

SOUTHERN
MIDLANDS
COUNCIL



PUBLIC COPY
COUNCIL MEETING
MINUTES

9th December 2015

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85 Main Street, Kempton

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**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 9TH DECEMBER 2015 AT THE COUNCIL
CHAMBERS, KEMPTON COMMENCING AT 2:00 P.M.**

OPEN COUNCIL MINUTES

1. PRAYERS

Mr Bo Pennicott recited the Lord's Prayer.

2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clr A R Bantick, Clr E Batt, Clr R Campbell, Clr D F Fish and Clr D Marshall

In Attendance: Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Mackey (Manager Development and Environment Services), Mr D Cundall (Senior Planning Officer), Ms E Lang (Executive Assistant)

3. APOLOGIES

Nil.

4. APPLICATION FOR LEAVE OF ABSENCE

Councillor David Marshall has requested leave of absence to study at Tsuru University in Japan for the period: **28th January 2016 to 14th March 2016**

DECISION

Moved by Clr D Fish, seconded by Clr A Bantick

THAT Councillor Marshall's request for leave of absence be granted for the period 28 January 2016 to 14 March 2016.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 25th November 2015, as circulated, are submitted for confirmation.

DECISION

Moved by Clr B Campbell, seconded by Clr E Batt

THAT the minutes of the previous meeting of Council held on the 25th November 2015, as circulated, be confirmed.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

5.2 SPECIAL COUNCIL MINUTES

Nil.

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- Minutes of the Lake Dulverton and Callington Park Management Committee held on the 16th November 2015.
- Minutes of the Audit and Risk Committee held on 30th November 2015.

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr B Campbell

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- Lake Dulverton and Callington Park Management Committee held on the 16th November 2015.
- Audit and Risk Committee held on the 30th November 2015.

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

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 Meeting, 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.

DECISION NOT REQUIRED

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

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

36A. Annual reports of authorities

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

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

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

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

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

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

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

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

36B. Quarterly reports of authorities

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

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

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- **Southern Waste Strategy Authority – 2014/15 Annual Report**
- **Southern Tasmanian Councils Authority – Nil**

RECOMMENDATION

THAT the reports received from the Joint Authorities be received.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr E Batt

THAT the reports received from the Joint Authorities be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

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.

A workshop was held on the 2nd December 2015 at the Council Chambers, Kempton commencing at 9.00am.

Present: Mayor A Bisdee OAM, Deputy Mayor AO Green, Clr E Batt, Clr D Fish and Clr D Marshall

Apologies: Clr A Bantick and Clr B Campbell

In attendance: T Kirkwood, D Mackey and D Cundall

The purpose of the workshop was to consider the representations that have been submitted following advertising of the Southern Midlands Interim Planning Scheme 2015. The outcomes of the workshop will be the subject of a separate report within this agenda.

The workshop closed at 10.45am.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr E Batt, seconded by Deputy Mayor A Green

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

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. Councillor Campbell – enquiry regarding the Runnymede Cricket Ground and how long until it is finalised for Council ownership?
The Deputy General Manager advised that iFarm manages the site of the Forestry Plantation which includes the Runnymede Cricket Ground. Discussions with the new owners have occurred and a proposal has been put forward to the board for it to be transferred to Council for a peppercorn amount. The process for ownership is underway and a proposal will be submitted early in the New Year.
2. Councillor Campbell – enquired about the state of the roads in 2-5 years' time given the potential impact of replantation harvesting.
The General Manager advised that the conditions of roads are monitored on an ongoing basis.
3. Councillor Campbell – enquiry regarding the Blacksmith Shop at Oatlands.
The Deputy General Manager provided information that was previously advised to Councillor Campbell on this matter.
4. Councillor Marshall – enquiry about insurance for the Runnymede Cricket Club.
The General Manager advised that Council maintains a listing of all its properties that is reviewed on a regular basis (ad insurers notified).
4. Deputy Mayor Green – accumulation of green waste – Campania Waste Transfer Station.
The General Manager advised that green waste will be removed and carted to a disposal site at Oatlands prior to Christmas.

8. 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*.

Nil.

9. 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.

The General Manager reported that the following items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

21.1 National Stronger Regions Fund – Grant Application - 79 High Street, Oatlands (Formal Advice of Approval)

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

Moved by Deputy Mayor A Green, seconded by Clr B Campbell

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

10. PUBLIC QUESTION TIME (SCHEDULED FOR 3.30 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.*

Nil.

10.1 PERMISSION TO ADDRESS COUNCIL

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

Nil.

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

Nil.

12. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.

12.1 DEVELOPMENT APPLICATIONS

12.1.1 Development Application (DA 2015/120) for proposed Telecommunications Infrastructure (NBN Tower) at 20 Stanley Street, Oatlands (CT 230514/1), owned by Barry Maxwell Clarke

File Ref: T7817830

AUTHOR PLANNING OFFICER (DAVID CUNDALL)

DATE 3RD DECEMBER 2015

ATTACHMENT Development Application - *Planning Report: Proposed Fixed Wireless Facility 20 Stanley Street Oatlands* prepared on behalf of NBN Co
Photo Montage supplied by NBN Co
NBN Co Community Consultation Letter
NBN radiation levels information

ENCLOSURE Representations

PROPOSAL

The Applicant Aurecon Australia for Ericsson on behalf of the NBN CO has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to install and operate a 40m high monopole to provide wireless telecommunications to the Oatlands area.

The intent of the application is to construct a telecommunications tower to provide wireless NBN to Oatlands as part of the NBN network. The tower, as required by the Planning Scheme, also needs to be also capable of supporting future telecommunications facilities.

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

The land is an approximately 7300m² parcel of land on the corner of Stanley Street and Nelson Street in Oatlands. The land is currently used as a wood-yard and contains a corrugated iron clad shed building.

The land is zoned Light Industrial and is within an ‘Attenuation Area’. The ‘Attenuation Area’, applies to all land within approximately 100m of the former stoneworks on the corner of William Street and Stanley Street. Council should note the stoneworks is no longer active as the land use has changed use to a retail type industry.

Under the Planning Scheme the proposal is defined as “Utilities - Telecommunications Infrastructure”. The proposal is subject to several planning codes, which are described and assessed in this report.

