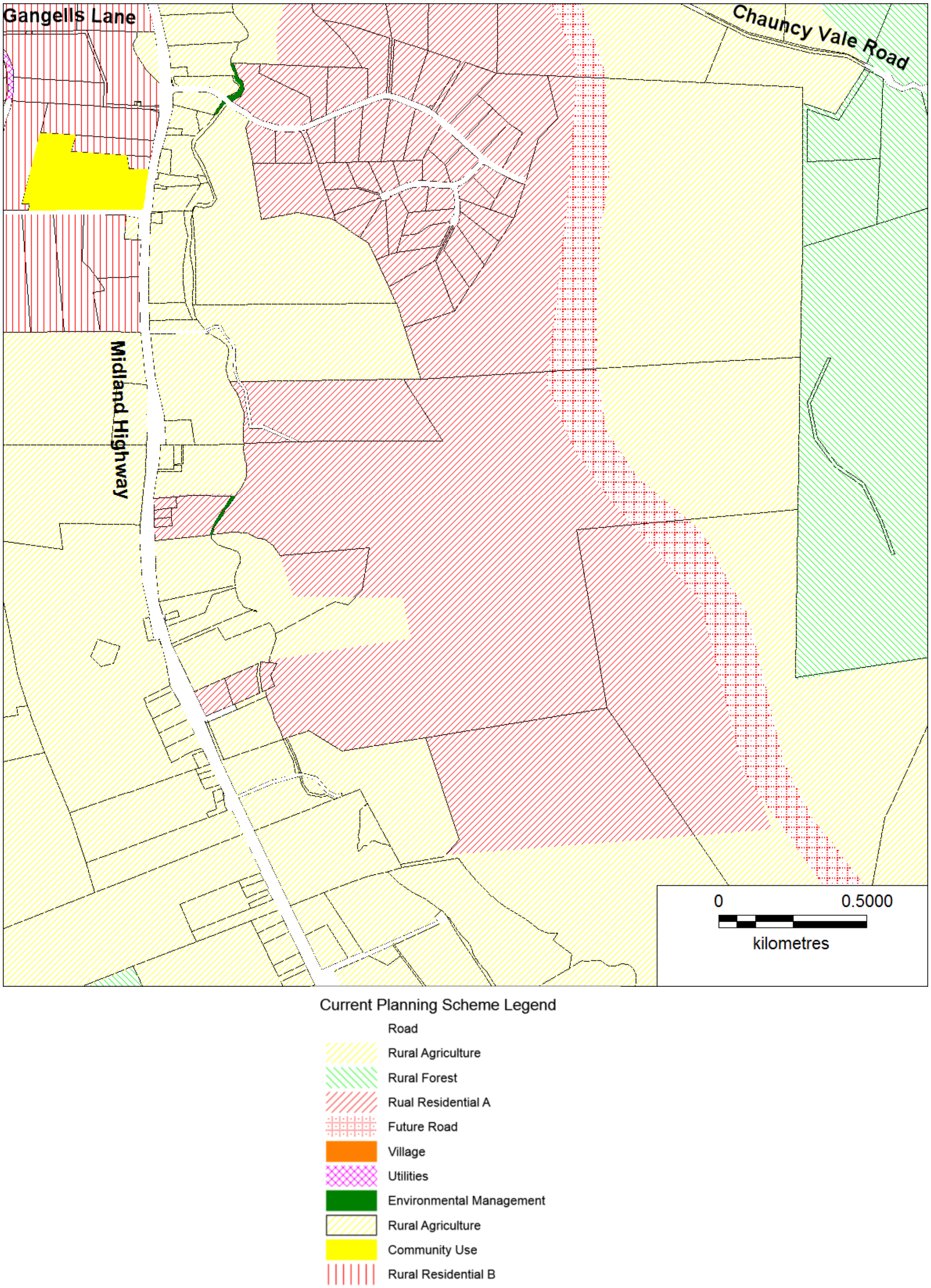
It is noted that the route of the Bagdad Bypass is as determined by the 2003/2004 DIER strategic planning process and as subsequently amended into the planning scheme in 2005.

As Councillors are aware, in 2010 DIER undertook a review of the route and subsequently made a number of alternations. These have not been amended into the current planning scheme, however the Southern Midlands Draft Interim Planning Scheme 2014 reflects the 2010 route.

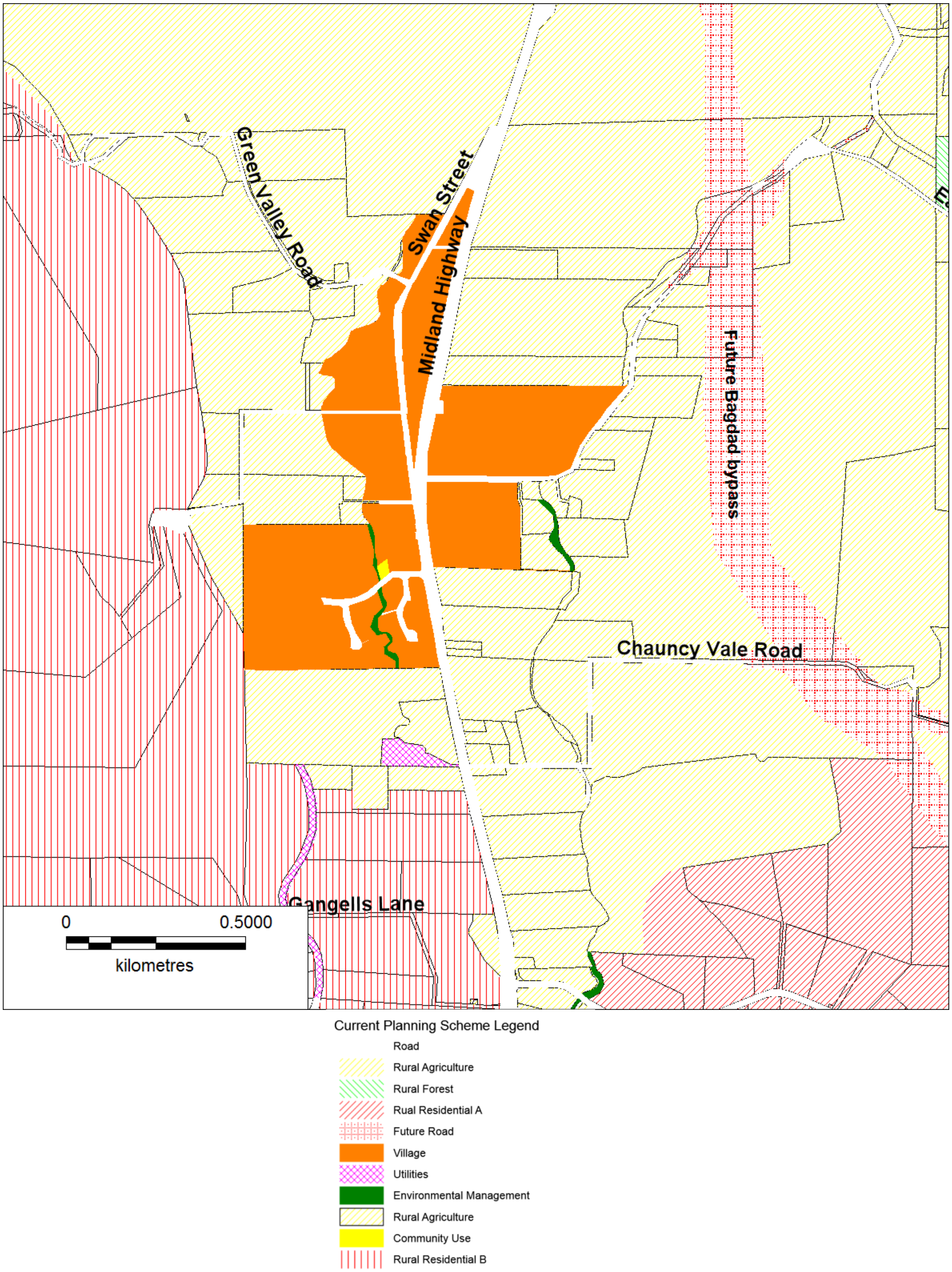
LOWER VALLEY AREA – CURRENT ZONING



MID VALLEY AREA – CURRENT ZONING



UPPER VALLEY AREA – CURRENT ZONING



10. ASSESSMENT OF REPRESENTATIONS

Full copies of the representations are enclosed with the Agenda. Each has been given a number to preserve anonymity, which is provided in the left hand column of the assessment tables below. The tables also contain a summary of each point raised by the representors in the second column, whilst the third column contains the Council officer's assessment and recommendation.

Most comments raised in the representations pertain directly to an individual amendment. However, some comments are of a more general nature. These are considered in the table in Section 10.1, below. The following sections of the report address each individual amendment in turn, and include a copy of each draft amendment at the beginning.

Also include in each section pertaining to the individual amendments is a list of property owners directly subject to each proposed rezoning.

10.1 GENERAL ISSUES

10.1.1 Assessment of Representations

No.	Summary of Comment	Assessment
1	We are of the view that none of the Amendments are consistent with the requirements of (a), (e) and (f) of Sect 32 of the *Land Use Planning and Approvals Act 1993.*	This is a somewhat bald statement in itself which contains no particulars, and is there not possible to directly comment on. It is assumed the essence of this statement is encapsulated in the further detailed points made in the representation, and addressed below. Recommendation: No change recommended.
1	The proposed rezonings appear to be set out in the Bagdad - Mangalore Structure Plan, (BMSP), developed by council and their consultant without due or reasonable consultation with the ratepayers in the area. This plan was not circulated directly to residents for comment. Council asserts in the minutes of January 2014 that the process was well supported by community consultation, we disagree.	The *Bagdad-Mangalore Structure Plan* (BMSP) was developed with due community consultation, as was the associated foundation documents, the *Land Use Strategy – Brighton, Central Highlands, Derwent Valley & Southern Midlands November 2008* and the *Settlement and Open Space Strategy - Brighton, Central Highlands, Derwent Valley & Southern Midlands July 2010.* All documents were developed through the Joint Land Use Planning Initiative, (JLUPI). Recommendation: No change recommended.
1	The BMSP does not discuss the objectives of the planning system (Schedule 1 of LUPAA), does not assess the implications of land use conflict or have any regard to (or	The Joint Land Use Planning Initiative documents are a well foundered set of professionally produced nested strategies produced by experienced and qualified planning

	even assessment of) the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.	consultants. Concordance with the LUPAA Schedule 1 Objectives is implicit within them. Recommendation: No change recommended.
1	The BMSP doesn't have any social or economic assessment, or any environmental assessment of any of the rezonings it recommends as an outcome to the process. It is grossly deficient to promote a Structure Plan that fails to acknowledge and address the most basic of issues – transport links, demographics and its relationship to growth, employment opportunities, etc. It is obvious that the BMSP is all about rezoning now, with other matters being subservient to this – public open space requirements, improved transport links – it is the antiquated attitude of planning 'build it and they will come'.	Not agree. The BMSP is the end product of a series of nested strategies produced through the JLUPI process. This body of strategic planning work provides a sound and comprehensive basis for the proposed rezonings. The proposed amendments also concord with the more recent Southern Tasmania Regional Land Use Strategy. Recommendation: No change recommended.
1	To go further on this issue of 'increasing a rate base for Council coffers', the Strategic Plan 2012-17 states: 2.1.1 Increase the resident, rate-paying population in the municipality. 2.1.1.1 Seek opportunities to increase the number of subdivisions providing affordable land in areas that can utilise the existing water, sewer and road infrastructure within the framework of the Planning Scheme. While we have no objection to the Strategic Plan per se, it lacks direction as to where the development will occur, with a focus on utilising existing services.	It is not the role of Local Government Strategic Plans to specify the exact spatial location of new development. This is the role of local strategic land use planning exercises, such as the JLUPI / BMSP process. Recommendation: No change recommended.
1	The Council introduces some nebulous planning concept of back-zoning, there is no such thing. If a parcel of land is changed in respect to its zoning, it is rezoned, not back-zoned.	The term 'back-zoning' has not been introduced by Council. It is a commonly used term within Tasmanian planning circles, and has been for many years. Recommendation: No change recommended.
4 (DIER)	DIER supports the overall reduction in the Rural Residential Zone, particularly removal of land for rural residential development in close proximity to the Bagdad Bypass Corridor some distance from existing townships.	Support noted.

4 (DIER)	While it is acknowledged there is an overall reduction in rural residential land in the Bagdad/Mangalore area, DIER raises concerns over expansion of Rural Residential Zones at locations such as Mangalore which does not have any local services such as a school or shop. It is preferable that residential development to be consolidated and strengthened in existing rural towns such as Bagdad and Kempton which contain essential services, so that residents can access services by walking or cycling. Expansion of rural residential development in outlying areas with no services will result in high levels of car dependency as developments in these areas are typically not well serviced with public transport.	This comment appears to be a general comment against all rural living subdivision as all such subdivision is generally car-based and not serviced by walking–distance to shops and schools. The size of rural living blocks makes this axiomatic. The proposed rural living land at Mangalore would, in fact, be better serviced than most rural living land in Southern Tasmania. • It is within walking distance of community and recreation facilities at the Mangalore. • It is within walking distance of the bus stop on the corner of the Midland Highway and Blackbrush Road. • It is a short drive to the Midland Highway - the main vehicle transport route in the State – where it is accessed via a junction that incorporates turning lanes. • It is a short drive north to the Bagdad school and Community Club. • It is a short drive south to the new Brighton Bypass section of the Midland Highway and from there access to Hobart is over some of the best highway roads in the State. Recommendation: No change recommended.
4 (DIER)	It is advised there are limited access provisions in place on the Midland Highway and no new accesses are permitted (Part IVA of *Roads and Jetties Act 1935*). Currently, access to the land may only occur via existing accesses onto the Highway. A review of the junctions affected by future development of the land and any proposed junction upgrades will be required to be undertaken prior to development of the land. Pedestrian movement across and along the existing Midland Highway should also be considered to facilitate safe access to essential services. It is noted that the efficiency and safety of the existing Midland Highway currently remains a high priority for DIER.	Comments noted. None of the proposed rezonings would necessitate new accesses onto the Midland Highway. It is noted that rezonings 7, 8 and 9 are to Future Residential, which is essentially a holding zone, not a development zone. (Refer specific comments on those rezonings). Council has been developing the walking and cycling path along the highway from Bagdad south. It is currently just north of Cornelian Hill. Recommendation: No change recommended.
4 (DIER)	It is noted that Council has not provided advice regarding the potential number of lots created or removed by the amendments	The suite of amendments will result in a reduced area of land zoned for rural living purposes, thereby reducing the potential impact on DIER

	in the supporting documentation. It is suggested this would have been useful to gain greater understanding of the impacts of future residential development on DIER's assets.	assets. None of the proposed rezonings would necessitate new accesses onto the Midland Highway. The proposed back-zonings will eliminate potential for new accesses on to the Midland Highway. Recommendation: No change recommended.
6	Rezonings in the Bagdad-Mangalore area: We wish to make the following submission in regard to the above draft amendment. This amendment was recommended in the Joint Land Use Planning Initiative Phase Two 2009/2010 and the Bagdad – Mangalore Structure Plan Dec2009. At the time we supported the initiative and wish to do so again for the reasons previously stated. In particular we wish to support the zoning of the land behind our property (Oakwood) to Rural Agriculture, as we believe it was erroneously rezoned in the past. We firmly support appropriate, sustainable development within the Southern Midlands and believe that the proposed rezonings are a positive step towards responsible development.	Support noted.

10.1.2 Recommendation

No changes are recommended as a result of consideration of general issues.

DECISION

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

10.2 AMENDMENT 1.1/2014

10.2.1 The Draft Amendment:

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

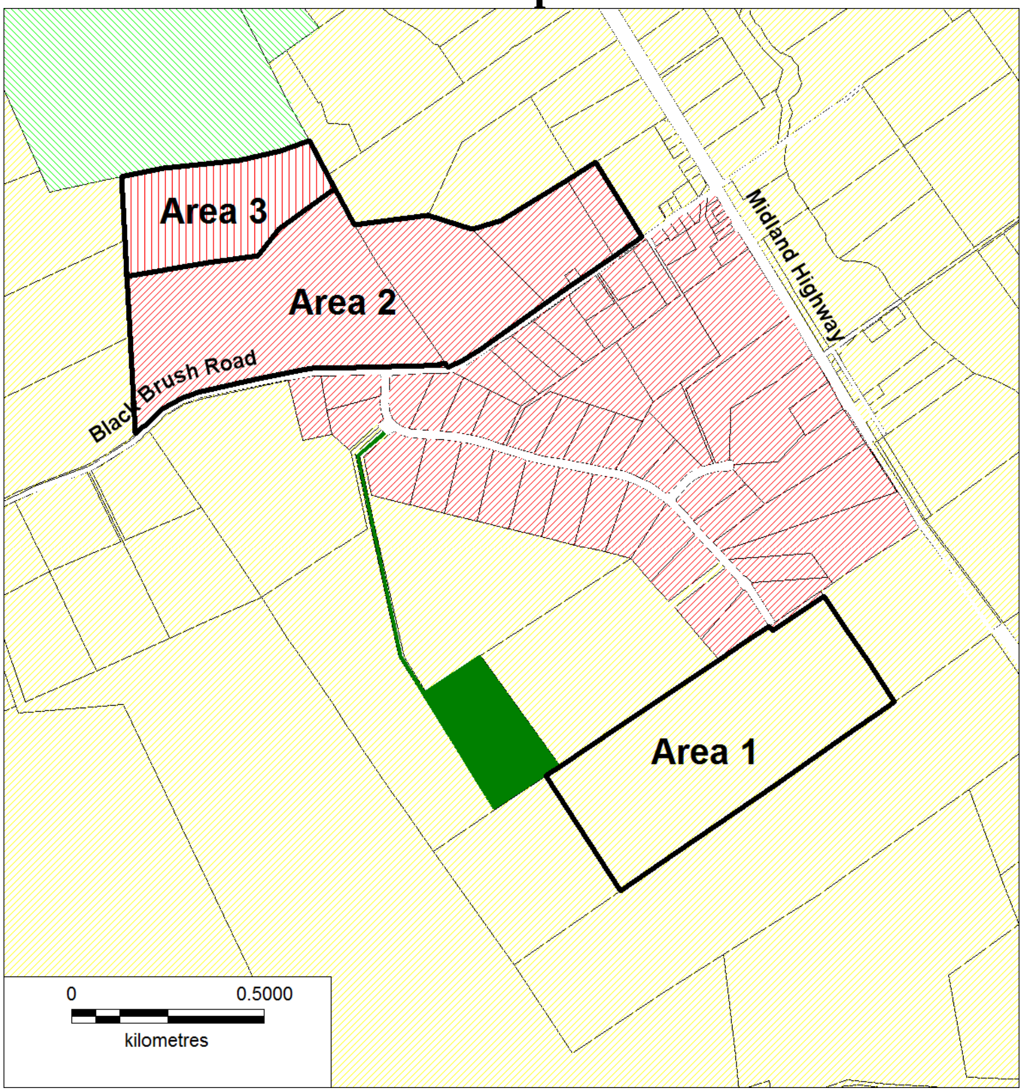
Passed the 22nd day of January 2014 in the presence of

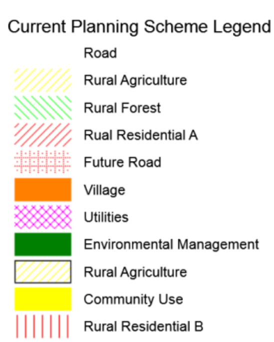
Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.1/2014
PLAN
Area 1 on the plan below:





Landowners subject to the amendment:

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

10.2.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	There has been no assessment of land capability of this block nor future potential access to the highway, which after all will not be the highway forever which means that this block could be the connector to the highway when it is developed as residential land.	The representor appears unaware of the long history of this block including the previous subdivision proposal, the development of the strategic planning work that lead to the creation of the Heritage Mile Historic Precinct Special Area and the highly engaged community consultation that was part and parcel of both of these processes. For heritage landscape precinct reasons, the construction of an access road to the highway, whether or not it remains the Midland Highway, cannot be contemplated. Recommendation: No change recommended.
6	Rezonings in the Bagdad-Mangalore area: We wish to make the following submission in regard to the above draft amendment. This amendment was recommended in the Joint Land Use Planning Initiative Phase Two 2009/2010 and the Bagdad – Mangalore Structure Plan Dec2009. At the time we supported the initiative and wish to do so again for the reasons previously stated. In particular we wish to support the zoning of the land behind our property (Oakwood) to Rural Agriculture, as we believe it was erroneously rezoned in the past. We firmly support appropriate, sustainable development within the Southern Midlands and believe that the proposed rezonings are a positive step towards responsible development.	Support noted.
10	It is noted that a 10th submission was received – but outside the statutory period. For Councillors'	

	information, this supported the rezoning in Amendment 1.1/2014.

10.2.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.1/2014.

DECISION

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

10.3 AMENDMENT 1.2/2014

10.3.1 The Draft Amendment:

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 Blackbrush 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

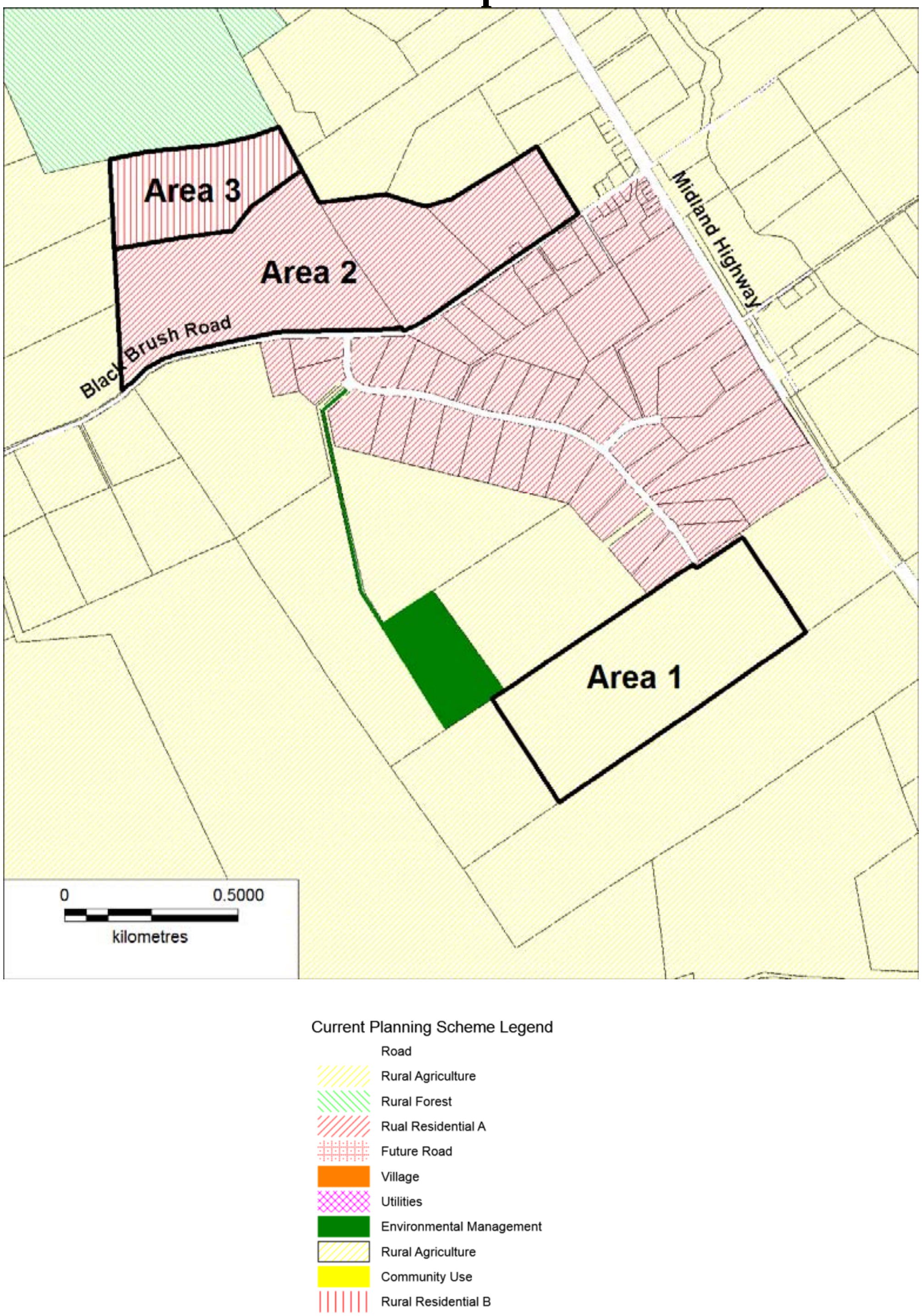
Passed the 22nd day of January 2014 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.2/2014
PLAN
Area 2 on the plan below:



Landowners subject to the amendment:

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. Blackbrush Road, Mangalore Tas 7030
	5018461	123830/1	10.24 ha		Southern Midlands Council. Blackbrush Road, Mangalore Tas 7030
	5018381	47455/1	0.51 ha		Curtain, David John Curtain, Elaine Maree. 42 Blackbrush Road, Mangalore Tas 7030
	5018453	14387/1	5.76 ha		Scrimshaw, David Albert Scrimshaw, Jean Frances. 40 Blackbrush Road, Mangalore Tas 7030
	5018445	6519/1	2.02 ha		Bowerman, Graeme Louis. 26 Blackbrush Road, Mangalore Tas 7030
Total area:			44.33 ha		

10.3.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	*(This comment also applies to 1.3/2014)* The land on PID 2831342 proposed for rezoning is agricultural land (mainly in Amendment 2) and should be retained as such – it has been cropped for the past 5 years out of 6, two crops being poppies with poppies being planned for the site this year.	Not agree. The agricultural report provided to Council during the previous combined application process indicated the land is marginal. A 'helicopter view' of the area reveals that the good quality agricultural land is located on the flat land on the valley floor where there are better quality and deeper soils, large titles, access to some irrigation water (and potentially more in the future) and large separation distances to dwellings. Recommendation: No change recommended.