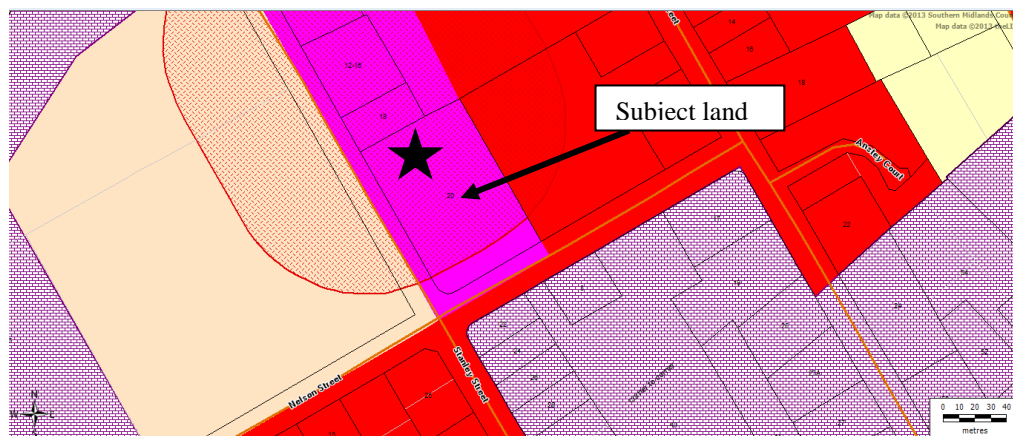
A permit for this type of “Telecommunications Infrastructure” is considered at the discretion of Council.

The Council gave notice of the application for public comment and the NBN Co also conducted public consultation prior to the lodgement of the application. During the statutory notification period, the Council received 14 letters of objections from 14 separate persons. Of the 14 letters received, 12 were identical letters, each signed by separate persons from the same property address.

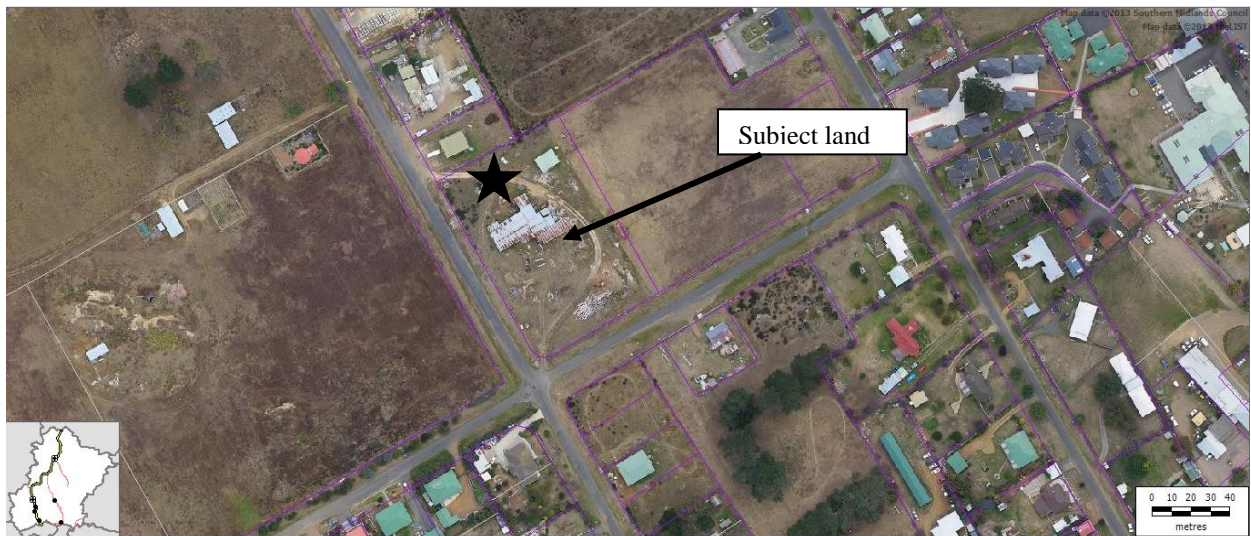
This report will assess the proposal against the relevant provisions of the Act and the Scheme. The Application is recommended for approval subject to conditions and advice.

THE SITE

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



Map 1_The land, coloured purple is the Light Industrial Zone. The subject property is marked with an arrow and annotation. The location of the proposed NBN tower is marked by the black star. The adjoining red coloured land is the Residential Zone. The land on the opposite side of the Stanley Street is the Rural Zone (School Farm) and the land on the opposite side of Nelson Street is the Residential Zone and Historic Precinct Area. The red hatched area that encircles part of the industrial area is the attenuation area around the former stoneworks.



Map 2 _ Aerial image of the land. The black star marks the location of the proposed NBN Tower. The existing sheds are visible in this image. The adjoining land to the east is vacant residential.

THE APPLICATION

The Applicant has submitted the attached *Planning Report: Proposed Fixed Wireless Facility: 20 Stanley Street Oatlands* to accompany the Development Application form.

Council Officers have conducted site visits and also attended the public consultation session that was held at the Gay Street Hall in Oatlands on the 18th August 2015.

Council Officers also discussed the concerns raised in the representations with the NBN Co.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as ‘Utilities’ and then further defined as ‘Telecommunications Infrastructure’.

Use/Development Status under the Planning Scheme

Telecommunications Infrastructure is a discretionary use and development in the Light Industrial Zone. The use/development is subject to the “Telecommunications Code”. The Interim Scheme determines that this code is used to assess telecommunications works. The provisions of a code prevail over any conflicting provisions (standards etc) in a zone.

The proposal is a discretionary use and development and was advertised in accordance with Section 57 of the Act.

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 17th October 2015 for fourteen (14) days and then, due to a notification error, the application was again advertised for a further 14 days beginning on the 18th November 2015. During the second notification period, 14 persons lodged a representation objecting to the proposed tower. Of the 14 persons, 12 of these persons had signed an identical letter objecting to the proposal.

As Council are aware, the NBN Co conducted public consultation prior to the lodgement of the Development Application. The consultation included a letter drop to Oatlands residents per the attached “NBN Co Community Consultation Letter”, and a community drop in session was held at the Gay Street Hall. Officers also understand that the NBN Co were generally available to discuss the proposal with interested persons.

Representation 1	<i>Council Officer Comment</i>
<p>To The General Manager,</p> <p>I am writing to you on behalf of my entire family, strongly opposing the erection of a 40 metre high NBN tower at 20-24 Stanley Street, Oatlands.</p> <p>In my opinion, given the numerous and latest studies surrounding the phone and internet towers, and the potential likelihood of them causing and/or increasing the risk of many Cancers to the human body, I do not want one 100m away from my house.</p> <p>I have three children to consider and their health means everything to me. There are numerous children in this vicinity and I am also thinking of their futures as well. Not to mention all of us in the town itself.</p> <p>Of course, fast internet is a must have these days, and it would benefit our community immensely. However, I see no reason why the tower could not be erected on one of the many surrounding hills out of Oatlands. Surely being on a hill would also advantage the houses outside of the town and quite possibly even neighbouring suburbs.</p> <p>I would appreciate it if you would consider my objection to this tower being erected in the township, and I await your decision with anticipation.</p>	<p><i>Many of these towers have been constructed across Australia to provide telecommunications services. Officers, understand this particular concern about human health is often raised.</i></p> <p><i>The Application includes a report on the Electromagnetic energy (EME) and radiofrequency (RF). <u>The maximum EME level calculated for the proposed systems at this site is 0.15% of the public exposure limit.</u></i></p> <p><i>Council Officers also sought further information from the NBN Co on this particular matter. The NBN Co were able to provide further sources of information on public safety. This information has been also enclosed with this report.</i></p>
Representation 2 (12 letters each signed)	<i>Council Officer Comment</i>

<p>by separate persons)</p> <p>Dear Sir</p> <p>I am a resident of the Midlands Multi-Purpose Health Centre, 13 Church Street Oatlands.</p> <p>I would like to voice my objections re: the construction of the proposed NBN tower in Stanley Street.</p> <p>I feel environmentally it would not be an asset to our wonderful heritage village and to have a 40 metre tower constructed in the township would be very detrimental to our charming rural community.</p> <p>From our rooms, dining room and outdoors area we enjoy being able to look around and still feel part of our beautiful rural area, visually it would be a terrible shame to have to have our surroundings blotted by a 40 metre mono pole tower.</p> <p>I also have concerns re: any unknown health risks connected with the operation of the tower. I have viewed the proposed plans and feel if the tower is to be built in our community I would prefer option B, the Greenfield site be used.</p>	<p><i>NBN Co conducted public consultation prior to lodging the application to determine the most appropriate site for the NBN tower. Impact on the Heritage township was a primary concern.</i></p> <p><i>The visual impacts of the tower have been assessed against the relevant provisions of the Planning Scheme in this report.</i></p> <p><i>Officers recommend a condition on the permit to have the pole painted a suitable colour and coating that has a very low light reflectance. This is modern best practice.</i></p> <p><i>The known health risks from EME and RF have been identified by the Applicant. The tower would generate a maximum 0.15% of the exposure limit. Of this, persons at the MMPHC would be exposed to 0.056% of the acceptable exposure limit.</i></p>
<p>Representation 3</p>	<p>Council Officer Comment</p>
<p>Dear Sir,</p> <p>PROPOSED NBN TOWER 20-24 STANLEY STREET, OATLANDS</p> <p>I would like to submit my objection to the proposed NBN Tower in the historic town of Oatlands.</p> <p>Oatlands has the largest single collection of sandstone Georgian architecture in the country and from a town planning perspective such infrastructure is inappropriate.</p> <p>Perhaps an alternative location in the local environs could be considered.</p>	<p><i>Alternative sites were considered by the NBN Co. It is understood by Council Officers, and as detailed in the Application, that given the heritage significance of the town and highway vistas, the chosen site in Stanley Street was the most appropriate location.</i></p> <p><i>Officers, however, further recommend that the pole is painted a suitable colour.</i></p>

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Light Industrial Zone

20 Stanley Street is in the Light Industrial Zone. The proposal is a discretionary land use and development in this zone. The proposal must satisfy the requirements of the following relevant provisions of this zone:

Hours of Operation		
<i>To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.</i>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>Hours of operation of a use within 100 m of a residential zone must be within:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Saturdays;</p> <p>(c) nil Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p>Hours of operation of a use within 100 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p><i>The proposed construction works are planned between 7:00am and 6:00pm.</i></p> <p><i>The application states, it will be necessary for a once yearly visit to the site for general maintenance checks.</i></p> <p><i>There may also be times when the operator may need to attend the site outside of the acceptable hours to attend to faults etc. This is considered acceptable.</i></p> <p><i>It is likely the proposal will comply with the acceptable solution and within the ambit of the performance criteria.</i></p>

Noise		
<i>To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.</i>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or</p>	<p>P1</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>	<p><i>It is likely the proposal will comply with the acceptable solution.</i></p>

<p>40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LMax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>		
<p>A2</p> <p>External amplified loud speakers or music must not be used within 50 m of a residential zone</p>	<p>P2</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone</p>	<p><i>This is not applicable</i></p>

<p>External Lighting To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.</p>		
<p>Acceptable Solutions</p> <p>A1</p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p>Performance Criteria</p> <p>P1</p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>	<p>OFFICER COMMENT</p> <p><i>It is likely the proposal will comply with the acceptable solution.</i></p>

Commercial Vehicle Movements		
To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9 am to 5.00 pm Sundays and Public Holidays.</p>	<p>P1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic</p>	<p><i>It is likely the proposal will comply with the acceptable solution. The applicant expects a single annual maintenance visit per year.</i></p> <p><i>There may however be times of maintenance outside of this period if there are any technical faults. This is considered reasonable for this type of service provider.</i></p>

Outdoor Work Areas		
To ensure that use of outdoor work areas does not have unreasonable impact on residential amenity on land within a residential zone		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone	Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans located within 50 m of a residential zone must be accompanied by effective acoustic screening in the intervening space	<p><i>The proposed air conditioning unit is approximately 48m from the nearest residential zone boundary.</i></p> <p><i>The application states that the air conditioning unit is “expected to be at a comparable level to domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.”</i></p> <p><i>This is considered acceptable in this zone and area.</i></p>

Setback		
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no less than:</p> <p>5 m.</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p> <p>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</p> <p>(d) provide adequate opportunity for parking.</p>	<p><i>The structure is 16m from the frontage. The proposal meets the acceptable solution.</i></p>