1	The proposed rezoning of PIDs 2831342 is not in keeping with the rural landscape, nor the lifestyle of the occupants of the surrounding land in and near Mangalore. Indeed, the future subdivision of this land will create conflict between the activities on the properties of a periurban inclination (the Lots within any subdivision will be too small to have any sense of rural lifestyle) and agricultural land where agricultural activities are occurring (such as those to the west).	The dominant landscape in the Mangalore area is rural living. The proposed zoning accords with that. In the Southern Midlands, rural landscapes are dominated by properties of at least hundreds, but more commonly thousands, of hectares. Land to the immediately to the west of the subject land in Banticks Road and Blackbrush Road are rural living in nature, not rural. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* This rezoning and subdivision of the land will have an impact on Mangalore in many ways, including: • There will be several driveways with direct access onto Blackbrush Rd just below the crest of the hill and around the Mountford Drive intersection (a notoriously dangerous corner, so dangerous that many residents, ourselves included, will not walk along the road).	The previous subdivision proposal, which included several new driveways onto Blackbrush Road, was supported by a traffic impact assessment. There is no footpath along that section of Blackbrush Road, thereby forcing residents to walk on the road verge. The subdivision of the subject land would result in the developer providing a footpath (as evidenced by Council conditions of approval in the previous failed combined application). As in many instances, it is through development that improved facilities come about. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* This rezoning and subdivision of the land will have an impact on Mangalore in many ways, including: • There are no plans to improve the facilities for the local community in support of the increase in population – this should have been a core area for the Structure Plan – instead it simply suggests that some further consultation occur on matters like public open space etc. There are no proposed footpaths, cycleway, a children's playground, public open space, picnic areas etc.;	The settlement of Mangalore has community and recreation facilities readily accessible by walking and cycling at the Mangalore Recreation Ground. The representor seems to be unaware of Council's ongoing close working relationship with the local community in planning and developing community facilities at the Mangalore Recreation Ground. The representor also seems to be unaware of the children's playground at the Recreation Ground, which also contains a community hall and toilet facilities. A gravel footpath along Blackbrush Road from Mountford Drive to the recreation ground and beyond to the bus stop area at the highway junction also exists. This is of a standard suitable for a rural living area. The density of development cannot economically sustain a sealed footpath at present. The proposed rezonings will ultimately result in the extension of the footpath further up Blackbrush Road to the west. This was a planning

		permit condition in the previous failed combined permit application. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* This rezoning and subdivision of the land will have an impact on Mangalore in many ways, including: • There is no proposed commercial zone or any attempt to create a commercial oriented area for a shop or shops to open. In the absence of these, what can possibly support the notion of a 'walkable' community – to where? There would be no shop etc. unlike at Bagdad where there is a shop/service station.	The idea of creating a commercial zone to service the Mangalore community is quite unrealistic. The population of Mangalore will need to increase by orders of magnitude before it could possibly sustain even a local shop. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* This rezoning and subdivision of the land will have an impact on Mangalore in many ways, including: • The visual landscape will change from a rural aspect to that of a suburban aspect. For those who live in the northern area of Mountford Drive and houses near the subdivision on Blackbrush Rd, residents will be looking into houses and yards all the way up the hill. It is also not going to be in keeping with the retention of treed skylines and open pastures on ridgelines which is a key characteristic of the municipality – nowhere do you see in the municipality houses up a hill, they are all low in the valley systems or on the midslopes where they cannot be directly seen – the southern slope of Lackeys Hill (now pasture) is a prominent visual slope and saddle. Has Council driven along the new section of the Midlands Highway (heading north), just near the Detention Centre (now closed) you get a direct and obvious viewfield of Lackeys Hill,	The overarching landscape of the Mangalore area is already that of a rural living area. It is not a rural landscape – certainly not in terms of the Southern Midlands municipality where rural landscapes are dominated by properties of at least hundreds of hectares if not thousands. The use of the term 'suburban' to describe an area with 1 hectare average lot sizes is incorrect. The proposed houses will be on the mid-slope of the hill. In fact they will not be as high in elevation as several existing houses in close proximity on the eastern side of the hill facing the valley proper – and are consequently very visible indeed. It is unrealistic to believe that new development will be entirely invisible. Change happens, especially in areas such as this on the fringe of a metropolitan area where change occurs more often than in suburbia or a genuine rural area. It is not correct to state that the rezoning will lead to a situation worse than Brighton. To the contrary, the suite of BMSP recommendations will stop that occurring. This is by back-zoning the expansive valley floor to a rural zone and locating new rural living land adjacent to existing rural living areas in relatively discreet opportunities off to the side of the valley. It is not correct to state that the rezoning will lead to the municipality's 'Empress Towers'. That

	image that with housing all over it, it is just not in keeping with the landscape amenity of the area. It will be worse than what has occurred at Brighton! Perhaps it can be the municipality's equivalent of Empress Towers in Battery Point?	building forms a large dominant landmark in the centre of Battery Point, as viewed from many locations. The Blackbrush Road rezonings will take up a small fraction of the view-field of the Bagdad Mangalore Valley when viewed from the new section of the Midland Highway heading north. It should be noted that the break in slope of the hillside marks the change from Rural Residential A (below) to Rural Residential B (above). Only three new dwellings will be possible above the break of slope. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* This rezoning and subdivision of the land will have an impact on Mangalore in many ways, including: • The threatened forest community Eucalyptus ovata dry forest (DOV – endangered – this is the last patch in the area) as well as two threatened plant species (Vittadinia gracilis and Carex tasmanica) will be directly impacted upon by the rezoning of the PID 5018461. Council has not done the assessments that would be required by any other developer to rezone land, is it above the law and the requirements of LUPAA? Are they going to tell the Australian Government under the EPBC Act that the rezoning will bestow rights on the landowner that will see direct significant impacts to a listed plant species, forest habitat used by the swift parrot and the last bit of connecting bushland for the eastern barred bandicoot? We don't think that the Council has made any attempt to understand the significance of their parcel of land to conservation in the region – the same values do not exist in Chauncy Vale!	The land subject to 1.2/2014 was subject to natural values assessment as part of the previous failed combined application. At the same time Council undertook an assessment of the remnant bush on part of its land and found some values that might potentially be worth creating covenants on any new titles to protect. However, this possibility needs to be reconsidered in light of Council's new policy position. Council's policy position in regard to recognising and protecting natural values has recently been crystallised through its development of its new Biodiversity Code for the future planning scheme. This includes a mapped biodiversity overlay, which demarcates the areas of the municipality where Council considers there may be natural values worthy of local protection through the planning scheme and where there is not. This was generated by mapping known particular values and then excluding all patches less than 20 hectares. This reflects Council's policy position that imposing on the free use and development of land to protect natural values in patches less than 20 hectares creates a situation where the economic costs outweigh the environmental benefits. This, in part, recognises the fact that small patches are unlikely to be environmentally sustainable into the future. Council's Biodiversity Code overlay does not cover the subject land - or any land in the vicinity. The exclusion of small areas is consistent with the Federal Department of Sustainability, Environment, Water, Population and

		Communities' relatively new approach to the EPBC Act of taking a 'strategic approach'. This recognises the belief at the highest levels that preserving small areas results in too high an economic cost for too little environmental gain. Chauncy vale is part of a consolidated area of reserves now well in excess of a thousand hectares, and is therefore likely to be environmentally sustainable into the long term future. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* For the rezonings in Mangalore we know that that the existing water infrastructure cannot meet the needs of the subdivision of land PID 2831342 (the previous failed application to rezone the land involved massive infrastructure costs, the possible use of public land in Mangalore for building a pump station and pipework – all can be avoided by limiting growth to the two eastern most properties, these properties are about 8 hectares or possibly up to 20 house blocks), so why is it being rezoned that allows subdivision as a permitted use. Several houses are for sale in the area and there is little sale activity – the same can be said for vacant blocks that are of a rural residential nature in Brighton and towards Tea Tree. We are in a cycle of residential contraction not growth.	It is not correct to imply that the failure of the previous combined rezoning / subdivision application was somehow due to lack of water infrastructure or 'massive infrastructure costs' to fix the problem. Most new rezonings / subdivisions need extension of water infrastructure. In this case a solution had been design and approximately costed in consultation with the (then) Southern Water, and the proponent was aware of the costs. It is noted that the solution would have also made possible the provision of reticulated water to the rural living properties further west on Blackbrush Road and Banticks Road. This will again be possible if the proposed rezoning goes ahead. Recommendation: No change recommended.
1	*(This comment also applies to 1.3/2014)* The Council 22 January 2014 Minutes of note are: *'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*	The proposed rezonings do not constitute 'sprawl'; they are adjacent to and an extension of the existing Mangalore rural living area and in fact bridge a gap between that area and the Banticks Road / Blackbrush Road rural living area. They constitute infill and consolidation. Southern Midlands Council has a good record in preventing rural living sprawl, as evidenced by: • The back-zoning of the extensive rural residential zoned area up East Bagdad Road through the 1998 scheme. • The current proposal to back-zone the valley floor. • The clear contrast between the Bagdad Mangalore valley and nearby parts of the

	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. *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.* Areas 2 and 3 contribute directly to 'sprawl', which is inconsistent with the assertion of Council in the minutes. It is reasonable that the three parcels at the eastern side of Area 2 are rezoned, they are in the 'town' and have direct road linkages and existing water services.	Brighton municipality. The proposed amendments at Blackbrush Road conform to the well-considered principles behind the BMSP and the Southern Tasmania Regional Land Use Strategy. Recommendation: No change recommended.
1	It is unclear to us as to why Council is rezoning land owned by it, without any declaration of a conflict of interest in the minutes of the meeting, nor any assessment of what other uses it has. It is obvious that the Council intends to rezone the land, claim that it is now for residential use and that it should therefore dispose of it. The Council has a clear yet undisclosed conflict of interest (4 years on and it has still not been made clear in the minutes of Council meetings) in the future subdivision of the PID 2831342, and its own Land (PID 5018461). We are disappointed that such a pecuniary interest and conflict have not been revealed to the community or reflected in the Minutes of meetings which Council unanimously approve. Clearly the sale of this land for profit means that a parcel of land ideally suited to public open space, recreational activities and nature will be lost to the local community. The pony club arena does not provide for several activities, such as nature experiences for locals.	Neither Councillors nor council officers have a pecuniary interest or conflict of interest in the rezoning of the Council-owned land. The Council-owned land is not public land and is not open to the public. Council purchased it approximately twelve years ago to enable Blackbrush Road to be straightened, widened and the footpath constructed. Council has always intended to sell the land, (except for the portion that was excised to add to the road reserve of Blackbrush Road.) Money from all Southern Midlands ratepayers was used to purchase the land – mainly for the benefit of the local Mangalore community that are the main users of Blackbrush Road and the footpath - and it is right and proper that all the ratepayers eventually benefit from its sale. Recommendation: No change recommended.
1	If Council's approach is approved then Mangalore will be geographically larger than Bagdad yet has no shop, no services no nothing. The structure plan has failed in its most basic of assessments – what structures are required, where are they required, what	It is not correct that Mangalore would be geographically larger than Bagdad if the rezonings go ahead. The village of Bagdad is clearly much larger in terms of number of dwellings and population. In

	needs to be built, and what can be developed now with the structures we have. It is a classic case of poor planning to meet a rezoning ends, nothing more. The Commission should reject many of the amendments as they have no basis in sound planning or community interest.	terms of geographic area, the rural living land surrounding Bagdad is many times larger than at Mangalore. The settlement of Mangalore has community and recreation facilities at the Mangalore Recreation Ground readily accessible by walking and cycling. The idea that the population of Mangalore could support a shop is quite unrealistic. It is even more unrealistic to suggest a school might one day be located there. The reality is that the population of Mangalore will not be sufficient to sustain higher-order services such as a school or even a local shop until the population is increased by much more than would be possible under the currently proposed rezonings. The population would need to increase by orders of magnitude. Even then, a school will never be built at Mangalore – give the close proximity of schools at Bagdad, Brighton and Kempton. A population increase necessary to support some higher-level services will only be possible after the Bagdad Bypass is built and the lower areas of Mangalore close the current highway are sewered and rezoned to allow for village-density development to proceed. This eventuality is likely to be decades away. Recommendation: No change recommended.
5	*(This comment also applies to 1.3/2014)* I refer to your letter of 31 January 2014 advising our clients Hunter Heritage Developments of the public notification of Draft Amendments 1.1/2014 – 1.10/2014 and specifically in relation to Draft Amendments 1.2/2014 and 1.3/2014 which proposes rezoning of their land at Blackbrush Road, Mangalore (CT 152939/6). We write in support of the Draft Amendments as proposed. As Council are aware the subject land was part of a previous Draft Amendment for rezoning which was rejected by the Tasmanian Planning Commission in early 2012. However, as Council is also aware, one of the significant factors in the decision of the TPC was that it was not part of a larger package of amendments which gave fuller	Support noted.

	implementation of the recommendations of the Bagdad Mangalore Structure Plan. The Draft Amendments now proposed by Council are therefore consistent with this previous consideration.	
8	*(This comment also applies to 1.3/2014)* The majority of the land proposed for rezoning, owned by Heritage Hunter Developments is agricultural land and should be retained as such, as intended by the objectives of the Planning Scheme. For a number of years now this has been used for high value cropping (poppies and barley). The land is un-irrigated but is clearly of sufficient quality to generate high yields and a good commercial return. Following this year's cropping, the paddocks have now been land stocked with sheep.	Not agree. The agricultural report provided to Council during the previous combined application process indicated the land is marginal. A 'helicopter view' of the area reveals that the good quality agricultural land is located on the flat land on the valley floor where there are better quality and deeper soils, large titles, access to some irrigation water (and potentially more in the future) and large separation distances to dwellings. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* The proposed rezoning is not in keeping with the rural landscape, nor the lifestyle or amenity of the occupants of the surrounding land in and near Mangalore.	Not agree. The overall nature of land use and development in and around Mangalore is that of rural living. The rezoning fits with this in terms of lifestyle and landscape. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* The Southern Midlands Planning Scheme is currently subject to a statewide planning scheme restructure. It is our understanding that the Southern Midlands Planning Scheme has not been officially ratified. What then is the context for these amendments?	Explanation: The proposed amendments are in concordance with the draft Southern Midlands Interim Planning Scheme endorsed by Council in February 2014 and submitted to the Minister for Planning.
8	*(This comment also applies to 1.3/2014)* The Council has not undertaken any studies (traffic, flora and fauna, suitability of the land for residential requirements etc.) to support the proposed rezoning. Given that subdivision and development is the inevitable outcome of these amendments, one would expect that the Council should investigate whether these blocks of land are suitable for the use implied by the rezoning.	These studies have been undertaken – as part of the previous combined application for rezoning and subdivision. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* The logic for the rezoning of these particular parcels of land is wholly dependent on the Bagdad and Mangalore Structure Plan. This plan is fundamentally flawed and the	The Bagdad Mangalore Structure Plan (BMSP) provides a holistic vision for the future development of the Bagdad Mangalore valley. Comments from DIER regarding public transport are general comments against all rural living land.

	Council has received adverse comments from senior officials at DIER and DEDTA as to the relevance of the plan and the strategy outlined in it with particular reference to public transport. The plan relies on insufficient or poor research. In the case of the village of Mangalore, it completely fails to provide any direction as to the future services and amenities required by the people who live here. Nor is there any thought given to the services and facilities that would be required when the population of Mangalore has trebled, which would be the logical outcome of the plan if implemented. Sadly, local resident feedback about the plan has been ignored. Finally, the plan manifestly supports residential property development in areas where private development plans are well articulated and fails to take a holistic view of the area from a top down approach – which is why we have an independent and elected Council. The Structure plan is a perfect example of the tail wagging the dog.	The proposed rezonings at Mangalore will create rural living opportunities that are better services than most rural living land around Greater Hobart. The BMSP has been well research and developed by qualified and experienced planning consultants. The population of Mangalore will not treble as a result of the proposed rezonings. Furthermore, some land (area 1) is proposed to be back-zoned. The settlement of Mangalore has community and recreation facilities readily accessible by walking and cycling at the Mangalore Recreation Ground. The clear reality is that the population of Mangalore will not be sufficient to sustain higher-order services such as a local shop until the population is increased by much more than would be possible under the currently proposed rezonings. The population would need to increase by orders of magnitude. This population increase will only be possible after the Bagdad Bypass is built and the lower areas of Mangalore close the current highway are sewered and rezoned to allow village-density development to proceed. This eventuality is likely to be decades away. The BMSP takes a holistic view of the entire valley. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* Community facilities in the Mangalore area are virtually non-existent. A dirt footpath runs part way along Blackbrush Rd and the local playground has been removed. Public transport is extremely poor and there are no shops of any kind within walking distance. There are no Council plans to improve these facilities, yet this rezoning and the consequent subdivision and development would lead to as much as a threefold increase in the local population. Given the Council's non-existent plans for services and facilities in Mangalore, Bagdad would seem a much more logical place for large-scale residential development. In	The settlement of Mangalore has community and recreation facilities at the Mangalore Recreation Ground readily accessible by walking and cycling. The representor seems to be unaware of Council's ongoing close working relationship with the local community in planning and developing community facilities at the Mangalore Recreation Ground. The representor also seems to be unaware that the playground has been reinstalled (and upgrade). The gravel footpath along Blackbrush Road from Mountford Drive to the bus stop area at the highway junction is of a standard suitable for a rural living area. The density of development cannot economically sustain a sealed footpath at present. The proposed rezonings will ultimately

	Bagdad facilities already exist and commercial zonings are in place to enable provision of these facilities into the future.	result in the extension of the footpath further up Blackbrush Road. This was a planning permit condition in the previous failed combined permit application. The rezoning will not provide for a three-fold increase in the population of Mangalore. As stated above, the clear reality is that the population of Mangalore will not be sufficient to sustain higher-order services such as a local shop until the population is increased by much more than would be possible under the currently proposed rezonings. The population would need to increase by orders of magnitude. A school will never be built at Mangalore – given the close proximity of existing schools at Bagdad, Brighton and Kempton. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* It is astounding that the Council can act in support of the upscaling of the Stornaway Quarry, which will send many large trucks down our narrow village road each day, and now also propose rezoning that will ultimately significantly increase the population along that road.	The expanded operating parameters of the exiting quarry is conditional upon Blackbrush Road being upgraded. The operators have made an offer to council to fund the upgrading work. The traffic impact assessment of the operation, taking into account the road upgrading, is acceptable. Note also that if the subdivision of the subject land occurs, further upgrading will be required including the provision of a footpath (as per the requirements of the previous failed combined planning application). Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* Our house sits on top of the hill above Area 3. Our driveway is a private right-of-way that runs from Blackbrush Rd up the side of Area 2 and Area 3 in these Draft Amendments. In 2006 Council rejected an application to allow us to acquire the narrow strip of land that forms our driveway. Rezoning of Area 2 and Area 3 and the consequent subdivision (which will occur as the owner will have rights bestowed upon them to subdivide the land without the need for further consultation) will significantly impact access to our house. For example, the	The 2006 rejection of the application to create a long access handle to the representors' land was based on the fact that it would thwart future desirable road connections. Whilst the land had not been rezoned at that point in time for rural living purposes, its highest and best use as rural living land was considered to be likely. The representors title is accessed by a very long driveway over the mentioned right-of-way. Such a long driveway is not good planning. Nevertheless, the block exists as it is. The subdivision of areas 2 and 3 will remedy the situation somewhat by providing public road access to the driveway part way along it, significantly shortening its length. This will also

	subdivision proposed in 2010 of this land by owner Heritage Hunter Developments would have resulted in our driveway crossing the land of four separate owners. The current proposed rezoning of Areas 2 (now denser than originally proposed) and Area 3 would conceivably result in as many as eight separate owners. Naturally, this raises concerns for us in ensuring reasonable access to our home.	result in less maintenance costs for the owners of their land. (They could, of course, continue to use the full length of the right-of-way, but this would appear to be illogical). In summary, the proposed rezoning and subsequent subdivision will improve the representors' access arrangements, not worsen them. Recommendation: No change recommended.
8	*(This comment also applies to 1.3/2014)* We remain concerned about the Council's independence in proposing a rezoning that includes a significant parcel of land owned by the Council itself. Once the land is rezoned the Council will sell it for subdivision and development - at a significant profit and to the detriment of existing residents, as Mangalore has no open natural areas that are otherwise accessible to the community or visitors.	The Council-owned land subject to the rezoning is not public land and is not open to the public. Council purchased it approximately twelve years ago to enable Blackbrush Road to be straightened, widened and the footpath constructed. Council has always intended to sell the land, (except for the portion that was excised to add to the road reserve of Blackbrush Road.) Southern Midlands ratepayers money was used to purchase the land and it is right and proper that the ratepayers eventually benefit from its sale. Recommendation: No change recommended.
8	Furthermore, the Council currently provides no land or services for recreational purposes for the Mangalore community beyond a small playground (the Pony Club is owned and maintained by Brighton Council).	This is not correct. The Mangalore Recreation Ground – of which the Pony Club is one user – is not owned and maintained by Brighton Council. It is owned and maintained by Southern Midlands Council. Whilst the Recreation Ground has an equine bent, the facilities not associated with horses are available to all. This includes the playground, the community hall and toilet facilities. Recommendation: No change recommended.
8	Over many years, Mangalore residents have repeatedly expressed their concerns about the extent to which the Southern Midland's Council is willing to respond to the needs of our small community. It is not a wealthy community and looks to the Council to protect its interests against those with profit driven commercial motives. We fought against the tip, we've got the quarry, and now the Council is proposing rezoning amendments in support of a powerful developer with deep pockets. Perhaps the Council could represent us?	The proposed rezonings are in keeping with overall tenor of this part of the Mangalore area, which is rural living in nature. It is through development that facilities can be improved. In the last twelve years Council has significantly upgraded Blackbrush Road up to the Mountford Drive area, including the construction of the footpath. The rezoning and subsequent subdivision will see the Blackbrush Road upgrade pushed further west, including the footpath. It will also see a larger area potentially serviced with

		reticulated water. The representor themselves occupy a rural living block. Change had to occur to create that. Recommendation: No change recommended.

10.3.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.2/2014

DECISION

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

10.4 AMENDMENT 1.3/2014

10.4.1 The Draft Amendment:

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 Blackbrush 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

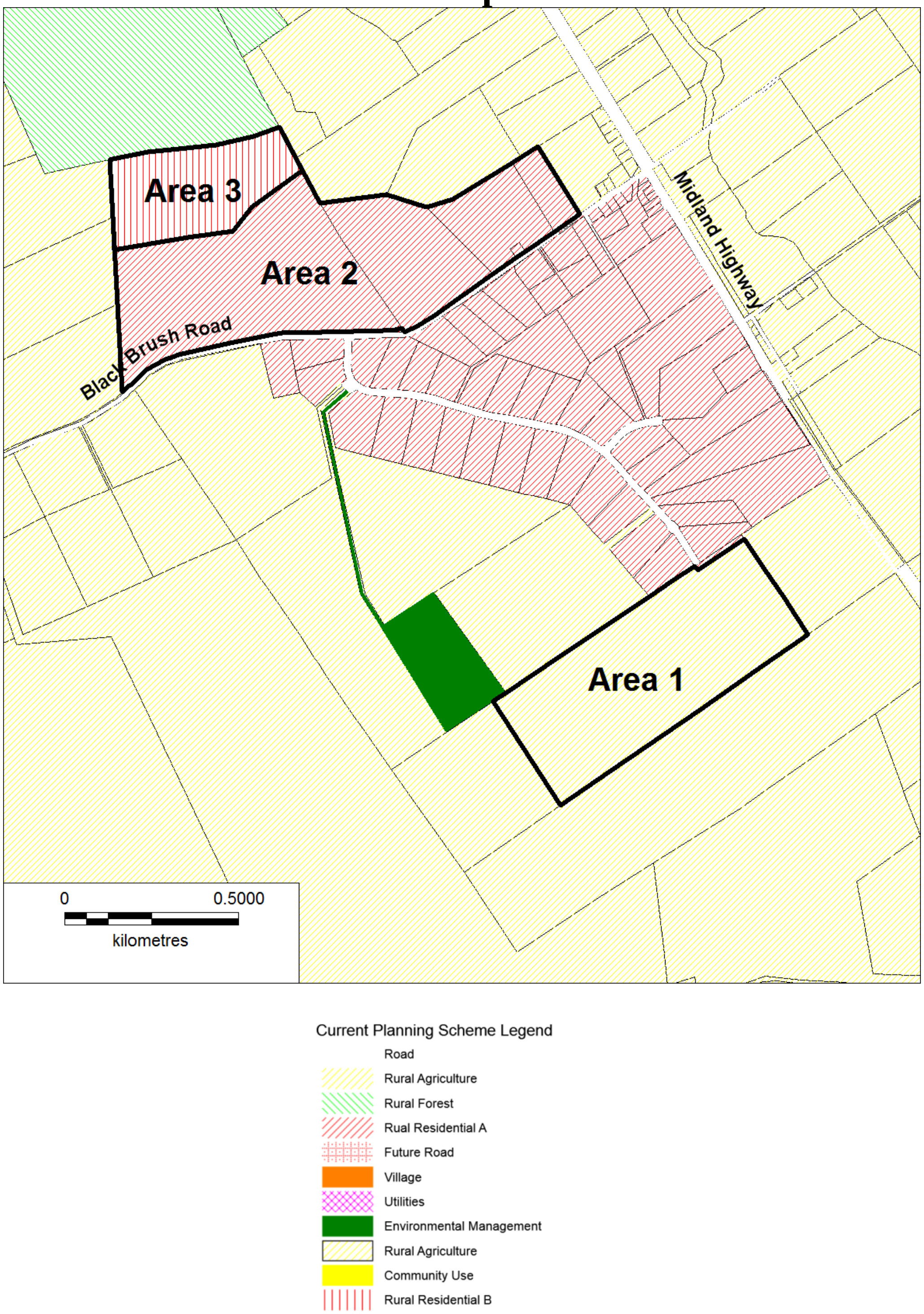
Passed the 22nd day of January 2014 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.3/2014
PLAN
Area 3 on the plan below:



Landowners subject to the amendment:

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. Blackbrush Road, Mangalore Tas 7030

10.4.2 Assessment of Representations

No.	Summary of Comment	Assessment
All comments made in respect of amendment 1.3/2014 also apply to amendment 1.2/2014. Refer to previous section for comments and assessment.		

10.4.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.3/2014

DECISION

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

10.5 AMENDMENT 1.4/2014

10.5.1 The Draft Amendment:

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.

<table>
<tr><th>PID</th><th>C.T.</th><th>Area</th><th>Proposed Rezoning</th></tr>
<tr><td>2215179
(Part)</td><td>139490/1
(Part)</td><td>23.6 ha
(of 95.0 ha)</td><td rowspan="8">Rural Residential A
to
Rural Agriculture</td></tr>
<tr><td>2250687
(Part)</td><td>207323/1</td><td>16.7 ha</td></tr>
<tr><td>2250687
(Part)</td><td>139483/1</td><td>104 ha
(of 150.5 ha)</td></tr>
<tr><td>2250679
(Part)</td><td>139367/1
(Part)</td><td>4.0 ha
(of 15.7 ha)</td></tr>
<tr><td>5019341
(Part)</td><td>136058/1
(Part)</td><td>30.8 ha
(of 141.6 ha)</td></tr>
<tr><td>7820933
(Part)</td><td>138017/1
(Part)</td><td>34.9 ha
(of 125.0 ha)</td></tr>
<tr><td>1517052</td><td>101987/100</td><td>0.39 ha</td></tr>
<tr><td colspan="2">Total area:</td><td>214.39 ha</td></tr>
</table>

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

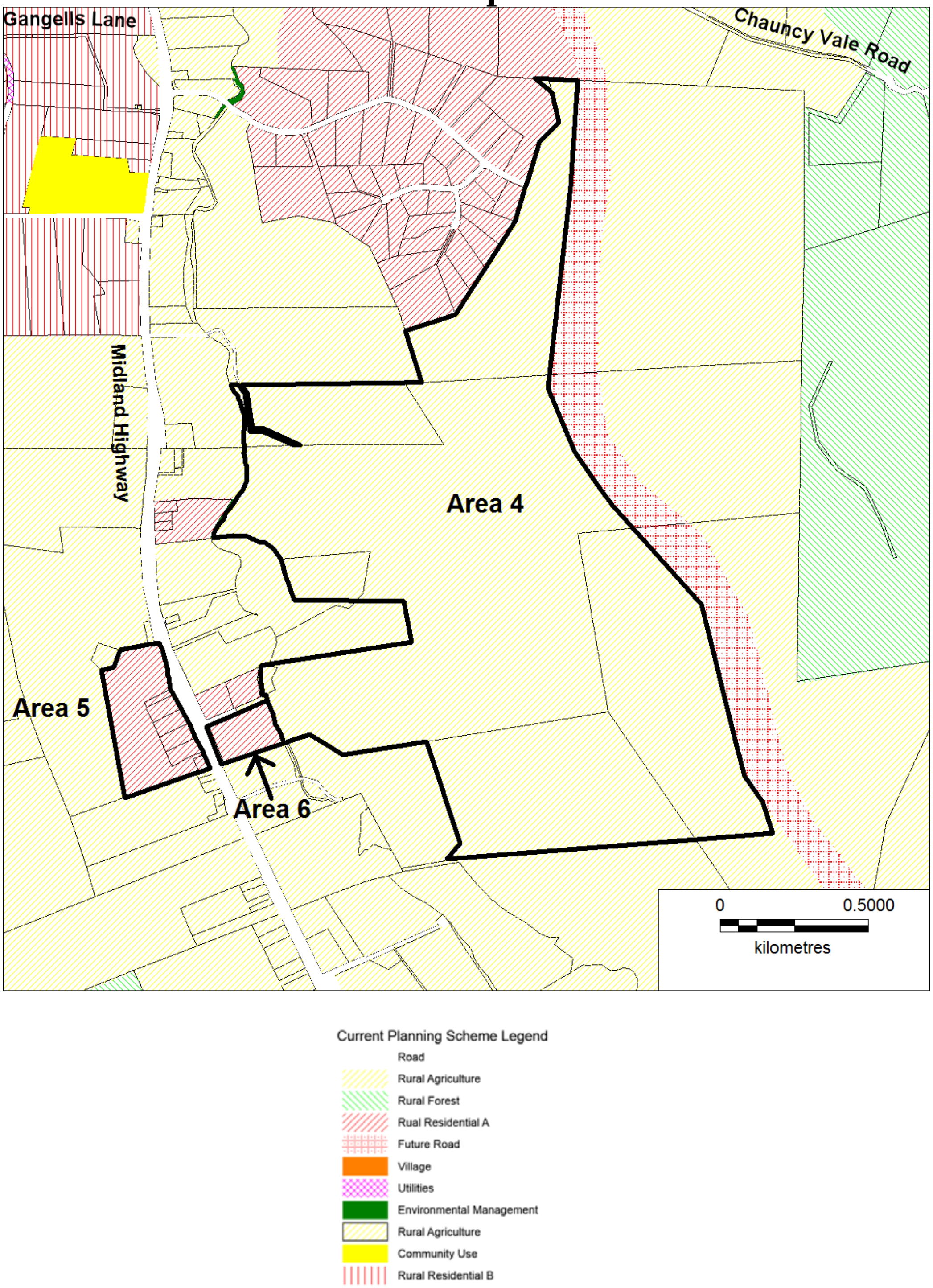
Passed the 22nd day of January 2014 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.4/2014
PLAN
Area 4 on the plan below:



Landowners subject to the amendment:

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		

10.5.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	This seems like a sensible rezoning given the current zoning is not compatible with the agricultural use of the land. It also takes any future residential 'pressure' off the proposed new Midland Highway alignment.	Support noted.
9	The proposal to rezone the land is unconscionable. Owners of land in the area	In 2003/4 DIER undertook and extensive strategic planning and public consultation exercise to

	Bagdad area have, for many years, been inhibited from taking positive action to use their land to their best advantage, as a result of the uncertainty over the numerous proposals to reconstruct the Midland Highway on a new alignment. This uncertainty has resulted in owners of land being confronted by barriers to the appropriate use of their land. At 'Glen Avon', development of an irrigation system was inhibited by this uncertainty until some apparent certainty was seen, at which time a new dam was constructed and a pivot irrigation system was installed at considerable expense. It now seems that the alignment of the new highway will be moved further west, which will result in the destruction of this valuable irrigation system. Who knows how many more attempts will be made to locate the alignment of the new highway? This is a matter entirely beyond Council's control, but leaves landowners in limbo as to the highest and best use of their land. Before Council attempts to rezone this land, it would be well advised to achieve certainty over the alignment of the new highway. How else can it intelligently engage in planning in an area which possesses a school and numerous other community facilities which are capable of being utilised by and increased population and should be so utilised. Once that certainty is obtained, the appropriate planning of the area can be considered. It must be considered in the context of severance of titles by the highway. In the case of 'Glen Avon', if the latest proposal is adopted, its use as a viable irrigated farm will be destroyed. In this event, how can a rezoning from Rural Residential to Rural be justified? Worse still, the latest proposal would leave land to the east of the highway of such size, nature and quality as to be useless for agriculture – even if connected by an underpass.	determine the location of the highway bypass of Bagdad and Mangalore. In 2005 Council amended its planning scheme to reflect the identified route. In 2010 DIER undertook a revision of the route and made a number of changes to the alignment – one of which is on the representor's land. Unfortunately the 2010 change has thrown some doubt into the minds of landowners about the permanency of that preferred route. Whilst in reality the 2010 route is probably the final alignment, the fact that it was changed from the 2003/4 version has caused doubt to arise. The State / Federal governments have not commenced acquisition of the route – which would fix its location permanently. The plight of impacted (and potentially impacted landowners) caused by this level of doubt is understood. However it is not accepted that this should stop the proposed rezoning of area 4 from going ahead. The issue of agricultural viability of a particular title (at a point in time) is just one consideration as to whether land ought to be rural or rural residential. Other considerations are: • Land capability. • The surrounding district. • The size of the subject title and titles in the surrounding district. • Existing and potential irrigation – including long term potential irrigation. • Access to the road network. • Other services. • Proximity to sensitive uses. • Landscape issues. The subject land has been zoned rural residential for many years and has not been subdivided. Whilst the uncertainty around the future Bagdad Bypass may have played some role in it non-development for rural living purposes, from a

	It is our submission that the present zoning be left unchanged until a final route, design, impact on the community and landowners is determined and, importantly, funding secured.	statutory planning point of view the bypass has been fixed in the planning scheme since 2005. The reality is that the land is economically landlocked, as its subdivision would necessitate significant roadworks outside the land title to connect to the council road network and Midland Highway. Crossing the Bagdad Rivulet is a major challenge in this regard. Recommendation: No change recommended.
9	The land is not agricultural land - for the most part it is not arable land and never will be. The future of agriculture in Tasmania lies not in farming small areas of land or grazing on marginal land, but industrial scale ventures supplied by adequate irrigation water supplies and employing expensive infrastructure, technology and all forms of quality control. If the whole of the Bagdad Valley remaining after the bypass alignment is determined is critically examined, it will be quickly established that it has no potential to form part of the new face of agriculture in Tasmania, which will be established if Tasmania is to be even remotely competitive in the global economy. The area of arable land is simply not large enough (even if owned by a single owner) to be sustainable economically. This fact alone should be the determinant of Council's proposal to rezone the land as agricultural land. Council should abandon the proposed rezoning immediately, and seek to influence the design of the highway (including access and egress to and from it, and where needed, under it) to serve the interests of all residents and owners in the Bagdad community.	As indicated above, the issue of agricultural viability of a particular title (at a point in time) is just one consideration as to whether land ought to be rural or rural residential. The subject land does contain substantive areas of good river flat alluvial soils able to be irrigated. The future of agriculture is trending towards 'industrial scale' enterprises. However the future cannot not be predicted, nor can the advent of future niche products and markets that might suit smaller scale operations. Recommendation: No change recommended.

10.5.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.4/2014

DECISION

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

10.6 AMENDMENT 1.5/2014

10.6.1 The Draft Amendment:

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

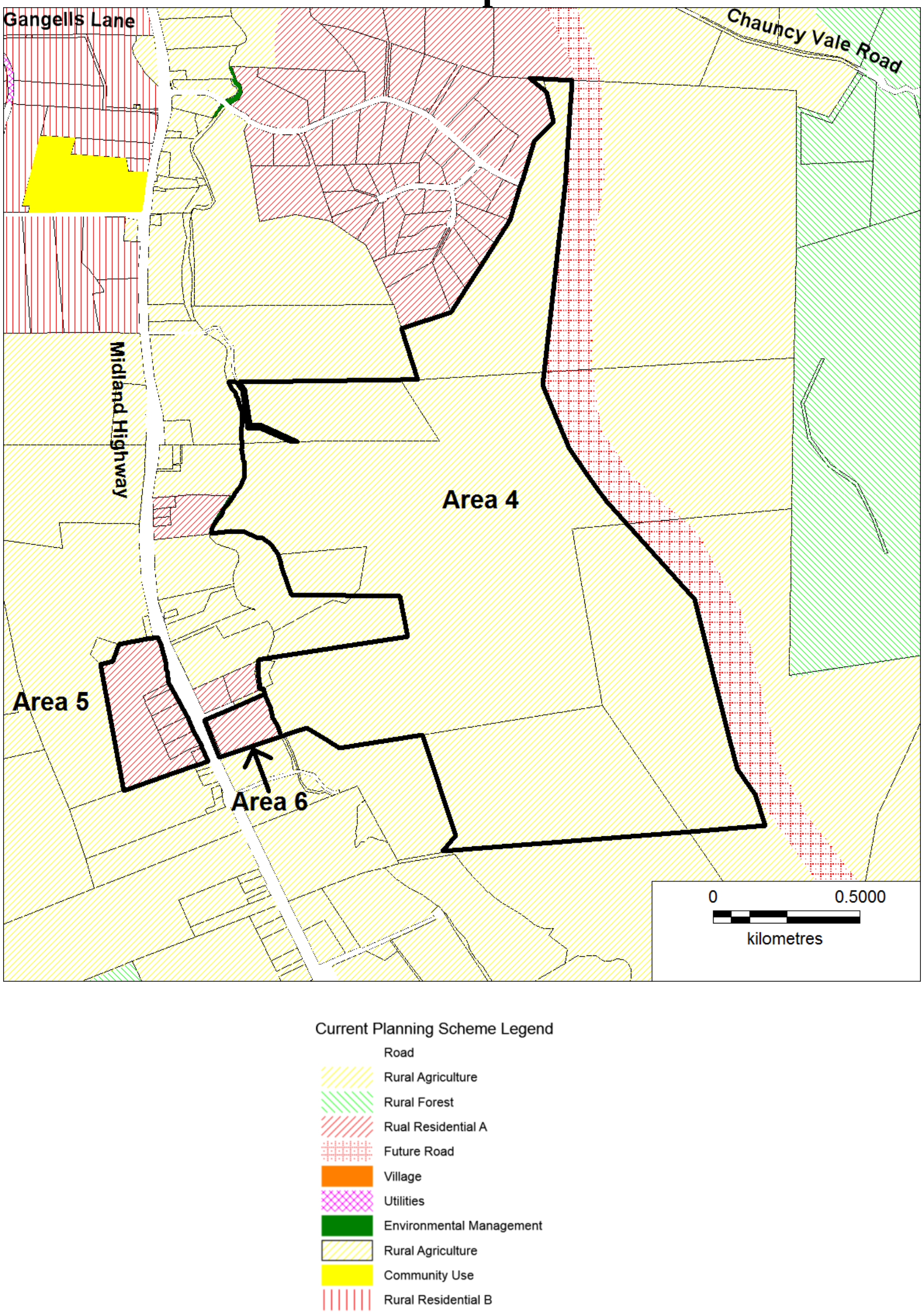
Passed the 22nd day of January 2014 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.5/2014
PLAN
Area 5 on the plan below:



Landowners subject to the amendment:

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		

10.6.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	*(This comment also applied to 1.6/2014)* These rezonings are obviously associated with an existing area of residential style/use. It is odd however that the cluster of houses has been identified as the further subdivision of the land behind the existing houses (west of the highway) and also of the land on De Camera Rd (east of the highway) will intensify the use of the existing junctions onto a Category 1 road – Midlands Highway. Has DIER been consulted on this? I am aware that DIER have been asked to examine and improve the highway through Mangalore and Bagdad as they identified no less than 26 accesses onto the highway in a relatively short distance of highway. If these parcels of land are being rezoned then why aren't the other residential blocks east of the community centre (access online centre) in Bagdad (the centre is currently zoned community use in the Mid Valley Area maps).	DIER has been consulted and made comment. No objections were raised to the De Camera Rd rezoning – which would only allow one new lot in any case. Recommendation: No change recommended.
1	It is also odd that Area 5 is not the same as that identified in the BMSP. There is no explanation as to why the area in the BMSP is not the same as that in the Amendment.	Area 5 has been reduced to avoid the steep and very visible hill side to the rear. Recommendation: No change recommended.
1	*(This comment also applied to 1.6/2014)* Area 5 and 6, although seemingly sensible don't make complete sense as several other areas along the highway are equally built up (housing) but are not proposed to be rezoned to residential, even though they are in practice used for residential purposes. It is also at odds with the BMSP objectives – 'Limit further development along the spine of the corridor outside walkable catchments, particularly in areas of productive land'. What is a 'walkable catchment', the catchments are Bagdad Rivulet and Mangalore Rivulet. These have nothing to do with where people live and the centres of villages. The walkable areas in the BMSP just seem to have been drawn to support the rezoning that they contain, without any clear	Other built up areas along the highway do not have access via an existing side road or are too far from the identified nodes in the BMSP, or are too close to good agricultural land. Areas 5 and 6 meet the BMSP parameters. They are within walkable distance of the post office/ shop / service station and the Bagdad School and church. 'Walkable catchments' have nothing to do with waterway catchments. Recommendation: No change recommended.

	thought of where people are walking from and too.	
2	The existing service station at 41 Quarrytown Road is an established use, operating seven days a week and selling fuel 24 hours a day. It services a range of vehicles, including heavy vehicles travelling on the Midlands Highway during night hours. Heavy vehicle traffic can be expected to generate noise through the use of engine brakes when slowing down, when idling on the site, and after refuelling when their engines are started and they accelerate away. The nature of traffic generated by this land use is therefore different from the type that could typically be expected from a service station within an urban area. The service station currently operates under existing use rights however it is understood that Council seek to give the existing use discretionary status under the incoming Southern Midlands Interim Planning Scheme. The proposed rezoning of 11.3ha from 'Rural Agriculture' to 'Rural Residential A' presents a strategic issue in that it would allow for increased residential density around and in direct proximity to an existing truck stop that operates 24 hours per day/7 days per week (refer to Figure 1). Under the proposed zoning, land within 'Area 5' could be subdivided to a minimum lot size of 0.5ha. At present there are six dwellings over 11.3ha and no further subdivision is permissible under the current zoning. The proposed zoning would allow for the residential density of this area to increase from 0.5 dwellings/ha to 2 dwellings/ha. Significantly, the rezoning would allow for the adjoining land at 49 Quarrytown Road to be subdivided for rural-residential use. The permitted standards would allow for dwellings could be built within 5m of side boundaries and 10m from the street frontage. The increased number and proximity of sensitive receivers in relation to the truck stop could potentially increase noise complaints to Council and put pressure on an existing business, who would be obliged to not cause an 'environmental nuisance' under the Environmental Management and	The proposed zoning is a rural living type zone; a low density zone. It would not lead to new dwellings clustered in close proximity to 41 Quarrytown Road at suburban separation distances. It is noted that, whilst the minimum lot size in the Rural Residential A zone is 0.5 ha, the density is set by a minimum average lot size of 1 ha. The density would not be 2 dwellings per ha, but 1 dwelling per ha. New dwellings made possible by the rezoning would not be closer than the existing dwellings neighbouring to the south of 41 Quarrytown Road, and most would be further. The whole area is exposed to the highway traffic and associated noise. The property is also a post office and local shop, which is an appropriate use to be conveniently located close to residences. Notwithstanding all of the above, it is agreed that the standard minimum side and rear boundary setback distance of 5 m in the Rural Residential A zone is too small for any future new dwelling on land at the rear of the service station / post office / shop. Recommendation: That special provision be made for standard minimum boundary setback from 41 Quarrytown Road to be larger than 5 m. A distance of 30 m is proposed.

	Pollution Control Act 1994. The potential land use conflict could arguably be in conflict with the Schedule 1 objectives of the Land Use Planning and Approvals Act 1993, which the draft amendment must be consistent with. We therefore request that this matter be carefully considered by Council and the Commission. If the Commission consider that the rezoning is of overriding strategic benefit, we request that appropriate development controls be considered as part of the amendment to mitigate the potential for acoustic impacts.	
7	We acknowledge advice in regard rezoning of our property 49 Quarrytown Road – (C.T.134943/1) from Rural Agriculture to Rural Residential A. We are in favour of proposed plan and look forward to future development.	Support noted.

10.6.3 Recommendation

One change is recommended as a result of consideration of representations regarding Amendment 1.5/2014:

- **That special provision be made for a standard minimum boundary setback for a dwelling from 41 Quarrytown Road to be larger than the 5 m elsewhere in the Rural Residential A Zone. A distance of 30 m is proposed.**

DECISION

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

10.7 AMENDMENT 1.6/2014

10.7.1 The Draft Amendment:

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

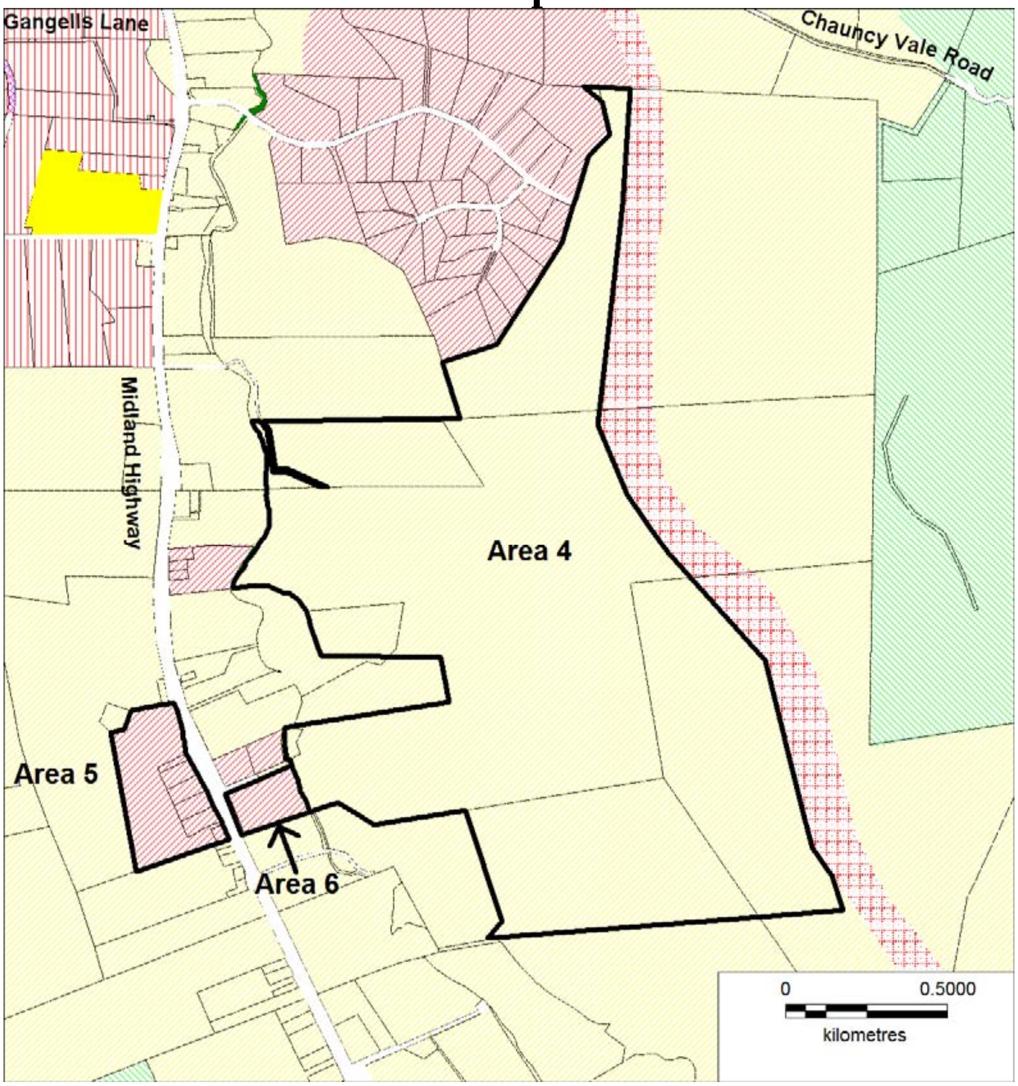
Passed the 22nd day of January 2014 in the presence of

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

Landowners subject to the amendment:

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

10.7.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	*(This comment also applied to 1.6/2014)* These rezonings are obviously associated with an existing area of residential style/use. It is odd however that the cluster of houses has been identified as the further subdivision of the land behind the existing houses (west of the highway) and also of the land on De Camera Rd (east of the highway) will intensify the use of the existing junctions onto a Category 1 road – Midlands Highway. Has DIER been consulted on this?	DIER has been consulted and made comment. No objections were raised to the De Camera rezoning. It is noted that this rezoning would provide for only one new lot. Recommendation: No change recommended.
1	I am aware that DIER have been asked to examine and improve the highway through Mangalore and Bagdad as they identified no less than 26 accesses onto the highway in a relatively short distance of highway. If these parcels of land are being rezoned then why aren't the other residential blocks east of the community centre (access online centre) in Bagdad (the centre is currently zoned community use in the Mid Valley Area maps).	Much of the land around the Bagdad Community Club is already zoned Rural Residential B. Recommendation: No change recommended.
1	*(This comment also applied to 1.5/2014)* Area 5 and 6, although seemingly sensible don't make complete sense as several other areas along the highway are equally built up (housing) but are not proposed to be rezoned to residential, even though they are in practice used for residential purposes. It is also at odds with the BMSP objectives – 'Limit further development along the spine of the corridor outside walkable catchments, particularly in areas of productive land'. What is a 'walkable catchment', the	Other built up areas along the highway do not have access via an existing side road or are too far from the identified nodes in the BMSP, or are too close to good agricultural land. Areas 5 and 6 meet the BMSP parameters. They are within walkable distance of the post office/ shop / service station and the Bagdad School and church. 'Walkable catchments' have nothing to do with waterway catchments.

	catchments are Bagdad Rivulet and Mangalore Rivulet. These have nothing to do with where people live and the centres of villages. The walkable areas in the BMSP just seem to have been drawn to support the rezoning that they contain, without any clear thought of where people are walking from and too.	Recommendation: No change recommended.

10.7.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.6/2014

DECISION

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

10.8 AMENDMENT 1.7/2014

10.8.1 The Draft Amendment:

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

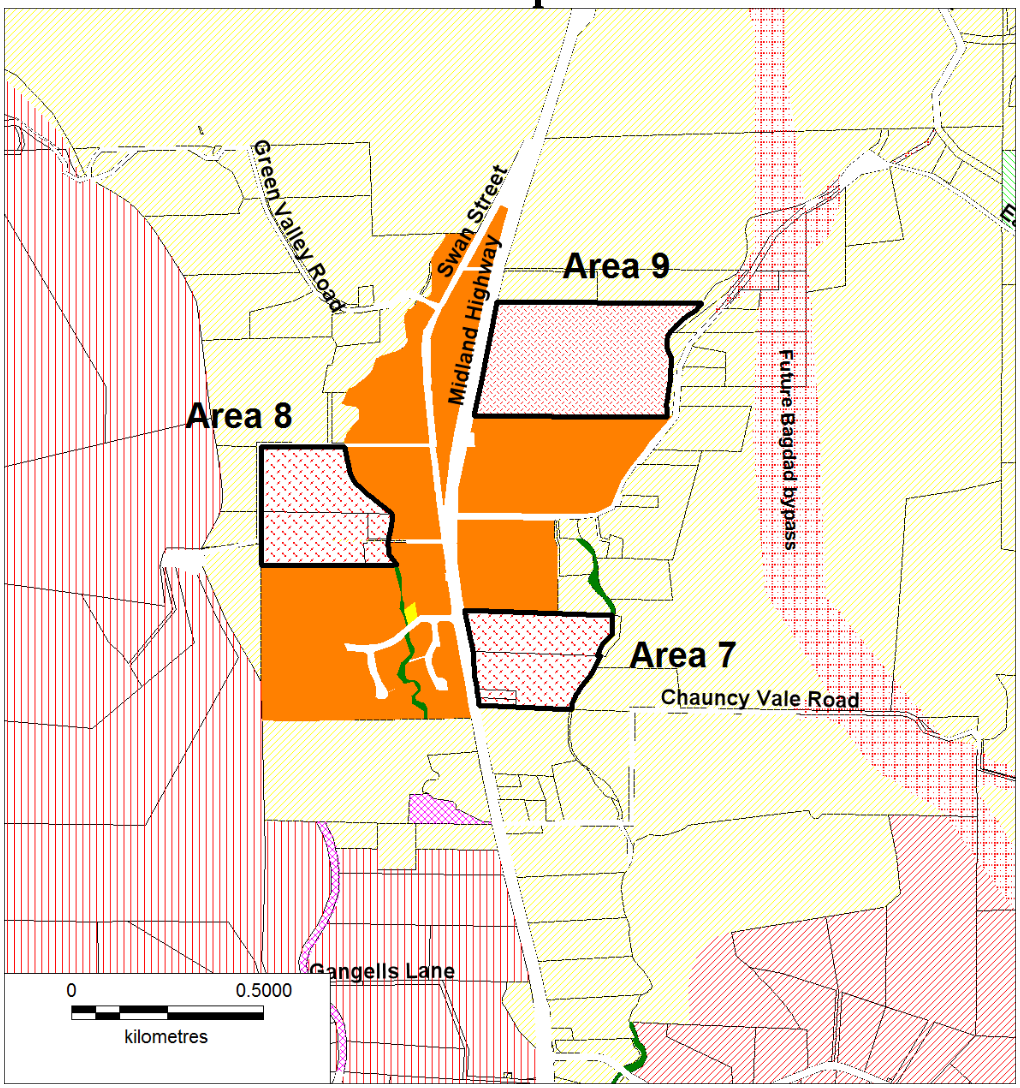
Passed the 22nd day of January 2014 in the presence of

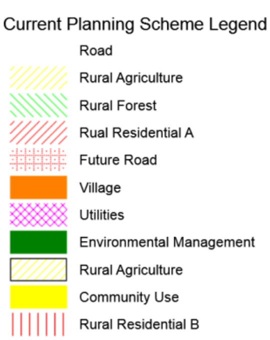
Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.7/2014
PLAN
Area 7 on the plan below:





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
Total area:	2620027	143469/2	3.82 ha		Patterson, Tracey Anne 'Red Cotes' 1844 Midland Highway, Bagdad Tas 7030
			7.79 ha		

10.8.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	*(This comment also applies to 1.8/2014)* The map provided to the public and also within the minutes of the Council meeting (January 2014) is misleading as the proposed future residential zoning of area 8 and 7 is not shown within the legend of that map.	Explanation: The advertised information was not misleading. The amendment documents and the associated maps clearly state that areas 7, 8 and 9 are proposed to be rezoned from Rural Agriculture to Future Residential.
1	*(This comment also applies to 1.9/2014)* These future residential land areas should be rezoned as part of this amendment to make available land to further encourage growth within Bagdad, to enable further increased population in the area to consolidate the boundaries of the village and to also provide a greater number of	This suggestion is considered premature. The practical intent of the Future Residential zoning is to establish a 'town boundary' within which future growth is to be contained and where other uses and development that might thwart future town growth is to be prevented. The Future Residential zone is a *holding zone,* not a *development zone*. The zone is especially not to be

	residents to support the local shops, service station etc.	seen as a way of enabling premature development. A number of factors would have to change before it would be appropriate to undertake a further zone change of this land to enable development to proceed, including: • Two substantial parcels exist that are zoned 'Village' and are yet to be subdivided. These would have to be substantially developed before more development land is made available. It is noted that one parcel is gradually being developed in a series of stages. The other had a subdivision plan approved in the 1990s, but as yet has not been subdivided. • TasWater will need to develop a clear plan to expand the capacity of the Bagdad sewerage treatment facility. This is nearing capacity and currently would not be able to service more land than is currently zoned for development. • Areas 7 and 9 have highway frontage. The best layout of any future subdivision would likely require new street junctions onto the highway. Ideally, therefore, Areas 7 and 9 should await the advent of the Bagdad Bypass. Recommendation: No change recommended.
1	*(This comment also applies to 1.8/2014)* It is odd that additional residential land was not identified along Green Valley Road to capitalise on the existing accesses from that road onto Swan Street and already existing reticulated water to the street.	Explanation: In the vicinity of Green Valley Road the western limit of the Bagdad township should remain limited to the line of the creek. The alignment of Green Valley Road west of the creek is steep and winding, and not suited to increased road accesses. This could be remedied by extensive roadworks, however the three areas already identified are easier to development and together will provide for sufficient land for the expansion of Bagdad into the foreseeable future. Recommendation: No change recommended.
3	We discussed with Council officers around 2 years ago the possibility of sub dividing our land and were told this was not possible until rezonings took place. Draft	The three proposed rezonings in Bagdad are to change land from a rural zone to Future Residential. This zoning flags a long term intention that the land will one day become part of the village area and be able to be subdivided to

	amendment 1.7/2014 shows the land bordering our property is up for rezoning and we wanted to investigate the possibility of our land being included in this.	suburban densities. It essentially preserves the land for this long term eventuality and prevents development that might thwart this happening. However, before the land could be further changed to allow this to happen (e.g. by rezoning to 'Village' or 'Residential'), a number of things would need to occur, including: - Much more of the existing undeveloped land already zoning Village would have to be subdivided and developed. - The Bagdad sewerage treatment facility would have to be upgraded, or a specific plan put in place for its upgrading. - For land requiring new and or significantly intensified access onto the Midland Highway, the bypass would have to be built. In regard to the representors' land, it is not within the area envisage for the long term expansion of the Bagdad village. However, it is next to this land, so that may be a possibility in the very long term - but that would be beyond the current planning horizon. An alternative possibility is that it might one day be suitable for rural-residential type subdivision. One limitation on this occurring at present is the fact that any subdivision would need a new access onto the Midland Highway - or the intensification of use of an existing access. The State Government (Department of Infrastructure Energy & Resources - DIER) controls access onto the Midland Highway. There may even be a formal/ 'limited access' designation on the subject property. The last time the representors spoke to Council officers would have been in the time when Council was optimistic the Bagdad Bypass was going to get funded - and that construction would start when the Brighton Bypass was complete. Until and unless the Bagdad Bypass is built, the current role of the Midland Highway through Bagdad / Mangalore as 'Highway No.1' will mean that development relying on new or intensified access onto it will be severely limited. Recommendation: No change recommended.
4 DIER	*(This comment also applies to 1.9/2014)* In principle, DIER does not object to the Future Residential zoning in Bagdad but advises that development of the land should ideally coincide with construction of the Bagdad Bypass, to minimise impact to an	It is agreed that areas 7 and 9 ought not be further rezoned to enable development until the advent of the Bagdad Bypass. It is likely the best road layout for these areas would include new street junctions onto what is currently the Midland Highway, and it is acknowledged this could not

	active and critical transport corridor. Development of these zones would expand the Bagdad village and this would be better situated within a lower speed environment, which can be accommodated once the bypass is operational. It is requested that a development plan be developed and noise modelling be undertaken prior to rezoning the land for medium density residential development to ensure that adequate buffers are maintained from the existing Midland Highway and future Bypass Corridor.	occur until it becomes a local road. It is noted that the following two factors would also need to change before rezoning to allow development ought to occur: • Two substantial parcels exist that are zoned 'Village' and are yet to be subdivided. These would have to be substantially developed before more development land is made available. It is noted that one parcel is gradually being developed in a series of stages. The other had a subdivision plan approved in the 1990s, but as yet has not been subdivided. • TasWater will need to develop a clear plan to expand the capacity of the Bagdad sewerage treatment facility. This is nearing capacity and currently would not be able to service more land than is currently zoned for development. Recommendation: No change recommended.