<p>A2</p> <p>Building setback from a residential zone must be no less than:</p> <p>(a) 10 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining lots,</p> <p>(d) industrial activity.</p>	<p><i>The structure is approximately 48m from the nearest Residential Zone. The proposal meets the acceptable solution.</i></p>
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<p>Design</p> <p>To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</p> <p>(c) for new building or alterations to an existing</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that is visible from the street or other public space boundary;</p> <p>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</p> <p>(c) treat very large expanses of blank wall in the front façade and facing other public space</p>	<p><i>The standards for design under this provision are intended for buildings and not telecommunications towers.</i></p> <p><i>The standards for design are better prescribed in the Telecommunications Code.</i></p> <p><i>The proposal is likely to comply with the acceptable solution.</i></p>

<p>facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place</p>	<p>boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;</p> <p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;</p> <p>(f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(g) be consistent with any Desired Future Character Statements provided for the area.</p>	
<p>A2</p> <p>Walls of a building on land adjoining a residential zone must comply with all of the following:</p> <p>(a) be coloured using colours with a light reflectance value not greater than 40 percent.;</p> <p>(b) if within 50 m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.</p>	<p>P2</p> <p>No performance criteria.</p>	<p><i>To comply with the acceptable solution the recommendation is that a condition be included on the permit that ensures the proposed tower must comply with the acceptable solution.</i></p> <p><i>Accordingly the tower cannot have a reflectance value greater than 40%.</i></p> <p><i>It is recommended the developer provide an accurate colour and finishes schedule to the satisfaction of the Council prior to the submission of the application for a building permit. The schedule must then form a part of the approved plans.</i></p>

		<p><i>Council Officers recommend a dull grey colour that will absorb light greater than the 40% standard.</i></p> <p><i>The Visual amenity is further assessed in the “Telecommunications code”.</i></p>
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<p>Landscaping</p>		
<p>To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.</p>	<p>P1</p> <p>Landscaping must be provided to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area</p>	<p><i>The proposed structure is 40m high.</i></p> <p><i>The purpose of this height is to provide a communications service to the township of Oatlands and surrounds. The tower also needs to communicate with the NBN tower in Parattah.</i></p> <p><i>As far as practical, landscaping the site with trees and shrubs would only obscure a small portion of this tower. It would nonsensical to plant trees to match the height of the 40m tower. This would disturb the necessary site lines needed to provide the wireless communication service.</i></p> <p><i>The small fenced compound that contains the tower and outdoor cabinets associated with the tower are considered acceptable in this zone and on this land.</i></p> <p><i>Visual amenity is further considered in the Telecommunications Code.</i></p>

<p>A2</p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>4 m.</p>	<p>P2</p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.</p>	<p><i>Landscaping the boundary with trees and shrubs to reduce the visual impacts of the tower would have an insignificant effect on reducing the visual bulk of a 40m tower.</i></p> <p><i>Officers consider that landscaping the boundary and land would put limitations on future land use and development of this site.</i></p> <p><i>Officers consider that given the land is a “Light Industrial Zone” there is potential for future buildings on this land to screen some of the tower. The future development of this site, with additional buildings or other works or changes to use would necessitate landscaping per the requirements of this scheme.</i></p>
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Outdoor Storage Area

To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p>P1</p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <p>(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;</p> <p>(b) not encroach upon car parking areas, driveways or landscaped areas</p>	<p><i>The proposal is likely to meet the acceptable solution.</i></p> <p><i>The land is not visited or used regularly and therefore untidy outdoor storage areas are unlikely.</i></p>

Parking and Access Code

Part E6 of the Planning Scheme provides provisions for appropriate standards of access and parking for new land use and development.

The access to the tower (tower compound area) is via the existing access to the land. Officers do not consider any further works to the access are necessary to facilitate this use and development.

As described in the Development Application, traffic movements are minimal, once a year, and any visits regarding technical faults etc would be ad hoc and as necessary.

It is recommended that a condition is included on any permit issued to ensure that Council roads are not damaged or soiled during construction operations and that any damage is repaired to the satisfaction of Council’s Manager of Works and Technical Services.

Attenuation Code

Part E9 of the Planning Scheme provides provisions for appropriate land use and development within an attenuation area. The proposal must satisfy the standards of this code. The standards with a comment from the Planning Officer are below:

Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm		
To ensure that new sensitive use does not conflict with, interfere with or constrain uses with potential to cause environmental harm.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No Acceptable Solution.	P1 Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following: (a) the nature of the use with potential to cause environmental harm; including: (i) operational characteristics; (ii) scale and intensity; (iii) degree of hazard or pollution that may emitted	<i>The proposal is compliant with this code.</i>

	<p>from the activity;</p> <p>(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;</p> <p>(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions</p>	
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Telecommunications Code

Part E19 of the Planning Scheme applies to the use and development of Telecommunications Infrastructure. The proposal must satisfy the standards of this code. The standards with a comment from the Planning Officer are below:

Shared Use and Co-Location		
To minimise the total number of towers and antenna within the municipal area		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>A new antenna must be located on an existing tower.</p>	<p>P1</p> <p>A new antenna may be located on a new tower if it is impracticable to co-locate on an existing tower, having regard to the following:</p> <p>(a) no existing tower is located within the telecommunications network area with technical capacity to meet the requirements for the antenna;</p> <p>(b) no existing tower is located within the telecommunications network area with sufficient height to meet the requirements of the antenna;</p> <p>(c) no existing tower is located within the telecommunications</p>	<p><i>It is necessary to construct a new telecommunications tower, as there are no other existing towers in the area that are suitable for the NBN service and other future telecommunication services that would adequately service the township.</i></p> <p><i>The proposal complies with the performance criteria.</i></p>

	<p>network area with sufficient structural strength to support the proposed antenna and related equipment;</p> <p>(d) there is risk of electromagnetic interference between the antenna and an existing antenna on an existing tower;</p> <p>(e) there are other limiting factors that render existing towers unsuitable</p>	
<p>A2</p> <p>A new tower or mast must be structurally and technically designed to accommodate comparable additional users, including by the rearrangement of existing antenna and the mounting of antenna at different heights</p>	<p>P2</p> <p>No performance criteria.</p>	<p><i>The tower can further accommodate telecommunications facilities. The proposal complies with the Acceptable Solution.</i></p>