10.8.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.7/2014

DECISION

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

10.9 AMENDMENT 1.8/2014

10.9.1 The Draft Amendment:

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

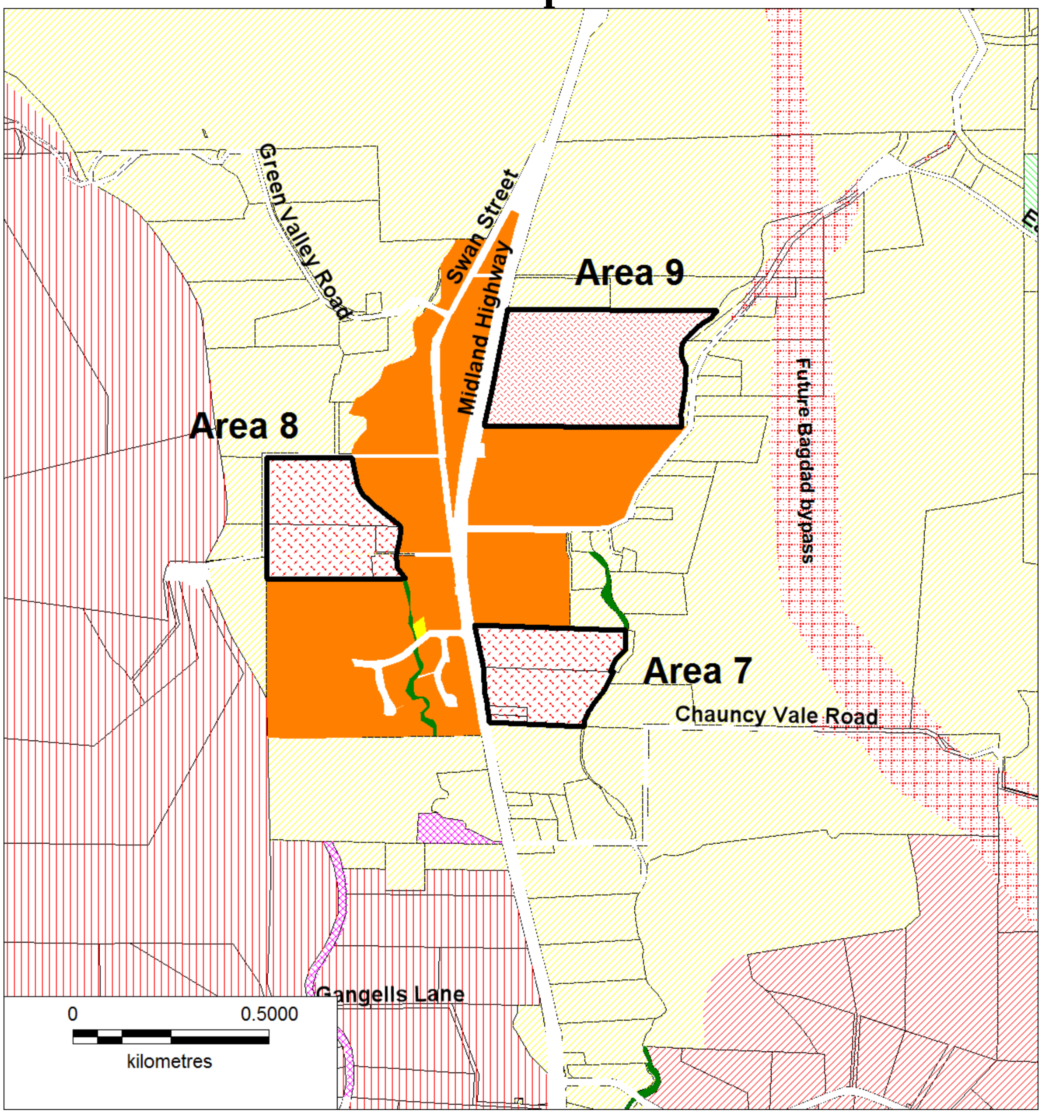
Passed the 22nd day of January 2014 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.8/2014
PLAN
Area 8 on the plan below:



Landowners subject to the amendment:

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		

10.9.2 Assessment of Representations

No.	Summary of Comment	Assessment
A number of comments made in regard to amendment 1.7/2014 also apply to amendment 1.8/2014. Refer above section for comments and assessment.		

10.9.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.8/2014

DECISION

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

10.10 AMENDMENT 1.9/2014

10.10.1 The Draft Amendment:

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.

<table>
<tr><th>PID</th><th>C.T.</th><th>Area</th><th>Proposed Rezoning</th></tr>
<tr><td>7597276</td><td>199860/1</td><td>4.03 ha</td><td rowspan="3">Rural Agriculture
to
Future Residential</td></tr>
<tr><td>7597268</td><td>236689/1</td><td>10.6 ha</td></tr>
<tr><td colspan="2">Total area:</td><td>14.63 ha</td></tr>
</table>

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 ………………………

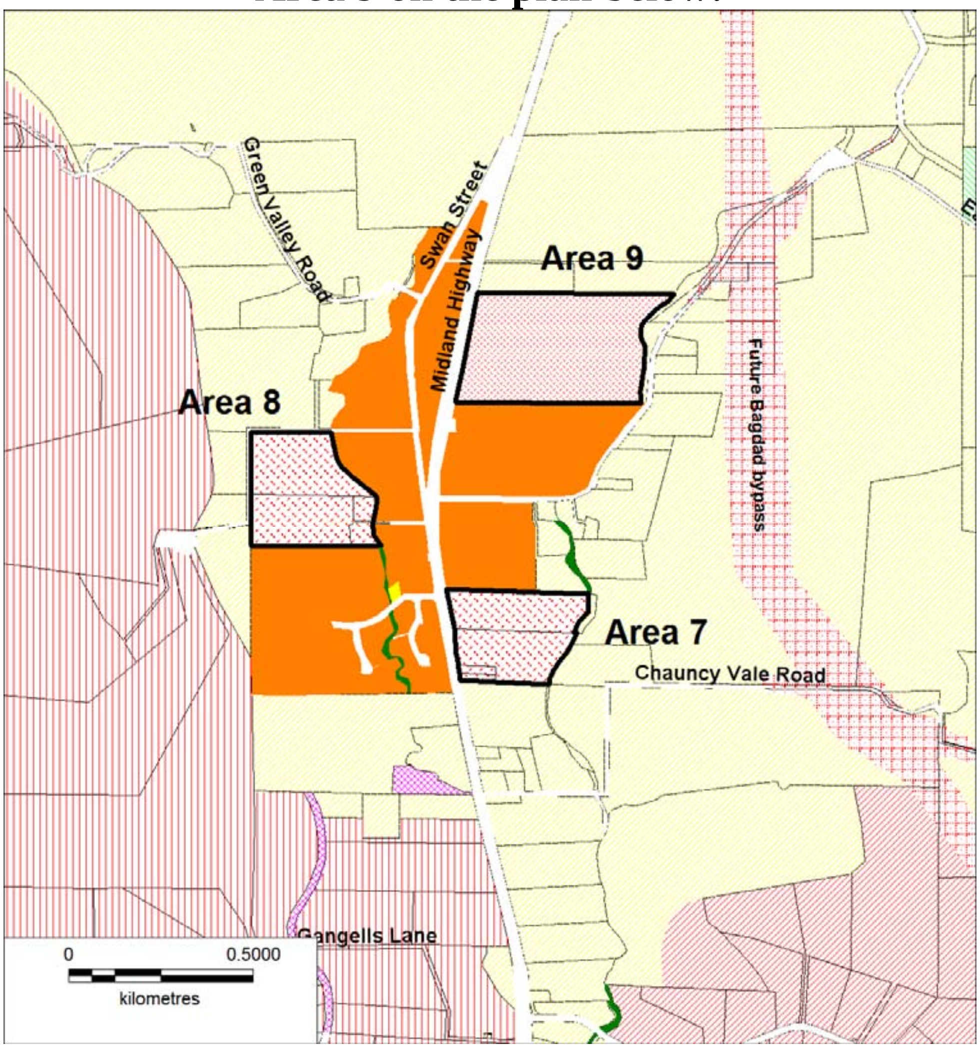
Member ………………………

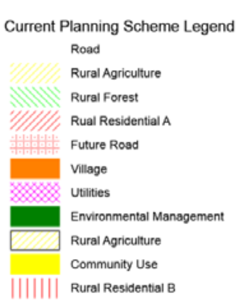
General Manager ………………………

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.9/2014

PLAN

Area 9 on the plan below:





Landowners subject to the amendment:

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		

10.10.2 Assessment of Representations

No.	Summary of Comment	Assessment
A number of comments made in regard to amendment 1.7/2014 also apply to amendment 1.9/2014. Refer to section (10.8) for comments and assessment.		
1	This seems to be a sensible rezoning to further enable the growth of Bagdad, where there is existing services for water, telecommunications, roads/access, shops, service station, school and online centre.	Support noted.

10.10.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.9/2014

DECISION

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

10.11 AMENDMENT 1.10/2014

Amendment 1.10/2014 is a rezoning in the Mangalore area additional to the BMSP recommendations. It 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 local 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, (predominantly the Mangalore Recreation Ground).

10.11.1 The Draft Amendment:

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

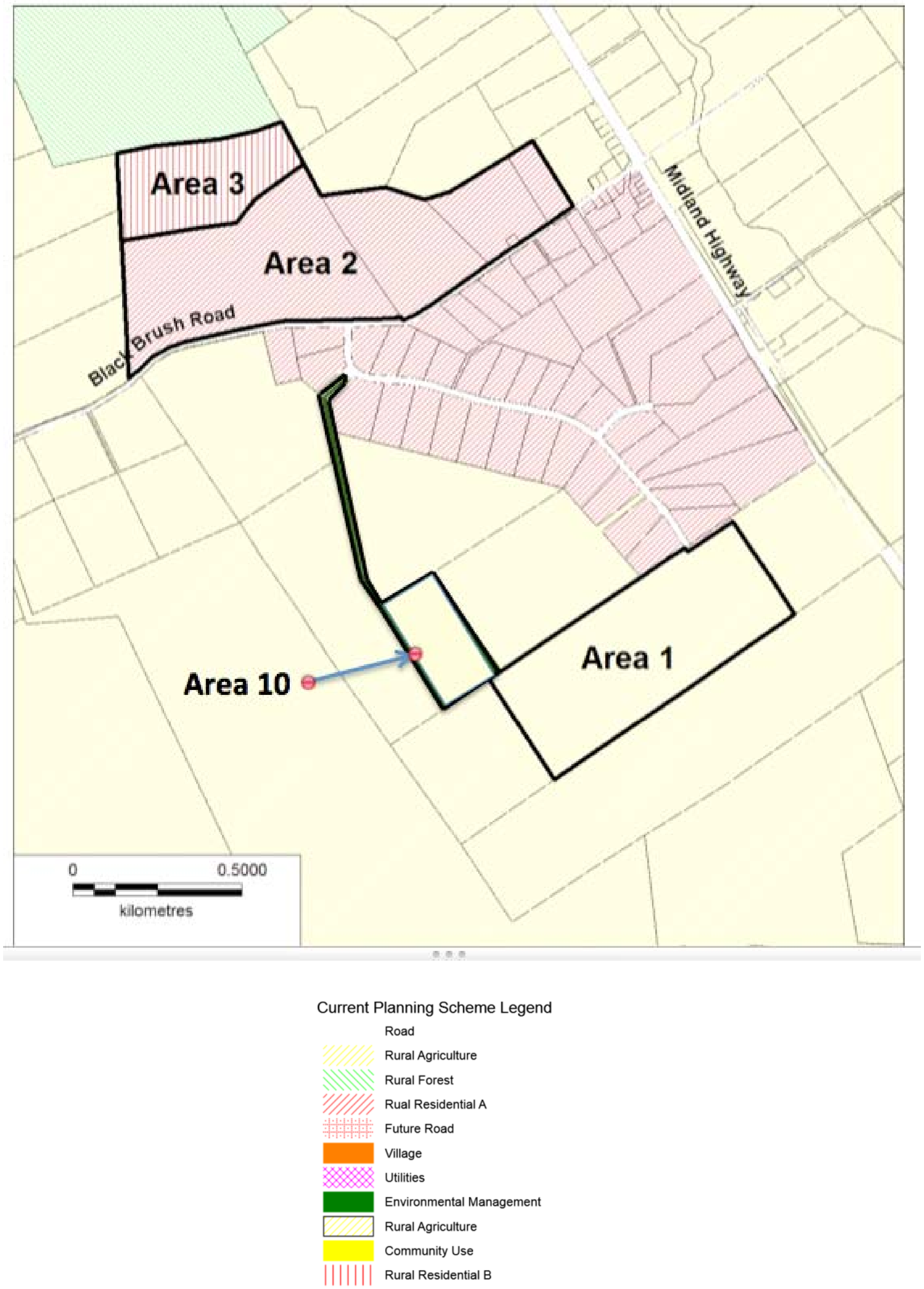
Passed the 22nd day of January 2014 in the presence of

Member ……………………….

Member ……………………….

General Manager ……………………….

SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.10/2014
PLAN



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

10.11.2 Assessment of Representations

No.	Summary of Comment	Assessment
1	It is unclear why Council is disposing of this parcel of land given that it may be required for utilities in the future, such a second reservoir for Mangalore. This would be the sensible location for such a reservoir, especially without the amendments 2 and 3, as to reticulate water to these would require massive cost injection into the development of pipework and pump work on the land involved.	Explanation: The disposal of this land was discussed and agreed with the local community though the first stage of the Mangalore recreation-planning project. It is now all but abandoned by the local community who now utilise the Mangalore Recreation Ground, where Council is improving and expanding the facilities. As agreed with the local community, proceeds from the sale of this land are to be directed to improving facilities on public recreation land in the area, predominantly at the Recreation ground. The site is not needed for a reservoir. There were two small reservoirs on this land (the access strip) that serviced the Mountford Drive area, although inadequately for those properties at the highest elevations. These were removed around ten years ago and the system was pressurised from the pumping station opposite Cornelian Hill, thereby providing an adequate service to all properties. The water system designed to service the land in amendments 2 and 3 (and potentially existing rural living blocks further west in Blackbrush Road and Banticks Road) included a new high-level reservoir on the land subject to amendments 2 and 3. This solution is has been designed in concert with (then) Southern Water and is known to be sound in terms of engineering and cost. Whether a high-level reservoir would work on the land subject to amendment 1.10/2014 from an engineering or cost-effectiveness point of view is unknown.

		Recommendation: No change recommended.
2	Council has not provided any information as to the impact on natural values by the rezoning or if someone could actually use the land for rural purposes. It is further questionable as to why Council want to rezone this parcel of land to rural use when PID has been proposed to go to residential land when it is highly productive rural land that has been cropped for the past 5 years (2 of those have been commercial poppy crops).	Council's policy position in regard to recognising and protecting natural values has recently been crystallised through its development of its new Biodiversity Code for the future planning scheme. This includes a mapped biodiversity overlay, which demarcates the areas of the municipality where Council considers there may be natural values worthy of local protection through the planning scheme. This was generated by mapping known particular values and then excluding all patches less than 20 hectares. This reflects Council's policy position that imposing on the free use and development of land to protect natural values in patches less than 20 hectares creates a situation where the economic costs outweigh the environmental benefits. It also reflects the fact that small patches are unlikely to be environmentally sustainable into the future. Council's Biodiversity Code overlay does not cover this land or any neighbouring land. Recommendation: No change recommended.

It is noted that Council's intention to dispose of public land has previously been advertised twice pursuant to the provisions of the Local Government Act 1993, with no objections being received from the public.

10.11.3 Recommendation

No changes are recommended as a result of consideration of representations regarding Amendment 1.10/2014

10.12 TASWATER

TasWater has advised, pursuant to the *Water and Sewerage Industry Act 2008* Section 56P(1), that it does not object to the draft amendments.

DECISION

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

RECOMMENDATION

1. THAT Council form the following opinions on the merit of the representations received in regard to the planning scheme amendments in the Bagdad Mangalore area:

A. The representations received in regard to draft amendment 1.1/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

B. The representations received in regard to draft amendment 1.2/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

C. The representations received in regard to draft amendment 1.3/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

D. The representations received in regard to draft amendment 1.4/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

E. The representations received in regard to draft amendment 1.5/2014 to the Southern Midlands Planning Scheme 1998 warrant consideration of the following change to the amendment:

- **That special provision be made for a standard minimum boundary setback for a dwelling from 41 Quarrytown Road to be larger than the 5 m elsewhere in the Rural Residential A Zone. A distance of 30 m is proposed.**

F. The representations received in regard to draft amendment 1.6/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

G. The representations received in regard to draft amendment 1.7/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

H. The representations received in regard to draft amendment 1.8/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

I. The representations received in regard to draft amendment 1.9/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

J. The representations received in regard to draft amendment 1.10/2014 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment..

2. The above opinions be referred to the Tasmanian Planning Commission as part of Council's reporting obligations pursuant to Section 39 of the Land Use Planning and Approvals Act 1993.

DECISION

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

12.4.2 Draft Amendments to the Southern Midlands Planning Scheme 1998: Revision of the Heritage Precincts. Consideration of Representations.

INCLUDING:

- **A REVISED AND EXPANDED OATLANDS HERITAGE PRECINCT SPECIAL AREA**
- **A NEW CALLINGTON MILL PRECINCT SPECIAL AREA**
- **A NEW OATLANDS LANDSCAPE PROTECTION SPECIAL AREA**
- **AN EXPANDED CAMPANIA HERITAGE PRECINCT SPECIAL AREA**
- **A REDUCED KEMPTON HERITAGE PRECINCT SPECIAL AREA**
- **A NEW COLEBROOK LANDSCAPE PROTECTION SPECIAL AREA**

File Ref: *9/084*

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 8TH APRIL 2014

ATTACHMENTS

1. Plan of the Existing Oatlands Heritage Precinct Special Area.
2. Draft Planning Scheme Amendment 2/2013, Oatlands Heritage Precinct Special Areas (plan).
3. Draft Planning Scheme Amendment 2/2013, Oatlands Heritage Precincts Special Areas (text) – (Includes the Landscape Protection Special Area which is also applicable to Colebrook.)
4. Plan of the Existing Campania Heritage Precinct Special Area.
5. Draft Planning Scheme Amendment 3/2013, Campania Heritage Precinct Special Area.
6. Plan of the Existing Kempton Heritage Precinct Special Area.
7. Draft Planning Scheme Amendment 4/2013, Kempton Heritage Precinct Special Area.

8. Plan of the Existing Colebrook Planning Scheme Area.

9. Draft Planning Scheme Amendment 5/2013, Colebrook Landscape Protection Special Area.

ENCLOSURES 1. Representations (x 8)

ISSUE

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.

Council now needs to consider the representations received and form a view on them. In particular Council needs to consider whether any of the points raised ought to lead to a change in a draft amendment or even that the amendment should not be made at all. To be precise, the *Land Use Planning & Approvals Act 1993* states that Council must forward to the Tasmanian Planning Commission:

> *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–*
>
> ***(i)*** *the need for modification of the draft amendment in the light of that representation; and*
>
> ***(ii)*** *the impact of that representation on the draft amendment as a whole; and*
>
> *such recommendations in relation to the draft amendment as the authority considers necessary.*

Council's opinion on each of the representation, the representations themselves and the originally advertised version of each draft amendment will be forwarded to the Planning Commission, which will then hold a public hearing and subsequently make a final determination.

1. BACKGROUND – NEED TO AMEND THE CURRENT SCHEME

For some years Council 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 has focussed on developing improved heritage precinct provisions.

However, as this work was nearing completion, and just before planning scheme drafting was to 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. 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 twelve new Southern planning schemes have now been completed to “draft interim” stage, with the Southern Midlands scheme being endorsed for submission to the Minister for Planning at the February Council meeting. The Minister has been formally requested to consider the draft scheme 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.

Councillors will recall that in August 2012 we 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. 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 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 hearing process. Significant changes brought in by an interim planning scheme can therefore deny due process / natural justice to people potentially impacted by the changes.

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, significant changes brought in through the interim planning scheme process can still deny due process / natural justice to those potentially impacted. With this in mind, at the August 2013 meeting Council determined that certain major changes planned for the new planning scheme ought to be brought in by the traditional planning scheme amendment process. This provides members of the community with the opportunity to lodge formal submissions and to participate in the process by attending 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 the proposed planning scheme amendments subject of this report is to seek to implement long-planned for changes to the heritage precinct provisions and size at Oatlands, the size of the precincts at Campania and Kempton and to create a new precinct at Colebrook.

2. BACKGROUND – AMENDMENT OF THE HERITAGE PRECINCTS

From 2007 to 2010 Council undertook significant heritage planning exercises aimed at improving the Heritage Precinct provisions. This included the Southern Midlands Heritage Project undertaken in conjunction with Heritage Tasmania and Tourism Tasmania and the JLUPI Heritage Management Plan. Both of these involved community consultation exercises. In 2010 Council undertook another community consultation process focussing on the Oatlands Heritage Precinct.

In 2013 a series of councillor workshops were held in regard to the new draft interim planning scheme, on 17 April, 20 May, 5 July and 16 September 2013.

The key outcomes regarding heritage precincts are:

1. Amendments to the (general) Oatlands Heritage Precinct Special Area, being its expansion and amendments to provisions to provide greater clarity.

2. The establishment of a Callington Mill Precinct Special Area nested within the general Oatlands Heritage Precinct Special Area, to provide additional controls.

3. The establishment of an Oatlands Landscape Protection Special Area over all the open rural land between the Highway and the town, replacing the Scenic Corridor Special Area, which currently extends only 100 metres from the highway boundary.

4. Expansion of the Heritage Precinct Special Area at Campania.

5. A reduction of the Heritage Precinct Special Area at Kempton.

6. A new Landscape Protection Special Area at Colebrook, behind the Pugin Church.

3. OUTLINE OF PROPOSED CHANGES TO THE HERITAGE PRECINCTS

The proposed changes will:

- In Oatlands:
  - Improve the existing general Historic Precinct Special Area at Oatlands, including tailoring it to specifically address the "Georgian" character of the town.
  - Create a Landscape Protection Special Area covering the land between the Highway and the western edge of the town.
  - Create a specific Callington Mill Precinct Special Area which would replace part of the general Historic Precinct,
- In Campania:
  - Expand the size of the existing Historic Precinct Special Area.
- In Kempton:
  - Reduce the size of the existing Historic Precinct Special Area.
- In Colebrook:
  - Create a new Landscape Protection Special Area on the hill-face behind the Pugin Church.

The proposed changes are detailed in the attached documents.

Attachment 1 provides a map showing the existing Oatlands Historic Precinct Special Area and the existing Scenic Corridor Special Area that extends 100 metres either side of the Midland Highway.

Attachment 2 provides a map showing the proposed Oatlands heritage precincts, including:

- The extended (general) Oatlands Historic Precinct Special Area. As per the outcomes of previous Council workshops, it has been extended:
  - east along Stanley Street,
  - east along Wellington and Stanley Streets in the vicinity of the school, and
  - west to Nelson Street.

It has been removed from the area around Callington Mill due to the proposed creation of the Callington Mill Precinct Special Area and from the area near the highway due to the proposed creation of the Landscape Protection Special Area.

- The proposed Callington Mill Precinct Special Area. The spatial extent of this area runs between High Street and Lake Dulverton and extends to Barrack Street to the south and includes the Lake Frederick Inn property to the north.

- The proposed Landscape Protection Special Area. As per the outcomes of previous Council workshops, this covers all the rural-zoned land between the town and the highway, extending from the apex of the northern highway access road to the apex of the southern highway access road. Part of this land is already covered by the 100 metre wide Scenic Corridor Special Area, and to the extent of any overlap, the Scenic Corridor Special Area is eliminated.

Attachment 3 is the proposed draft planning scheme amendment document pertaining to the ordinance of the planning scheme.

Attachment 4 is a plan depicting the existing Campania Historic Precinct Special Area.

Attachment 5 is the draft planning scheme amendment for the expanded Campania Historic Precinct Special Area.

Attachment 6 is a plan depicting the existing Kempton Historic Precinct Special Area.

Attachment 7 is the draft planning scheme amendment for the reduced Kempton Historic Precinct Special Area.

Attachment 8 is a plan depicting the existing Colebrook area.

Attachment 9 is the draft planning scheme amendment for the new Colebrook Landscape Protection Special Area.

4. IMPACT OF CHANGES

The proposed amendments to the Oatlands Historic Precinct Special Area and the Callington Mill Precinct Special Area will generally result in a more specific set of rules for building design. In particular, it requires new buildings to be much more considerate of Georgian architecture.

The following comments are noted:

- The proposed changes will ensure new buildings on ‘non-Georgian’ sites will fit with the heritage character of the town.

- Later architectural styles, of which there are some examples in Oatlands, recognised, in that additions to these properties must respect that particular style.

- The modern trend within heritage architectural circles of ensuring new buildings are 'obviously new' in order to avoid so called 'fake heritage' is not given weight in the proposed adopted approach. Rather, the approach taken is that new buildings should visually 'fit in' with the streetscape a high degree, and it should only be on close inspection that an observer might deduce a building is, in fact, recent.

- The approach will boost tourism and economic development by reinforcing Oatlands' unique competitive advantage as '*Australia's Best Georgian Town'*.

- It is noted that the proposed Landscape Protection Special Area at Oatlands prohibits the construction of a dwelling. This will have an impact on private landowners in terms of possible future plans and value of property.

- The proposed changes will be a little more onerous and expensive on developers, including those wishing to build a new house, or even a new outbuilding, as specific architectural expertise will often be required at the design stage and construction costs may be higher. Off-the-shelf mass produced sheds, for example, will not meet the requirements.

- The proposed changes include provision for exemption to the Georgian character requirements for non-Georgian places that are heritage listed. However, new building work on such sites needs to be in accordance with the relevant architectural style.

- The proposed changes also include provisions for variation where archaeological or historic evidence suggests the original fabric was otherwise. For example, vertically articulated fences are required on front boundaries, (as was almost always the case in the 19th Century), however there may be evidence that a post and rail fence existed on a particular front boundary.

The proposed amendment to the Campania Historic Precinct Special Area will result in a larger area being subject to specific rules for building design. Aside from a number of inconsequential amendments, it is not proposed to substantially alter the general Heritage Precinct Special Area provisions that will continue to apply to the Campania Precinct.

The proposed amendment to the Kempton Historic Precinct Special Area will result in a slightly smaller area being subject to specific rules for building design. Aside from a number on inconsequential amendments, it is not proposed to substantially alter the general Heritage Precinct Special Area provisions that will continue to apply to the Kempton Precinct.

The proposed amendment to create the Colebrook Landscape Protection Special Area will result in a new area being subject to specific rules for building design. This is the rural hillside that forms the backdrop to the Pugin Church. It is proposed to follow the Oatlands Landscape Protection Special Area mentioned above, except new dwellings will not be specifically prohibited.

5. NON-STATUTORY COMMUNITY CONSULTATION

The following community consultation was undertaken in association with the Southern Midlands Heritage Project

- A community forum was held at the Gay Street Hall on 12 August 2010.
- A community forum was held at the Colebrook Hall on 27 August 2009.
- A community forum was held at the Kempton Hall on 9 February 2010.
- Landowners within the existing and proposed heritage precinct areas were written to advising of the proposed changes and inviting them to community forums. The maps and a table comparing the existing and proposed provisions were provided to each landowner.

It is noted that Heritage Tasmania also provided input to the proposed changes in 2010.

In addition to the abovementioned public consultation, the proposed changes were also subject to the community consultation process for the proposed draft interim planning scheme by virtue of the fact that they have been incorporated into the new draft interim scheme. Whilst the new scheme is in the format of the State's new Planning Scheme Template and therefore has a very different 'look and feel' to our current planning scheme, 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. This was an informal public consultation period of 6 weeks. The process included public information 'drop-in' sessions at Oatlands, Kempton, Campania and Bagdad. Council also wrote to the landowners within the proposed expanded heritage precinct areas, (and all other areas subject to significant proposed changes).

6. PUBLIC NOTIFICATION OF THE PLANNING SCHEME AMENDMENTS

The public notification period ran for six weeks, commence on 25 January and ending on 7 March 2014.

Pursuant to the requirements of the Act, the amendments were advertised twice in the Mercury newspaper and notification letters were sent to landowners.

Eight representations were received, divided between the different amendments as follow:

- Six representations pertain to the Oatlands Historic Precinct Special Area and Landscape Protection Special Area amendments.
- One representation pertains to the Campania Historic Precinct Special Area amendment.
- One representation pertains to the proposed Colebrook Landscape Protection Special Area amendment.

No representations were received pertaining to the Kempton Historic Precinct Special Area.

7. CONSIDERATION OF REPRESENTATIONS

Full copies of the representations are enclosed with the Agenda. Each has been given a number to preserve anonymity, which is provided in the left hand column of the assessment tables below. The tables also contain a summary of each point raised by the representors in the second column, whilst the third column contains the Council officer's assessment and recommendation.

7.1 AMENDMENT 2/2013 (OATLANDS HERITAGE PRECINCT CHANGES)

This amendment involves changes to both the maps and the ordinance. The existing heritage precinct map is shown in **Attachment 1.** The proposed heritage precinct boundaries are shown on the map in **Attachment 2.** The proposed ordinance provisions are included in **Attachment 3.**

A summary and assessment of the points made in representations from the public follows:

No.	Summary of Comment	Assessment
1	The amendments lack foresight as they leave little room for new large-scale enterprises needed to service the expansion of agriculture in the region brought on by the new irrigation scheme. Oatlands is a service centre for a large agricultural region and needs to grow this role. The development of a commercial area in	Council, through the Midlands Economic Development & Landuse Strategy, (MEDaLS), has recognised the need to identify land for a rural services precinct at Oatlands. This is to be the subject of a component of Stage 2 of the MEDaLS project, which is to commence in May 2014. Implementation of the outcomes will include pursuing any necessary planning scheme amendments. It is acknowledged that Oatlands' future lies

	the town should be encouraged. The new agricultural enterprises brought on by the Midlands Irrigation Scheme will need machinery, machinery servicing centres, fertilizer and agricultural chemicals. We should ensure farmers do not need to go to other centres for support services, putting money into other communities.	predominantly in future growth within two fields; as a rural services centre for a broad swath of the Midlands region and as one of the State's best heritage-tourism towns. Careful consideration is needed to ensure both can be achieved. A large rural services precinct containing bulky goods and large sheds will need to be well located. The MEDaLS project will provide a means for this consideration to occur. It is noted that the township Heritage Precinct Special Area and the Landscape Protection Special Area would not automatically rule out the construction for substantive sheds and bulky goods storage areas, but they would need to be located, designed and landscaped so as not to significantly impact on the precincts' heritage character. Notwithstanding all of the above, it is noted that the Landscape Protection Special Area allows for external cladding of custom orb (corrugated profile) sheeting. This would potentially be a cost–effective solution for a large shed. However the draft provisions for the Oatlands Historic Precinct do not provide for this. It is considered that this is an oversight and should be remedied. Recommendation: that the Oatlands Historic Precinct Special Area be amended to include external cladding of custom orb (corrugated profile) sheeting in Clause 9.2.3 (a)(vi).
2 (DIER)	In principle; no objections.	Acknowledged.
2 (DIER)	Request that the draft amendment not prejudice any future upgrading of the Midland Highway, and that a 'permitted pathway' be provided for any road widening	The Landscape Protection Special Area does not cover the highway reservation. This is very wide around Oatlands and would appear to be able to accommodate significant widening or even new lands without the necessity for acquisition of additional rod reservation. The State is developing a Road and Rail Assets Code for the new planning schemes. This could (or should) clarify if and under what circumstances its state provisions override local provisions in the future planning schemes. This would be a policy matter for the new government to consider.

		No change recommended.
2 (DIER)	The new Oatlands Landscape Protection Special Area provides that hedges along road and highway boundaries are allowable. DIER's advice is that enhancement of vegetation within or near the road reservation that will constitute a roadside hazard for travelling vehicles should not be encouraged and must comply with Section 3 of the Austroads 'Guide to Road Design' 2009.	Firstly, the planning scheme generally does not prevent the planting of hedges on private land adjoining the highway. They are allowable anywhere. The Landscape Protection Special Area does not cover the highway reservation. This is very wide around Oatlands. Any hedges that might be planted on the private land adjacent to the highway reservation would likely not cause a traffic hazard. The future State Road and Rail Assets Code for the new planning schemes could provide standard controls to address this state-wide issue. No change recommended.
3	The opportunity should not be lost to develop Oatlands Township to be the rural hub of the Southern Midlands so more rural services companies have the ability to operate a commercial retail business in an area that is close the town precinct and have water and sewerage available also have good exposure like the area near Thunder Stone. Oatlands is well placed with Banking, Post Office, School and other facilities to expand and to encourage companies associated in the rural sector to make the township a central point. The area around the Thunderstone site would be ideal for new commercial premises as they can build a warehouse x retail outlet of adequate size to operate there type of business. With the introduction of the irrigation into the midlands area this should open up a large opportunity for the region and for Oatlands.	Council, through the Midlands Economic Development & Landuse Strategy, (MEDaLS), has recognised the need to identify land for a rural services precinct at Oatlands. This is to be the subject of a component of Stage 2 of the MEDaLS project, which is to commence in May 2014. Implementation of the outcomes will include pursuing any necessary planning scheme amendments. It is acknowledged that Oatlands' future lies predominantly in future growth within two fields; as a rural services centre for a broad swath of the Midlands region and as one of the State's best heritage-tourism towns. Careful consideration is needed to ensure both can be achieved. A large rural services precinct containing bulky goods and very large sheds will need to be well located. The MEDaLS project will provide a means for this consideration to occur. Thunder Stones and the immediate area around it is not within an existing or proposed heritage precinct. (Refer Attachment 2). No change recommended.
4	Object to the amendments in total. The amendment, if implemented, will see Oatlands as nothing more than a non-working museum. There is no allowance for any future commercial expansion in the town.	Council, through the Midlands Economic Development & Landuse Strategy, (MEDaLS), has recognised the need to identify land for a rural services precinct at Oatlands. This is to be the subject of a component of Stage 2 of the MEDaLS project, which is to commence in May

	The State and Federal Governments in co-operation with the landholders of this district who are committed to a productive commercial future have invested millions of dollars into bringing the Midlands water scheme into fruition. This development will be the catalyst to bring investors into the town of Oatlands but if this planning scheme is adopted it will prevent any such activity. The idea that Oatlands has a commercial future based on the trickle of tourists who pass through the town, taking advantage of the "free " camping opportunity, is fanciful. To adopt this scheme and preclude any alternative developments in the town would be appalling misuse of the planning powers and the people who proposed and adopted this scheme should be condemned forever. Strongly suggest that the Proposed Landscape Protection Special Area be deleted entirely from this scheme and an appropriate zone description be applied to allow for commercial development in the future.	2014. Implementation of the outcomes will include pursuing any necessary planning scheme amendments. It is acknowledged that Oatlands' future lies predominantly in future growth within two fields; as a rural services centre for a broad swath of the Midlands region and as one of the State's best heritage-tourism towns. Careful consideration is needed to ensure both can be achieved. A significant proportion of the local population want Oatlands heritage values retained. It is, after all, the best Georgian sandstone town in Australia. Being the best Georgian sandstone town in Australia is a significant competitive advantage in the tourism industry. Many business owners have made investments in the town and do not want to see the town's unique competitive advantage diminished by inappropriately designed new buildings. A large rural services precinct containing bulky goods and very large sheds will need to be well located. The MEDaLS project will provide a means for this consideration to occur. The township Heritage Precinct Special Area and the Landscape Protection Special Area would not automatically rule out the construction for substantive sheds and bulky goods storage areas, but they would need to be located, designed and landscaped so as not to significantly impact on the precincts' heritage character. Not all of the land between the town and the highway is proposed to be within a heritage precinct. For example, the Thunder Stones area and the area south along Birmingham Arms Road. Notwithstanding all of the above, it is noted that the Landscape Protection Special Area allows for external cladding of custom orb (corrugated profile) sheeting. This would potentially be a cost–effective solution for a large shed. However the draft provisions for the Oatlands Historic Precinct do not provide for this. It is considered that this is an oversight and should be remedied. Recommendation: that the Oatlands Historic Precinct Special Area be amended to include

		external cladding of custom orb (corrugated profile) sheeting in Clause 9.2.3 (a)(vi).
5	The northern part of the Landscape Protection Special Area (paddock opposite 'Weedington') should not have the expanded Landscape Protection Special Area over it all, as this add another element to make it virtually impossible to change and accommodate another use, such as a rural supplies outlet.	The northern and southern highway entrances to Oatlands are very much the 'front doors' of the town and the current visual amenity afforded by the adjacent open paddocks contribute significantly to their value. The Landscape Protection Special Area would not interfere with the agricultural sue of the land and rural sheds would be allowable if designed appropriately. However, a large commercial precinct storing and retailing bulky goods would not be possible. Council, through the Midlands Economic Development & Landuse Strategy, (MEDaLS), project will investigate and determine favoured sites in Oatlands for a new rural services precinct.
5	Whilst fully supporting conservation of the town's heritage, there is a need to cater for broader economic development potential. This is particularly relevant with the onset of the Midlands Water Scheme and its flow-on effects. There needs to be land zoned for larger-scale commercial development to cater for businesses linked to agriculture that need warehousing, a retail component and hardstand areas. These businesses need building 1000m2+, plus hardstand. Because of truck delivery requirements, they cannot be accommodated in High Street. Suggest a Special Commercial precinct be established, through any or a combination of the following sites: 1. Land bound by Nelson St, Stanley St and Midland Highway, (school farm). 2. Land bound by Stanley St, Wellington St and William St, (whilst allowing the existing industrial use to remain). 3. Land between William St and Midland Highway. 4. Land immediately either side of Interlaken Road adjacent to the Midland Highway – west to St Peters	Council, through the MEDaLS project will investigate and determine favoured sites in Oatlands for a new rural services precinct. The sites suggested in the representation are all worthy of consideration in this process. It is noted that suggested site 2, the Thunderstones area) is not proposed to be within a heritage or landscape precinct, (refer Attachment 2). Suggested site 1, the school farm, is propose to be within the landscape protection area, as is suggested site 3. Dependant on the outcome of the MEDaLS investigation a portion or all of these sites might be identified as rural services precinct which might then justify not applying the Landscape Protection Special Area to them. Some visual amenity controls should nevertheless apply to ensure an acceptable visual standard is achieved. Suggested site 4 is partially within the existing Scenic Corridor Special Area (land within 100 metres of the highway reservation boundary). The majority of the land is not subject to the special area and this situation would not be changed by the proposed amendments. Recommendation: That the outcome of the MEDaLS investigation into the best locations for a rural services precinct at Oatlands – to be

	Terrace. On these sites there are good services, including water, sewerage, electricity, telecommunications and a good existing highway junction with turning lanes. Whilst these sites will be considered in the MEDaLS project, we should not rely on this. The heritage landscape areas in the vicinity of these sites should not be enlarged at this point in time, and should be potentially reduced.	completed in May – be provided to the Tasmanian Planning Commission so that any implications potentially impacting the planning scheme amendments at Oatlands can be taken into account.
6	This representation is from landowners in Oatlands that object to their property being included within the heritage precinct. They protested that they had previously advised Council they did not want to be included – in response to a previous letter from Council – and asked why this issue has been raised again. The forcefully reiterate their rejection of the idea.	There are two heritage-related issues that Council has been looking at over the last few years regarding how heritage is treated in Oatlands in the planning scheme. The representors have confused the two. The current issue is predominantly about expanding the current heritage precinct in Oatlands. The representors' property is already in the Oatlands heritage precinct, and has been for many years. The proposed amendments will not alter this situation. The second issue - which was the subject of Council's previously letter to the representors - was about whether to list individual properties on the heritage list within the planning scheme. Council has not listed those properties whose owners are adamant they do not want their properties listed. No changes are recommended.

7.2 AMENDMENT 3/2013 (CAMPANIA HERITAGE PRECINCT CHANGES)

This amendment involves expanding the size of the existing Campania Heritage Precinct on the planning scheme maps. The existing heritage precinct map is shown in **Attachment 4.** The proposed heritage precinct boundaries are shown on the map in **Attachment 5.**

A summary and assessment of the points made in representations from the public follows:

No.	Summary of Comment	Assessment
7	This representation is from the owners of a property within Campania that object to their property being included within the heritage precinct. Reasons are:	The representors' property neighbours the existing historic precinct boundary. The purpose of historic precincts is to maintain

	• Purchased the house because it wasn't heritage listed. • The house is not in original state as it has many rooms added and modern features, and a new kitchen. They want to do more renovations and upgrades. • Believe being part of a heritage precinct will devalue the property. • If the house has heritage significance, why was it not listed before? • Believe the heritage precinct is only being expanded because the tavern burnt down,	streetscape / townscape values. They are not about the heritage values of individual properties. Individual properties with heritage values are recognised and protected by another part of the planning scheme; Schedule 4 - Buildings and Works of Historic Significance. Historic precincts are only concerned with the external appearance of new development - particularly as viewed from public spaces, such as streets. Under the future planning schemes based on the State Template, there will be no design / appearance standards in regular residential areas. There will be no way for Councils to stop ugly dwellings being built, or unattractive additions to existing dwellings, except if the area is covered by some special overlay - such as a heritage precinct. The representors' property is in the centre of the proposed expanded precinct. It would not be possible to cut this property out without impacting on the integrity of the whole. No change is recommended.

7.3 AMENDMENT 4/2013 (KEMPTON HERITAGE PRECINCT CHANGES)

This amendment involves reducing the size of the existing Kempton Heritage Precinct on the planning scheme maps. The existing heritage precinct map is shown in **Attachment 6.** The proposed heritage precinct boundaries are shown on the map in **Attachment 7.**

No.	Summary of Comment	Assessment
No representations were received in regard to amendment 4/2013.		

7.4 AMENDMENT 5/2013 (COLEBROOK HERITAGE PRECINCT CHANGES)

This amendment involves creating a new precinct at Colebrook on the planning scheme maps. The existing Colebrook map is shown in **Attachment 8.** The proposed heritage precinct boundaries are shown on the map in **Attachment 9.**

A summary and assessment of the points made in representations from the public follows:

No.	Summary of Comment	Assessment

8	Strong support for the creation of the Landscape Protection Special Area.	Acknowledged.
8	Protection of the backdrop of the Pugin-designed St Patrick's Church will retain its prominence in the Colebrook townscape and also retain opportunities for visitors and residence travelling on Mud Walls Road to appreciate the aesthetic and heritage value of this Pugin-designed Church.	Acknowledged.
8	It is noted that the extent of the proposed Landscape Protection Special Area has been contracted to the south and west and no longer follows the curvature line up Smarts Hill as previously proposed. A preliminary assessment suggests this allows less protection of the view to St Patrick's approaching from the south along Colebrook Road. It is respectfully requested that the boundary line be reconsidered.	The spatial extent of the proposed special area has been reduced following public consultation with landowners. The reduced area still covers the key background from most viewpoints whilst not severely encumbering the owners of the land. It is considered to be a reasonable compromise. No changes are recommended.
8	It is not clear how an application for a residence would be assessed. Would a Georgian design be required? The key concern is that built elements, roading and landscaping be of minor visual prominence, by being consistent with local building conventions (not contrasting in texture of the landscape) and not individually prominent in tone, colour, pattern or silhouette.	New buildings will need to be consistent in overall built form with Georgian architecture, but not imitative. The ability of council to require a heritage impact analysis in a development application process together with the landscaping and other provisions of the special area should ensure new development will be of minor visual prominence. Given that all the titles covered by proposed special area are only partially covered, and they have considerable land that is not covered, it is very likely that proponents of new development will simply choose to build outside the special area.

7.5 HERITAGE TASMANIA

Heritage Tasmania did not make a formal representation but its officers did provide some informal comments, as follows:

Spatial changes to heritage precincts

HT congratulates Southern Midlands Council (SMC) on progressing the extension of heritage precincts. HT considers that working with precincts is an effective way for local government to ensure the character of their heritage towns is retained.

In Oatlands and Campania, it is pleasing to see that the heritage precincts have been expanded. In Oatlands, the creation of a special Callington Mill area is welcomed given significance of that site.

In Kempton, it is understood the spatial extent is being reduced; however it is noted that the change is minor.

A landscape protection special area in Colebrook is welcomed, to retain the setting of the Pugin Church.

Changes to heritage provisions (ordinance)

HT would like to thank SMC for previous (2010) liaison over the re-working of heritage provisions. Some of the issues that HT raised at that time included concern that, "the 'imitative' nature of the content would result in 'cookie cutter' mock Georgian infill". At that time, a number of the proposed provisions referred to being "consistent with" or "maintaining" Georgian form, or being "imitative" of Georgian form.

It is pleasing to see that these concerns have been taken into account in the latest draft, and many of those references have been amended. The new provisions refer instead to, for example, infill "must respect" Georgian architecture. We see this as likely to lead to better, more authentic, outcomes.

HT still has some concern that proposed provisions require consistency with Georgian architecture (or other), for example:

> *"Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should be <u>consistent with the principles of Georgian architectural</u> style dominant in the precinct, except if an addition to a heritage listed building of a non-Georgian architectural style in which case <u>consistency with that style</u> is required…"*

It is acknowledged that the report to Council notes,

> *"the modern trend within architectural circles of ensuring new buildings are 'obviously new' in order to avoid so called 'fake heritage' is not given weight in the proposed adopted approach. Rather, the approach taken is that new*

> *buildings should visually 'fit in' with the streetscape to a high degree, and it should only be on close inspection that an observer might deduce a building is, in fact, recent."*

This seems to be alluding to the difficulties in interpreting Article 22 of the *Burra Charter*. It is agreed that this has been problematic for some designers in the past.

Relationship to Article 22 of the *Burra Charter*

In the past, Article 22 of the *Burra Charter* read, 'new work should be readily identifiable as such". However, this was sometimes used to support design that did not respect significance; as you have noted. This Article was amended in 2013 to read,

> *"New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place."*

The Article is now explicit in saying that new design should respect significance. A Practice Note was also issued to assist in interpreting this Article. The Practice Note states,

> *"An important factor in the success of new work is the quality and sensitivity of the design response.*
>
> *New work should <u>respect</u> the context, strength, scale and character of the original, and should not overpower it. The key to success is carefully considered design that respects and supports the significance of the place. <u>Imitative solutions should generally be avoided</u>: they can mislead the onlooker and may diminish the strength and visual integrity of the original. Well-designed new work can have a positive role in the interpretation of a place."*

Therefore, the Practice Note on Article 22, and Article 22 itself, all suggest that new work should respect, rather than imitate or be consistent with, the original. Therefore HT would encourage SMC to continue wording provisions to 'respect' rather than 'be consistent with' certain architectural styles.

In general, the expansion of precincts and the new provisions are a very positive step in the protection and management of historic cultural heritage significance in the Southern Midlands municipality. HT is happy to discuss any of these points in further detail.

The comments from Heritage Tasmania's officers are noted.

7.6 TASWATER

TasWater has advised, pursuant to the *Water and Sewerage Industry Act 2008* Section 56P(1), that it does not object to the draft amendments.

RECOMMENDATION

1. THAT Council form the following opinions on the merit of the representations received in regard to the planning scheme amendments pertaining to Historic Precinct Special Areas and Landscape Protection Special Areas:

A. The representations received in regard to draft amendment 2/2013 to the Southern Midlands Planning Scheme 1998 warrant the following changes and considerations to the amendment:

- **The Oatlands Historic Precinct Special Area be amended to include external cladding of custom orb (corrugated profile) sheeting in Clause 9.2.3 (a)(vi).**
- **The outcome of the MEDaLS investigation into the best locations for a rural services precinct at Oatlands – to be completed in May 2014 – be provided to the Tasmanian Planning Commission so that any implications potentially impacting the planning scheme amendments at Oatlands can be taken into account.**

B. The representations received in regard to draft amendment 3/2013 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

C. The representations received in regard to draft amendment 5/2013 to the Southern Midlands Planning Scheme 1998 do not warrant any changes to the amendment.

2. The Tasmanian Planning Commission be advised that no representations were received in regard to amendment 4/2013.

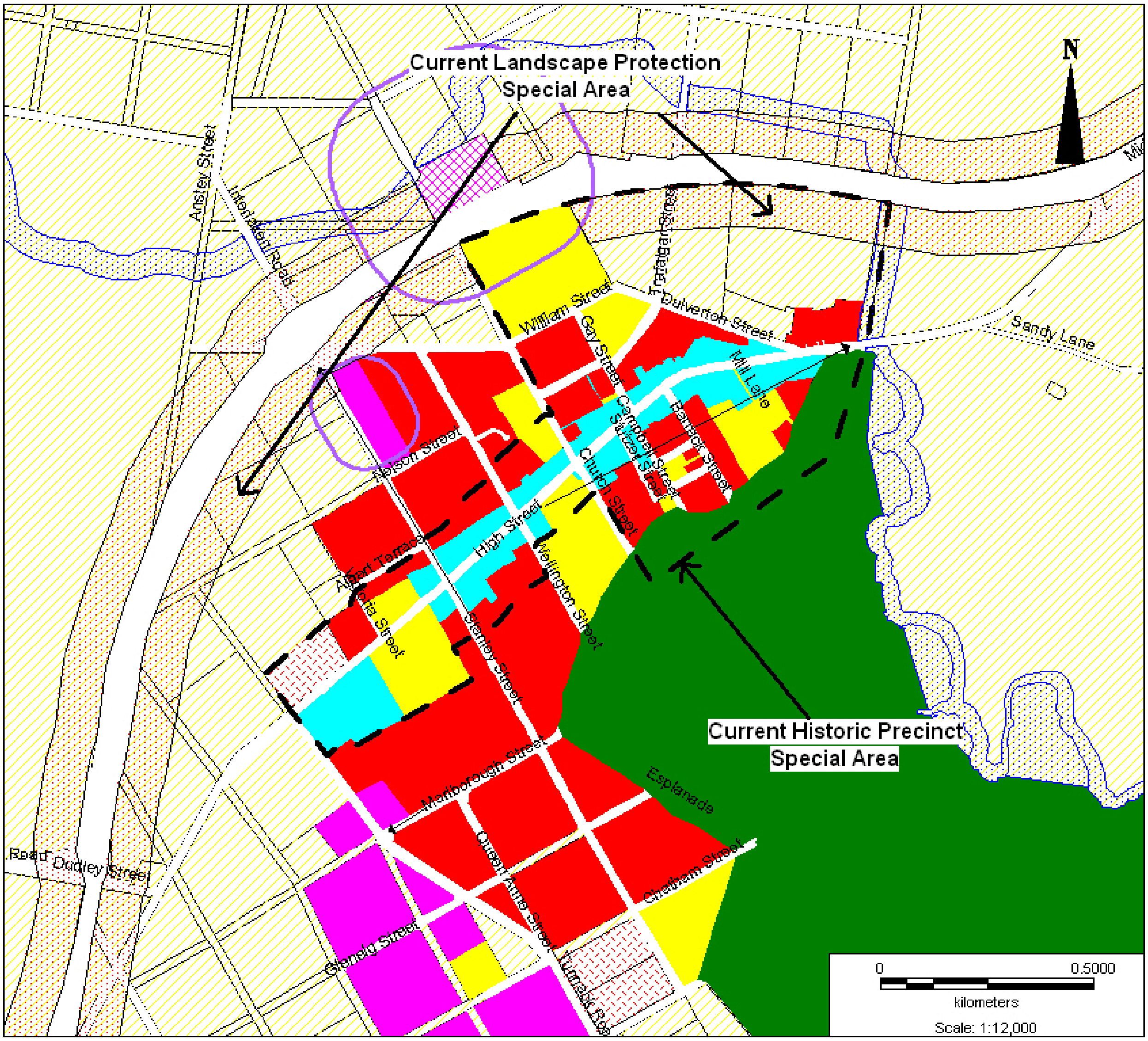
3. The above information and opinions be referred to the Tasmanian Planning Commission as part of Council's reporting obligations pursuant to Section 39 of the Land Use Planning and Approvals Act 1993.

DECISION

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

ATTACHMENT 1

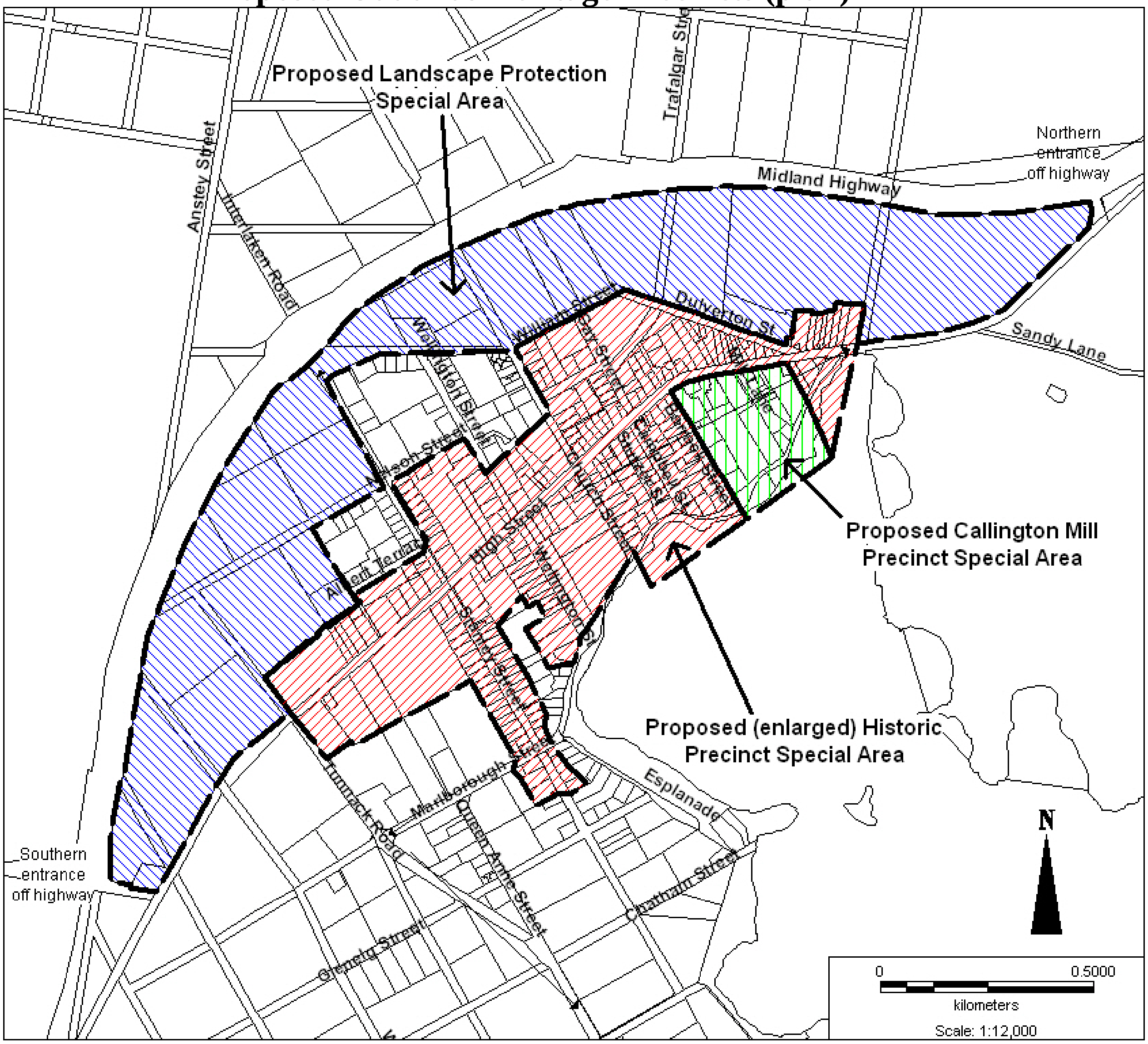
Plan of the Existing Oatlands Heritage Precinct Special Areas.