Visual Amenity

To minimise detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of telecommunications infrastructure must comply with all of the following:</p> <p>(a) be within existing utility corridors and sites and use existing infrastructure;</p> <p>(b) be externally finished and maintained in a neutral colour that minimises visual intrusiveness;</p> <p>(c) not:</p> <p>(i) be located on</p>	<p>P1</p> <p>The location of telecommunications infrastructure not complying with A1 must ensure any detrimental impact upon visual amenity is minimised by reducing the prominence of telecommunications infrastructure, and important public views such as vistas to significant public buildings, streetscapes and heritage areas are protected.</p>	<p><i>The proposed tower is not within an existing utility corridor or on land with existing utilities use rights.</i></p> <p><i>The proposal is reliant on compliance with the performance criteria for visual amenity.</i></p> <p><i>Concerns about visual amenity have been raised by persons that have lodged a representation.</i></p> <p><i>The NBN Co have chosen this site, over other sites closer to the historic</i></p>

<p>skylines that can be seen in silhouette;</p> <p>(ii) be aligned diagonally to the principal slope of a hill;</p> <p>(iii) cross at a low point of a saddle between hills;</p> <p>(iv) be located around the base of a hill;</p> <p>(v) be along the edge of an existing clearing;</p> <p>(vi) be artificially lit unless required for air navigation safety;</p> <p>(vii) be used for signage purposes, other than necessary warning and equipment information,</p> <p>(d) aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables exist;</p> <p>(e) equipment housing and other visually intrusive infrastructure is screened from public view.</p>		<p><i>precinct of the town, to reduce visual impact on the heritage values of the township and particular heritage buildings.</i></p> <p><i>The structure will be visible from the highway, at a certain point, and visible from other public and private vantage points in the vicinity.</i></p> <p><i>Landscaping to obscure the 40m monopole would be ineffectual and may reduce the effective coverage of the telecommunications in Oatlands. It is not recommended that Council impose a condition on the permit that trees be planted to obscure this structure.</i></p> <p><i>The structure does not obscure nearby historic buildings or public buildings and the location is designed to have minimal impact on the heritage precinct of Oatlands.</i></p> <p><i>It is recommended that any permit issued includes a condition ensuring the pole is painted and coated in a material that will maximise light absorption to modern best practice and that the NBN Co provide a schedule demonstrating the intended finish of the pole for approval prior to the granting of a building permit.</i></p> <p><i>The proposal will comply with this standard on the</i></p>
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		<p><i>provision that the structure is suitably painted.</i></p>
<p>A2</p> <p>Height above natural ground level must be no more than:</p> <p>(a) 60 metres in the Environmental Management, Rural Resource and Significant Agriculture Zones;</p> <p>(b) 45 metres in the General Industrial or Port and Marine Zone;</p> <p>(c) 40 metres in the Central Business, Commercial, Environmental Living, General Business, Major Tourism, Rural Living and Utilities Zones;</p> <p>(d) 20 metres in the Community Purpose, General Residential, Inner Residential, Light Industrial, Local Business, Low Density Residential, Recreation, Urban Mixed Use and Village Zones.</p>	<p>P2</p> <p>Height above natural ground level not complying with A2 must satisfy all of the following:</p> <p>(a) the predominant height of existing infrastructure or vegetation in the immediate vicinity is above the specified height limit;</p> <p>(b) there is no adverse impact on heritage or ecological values, or visual amenity of the locality;</p> <p>(c) it is critical for the role of the facility within the telecommunications network.</p>	<p><i>The acceptable solution, states the structure must be less than 20m high in this zone.</i></p> <p><i>The proposed structure is 40m high and therefore the proposal is reliant on satisfying the performance criteria.</i></p> <p><i>In responding to this component of the scheme, Council are reminded of the purpose of standards in the Interim Planning Scheme.</i></p> <p><i>A standard is a test to ensure the proposal satisfies the relevant objective of the scheme. In this case, the objective is to minimise detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.</i></p> <p><i>The performance criteria, states that the predominant height of existing infrastructure or vegetation in the immediate vicinity is to be above the specified height limit (of 20m).</i></p> <p><i>In other words, the predominant vegetation and infrastructure in the area must be higher than 20m.</i></p> <p><i>There is limited infrastructure and vegetation higher than 20m</i></p>

		<p><i>in the immediate vicinity. The NBN Co have chosen a location that does not have other infrastructure or vegetation that may reduce the communications service.</i></p> <p><i>As the NBN Co report states, the pine trees located to the south-east of the tower are above the 20m height limit. This is the only vegetation in the immediate vicinity over 20m. It is due to this vegetation that the tower is largely obscured from the heritage precinct. This is an important component of the proposed site.</i></p> <p><i>The performance criteria further requires the location of such infrastructure must have “no adverse impact on heritage or ecological values, or visual amenity of the locality”.</i></p> <p><i>The Planning Officer agrees, with the applicant, that the area is not a known “important” public view and the tower is removed from key heritage areas in the Oatlands township.</i></p> <p><i>The reasoning behind this view, is that the land is zoned light industrial, for the purposes of attracting and facilitating industrial development close to the highway. Access to this area is not via the more frequented north and south entrances to Oatlands; which are widely</i></p>
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	<p><i>considered key public views. These north and south entrances are also a part of the “Oatlands Cultural Landscape Precinct”. Also the light industrial zone, and this part of the town, is an appropriate area for bulky development that may not be appropriate elsewhere in the township.</i></p> <p><i>Council should note that the “Oatlands Cultural Landscape Precinct” does not include land surrounding this development site. Again this is to allow for bulky development that may not be appropriate elsewhere.</i></p> <p><i>Council should also note that the proposed facility is a critical component of the telecommunications network. This is one of the tests of the performance criteria.</i></p> <p><i>The proposal, subject to further conditions will comply with the objective to reduce the prominence of the structure.</i></p>
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Environmental Values		
To ensure that environmental values are protected		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Telecommunications infrastructure must not be located in an area of environmental significance.	P1 Telecommunications infrastructure located in an area of environmental significance must ensure environmental and heritage values are not significantly impacted.	<i>This is not considered an area of environmental significance. The proposal complies with the Acceptable Solution.</i>

Access		
To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Telecommunications infrastructure must not impede movement of vehicular and other modes of transport.	P1 Telecommunications infrastructure must provide for adequate clearance for vehicular traffic and must not pose a danger or encumbrance to users of other land or aircraft.	<i>The proposal complies with the acceptable solution.</i>

Significant Agricultural Land		
To protect the productive capacity and efficient farming operations of significant agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Telecommunications infrastructure within the Significant Agriculture Zone must be placed on or within 2 metres of property boundaries or fence lines.	P1 Telecommunications infrastructure within the Significant Agriculture Zone must not degrade or restrict the productive capacity of the land.	<i>The proposal is not within the Significant Agricultural Zone. The standard is not applicable.</i>

CONCLUSION

The report has assessed a Development Application for proposed Telecommunications Infrastructure (NBN Tower) at 20 Stanley Street, Oatlands (CT 230514/1), owned by Barry Maxwell Clarke.