Note: the Landscape Protection Special Area follows the Midland Highway 100 metres either side in all the rural zoned land in the Municipal Area. The proposed planning scheme amendment would remove it from the section between the northern and southern highway access roads at Oatlands and replace it with the proposed Oatlands Landscape Protection Special Area.

ATTACHMENT 2

Draft Planning Scheme Amendment 2/2013
Proposed Oatlands Heritage Precincts (plan)



Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 2/2013 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 day of 2013 in the presence of
Member ………………………
Member ………………………
General Manager ………………………

ATTACHMENT 3

Draft Planning Scheme Amendment 2/2013
New and Amended Heritage Precinct Special Areas

PART A. THE PLANNING SCHEME PLANS - OATLANDS

The Southern Midlands Planning Scheme 1998 is amended by the following changes to the plans:

1. **The deletion of the Historic Precinct Special Area at Oatlands.**

2. **The creation of the Oatlands Historic Precinct Special Area,** (indicated on the attached plan as the 'Proposed (Enlarged) Historic Precinct Special Area')

3. **The creation of the Callington Mill Precinct Special Area, as indicated on the attached plan.**

4. **The deletion of the Scenic Corridor Special Area on the eastern side of the Midland Highway at Oatlands, between the town's northern and southern highway access roads.**

5. **The creation of the Landscape Protection Special Area at Oatlands, as indicated on the attached plan.**

PART B. THE PLANNING SCHEME ORDINANCE

The Southern Midlands Planning Scheme 1998 is amended by the following changes to the ordinance:

6. **Insert New Section 9.2 – Oatlands Historic Precinct Special Area:**

9.2 OATLANDS HISTORIC PRECINCT SPECIAL AREA

9.2.1 Intent

(a) The general intent of the Oatlands Historic Precinct Special Area is to conserve and enhance the historic Georgian character values of Oatlands and to ensure that development within the area maintains these values.

(b) More specifically, the intent of the Special Area is to:

(i) Allow for continued development that respects the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the Georgian heritage characteristics of the town setting.

(ii) Give priority to the protection of the historic integrity of the individual buildings, groups of buildings and the general townscape within the heritage area of Oatlands;

(iii) Ensure that the design and external appearance of new buildings or additions / adaptations to existing buildings respects and maintains the town's historic Georgian character and values:

(iv) Ensure that new buildings do not visually dominate neighbouring 19th Century buildings; and

(v) Maintain the visual amenity of the historic buildings when viewed from the Midland Highway or from public within the settlements.

9.2.2 Development Control

Any development within the Special Area which would otherwise be a permitted development (P) or a permitted as-of-right development (P1) is deemed to be a discretionary development (D) and invokes Clause 11.5 accordingly.

9.2.3 Development Standards

(a) Development within the Special Area must be in accordance with the following principles:

(i) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should be consistent with the principles of the Georgian architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-Georgian architectural style in which case consistency with that style is required;

(ii) Building setback from frontage must provide a strong edge to Main Street and be parallel to the street;

(iii) Buildings must address the street, unless at the rear of a site;

(iv) Buildings must not visually dominate the streetscape or buildings at places listed in Schedule 4 or on the Tasmanian Heritage Register;

(v) Architectural details and openings for windows and doors to visually prominent facades must respect the Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;

(vi) External wall building material must be any of the following:

a. sandstone of a colour matching that commonly found in Oatlands' buildings;

b. weatherboard (traditional profiles);

c. rendered, painted or lime-washed brickwork;

d. unpainted brick of a traditional form and colour laid with a traditional bond;

e. traditional Tasmanian vertical board (non-residential buildings only);

(vii) Roof form and material must be consistent with the following:

a. pitch between 30 and 40 degrees and hipped or gable if a major part of the building;

b. pitch less than 30 degrees and skillion if a minor part of the building at the rear or side;

c. avoidance of large unbroken expanses of roof and very long roof lines;

d. roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;

e. guttering is rounded profile, with downpipes of circular cross-section.

(viii) Wall height must be sufficient to provide for lintels above doors and windows, with wall space above;

(ix) Outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;

(x) Fences along frontages must be:

a. between 900mm and 1000mm high, with a maximum of 1200mm for posts;

b. vertically articulated, (such as with dowel-and-rail, picket or palisade fences);

c. "semi-transparent" in appearance. That is; the distance between dowels or pickets, etc., must be such that the fence does not appear 'solid'.

9.2.4 Signs

(a) Signs in the Special Area must be developed generally in accordance with Schedule 6, and particularly in accordance with Clause S6.4(b).

9.2.5 Landscaping

(a) In the Special Area Council may require a landscape plan in accordance with Schedule 7 for developments other than a Dwelling (Single) or Home Occupation.

(b) Wherever possible, dominant trees, historic gardens and orchards should be retained. Mass planting of trees and shrubs should be avoided in preference to traditional planting that includes a continuous edge to the street.

9.2.6 Heritage Impact Analysis

(a) Council may require an application for development to be accompanied by a Heritage Impact Analysis prepared by a suitably qualified person.

9.2.7 Variations

(a) Variation may be sought to the provisions above. Such application must include a Heritage Impact Analysis prepared by a suitably qualified Person.

(b) Variation may be approved in cases where:

- *archaeological or historical evidence supports such variation;*
- *the proposed building will not be seen from a street or other public space; or*
- *the Heritage Impact Analysis otherwise demonstrates that the intent of the Special Area is nevertheless achieved.*

9.2.8 Referral to the Heritage Advisory Committee

(a) All applications for Planning Permits for development within the Historic Precinct Special Area shall be referred to the Heritage Advisory Committee, if formed under Clause 10.1 of the scheme.

9.2.9 Consideration of Applications

(a) Aside from the matters listed in Part 11, prior to making a determination on an application for use or development within the Oatlands Historic Precinct Special Area Council shall have regard to:

(i) Any advice received from the Heritage Advisory Committee;

(ii) Any guidelines for development of historic buildings or within historic areas adopted by Council;

(iii) Any Heritage Impact Analysis provided in relation to the application.

7. Insert New Section 9.3 – Callington Mill Precinct Special Area:

9.3 CALLINGTON MILL PRECINCT SPECIAL AREA

9.3.1 Intent

(a) The intent of the Callington Mill Precinct Special Area is to conserve and enhance the historic Georgian character values of the Callington Mill site & surrounding properties as well as key views to and from the Mill and to ensure that development within the area maintains these values.

(b) More specifically, the intent of the Special Area is to:

(i) Allow for continued development that respects the townscape qualities of the precinct through appropriate building form, design and finishes

which are highly consistent with the Georgian heritage values of the Mill setting;

(ii) Give priority to the protection of the historic integrity and views of the individual buildings, groups of buildings and the general townscape within the Mill Precinct;

(iii) Ensure that the design and external appearance of new buildings or additions / adaptations to existing buildings respects and maintains the town's historic Georgian character and values;

(iv) Ensure that new buildings do not visually dominate neighbouring 19th Century buildings; and

(v) Maintain the key views of Callington Mill to/from the Mill from/to the public spaces and the Midland Highway.

9.3.2 Development Control

Any development within the Special Area which would otherwise be a permitted development (P) or a permitted as-of-right development (P1) is deemed to be a discretionary development (D) and invokes Clause 11.5 accordingly.

9.3.3 Development Standards

(a) Development within the Special Area must be in accordance with the following principles:

(i) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should be highly consistent with the principles of the Old Colonial Georgian architectural style dominant in the precinct;

(ii) Building setback from frontage must provide a strong edge to Main Street and be parallel to the street;

(iii) Buildings must address the street, unless at the rear of a site;

(iv) Buildings must not visually dominate the streetscape or buildings at places listed in Schedule 4 or on the Tasmanian Heritage Register;

(v) Architectural details and openings for windows and doors to visually prominent facades must respect the Old Colonial Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;

(vi) External wall building material must be any of the following:

a. sandstone of a colour matching that commonly found in Oatlands' buildings;

b. weatherboard (traditional profiles);

c. rendered, painted or lime-washed brickwork;

d. unpainted brick of a traditional form and colour laid with a traditional bond;

e. traditional Tasmanian vertical board (non-residential buildings only);

(vii) Roof form and material must be consistent with the following:

a. pitch between 30 and 40 degrees and hipped or gable if a major part of the building;

b. pitch less than 30 degrees and skillion if a minor part of the building at the rear or side;

c. avoidance of large unbroken expanses of roof and very long roof lines;

d. roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;

e. guttering is rounded profile, with downpipes of circular cross-section.

(viii) Wall height must be sufficient to provide for lintels above doors and windows, with wall space above;

(ix) Outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;

(x) Fences along frontages must be:

a. between 900mm and 1000mm high, with a maximum of 1200mm for posts;

b. vertically articulated, (such as with dowel-and-rail, picket or palisade fences);

c. "semi-transparent" in appearance. That is; the distance between dowels or pickets, etc., must be such that the fence does not appear 'solid'.

(xi) new buildings and additions to exiting buildings must not significantly obstruct or diminish views of Callington Mill from High Street, the Esplanade, Callington Park or the Midland Highway.

9.3.4 Signs

(a) Signs in the Special Area must be developed generally in accordance with Schedule 6, and particularly in accordance with Clause S6.4(b).

9.3.5 Landscaping

(a) In the Special Area Council may require a landscape plan in accordance with Schedule 7 for all developments.

(b) Wherever possible dominant trees, historic gardens and orchards should be protected. Mass planting of trees and shrubs should be avoided in preference to traditional planting that includes a continuous edge to the street.

9.3.6 Heritage Impact Analysis

(a) Council may require an application for development to be accompanied by a Heritage Impact Analysis prepared by a suitably qualified person.

9.3.7 Variations

(a) Variation may be sought to the provisions above. Such application must include a Heritage Impact Analysis prepared by a suitably qualified person.

(b) Variation may be approved in cases where:

- *Archaeological or historical evidence supports such variation;*
- *The proposed building will not be seen from any street or other public space;*
- *The Heritage Impact Analysis otherwise demonstrates that the intent of the Special Area is nevertheless achieved.*

9.3.8 Referral to the Heritage Advisory Committee

(a) All applications for Planning Permits for development within the Historic Precinct Special Area shall be referred to the Heritage Advisory Committee, if formed under Clause 10.1 of the scheme.

9.3.9 Consideration of Applications

(a) Aside from the matters listed in Part 11, prior to making a determination on an application for use or development within the Callington Mill Precinct Special Area Council shall have regard to:

(i) Any advice received from the Heritage Advisory Committee;

(ii) Any guidelines for development of historic buildings or within historic areas adopted by Council;

(iii) Any Heritage Impact Analysis provided in relation to the application.

8. Insert New Section 9.4 – Landscape Protection Special Area:

9.4 LANDSCAPE PROTECTION SPECIAL AREA

9.4.1 Intent

(a) The intent of the Landscape Protection Special Area is to:

(i) Recognise and preserve the open rural landscape between the western edge of the Oatlands township and the Midland Highway;

(ii) Recognise and preserve the open rural landscape on the hill face that forms the visual backdrop to the Pugin designed St Patrick's Church at Colebrook.

(iii) To allow for development of a traditional rural in character within these areas that respects the rural landscape setting that they provide.

9.4.2 Development Control

(a) Any development within the Special Area which would otherwise be a permitted development (P) or a permitted as-of-right development (P1) is deemed to be a discretionary development (D) and invokes Clause 11.5 accordingly.

(b) Notwithstanding any other provision of this scheme, the construction of a dwelling within the Landscape Protection Special Area at Oatlands is prohibited.

9.4.3 Development Standards

(a) Development within the Special Area must be in accordance with the following principles:

(i) Scale, roof pitch, building height, form, bulk, materials and colour of new buildings and additions to existing buildings should be consistent with Georgian architectural principles as applicable to rural buildings.

(ii) External wall building material is to be custom orb (corrugated profile) sheeting, traditional Tasmanian vertical board, weatherboard (traditional profiles), sandstone, rendered, painted or lime wash brickwork or unpainted brick of a traditional form and colour laid with a traditional bond;

(iii) Roof form and material must adhere to the following:

- *Pitch between 25 and 40 degrees.*
- *Hipped or Gable.*
- *Allowable materials are custom orb (corrugated profile) sheeting, timber shingles, and slate. Sheeting must be either traditional galvanised iron or painted.*
- *Guttering to be rounded profile and downpipes to be circular in cross-section.*

(iv) New buildings must sited so as to:

a. not obstruct views of the heritage precinct areas of Oatlands from the Midland Highway;

b. not visually impact on the backdrop to St Patricks Church at Colebrook when viewed from the town or Colebrook Main Road / Mud Walls Road.

(v) Fences are to be post & wire, post & rail or drystone wall.

(vi) Hedges along road and highway boundaries are allowable.

9.4.4 Signs

(a) Signs in the Special Area must be developed generally in accordance with Schedule 6, and particularly in accordance with Clause S6.4(b).

9.4.5 Landscaping

(a) In the Special Area Council may require a landscape plan in accordance with Schedule 7 for all developments.

(b) Wherever possible dominant trees should be retained. Mass plantings of trees and shrubs should be avoided.

9.4.6 Heritage Impact Analysis

(a) Council may require an application for development to be accompanied by a Heritage Impact Analysis prepared by a suitably qualified person.

9.4.7 Variations

(a) Variation may be sought to the provisions above. Such application must include a Heritage Impact Analysis prepared by a suitably qualified person in which it is demonstrated that the intent of the Special Area is nevertheless achieved.

(b) Variation may be approved in cases where:

- *archaeological or historical evidence supports such variation;*
- *the proposed building will not be seen from any road or other public space;*
- *the Heritage Impact Analysis otherwise demonstrates that the intent of the Special Area is nevertheless achieved.*

9.4.8 Referral to the Heritage Advisory Committee

(a) All applications for Planning Permits for use and development within the Historic Precinct Special Area shall be referred to the Heritage Advisory Committee, if formed under Clause 10.1 of the scheme.

9.4.9 Consideration of Applications

(a) Aside from the matters listed in Part 11, prior to making a determination on an application for use or development within the Landscape Protection Special Area Council shall have regard to:

(i) any advice received from the Heritage Advisory Committee;

(ii) any guidelines for development of historic buildings or within historic areas adopted by Council;

(iii) any Heritage Impact Analysis provided in relation to the application.

9. Renumber existing Special Areas 9.2 to 9.11 as 9.5 to 9.14

PART C. SUNDRY MATTERS

Amending the general Historic Precinct Special Area

10. Amend Section 9.1 – Historic Precinct Special Area – by removing references to "Oatlands".

Removing Exemptions

11. Amend Schedule 1 – Exemptions from Planning Approval - by the addition of the sub points (v) and (vi) shown bold below in clause (d):

(d) Minor Domestic Buildings and Structures:

The demolition, removal, erection or placement within the rear curtilage of a dwelling unit of garden sheds, glass houses, rubbish receptacles, or such other minor structures for the domestic needs of the occupants of the dwelling unit, provided that:

(i) the total floor area of the buildings or structures does not exceed 9 square metres;

(ii) no part of the building or structure is sited within the relevant setback distance from any property boundary;

(iii) no part of the building or structure is higher than 2.5 metres in the case of a roof pitched less than 15 degrees, or 3 metres in the case of a roof pitched greater than 15 degrees; and

(iv) no part of the building or structure encroaches within any service easement or within one metre of any underground service.

(v) The land is not within any Historic Precinct Special Area or the Callington Mill Precinct Special Area; and

(vi) The place is not listed in Schedule 4, Buildings and Works of Historic Significance.

12. Amend Schedule 1 – Exemptions from Planning Approval by the addition of sub point (vii) – shown bold below - in clause (e):

(e) Minor Agricultural Buildings and Structures:

The demolition, removal, erection or placement on land within the Rural Activity Zones of any sheds, glass houses, water pump sheds, or such other minor structures directly associated with the agricultural use of the land provided that:

(i) the total floor area of the buildings or structures does not exceed 50 square metres;

(ii the siting of the structure complies with the relevant boundary setbacks applicable in the zone;

(iii) the land is not within a Watercourse Protection Special Area;

(iv) no part of the building or structure is higher than 5 metres;

(v) no part of the building or structure encroaches within any service easement or within one metre of any underground service; and

(vi) the building or structure is coloured to blend with the natural environment if

(vii) the land is not within any Historic Precinct Special Area, the Callington Mill Precinct Special Area or a Landscape Protection Special Area.

Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 2/2013 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 day of 2013 in the presence of

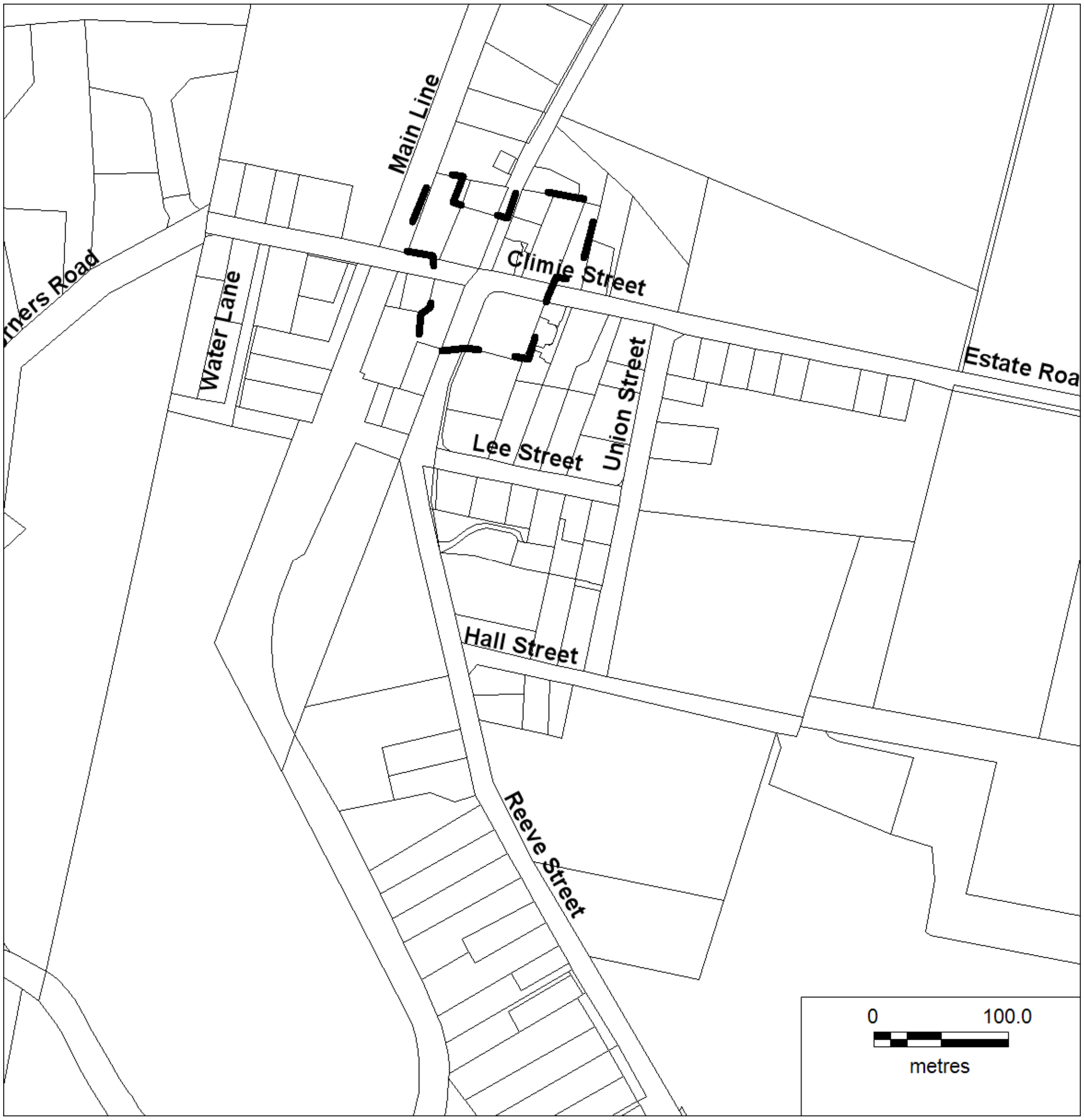
Member ………………………

Member ………………………

General Manager ………………………

ATTACHMENT 4

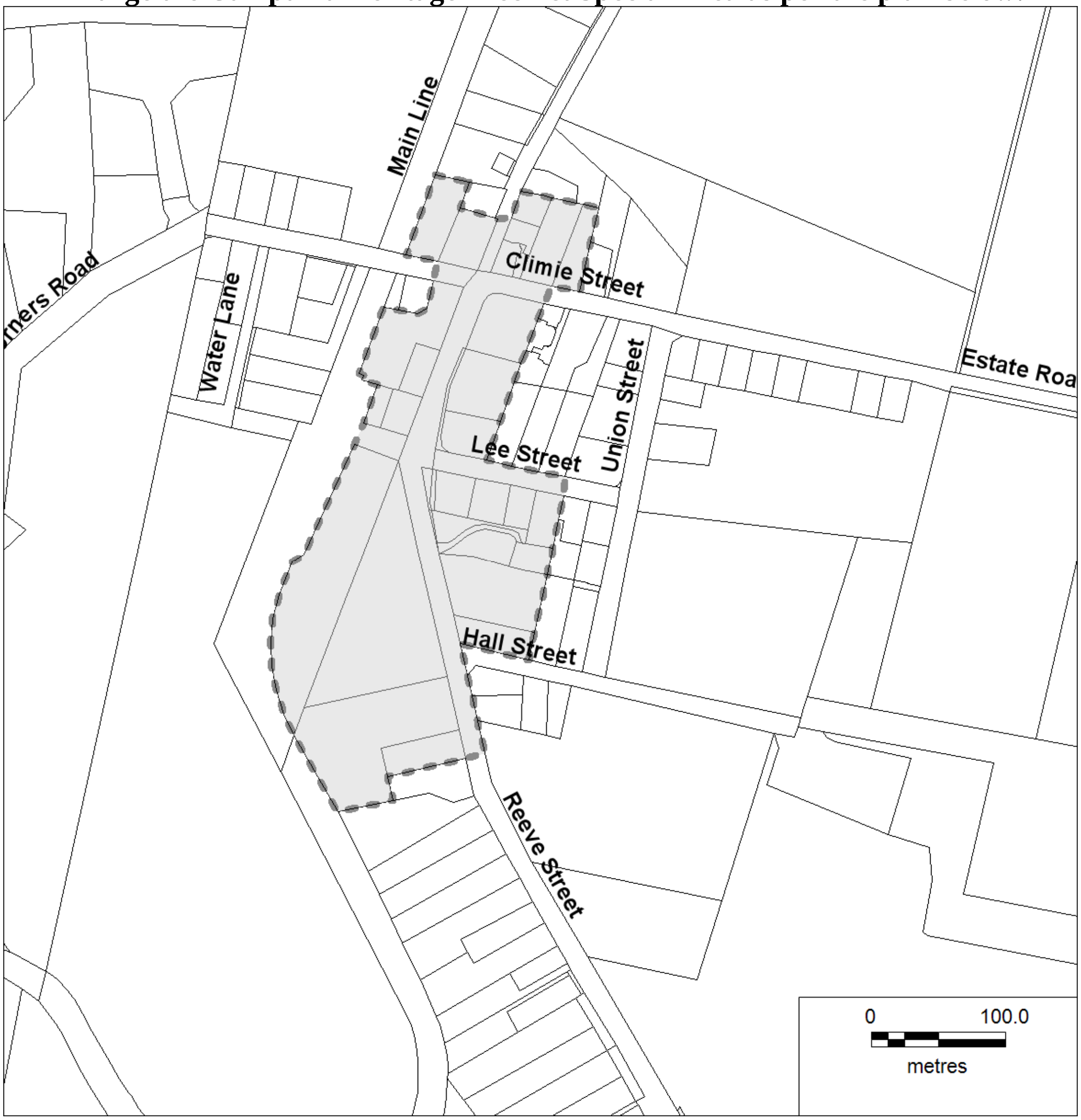
Plan of the Existing Campania Heritage Precinct Special Area



ATTACHMENT 5

Draft Planning Scheme Amendment 3/2013

Enlarge the Campania Heritage Precinct Special Area as per the plan below:



Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 2/2013 to the Southern Midlands Planning Scheme 1998 as being in accordance with the requirements of Section 32 of the Act.

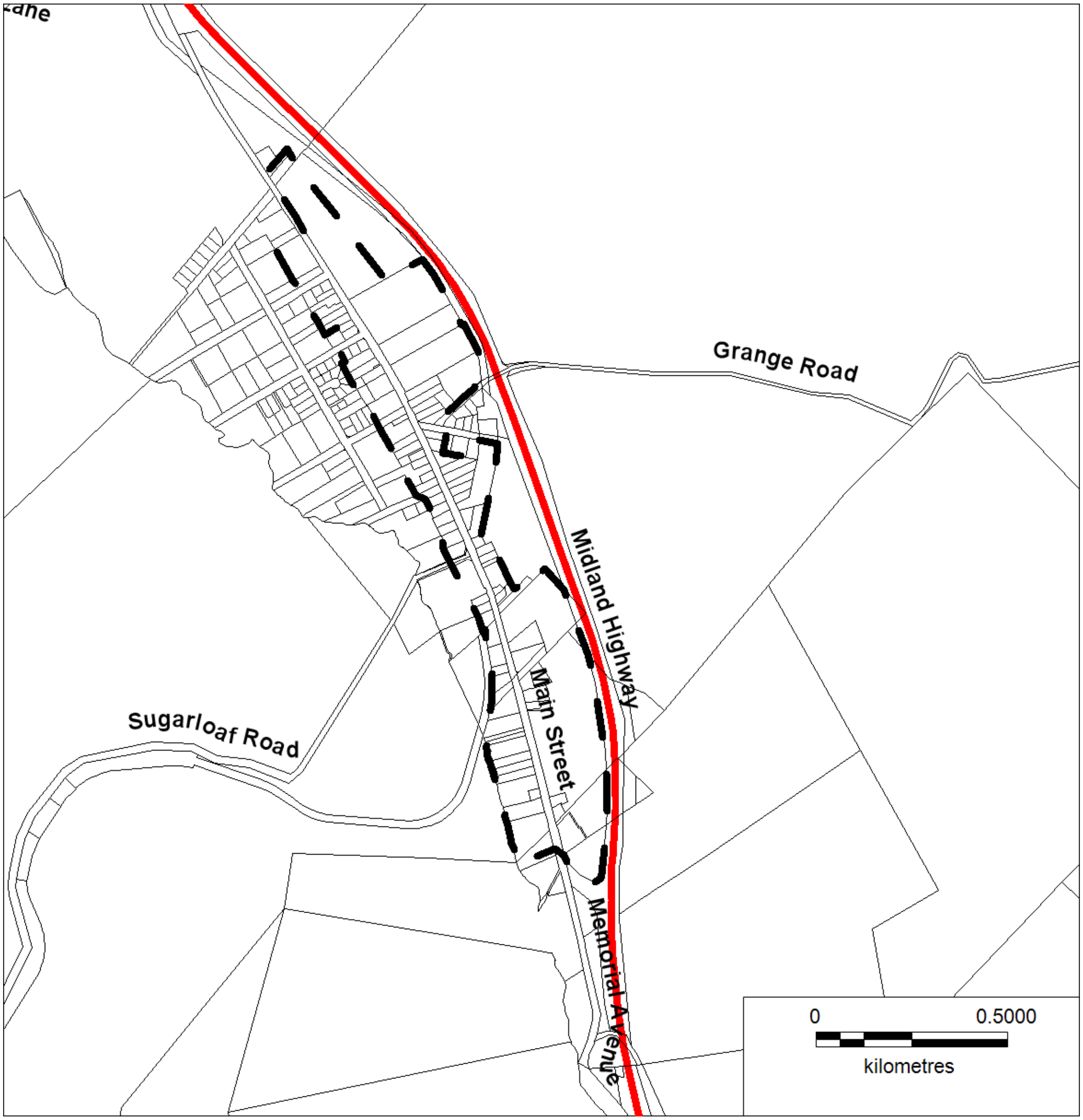
In witness whereof the common seal of Southern Midlands Council has been affixed, pursuant to the resolution of the Council of the said municipality.

Passed the day of 2013 in the presence of

Member ……………………..
Member ……………………..
General Manager ……………………..

ATTACHMENT 6

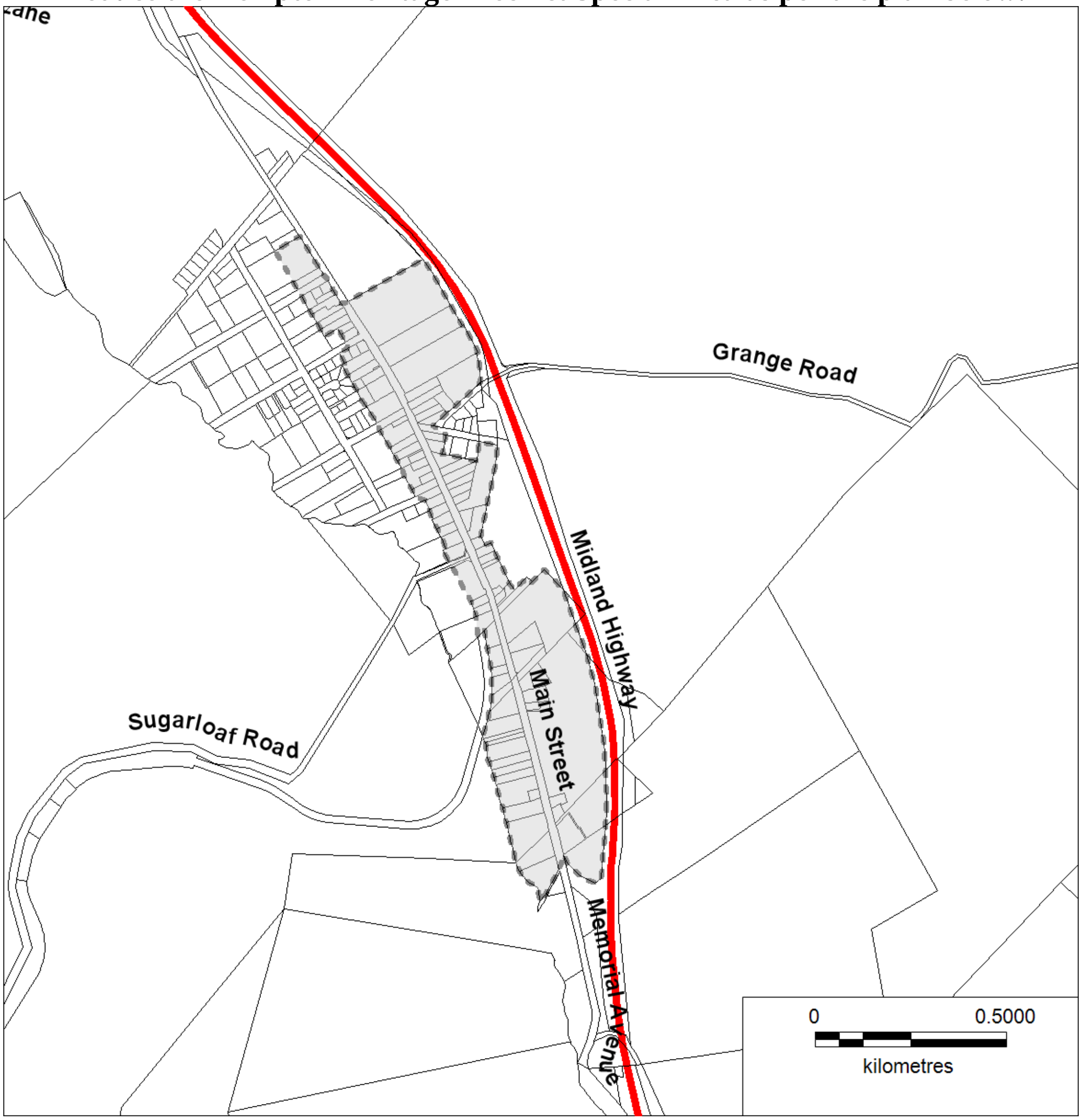
Plan of the Existing Kempton Heritage Precinct Special Area.



ATTACHMENT 7

Draft Planning Scheme Amendment 4/2013

Reduce the Kempton Heritage Precinct Special Area as per the plan below:



Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 2/2013 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 day of 2013 in the presence of

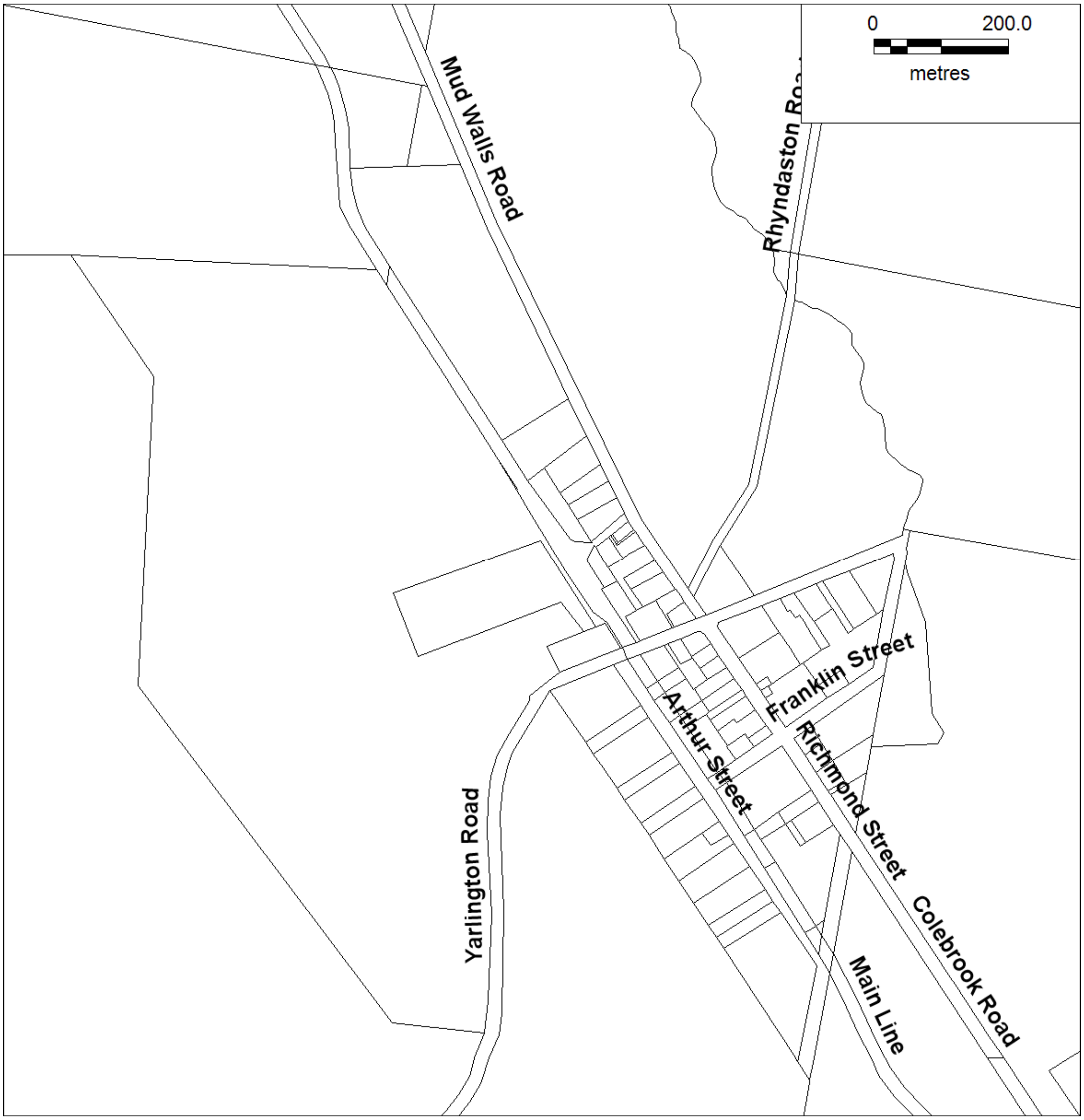
Member ………………………

Member ………………………

General Manager ………………………

ATTACHMENT 8

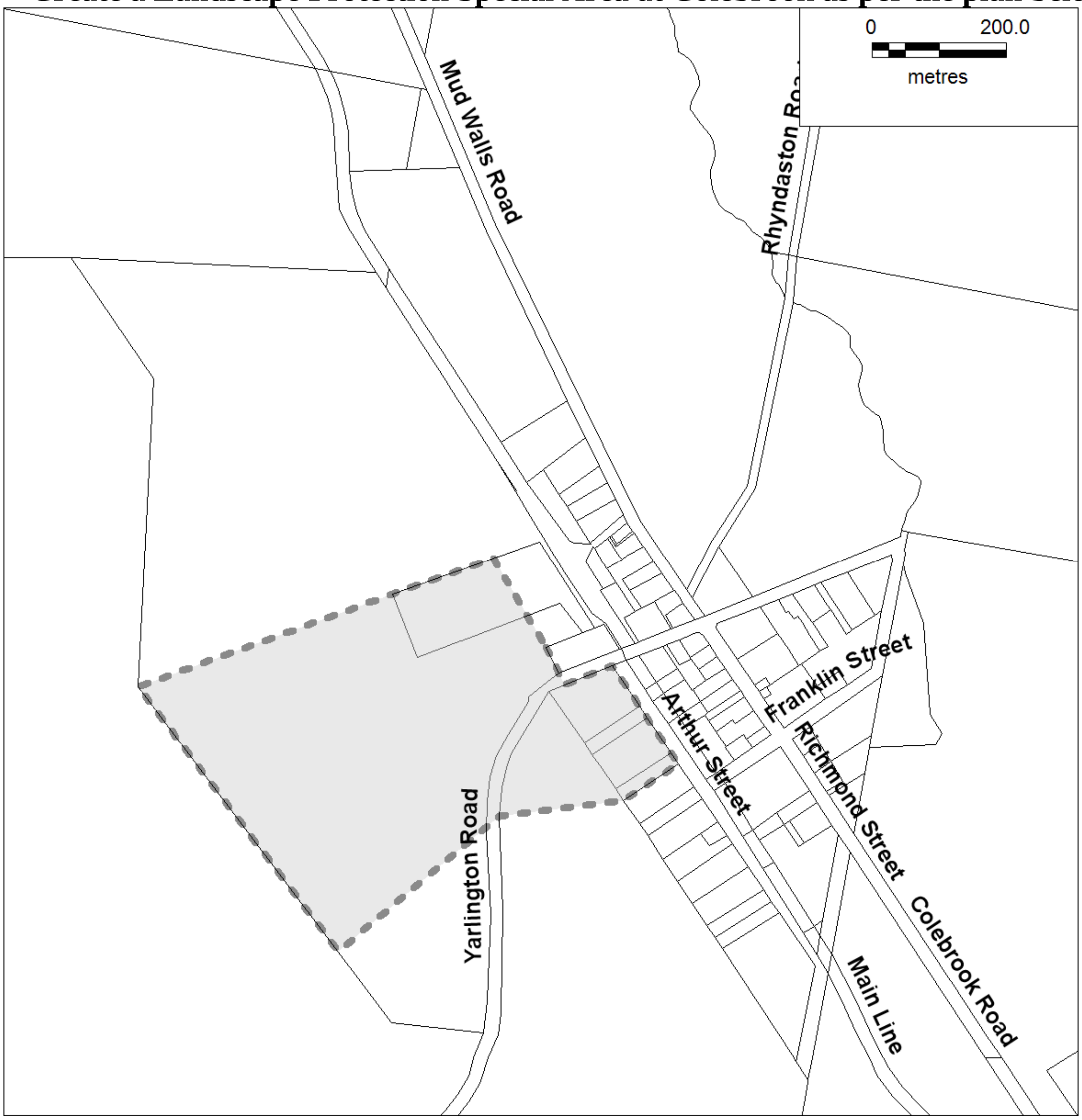
Plan of the Existing Colebrook Planning Scheme area.



ATTACHMENT 9

Draft Planning Scheme Amendment 5/2013

Create a Landscape Protection Special Area at Colebrook as per the plan below:



Pursuant to Section 35 of the *Land Use Planning & Approvals Act 1993* Council hereby certifies Draft Amendment 2/2013 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 day of 2013 in the presence of

Member ………………………

Member ………………………

General Manager ………………………

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
DATE 11TH APRIL 2014

ROADS PROGRAM

Maintenance Grading in the York Plains and Dysart areas. Andrew Walters Constructions are scheduled to commence Monday 14th April 2014 with the re-stabilisation of Stonor Road, and progressing through the works program.

BRIDGE PROGRAM

Pre-tender works being undertaken for Brown Mountain Road.

WASTE MANAGEMENT PROGRAM

No operational issues

TOWN FACILITIES PROGRAM

Works will commence Monday 14th April 2014 on East Bagdad Road / Midlands Highway footpath installation.

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 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

File Ref: *3/097*

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)
DATE 16TH APRIL 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

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

- Brad Williams has continued to work with HBS 2 days per week, managing the heritage works to the Barracks, Willow Court. This project is nearing completion and work is soon to commence on the Bronte building. Other HBS projects are continuing.

- Wall capping and stabilisation works at the Oatlands Gaol are nearing completion.

- Brad Williams has been working to finalise the Commissariat CMP and prepare the development application for works.

- Alan Townsend has been working with Linda Clark (conservator) in developing a Tasmanian architectural elements database - a combined SMC/HESC project which will value-add to Council's heritage collection and research potential.

- The Southern Midlands Convict Sites project brochure is currently in-press.

- An application has been submitted to the Tasmanian Community Fund for funds for the Kempton Watch House fitout as a meeting/function/exhibition space.

- The Southern Midlands Historic Heritage Strategy 2014-18 is currently being drafted.

- Alan Townsend, Karen Bramich and Jennifer Jones have been working to finalise a catalogue of the National Trust collection and negotiate with National Trust to formalise loan agreement.

- Alan Townsend has been doing a regular history segment on MidFM (10am, second Thursday of the month).

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 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

AUTHORS NRM PROGRAMS MANAGER (M WEEDING)
DATE 7TH APRIL 2014

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Helen Geard and Graham Green continue with further work on the Bushlinks 500 project.

- Graham has completed the GIS work required on the Southern Midlands Planning Scheme maps and all files have been submitted to the Tasmanian Planning Commission.

- Graham – continuing with the CEEP energy efficiency project. This project should be completed by August 2014, when the final report is due.

- Flax Mill and Lairmairenepair Park: - a working bee of the Lake Dulverton committee was conducted cleaning up sections of the Flax Mill area and making it safer for visitors to the site. Old tyres were moved from the park area.

- Continuing work on the building asset management plan for Southern Midlands Council, with a building condition sheet proforma completed. The form is now being used in the field by Council's Building Inspector assisted by other staff.

- Helen attended a workshop at Campbell Town that looked at future management options in regard to high priority biodiversity vegetation in the Midlands. It was a theoretical exercise organised by the University of Tasmania and has no direct implications for Council.

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 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.

Nil.

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.

17.1.1 Tasmanian Gaming Control Act 1993 – Social and Economic Impact Study of Gambling in Tasmania

AUTHOR GENERAL MANAGER
DATE 10th APRIL 2014

ATTACHED: Third Social and Economic Impact Study of Gambling in Tasmania: Discussion Guide – Local Government

ISSUE

Council to consider the Disucssion psr and provide coment in response ot the questions raised within the paper.

BACKGROUND

Every three years, an independent review of the social and economic impact of gambling in Tasmania is undertaken as a requirement under the Tasmanian Gaming Control Act 1993

DETAIL

ACIL Allen Consulting, the Problem Gambling Research Treatment Centre and the Social Research Centre have been engaged by the Tasmanian Department of Treasury and Finance to undertake the third impact study of gambling in Tasmania.

The attached Discussion Paper details the key findings from the previous studies and what harm minimisation measures have been introduced to date.

The consultants are seeking input on a range of issues and a number of discussion questions have been presented.

Whilst a straight forward Yes/No can be provided in response to some questions, others require some sort of judgement based on local knowledge (to some extent).

The aim is to have a brief discussion at the meeting in order to gain an understanding of the issues, and Council's position, which will enable a response to be provided through the Local Government Association of Tasmania (LGAT).

Human Resources & Financial Implications – Not applicable.

Community Consultation & Public Relations Implications – The Discussion Paper is primarily focussed at local government.

Policy Implications – N/A.

Priority - Implementation Time Frame – The LGAT is seeking to provide the consultants with a paper identifying sectoral issues for local government and has sought comment from individual Councils by 2nd May 2014.

RECOMMENDATION

THAT:

a) **The information be received; and**
b) **Council provide feedback and comment in relation to questions presented in the Discussion Paper.**

DECISION

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

ACIL ALLEN CONSULTING

FEBRUARY 2014

THIRD SOCIAL AND ECONOMIC IMPACT STUDY OF GAMBLING IN TASMANIA

DISCUSSION GUIDE: LOCAL GOVERNMENT

ACIL ALLEN CONSULTING

THE SOCIAL

THE UNIVERSITY OF MELBOURNE

The Problem Gambling Research and Treatment Centre

ACIL ALLEN CONSULTING PTY LTD
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F+61 2 9247 2455

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AUSTRALIA
T+61 8 9449 9600
F+61 8 9322 3955

ACILALLEN.COM.AU

Discussion guide

Introduction

ACIL Allen Consulting, the Problem Gambling Research Treatment Centre and the Social Research Centre have been engaged by the Tasmanian Government Department of Treasury and Finance to undertake the third *Social and Economic Impact Study of Gambling in Tasmania*.

The Tasmanian *Gaming Control Act 1993* requires that an independent review of the social and economic impact of gambling in Tasmania be undertaken every three years. The reports from the first study were released in 2008, with the reports from the second study released in 2012.

You can download the previous reports from the Tasmanian Government Department of Treasury and Finance, Liquor and Gaming branch website (http://www.gaming.tas.gov.au), and select 'Social and Economic Impact Studies' from the left side of the screen.

Volumes 1, 2 and 3 of the second study were released in 2012. Volumes 1 and 2 updated the first *Social and Economic Impact Study of Gambling in Tasmania* and introduced a focus on impacts in eight selected local government areas.

A new feature in the second study was that Volume 3 evaluated the appropriateness and effectiveness of harm minimisation measures in place or proposed for Tasmania after the 2008 report. This evaluation found the harm minimisation measures were evidence based, sensitive to context, formulated through a consultative process, emphasised prevention and demand reduction, and had been implemented in a way that ensured stakeholders understood that harm minimisation was the norm.

Key findings from the previous studies

The first study report was released in July 2008. This study reported that the net impact of gambling on Tasmania was uncertain, with net benefits ranging from -$62.7 million to $75.5 million. The study also found that electronic gaming machines were the main source of gambling problems in Tasmania and represented the greatest risk to vulnerable gamblers.

The second study, which was undertaken by the current consortium and released in March 2012, included the following findings:

— up to 4,780 people were directly employed in the Tasmanian gambling industry, with many of these employees having duties beyond gambling

— the gambling industry makes a positive contribution to the Tasmanian economy of approximately 0.5-1 per cent of gross state product. The positive contribution arises primarily from exports to non-Tasmanians, and the economic contribution from gambling would be small, if not negligible, in the absence of exports

— electronic gaming machines (EGMs) tended to be concentrated in local government areas with a low socioeconomic status

— of Tasmania's total adult population, 34.8 per cent were estimated to be non-gamblers, 57.4 per cent to be non-problem gamblers, 5.3 per cent were low risk gamblers, 1.8 per cent were moderate risk gamblers, and 0.7 per cent were problem gamblers.

— problem and risky gambling were all higher in low SES areas than in other areas.

This study

This third study has three overarching components:

— an update of the components from the first and second studies with an analysis of key trends in the Tasmanian gambling industry, and of the social and economic impacts of gambling in the same eight local government areas examined in the second study

— a gambling prevalence study to enable comparisons with previous Tasmanian prevalence studies

— building upon the findings of the second study, the current study is undertaking a wide ranging evaluation of the harm minimisation measures introduced by the Tasmanian Government after the 2008 study.

While the focus of the current study has much in common with the previous two, there is a greater emphasis on the local economic and social impacts of gambling in each of the eight local government areas being examined. Table 1 below indicates the eight local government areas examined in both the second and current studies.

Table 1 **Focus local government areas**

Break O'Day	Devonport
Brighton	Glenorchy
Circular Head	Launceston
Clarence	Sorell

Harm minimisation measures introduced

Following the first *Social and Economic Impact Study of Gambling in Tasmania*, the Tasmanian Government introduced a range of harm minimisation measures to address problem gambling in Tasmania. These measures have been implemented in a number of steps, culminating with the *Responsible Gambling Mandatory Code of Practice for Tasmania.*[1] The Code of Practice took effect in a phased process from 1 March 2012 with all provisions applying by 1 September 2012.

Harm minimisation measures being evaluated as part of the current study are identified in Table 2 below.

[1] See http://www.treasury.tas.gov.au/domino/dtf/dtf.nsf/v-liq-and-gaming/5CCEAA61FC7DB164CA2578880019C076

Table 2 **Gambling harm minimisation measures**

Classification	Measures
Inducements	▪ Limiting free vouchers for gambling to less than $10 ▪ Not requiring an individual to gamble more than $10, to receive an inducement, obtain a prize or enter a prize draw ▪ Not requiring an entrant in a promotional prize draw to attend the draw when the prize is worth more than $1,000
Player loyalty programs *(currently only applicable in casinos)*	▪ Player loyalty programs must provide player activity statements and responsible gambling information, and be operated in a socially responsible manner ▪ Rewards to player loyalty programs members for use in gambling must not exceed $10
Traditional consumer protection measures	▪ Information must be provided to players about responsible gambling, help for gambling problems, exclusion from gambling and chances of winning ▪ Persons appearing intoxicated must be prevented from gambling
Advertising	▪ Advertising of gambling must be socially responsible, and take into account the adverse impacts of gambling ▪ Radio and television advertising is not to be shown at peak children's viewing and listening times
Electronic gaming machine venue features	▪ Clocks are required to be clearly visible to persons participating in venue-based gambling, with analogue clocks in gambling areas ▪ Minimum lighting requirements and improved signage standards must be met in EGM areas ▪ Food or alcohol is not to be served to people playing or seated at EGMs between 6pm and the close of the gambling day
Electronic gaming machine operational features	▪ Reduced bet limits per spin on EGMs, with maximum bet limit of $5 per spin across all venues ▪ The number of maximum lines played on EGMs is reduced from 50 to 30 lines ▪ Reduced cash input limits on EGMs, from $9,899 to $500
Access to cash	▪ Ban on having ATMs in venues operating EGMs, keno or totalisator wagering ▪ No more than one cheque per day, with maximum amount of $200, is able to be cashed for gambling purposes ▪ Cash advances from credit accounts are not permitted in casinos ▪ The amount able to be withdrawn from venue EFTPOS facilities, casino ATMs, and cheque cashing facilities is reduced ($400 in casino ATMs, $200 for EFTPOS withdrawal for gambling purposes in all venues)
Payment of winnings	▪ Restricting the amount of cash for EGM and keno payouts to $1,000 ▪ Cheques for the payment of winnings must not be cashed on the same trading day they are issued
Enhanced staff training	▪ Enhanced Responsible Conduct of Gambling training of gaming staff (with a specific focus on problem gambler identification and appropriate intervention by venue staff) ▪ Requiring at least one person who has completed the Enhanced Responsible Conduct of Gambling training to be on duty at all times in areas where EGMs operate
Restricting access to gaming venues	▪ Strengthening and extending penalties to all gaming staff for allowing minors to enter a restricted gaming areas

Sources: Tasmanian Gambling Commission 2013, *Implementation of gambling harm minimisation measures: updated 5 July 2013*, see http://www.treasury.tas.gov.au/domino/dtf/dtf.nsf/LookupFiles/TGCprogress5July2013.pdf/$file/TGCprogress5July2013.pdf; and Tasmanian Gambling Commission 2013, *Responsible Gambling Mandatory Code of Practice for Tasmania*, see http://www.treasury.tas.gov.au/domino/dtf/dtf.nsf/v-liq-and-gaming/5CCEAA61FC7DB164CA2578880019C076.

Invitation to participate in stakeholder consultations

We are inviting you to participate in a round of consultations in March and April 2014 to provide your perspective on the economic and social impact of gambling in Tasmania, alongside your views on the effectiveness of harm minimisation measures introduced over the five years since 2008.

A list of questions below provides an overview of the range of issues we are interested in your views on. The questions are intended only as a guide, and we anticipate undertaking an open discussion of the relevant issues. Your views are important and we welcome your contribution.

When we meet with you, it would be beneficial if you could provide evidence in support of your responses (e.g. data and documentation).

In addition to consultations, you should feel free to provide us with any additional information following the consultation. This may include extended answers to the questions listed below or information on specific issues not addressed during the consultation.

This information should be provided by 15 May 2014, and sent to the address at the end of this discussion guide. Unless you specifically request otherwise due to the inclusion of commercial-in-confidence information, additional information you may provide will be considered a submission to the study and published on the Department of Treasury and Finance website.

Discussion questions

To inform the current study, we are seeking your input on a range of issues associated with the economic and social impact of gambling in Tasmania, including the range of harm minimisation strategies in place and their effectiveness. To this end there are a number of questions we propose to guide discussion.

- What is your council's role in relation to gambling?
  - Is your council's role only in relation to planning decisions, or is it much broader?
  - Does your council have a role in supporting community organisations assisting problem gamblers?
  - Does your council have a problem gambling strategy?
- Does the presence of legalised gambling impact upon council services?
- What role does gambling play in your local government area?
- What are the economic and social impacts for your region?
  - Is there anything unique about your local government area in relation to these impacts?
  - Do you consider that the availability of legalised gambling has a positive or negative impact upon your community?
  - Do you consider that the social and economic impacts of gambling are relatively unchanged in your local government area since the previous study in 2011?
  - What benefits and impacts can you comment on — i.e. financial, employment, social, community etc.?
- Do local gambling venues make an active contribution to your community?
- In general, do you think your local community is informed about the risks associated with gambling? Has this changed since 2011?
- What more can be done to reduce the harm associated with gambling?

- How do you think gambling customers in your local government area would spend their money if there were no gambling venues in your local government area?
- What is the community attitude toward legalised gambling in your local government area?
- Are there any other comments you would like to add?

Contact

If you have any queries about the consultation process, please contact Andrew Wade on (03) 8650 6000.

Additional information can be provided to the study at the following address:

Tasmanian Gambling Study
ACIL Allen Consulting
Level 9, 60 Collins Street
Melbourne VIC 3000

Email: tasgamblingstudy@acilallen.com.au

Phone: (03) 8650 6000 Facsimile: (03) 9654 6363

Unless you specifically request otherwise due to the inclusion of commercial-in-confidence material, additional information you may provide will be considered a submission to the study and published on the Department of Treasury and Finance website.

Further information on the study is available by contacting:

Mr Damien Jarvis
Department of Treasury and Finance
80 Elizabeth Street
Hobart TAS 7000

Phone: (03) 6166 4040

Email: damien.jarvis@treasury.tas.gov.au

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 29	
5.2.1	Build the capacity of the Community to help itself and embrace he framework and strategies articulated by the Social Inclusion Commissioner to achieve sustainability.