The proposal has been subject to public consultation by the NBN Co and Council gave notice of the application on two separate occasions.

A total of 14 persons lodged a representation objecting to the tower raising concerns with visual amenity and effects on human health. These concerns were raised with the NBN Co. The NBN Co, has addressed the human health concerns in the application and also provided further response to these concerns. This further enabled Council Officers to provide an informed comment on such matter in the body of this report.

To reduce the visual prominence of the proposed tower, Council Officers have recommended suitable conditions relating to the visual amenity to be placed on the permit.

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for proposed Telecommunications Infrastructure at 20 Stanley Street, Oatlands (CT 230514/1), owned by Barry Maxwell Clarke, Applicant NBN Co and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

Visual Amenity

- 2) Before any work commences a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's Manager of Development and Environmental Services. The schedule must provide for colours and surfaces, with a dull grey colour, with a light reflectance value not greater than 40 percent and to best practice.

The light reflectance values of surfaces must be specified on the schedule. The schedule shall form part of this permit when approved.

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

- 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 unsightly building used as part of the construction, 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) 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) Any requirements for aviation safety that necessitate modification to the proposed tower, such as safety lighting, should be brought to the attention of the Southern Midlands Council prior to its installation.
- c) 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.

DECISION

Moved by Clr B Campbell, seconded by Clr D Fish

THAT in accordance with the provisions of the *Southern Midlands Interim Planning Scheme* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for proposed Telecommunications Infrastructure at 20 Stanley Street, Oatlands (CT 230514/1), owned by Barry Maxwell Clarke, Applicant NBN Co and that a permit be issued with the following conditions.

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

Visual Amenity

- 2) Before any work commences a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's Manager of Development and Environmental Services. The schedule must provide for colours and surfaces, with a dull grey colour, with a light reflectance value not greater than 40 percent and to best practice. The light reflectance values of surfaces must be specified on the schedule. The schedule shall form part of this permit when approved.

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- 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.

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- 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 unsightly building used as part of the construction, 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) 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 Manager 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) Any requirements for aviation safety that necessitate modification to the proposed tower, such as safety lighting, should be brought to the attention of the Southern Midlands Council prior to its installation.
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CARRIED

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	√
√	Dep. Mayor A O Green	
	Clr A R Bantick	√
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

National
Broadband
Network

ENCL - REPORT
REVISED
7/10/2015

Planning Report Proposed Fixed Wireless Facility

20 Stanley Street, Oatlands, TAS, 7120

**NBN site reference
7LAZ-7CLT-5111 Oatlands**

The contents of this document reflect NBN Co's current position on the subject matter of this document. It is provided solely to explain information relevant to NBN Co's planning proposal. The contents of this document should not be relied upon as representing NBN Co's final position on the subject matter, except where stated otherwise. Any dates provided are indicative only, are subject to change and are dependent upon a number of factors.

Prepared on behalf of NBN Co Limited By Aurecon
29 September 2015



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Executive Summary

Proposal	<p>NBN Co propose to install a new fixed wireless facility at Oatlands comprised of the following:</p> <ul style="list-style-type: none"> ▪ 40 metre monopole; ▪ 1 X transmission dish antenna; ▪ 4 X panel antennas; ▪ 2 X equipment units at ground level; ▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment, inside a 10m x 8m fenced compound; 	
Purposes	<p>The proposed facility is necessary to provide NBN fixed wireless coverage to the Oatlands area.</p>	
Property Details	<p><i>Lot & Plan No:</i> Lot 1 on Plan 230514. Town of Oatlands.</p> <p><i>Street Address:</i> 20 Stanley Street, Oatlands, TAS, 7120 <i>Property Owner:</i> Barry Clarke</p>	
Town Planning Scheme	<p><i>Council:</i> Southern Midlands Council <i>Zones:</i> Light Industrial <i>Overlay:</i> Attenuation Area</p> <p><i>Use Definition:</i> Telecommunications Infrastructure</p>	
Applicable Planning Policies	Relevant State & Local Planning Policies	Complies
	Zoning & Overlay Provisions	Yes
	Telecommunications Code	Yes
Application	<p>Use and Development for the purposes of construction and operation of a Telecommunications Facility (Fixed Wireless facility)</p>	
Applicant	<p>NBN Co Limited (NBN co) c/- Aurecon 850 Collins Street, Docklands VIC 3008 PO Box 23061, Docklands VIC 3012 Contact: David Hughes Our Ref: Oatlands - NBN</p>	

1 INTRODUCTION

NBN Co has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (NBN). Ericsson has in turn engaged Aurecon to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, NBN Co requires a fixed wireless transmission site to provide fixed wireless internet coverage to Oatlands and to serve as a key communications anchor point for other NBN Fixed Wireless facilities in the wider Southern Midlands Council region. Accordingly, a planning permit is sought from Southern Midlands Council in accordance with the *Land Use Planning and Approvals Act 1993* and the Southern Midlands Interim Planning Scheme 2015.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

This application seeks planning consent for:

- A 40 metre monopole;
- radio transmission equipment; and
- ancillary equipment cabinets.

Located at 20 Stanley Street, Oatlands formally referred to as Lot 1 on Plan 230514.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located and sited to minimise visual impact on the immediate and surrounding area;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

2 BACKGROUND

2.1 NBN co and the National Broadband Network

NBN Co is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads.¹

2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as stand alone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

¹ NBN Co is designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like equipment quality, software, broadband plans and how the end user's service provider designs its network.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business.

The proposed Fixed Wireless facility at Oatlands is a terminal site. It has been designed to provide fixed wireless internet services to the surrounding premises, and as a terminal site is to be connected to the site proposed at Parattah.

The character of the Fixed Wireless network is visually demonstrated through Figure 1 below.