Nil.

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.

Nil.

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

18.1.1 Review of the Southern Midlands Council Computer Use Policy as well as the SMC Code of Conduct

AUTHOR: MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON) AND INFORMATION COMMUNICATION TECHNOLOGY OFFICER (N WILSON)

DATE: 11TH APRIL 2014

ENCLOSURE: Computer Use & Electronic Communications Policy- draft version 3
Code of Conduct – draft version 3
Please note changes in the aforementioned documents are in red font within both of the documents for ease of interpretation

ISSUE

Consideration by Council of policy amendments in respect of social media inclusions and other minor matters in the Computer Use & Electronic Policy and the SMC Code of Conduct

BACKGROUND

Report to the December 2013 Council Meeting

A document titled the Southern Midlands Council Computer Use was approved by Council in late 2012.

DETAIL
The purpose of this Policy is to ensure the proper use of Southern Midlands Council's electronic communication systems by Council staff and Elected Members for its intended purposes without infringing legal requirements, Council policies or creating unnecessary business risk.

The policy framework of risk management requires that Council have a Computer Use Policy in place as a policy document. Council is also required to regulate use of Internet and E-mail so that Council staff and Elected Members have a safe working environment and the Council is protected from commercial harm and exposure to liability. To achieve this, electronic messages sent, received, forwarded or transmitted may from time to time be subject to monitoring or retrieval.

The original Policy has been amended to reflect some minor changes as well as the inclusion of a category specifically related to Social Media. The changes for the original policy are shown in a red font within the document for ease of identification of the changes. It also proposed to change the name of the document to the Computer Use and Electronic Communications Policy.

Report to the March 2014 Council Meeting

In its consideration of the amendments put forward at the December 2013 Council meeting, Council asked that some minor amendments be included as well as information to be encapsulated within the SMC Code of Conduct policy document for consideration.

DETAIL

The amended policies were tabled at the March 2014 Council meeting for Council's consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then "lays on the table" until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting.

No modifications have been made to the documents that were tabled at the March meeting.

RECOMMENDATION

THAT Council

1. **Adopt Computer Use and Electronic Communications Policy –version 3.**
2. **Adopt Southern Midlands Council Code of Conduct – version 3**

DECISION

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

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.

Nil

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 (March 2014)

File Ref: 3/024

AUTHOR FINANCE OFFICER (C PENNICOTT)
DATE 8TH APRIL 2014

Refer enclosed Report incorporating the following: -

a) Statement of Comprehensive Income – 1st July 2013 to 31st March 2014 (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 7th April 2014
e) Cash Flow Statement - July 2013 to March 2014.

Note: Expenditure figures provided are for the period 1st July to 31st March 2014 – approximately 75% of the period.

Comments

A. Current Expenditure Estimates (Operating Budget)

Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date ($62,756 – 94.73%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Aged –** expenditure to date ($2,808 – 187.17%). Expenditure includes annul costs associated with Seniors Week event. No further expenses to be incurred.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date ($8,730 – 172.20%). Expenditure of $8,730 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

Strategic Theme – Organisation

- **Strategic Theme –Improvement** – expenditure to date ($10,792– 147.84%). This includes an amount of $9,982 which relates to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The $9,982 is the total cost and is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

- **Sub-Program – Sustainability** - expenditure to date ($1,525,723 – 79.22%). All major annual (i.e. one-off) payments are included in the expenditure to date figure.

- **Sub-Program – Finances** – expenditure to date ($176,472 – 79.04%). Expenditure includes:

  a) payment of Land Tax ($10,900) which has been paid in full for the financial year; and
  b) rate discounts ($17,361) which are only provided if rates and charges are paid in full by the due date of the first instalment (i.e. there will be no further expense for this budget item).

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 B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MARCH 2014

INFRASTRUCTURE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
ROAD ASSETS						
Resheeting Program		Roads Resheeting (40.00 klms x 5.5 x 150mm x $20 m3)	$ 600,000	$ 283,840	$ 316,160	
	C1020039	Lovely Banks Rd Resheeting 349		$ 70,626		
	C1020041	Harbacks Road		$ 21,706	-	
	C1020044	Dares Road		$ 617		
Reseal Program		Roads Resealing (as per agreed program)	$ 350,000	$ -	$ 350,000	
Reconstruct & Seal		**Bagdad**				
		Nil			$ -	
		Colebrook			$ -	
	C1010033	Eldon / Rhyndaston Road (500 metres)	$ 68,750	$ -	$ 68,750	
		Dysart				
		Nil	$ -	$ -	$ -	
		Mangalore				
		Nil	$ -	$ -	$ -	
		Oatlands				
	C1010023	Inglewood Road (1 klm - Nala Rd to Viaduct)	$ 137,500	$ 3,207	$ 134,293	
	C1010027	Stonor Road (1klm- From Midland Highway)	$ 137,500	$ 17,741	$ 119,759	
		Whitefoord / Woodsdale		$ -	$ -	
	C1010022	Junction with Stonhenge Road (250 metres)	$ 37,500	$ 300	$ 37,200	
	C1010028	Woodsdale Road (Baden Straight - 200 metres)	$ 30,000	$ -	$ 30,000	
	C1010017	Glenmorey Road - Reseal			$ -	
	C1010032	Green Valley Road - from Kenners to Bridge		$ -	$ -	
	C1010034	Cliftonvale Road		$ 2,432	$ (2,432)	
	C1010031	Ballyhooly Road - Road Improvements		$ -	$ -	
	C1010035	Stanley Street (William St i.e Thunderstone to Nelson)		$ -	$ -	
Construct & Seal (Unsealed Roads)	C1020029	Williams Road - Option 1 (Junction to Bridge -250 metres)	$ 39,375		$ 39,375	
					$ -	
Minor Seals (New)	C1020030	Nunns Road - Junction with Elderslie Main Road	$ 7,000	$ -	$ 7,000	
	C1020031	Church Road	$ 10,000	$ -	$ 10,000	
	C1020032	Hasting Street Junction	$ 15,000	$ -	$ 15,000	
		Pelham Road (end of Elderslie Rd)	$ 10,000	$ -	$ 10,000	
					$ -	
Unsealed - Road Widening	C1020027	Rhyndaston Road (vicinity of Bevens) - Stage 2	$ 29,349	$ 18,519	$ 10,830	
	C1020033	Yarlington Road - Realignment	$ 20,000	$ 3,339	$ 16,661	
	C1020034	Church Road (Corner widening)	$ 20,000	$ -	$ 20,000	
	C1020035	Estate Road (Survey Investigation Only - $5,000)	$ 15,000	$ -	$ 15,000	
	C1010036	Green Valley Road - Vicinity of Erosion Gully (Survey Investigation)	$ 5,000	$ -	$ 5,000	
	C1020037	Hall Lane, Bagdad - widening	$ 15,000	$ -	$ 15,000	
	C1020038	Chauncey Vale Road, Bagdad	$ 20,000	$ -	$ 20,000	
Junction Road Realignment/ Other		Other.				
	C1010036	Green Valley Road - Widening	$ 83,000	$ -	$ 83,000	
		Bartonvale Road (900 dia pipes - vicinity of Pooley Property) - was $27K	$ 27,000	$ -	$ 27,000	
	C1020023	Church Road (Intersection with Elderslie Road) - Survey & Acquisition	$ 21,000	$ 16,044	$ 4,956	
	C1020040	Interlaken Road- Corner Realignment (Rockton)	$ 32,000	$ 54,884	$ (22,884)	
	C1010037	Campania - Reeve St / Clime Street	$ 25,600	$ -	$ 25,600	
	C1010038	Campania - Reeve St / Hall Street	$ 5,000	$ -	$ 5,000	
		Huntington Tier (Road to Tip - Guard Rail)	$ 8,000	$ -	$ 8,000	
	C1010023	Inglewood Road - Sight Improvements	$ 8,000	$ -	$ 8,000	
		Woodsdale Road - Landslip Area(s) - Engineering Assessment	$ 9,700	$ -	$ 9,700	
	C1010039	Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	$ 15,000	-	$ 15,000	
			$ 1,801,274	$ 493,256	$ 1,400,967	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MARCH 2014

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
BRIDGE ASSETS	C1030003	Brown Mountain Road (Coal River B637)	$ 557,000	$ 99,670	$ 457,330	
	C1030043	Lyalls Road - Burns Creek (Total Replace B365)	$ 166,000	$ 59,348	$ 106,652	
	C1030028	Rotherwood Road Bridge (No. 1137)	$ 57,000	$ 2,806	$ 54,194	
	C1030023	Swanston Road - Little Swanport Rv (B 1716)	$ 678,000	$ 3,225	$ 674,775	
	C1030044	Grahams Creek Road (Grahams Creek B2510) Elderslie Road	$ 81,700	$ 1,304	$ 80,396	
	C1030045	Daniels Road - Marshalls Crk	$ 26,440	$ -	$ 26,440	
	C1030041	Shene Road (Birralee Creek B5175)	$ 142,600	$ 79,200	$ 63,400	
		Fields Road Bridge (B1851)	$ -	1,469	$ (1,469)	
		Jones Rd (B5083)	$ -	648	$ (648)	
			$ 1,708,740	$ 247,671	$ 1,461,069	
WALKWAYS		Footpaths - General (Program to be confirmed)	$ 18,674	$ -	$ 18,674	Part Budget realloacted to Grange Rd
		Bagdad Township				
	C1040014	- East Bagdad Road (Le Compte to Highway)	$ 50,000	$ 3,085	$ 46,915	
					$ -	
		Campania Township				
	C1040005	- Reeve Street (Vicinity of Store)	$ 10,000	$ -	$ 10,000	
	C1040006	- Reeve Street (500 metres)	$ 80,000	$ 8,386	$ 71,614	
		- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	$ 5,000	$ -	$ 5,000	
		Colebrook Township			$ -	
	C1040015	- Kerb & Gutter / Footpath improvements	$ 15,000	$ 4,177	$ 10,823	
		Kempton Township				
	C1040017	- Grange Road Kerb & Gutter	$ 31,326	$ 31,326	$ (0)	Budget ex Footpaths - General (above)
		Mangalore Township				
	C1040013	- Black Brush	$ -	$ 3,685	$ (3,685)	
		Oatlands Township				
	C1040016	- High Street (Kean's / School area)	$ 8,000	$ -	$ 8,000	
		Tunnack Township				
		- Various (to be confirmed)	$ 7,000	$ -	$ 7,000	
			$ 225,000	$ 50,659	$ 174,341	
LIGHTING		Nil Projects	$ -	$ -	$ -	
			$ -	$ -	$ -	
DRAINAGE		Bagdad				
	C1090013	- Swan Street - Kerb & Gutter (eastern side - 250 metres)	$ 21,882	$ 44,734	$ (22,852)	Includes construction of Bus Stop Area
	C1090015	- Swan Street - Kerb & Gutter (western side - 360 metres)	$ 75,000	$ 4,527	$ 70,473	
	C1090015	- Swan Street - Kerb & Gutter (western side - 180 metres)	$ 145,000	$ 2,687	$ 142,313	
		- North of Le Compte Place Subdivision	$ 10,000	$ -	$ 10,000	
		Colebrook			$ -	
	C1090016	- Colebrook Main Rd / Yarlington Rd (Junction to Rail)	$ 12,000	$ 1,007	$ 10,994	
	C1090017	- Franklin Street - Kerb & Gutter	$ -	$ 4,431	$ -	
	C1090018	- Machonochie Street - Kerb & Gutter	$ -	$ 4,854	$ -	
		Kempton				
		- Nil	$ -	$ -	$ -	
		Oatlands				
		- High St/Wellington Street Junction	$ 5,000	$ -	$ 5,000	
		- Stanley Street / Lake Dulverton - Extension	$ 13,000	$ -	$ 13,000	
	C1090019	- Wellington Street (150 metres - kerb replacement)	$ 12,000	$ 57	$ 11,943	
		Tunbridge				
	C1090020	- Main Road (Vicinity of Community Club)	$ 20,000	$ -	$ 20,000	
	C1090021	- Main Road (Junction with Allison Street)	$ 6,000	$ -	$ 6,000	
			$ 319,882	$ 62,296	$ 266,871	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MARCH 2014

				BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	WASTE	C110001	Wheelie Bins & Crates	$ 5,000	$ 10,829	$ (5,829)	
		C110002	Oatlands WTS - Seal Pavement	$ 10,000	$ -	$ 10,000	
				$ 15,000	$ 10,829	$ 4,171	
	PUBLIC TOILETS	C1110001	Colebrook - Power Connection & Lighting	$ 5,000	$ -	$ 5,000	
				$ 5,000	$ -	$ 5,000	
	SIGNAGE	C113001	Oatlands Signage	$ 10,000	$ 6,822	$ 3,178	
				$ 10,000	$ 6,822	$ 3,178	
ROWTH	RESIDENTIAL		Nil Projects	$ -	$ -	$ -	
				$ -	$ -	$ -	
	TOURISM		Avenues of Honour	$ -	$ -	$ -	
				$ -	$ -	$ -	
	HERITAGE	C3010004	Court House (Restoration - Toilet & Kitchenette Fac's)	$ 58,900	$ 56,872	$ 2,028	$35,900 TCF Grant, $23K Council
			Court House (Restoration - Cell Block)	$ 4,000	$ -	$ 4,000	
			Oatlands Gaol Arch Relocation	$ -	$ 16,736	$ (16,736)	
			Oatlands Gaol Wall Project	$ 96,000	$ 124,534	$ (28,534)	
		C3010009	Kempton Watch House (Fitout)	$ 7,500	$ 4,534	$ 2,966	
		C3010003	Callington Mill (Master Precinct Plan)	$ 20,000	$ 1,620	$ 18,380	
		C3010002	Gaol (Community Heritage Program)	$ 7,500	$ -	$ 7,500	Grant Funded
			Collection Management - Equip / Supplies / Labour Component	$ -	$ -	$ -	
		C3010008	Purchase - 79 High Street Oatlands (Purchase & $40K)	$ 67,500	$ 3,423	$ 64,077	Loan Funded
			Roche Hall - Forecourt				
				$ 261,400	$ 207,720	$ 53,680	
ANDSCAPES	NATURAL	C3020004	Lake Dulverton - Weed Cutter	$ 5,240	$ 4,680	$ 560	
		C3020004	Lake Dulverton - Filter	$ 2,100	$ -	$ 2,100	
		C3020004	Lake Dulverton - Bushcare	$ -	$ 1,852	$ (1,852)	
				$ 7,340	$ 6,532	$ 808	
	REGULATORY	C3040001	Kempton Council Chambers - Building & Office Improvements	$ 20,000	$ 11,046	$ 8,954	
		C3040001	Kempton Council Chambers - Office Equipment	$ 3,500	$ 655	$ 2,845	
		C3040001	Kempton Council Chambers - Carpet & Flooring	$ 5,000	$ -	$ 5,000	
		C3040001	Kempton Council Chambers - Records Scanner	$ 2,500	$ -	$ 2,500	
				$ 31,000	$ 11,701	$ 19,299	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MARCH 2014

				BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	WASTE	C110001	Wheelie Bins & Crates	$ 5,000	$ 10,829	$ (5,829)	
		C110002	Oatlands WTS - Seal Pavement	$ 10,000	$ -	$ 10,000	
				$ 15,000	$ 10,829	$ 4,171	
	PUBLIC TOILETS	C1110001	Colebrook - Power Connection & Lighting	$ 5,000	$ -	$ 5,000	
				$ 5,000	$ -	$ 5,000	
	SIGNAGE	C113001	Oatlands Signage	$ 10,000	$ 6,822	$ 3,178	
				$ 10,000	$ 6,822	$ 3,178	
GROWTH	RESIDENTIAL		Nil Projects	$ -	$ -	$ -	
				$ -	$ -	$ -	
	TOURISM		Avenues of Honour	$ -	$ -	$ -	
				$ -	$ -	$ -	
	HERITAGE	C3010004	Court House (Restoration - Toilet & Kitchenette Fac's)	$ 58,900	$ 56,872	$ 2,028	$35,900 TCF Grant, $23K Council
			Court House (Restoration - Cell Block)	$ 4,000	$ -	$ 4,000	
			Oatlands Gaol Arch Relocation	$ -	$ 16,736	$ (16,736)	
			Oatlands Gaol Wall Project	$ 96,000	$ 124,534	$ (28,534)	
		C3010009	Kempton Watch House (Fitout)	$ 7,500	$ 4,534	$ 2,966	
		C3010003	Callington Mill (Master Precinct Plan)	$ 20,000	$ 1,620	$ 18,380	
		C3010002	Gaol (Community Heritage Program)	$ 7,500	$ -	$ 7,500	Grant Funded
			Collection Management - Equip / Supplies / Labour Component	$ -	$ -	$ -	
		C3010008	Purchase - 79 High Street Oatlands (Purchase & $40K)	$ 67,500	$ 3,423	$ 64,077	Loan Funded
			Roche Hall - Forecourt				
				$ 261,400	$ 207,720	$ 53,680	
LANDSCAPES	NATURAL	C3020004	Lake Dulverton - Weed Cutter	$ 5,240	$ 4,680	$ 560	
		C3020004	Lake Dulverton - Filter	$ 2,100	$ -	$ 2,100	
		C3020004	Lake Dulverton - Bushcare	$ -	$ 1,852	$ (1,852)	
				$ 7,340	$ 6,532	$ 808	
	REGULATORY	C3040001	Kempton Council Chambers - Building & Office Improvements	$ 20,000	$ 11,046	$ 8,954	
		C3040001	Kempton Council Chambers - Office Equipment	$ 3,500	$ 655	$ 2,845	
		C3040001	Kempton Council Chambers - Carpet & Flooring	$ 5,000	$ -	$ 5,000	
		C3040001	Kempton Council Chambers - Records Scanner	$ 2,500	$ -	$ 2,500	
				$ 31,000	$ 11,701	$ 19,299	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MARCH 2014

				BUDGET	EXPENDITURE	VARIANCE	COMMENTS
LIFESTYLE							
	RECREATION	C4070005	Recreation Committee	$ 30,000	$ 550	$ 29,450	TBC
		C4070004	Playground Equipment	$ 7,500	$ 3,744	$ 3,756	TBC
		C407008	Campania Hall	$ -	$ 2,835	$ (2,835)	
		C4070017	Kempton Memorial Hall	$ 10,000	$ -	$ 10,000	
		C4070016	Colebrook Recreation Ground (Amenities)	$ 16,367	$ 18,828	$ (2,461)	
		C4070006	Midlands Aquatic & Recreation Centre	$ -	$ 8,482	$ (8,482)	TBC
		C4070020	Colebrook Online Access Centre (Repainting)	$ 2,500	$ 2,560	$ (60)	
		C4070021	Oatlands - BMX Track	$ 5,000	$ 1,860	$ 3,140	
		C4070001	Parattah Recreation Ground	$ 2,600	$ -	$ 2,600	
		C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	$ 25,000	$ -	$ 25,000	
			Medicine Balls, Various Weights	$ -	$ 5,245	$ (5,245)	Grant Funded - Health Communities Progran
			Campania Cricket Nets	$ -	$ 224	$ (224)	
			Campania Recreation Ground (Amenities)	$ -	$ 295	$ (295)	
			Supply and Installation 2 Heat Pumps HW	$ -		$ -	Grant Funded - CEEP
				$ 98,967	$ 44,622	$ 54,345	
COMMUNITY							
	SAFETY	C5030001	Road Accident Rescue Unit	$ 3,000	$ -	$ 3,000	
				$ 3,000	$ -	$ 3,000	
ORGANISATION							
	SUSTAINABILITY ADMINISTRATION	C6020007	Council Chambers - Building Improvements ($ for $)	$ 7,500	$ -	$ 7,500	
		C6020007	Council Chambers - Concrete Paths (Forecourt)	$ 7,400	$ -	$ 7,400	
		C6020007	Photo Reframing	$ 3,500	$ -	$ 3,500	
		C6020007	Council Chambers - Damp Issues & Stonemasonry (C4070011)	$ 15,000	$ 11,081	$ 3,919	
		C6020007	Council Chambers (External Windows - Repaint)	$ 10,000	$ 8,313	$ 1,687	
		C6020007	Computer System (Hardware / Software)	$ 23,000	$ 18,552	$ 4,448	
		C6020007	Town Hall (Chairs)	$ 5,000	$ -	$ 5,000	
		C6020007	Town Hall (General) - incls. Office Equip/Furniture	$ 8,286	$ 4,456	$ 3,830	
		C6020007	Town Hall (Upstairs) - Rewiring	$ 5,000	$ -	$ 5,000	
		G3050003	Climate Change Efficiency		$ 24,642	$ (24,642)	Grant Funded
	WORKS	C9990002	Minor Plant Purchases	$ 6,000	$ 9,180	$ (3,180)	
			Radio System	$ 2,000	$ 2,969	$ (969)	
			Plant Replacement Program				
			Refer separate Schedule (Net Changeover)	$ 662,536	$ 519,625	$ 142,911	
			Light Vehicles	$ 144,000	$ 149,177	$ (5,177)	
			(Trade Allowance - $240K)		$ -		
			Excavator (Approx. 2.70 tonne)	$ 60,000	$ 70,394	$ (10,394)	
			Emulsion Sprayer	$ 7,000	$ -	$ 7,000	
			Traffic Lights (mounted mobile)	$ 7,000	$ -	$ 7,000	
			Water Tanks Replacement (Truck)	$ 36,000	$ -	$ 36,000	
				$ 1,009,222	$ 818,389	$ 190,833	
			GRAND TOTALS	$ 5,495,825	$ 1,960,495	$ 3,637,563	

	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) (January 2014)	INFLOWS (OUTFLOWS) (February 2014)	INFLOWS (OUTFLOWS) (March 2014)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities										
Payments										
Employee costs	-239,458.53	-274,071.17	-268,147.50	-259,876.01	-255,270.42	-371,181.37	-195,329.89	-235,955.17	-272,127.79	-2,371,417.85
Materials and contracts	-277,590.55	-437,046.31	-181,933.87	-342,786.11	-302,707.23	-189,616.03	-353,850.65	-240,836.10	-304,081.49	-2,630,448.34
Interest	-627.25	-	-	-	-9,319.64	-20,579.12	-	-	-	-30,526.01
Other	-9,793.10	-34,432.27	-32,556.88	-62,381.71	-16,041.56	-15,725.79	-63,276.44	-17,588.10	-67,154.04	-318,949.89
	-527,469.43	-745,549.75	-482,638.25	-665,043.83	-583,338.85	-597,102.31	-612,456.98	-494,379.37	-643,363.32	-5,351,342.09
Receipts										
Rates	57,079.91	819,356.99	1,104,558.08	139,532.99	422,175.54	162,501.85	446,953.09	173,187.88	408,325.56	3,733,671.89
User charges	97,861.87	48,302.62	43,422.56	83,826.89	54,929.89	83,351.78	69,253.48	55,210.26	71,542.64	607,701.99
Interest received	15,891.50	16,810.00	22,072.17	23,089.96	21,998.52	22,448.52	18,748.67	21,530.68	19,349.28	181,939.30
Subsidies	-	-	-	-	-	-	-	-	15,750.00	15,750.00
Other revenue grants	-	410,803.25	-	-	410,803.25	-	-	410,803.25	-	1,232,409.75
GST Refunds from ATO										
Other	17,385.26	29,379.99	5,523.39	21,207.61	-60,487.65	41,019.55	-27,216.88	24,058.70	48,447.28	99,317.25
	188,218.54	1,324,652.85	1,175,576.20	267,657.45	849,419.55	309,321.70	507,738.36	684,790.77	563,414.76	5,870,790.18
Net cash from operating activities	-339,250.89	579,103.10	692,937.95	-397,386.38	266,080.70	-287,780.61	-104,718.62	190,411.40	-79,948.56	519,448.09
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	-268,244.17	-247,082.53	-73,916.67	-1,473,524.99
Proceeds from sale of property, plant & equipment	-	15,993.64	-	26,000.00	65,716.84	-	25,000.00	10,044.55	45.45	142,800.48
Proceeds from Capital grants	2,368.18	9,141.85	6,690.91	327,847.50	7,226.91	7,172.58	-	3,865.73	425,097.50	789,411.16
Proceeds from Investments										
Payment for Investments										
Net cash used in investing activities	-46,289.57	-51,144.94	-24,288.47	10,657.08	-208,490.42	-96,566.89	-243,244.17	-233,172.25	351,226.28	-541,313.35
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	-386,729.30	-47,484.99	-419,903.41	-347,962.79	-42,760.85	271,277.72	-72,230.99
Cash at beginning of reporting year	8,734,794.63	8,344,549.64	8,872,507.80	9,541,157.28	9,154,427.98	9,201,912.97	8,782,009.56	8,434,046.77	8,391,285.92	8,734,794.63
Cash at end of reporting year	8,344,549.64	8,872,507.80	9,541,157.28	9,154,427.98	9,201,912.97	8,782,009.56	8,434,046.77	8,391,285.92	8,662,563.64	8,662,563.64

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

		7/04/2014		7/04/2013
Arrears Brought Forward		$352,040.89		$251,900.24
ADD Current Rates and Charges Levied		$4,142,807.56		$3,944,303.81
ADD Current Interest		$62,979.84		$57,683.99
TOTAL Rates and Charges Demanded	100%	**$4,557,828.29**	100%	**$4,253,888.04**
LESS Rates and Charges Collected	79.24%	$3,611,826.07	78.30%	$3,330,777.54
LESS Pensioner Remissions	4.58%	$208,552.64	4.74%	$201,677.68
LESS Other Remissions	-0.18%	-$8,312.06	-0.07%	-$2,976.88
LESS Discounts	0.39%	$17,782.22	0.31%	$13,102.39
TOTAL Rates and Charges Collected and Remitted	84.03%	**$3,829,848.87**	83.28%	**$3,542,580.73**
UNPAID RATES AND CHARGES	**15.97%**	**$727,979.42**	**16.72%**	**$711,307.31**

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT MARCH 2014 75%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	2527569	956534	72.55%
Bridges	428807	428807	299431	129376	69.83%
Walkways	175603	175603	122708	52895	69.88%
Lighting	89544	89544	44178	45366	49.34%
Irrigation	2450	2450	1489	961	60.78%
Drainage	81322	81322	53560	27762	65.86%
Waste	548480	548480	353870	194610	64.52%
Public Toilets	55726	55726	37634	18092	67.53%
Communications	0	0	636	-636	0.00%
Signage	12300	12300	5599	6701	45.52%
INFRASTRUCTURE TOTAL:	4878335	4878335	3446674	1431661	70.65%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	422822	187298	69.30%
Tourism	188853	188853	60104	128750	31.83%
Business	66250	66250	62756	3494	94.73%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	0	27600	0.00%
GROWTH TOTAL:	901093	901093	545681	355412	60.56%
LANDSCAPES					
Heritage	291385	291385	188910	102475	64.83%
Natural	477908	477908	265070	212838	55.46%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	569757	219546	72.18%
Climate Change	40376	40376	7399	32977	18.33%
LANDSCAPES TOTAL:	1598972	1598972	1031136	567836	64.49%
LIFESTYLE					
Youth	160905	160905	81427	79478	50.61%
Aged	1500	1500	2808	-1308	187.17%
Childcare	10000	10000	5000	5000	50.00%
Volunteers	32000	32000	16277	15723	50.87%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	884	6822	11.47%
Recreation	402126	402126	301589	100537	75.00%
Animals	70029	70029	37401	32628	53.41%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	445384	245287	64.49%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	19728	15297	56.32%
Safety	56650	56650	35542	21108	62.74%
Consultation	5070	5070	8730	-3660	172.20%
Communication	15125	15125	4971	10154	32.87%
COMMUNITY TOTAL:	111870	111870	68972	42898	61.65%
ORGANISATION					
Improvement	7300	7300	10792	-3492	147.84%
Sustainability	1925878	1925878	1525723	400155	79.22%
Finances	223263	223263	176472	46791	79.04%
ORGANISATION TOTAL:	2156441	2156441	1712988	443453	79.44%
TOTALS	10337382	10337382	7250835	3086547	70.14%

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 10^{th} April 2014.

Information Bulletin dated 28^{th} March 2014 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 28^{th} March 2014 and 10^{th} April 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 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 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 "

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

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 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 B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

23. CLOSURE