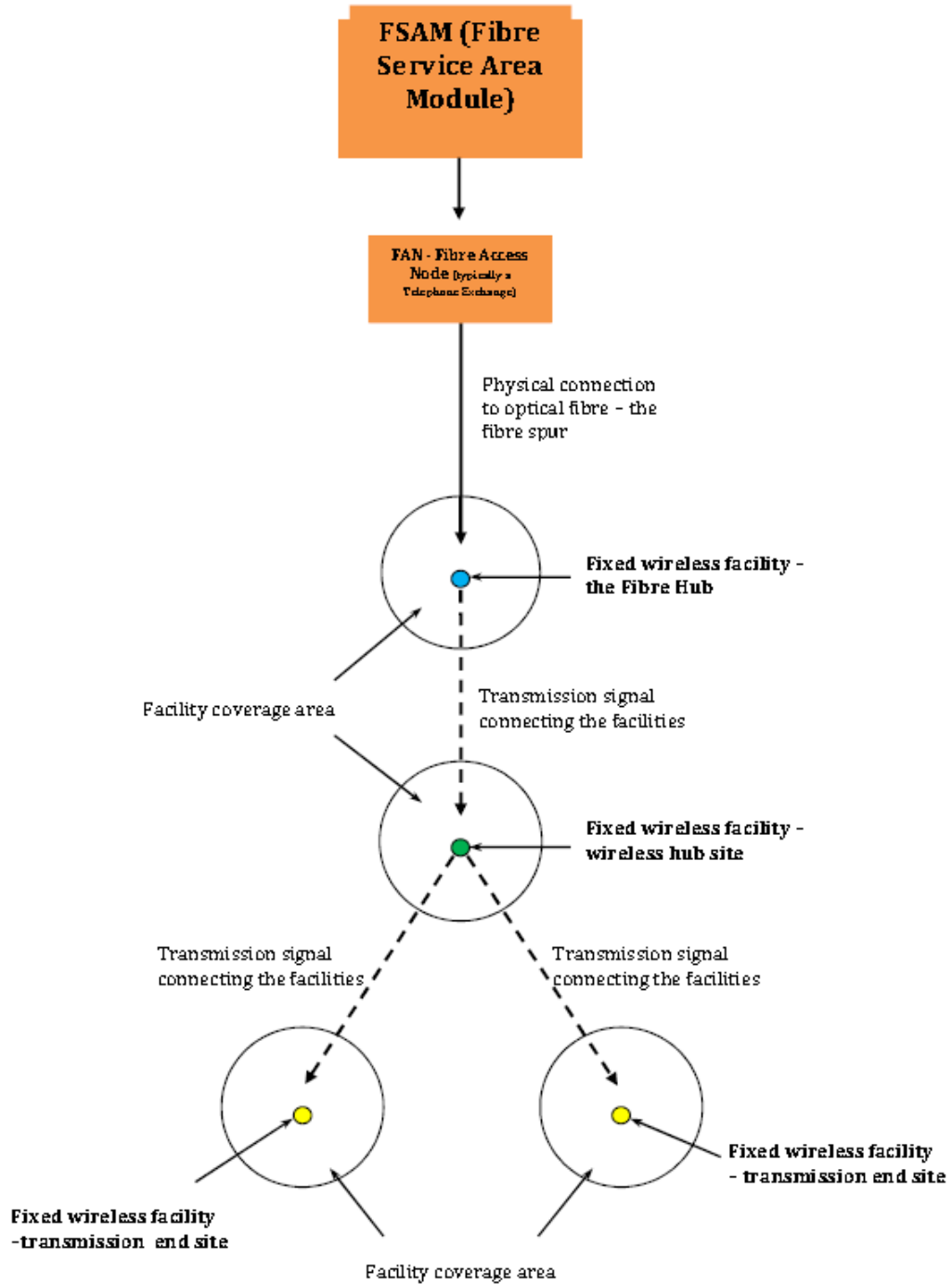


Figure 1: The fixed wireless network

3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. NBN Co conducts a rigorous multi-stage scoping process, as outlined below.

3.1 Identification of areas requiring Fixed Wireless coverage

NBN Co's Fixed Wireless locations are determined by a number of factors including the availability of both the NBN Co Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co fibre equipment. NBN Co uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

NBN Co has identified a requirement to provide a Fixed Wireless facility at Oatlands. The facility is designed to provide Fixed Wireless internet services to dwellings in the Oatlands area, in addition to serving as a communications link for other NBN Fixed Wireless facilities in the Southern Midlands Council region.

3.2 Site Selection Parameters

NBN Co generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of site, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

3.3 Candidate Sites

A number of candidate sites were examined within the search area, with regard to each site's ability to meet the coverage objectives and site considerations listed in Section 3.2 of this report. It should be noted that NBN Co has attempted to utilise where possible as a first preference, any existing infrastructure or co-location opportunities. In this search area there were no suitable co-location opportunities available.

In this instance, three candidates were considered. The candidates were as follows (refer to Google image over page):

Alternative C: Oatlands Recreation Reserve, Oatlands, TAS, 7120

Alternative C comprises a new monopole within a 10m x 8m fenced compound on a site located within the Recreation Reserve off High Street.

The site is within the Community Purpose Zone and is also within the Historic Precinct. The site was considered to be a reasonable option however the proposed location was assessed as being at risk of impacting the heritage values of the historic High Street precinct, noting in particular the potential for the facility to detract from the values of the historic Church opposite the Recreation Reserve. The site's location at a 'key gateway' point to the historic commercial area of the township was also considered to be less than ideal.

Alternative B: 'Greenfield Site', High Street, Oatlands, TAS, 7120

Alternative B comprises a new monopole within a 10m x 8m fenced compound on a site located at the rear of a large undeveloped allotment on High Street. The site is within the Rural Resource Zone. The site was considered to be a reasonable option however a facility in this location would be highly visible from the Midland Highway. A third party access agreement may have also been required to provide the preferred access arrangements for the site.

Given the attributes and suitability of the site located at **20 Stanley Street, Oatlands (Alternative A)** further alternative sites were not examined. Those attributes include:

- ◆ Availability of convenient and close access to the site.
- ◆ Available power nearby on the property.
- ◆ Existing sheds on site providing some partial screening of the compound and base of the facility from some viewpoints.
- ◆ An area of underutilised land available on the property.
- ◆ Located away from areas of the township identified as being of heritage significance.
- ◆ The location of the site will not require the removal of any native vegetation.
- ◆ A site that will provide the required fixed wireless coverage levels to the area.



Figure 2: Aerial Photo of the candidates considered

4 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located on an Industrial Property at 20 Stanley Street, Oatlands. The land is formally described as Lot 1 on Plan 230514. The subject site is within the Light Industrial Zone and is also within the Attenuation Area Overlay.

The land parcel is rectangular in shape, and forms part of a small industrial precinct on the edge of the township. The site is currently utilised for light industrial purposes with a small wood yard in operation.

Access to the proposed facility will be provided via a 15m addition to the existing access route on the property, which can provide access via existing crossovers at either Stanley Street or the corner of Stanley and Nelson Streets. The location of the proposed compound is within an underutilised area of the property so as not to encumber the land for future uses or expansion. The facility is considered to be sufficiently separated from the nearest residential dwellings (situated approximately 110m to the south, 120m to the south-east and 150m to the east/ north-east). No native vegetation removal is required for the proposed compound or access route.



Figure 3: Aerial Photo of subject site and surrounding Area



Figure 4: Looking north east towards the proposed facility location in foreground (approx.)



Figure 5: Looking north towards the proposed facility location.

5 THE PROPOSAL

5.1 Facility and Equipment Details

5.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a 40 metre high monopole and ancillary components including two outdoor equipment cabinets enclosed within a 80m² fenced leased area.

The proposed 40 metre high monopole will feature a headframe that will accommodate:

- four (4) x panel antennas (measuring approximately 1077mm x 300mm x 115mm) at 40m;
- one (1) x transmission dish (Ø600mm) at 34m; and
- four (4) x remote radio units, two mounted behind the antennas and two mounted below the antennas.

Associated facilities include the ground level cabinets, cable ladder and a power distribution board within a 10m x 8m compound enclosed by a 2.4m high chainwire security fence with 3.0m wide access gate.

The monopole will be a galvanized steel pole which fades to a metallic grey colour, the antennas off white and the ground level cabinets light grey.

Please refer to **Appendix 3 – Proposed Plans** for further details.

5.1.2 Access and Parking Details

It is proposed to access the NBN compound via a new 15m access route which will connect with the existing access route on the property, as identified in the proposed plans.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title report is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 and 3** respectively.

NBN Co considers the site access to be appropriate given the NBN Co facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, NBN Co will apply to the relevant authorities for permission.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

-
- ♦ Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
 - ♦ Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
 - ♦ Stage 3 (Weeks 5 and 6) – Construction of the equipment cabinets;
 - ♦ Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.

5.1.3 Utility Service Details

The facility will be powered by a proposed underground electrical cable from an existing power source (a nearby building on-site, approximately 45m away) as per the attached plans.

5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the Environment Protection Policy (Noise) 2009. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment units, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

5.2 Site Selection

The reasons for selecting this site are summarised as follows:

- ♦ The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Oatlands area;
- ♦ The site is well removed from areas of heritage significance within the township;
- ♦ The site is within an industrial precinct and provides sufficient spatial separation from sensitive land uses;
- ♦ The site is removed from the main roads in the area, i.e; High Street and the Midland Highway.
- ♦ The facility construction will not require the removal of any native vegetation.

6 CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation – The Telecommunications Act

Schedule 3 of the *Telecommunications Act 1997* (Cth) empowers carriers to install low-impact facilities without participating in the planning approval process. The *Telecommunications (Low Impact Facilities) Determination 1997* (Cth) defines which facilities are low-impact facilities.

As the proposed tower is not a low-impact facility, the Commonwealth power does not apply. As such, unless a State or Territory exemption applies, a planning permit is required.

6.2 Southern Midlands Interim Planning Scheme 2015

Light Industrial Zone

The site is located within the Light Industrial Zone under the Southern Midlands Interim Planning Scheme 2015. Under Part B Schedule 8.2 the Use Class Table explains “Utilities” includes the “use of land for utilities and infrastructure including (a) telecommunications.”

The proposal site is located within a Light Industrial Zone. Within this zone under Part D Schedule 24.2 “Utilities” are shown as a discretionary use for which a permit is required.

Part B Schedule 8.8 describes the powers the planning authority has regarding a development application with a discretionary use or development:

“The planning authority has a discretion to refuse or permit a use or development if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;
- (b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or
- (c) it is discretionary under any other provision of the planning scheme,
- (d) and the use or development is not prohibited under any other provision of the planning scheme.”

Part B Schedule 8.10.2 describes the considerations when determining applications with a discretionary use:

“In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement for the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan,

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.”

Part B Schedule 24.4 sets development standards for buildings and works within a Light Industry Zone, although these parameters suit buildings rather than the proposal.

Under the Southern Midlands Interim Planning Scheme 2015, Part B schedule 7.3.4 Operation of Codes it states:

“Where there is a conflict between a provision in a code and a provision in a zone, the code provision prevails.”

E19 Telecommunications Code

This code does not apply to use but applies to development for telecommunication facilities. The proposal has been assessed against the development standards table.

E9 Attenuation Code

The proposal site is also located within an Attenuation Area as shown on the planning scheme maps therefore the Attenuation Code applies. Further comment is made in Section 7.3 regarding this Code.

7 PLANNING ASSESSMENT

7.1 Southern Midlands Interim Planning Scheme 2015

The Planning Scheme Objectives are set out in Part A Schedule 3.0 of the Southern Midlands Interim Planning Scheme 2015:

The objectives for the Planning Scheme relevant to this proposal are:

- To maintain, improve and maximise the community benefit from existing and future infrastructure.
- To ensure infrastructure is appropriate to support development, is used efficiently and is expanded as necessary in an orderly and integrated manner.
- To increase the population of the municipality whilst managing the residential growth of towns and settlements holistically.
- To develop activity centres that build upon their existing local character and best serve their local communities or regional area whilst providing appropriate businesses and community use opportunities.
- To improve the economic infrastructure of the Southern Midlands.
- To support the productive resources of the Southern Midlands and encourage diverse and viable high value agricultural enterprise and other rural resource industries.
- To contribute to the maintenance of the natural environment and agricultural land.
- To ensure the economic and community values of water resources are protected through appropriate management of the resource.
- To increase the opportunities for improved health and well-being of those that live in the Southern Midlands.
- To ensure that the Southern Midlands is competitive on a state, national and international basis.
- To enhance the liveability of towns, settlements and rural localities within the Southern Midlands.

Whilst the above objectives do not relate specifically to telecommunications infrastructure, it is considered that the NBN proposal fits with the broad thrust of the infrastructure provision. The provision of NBN to the Oatlands area represents the sustainable provision of future physical infrastructure to cater for the needs of the existing and future population in the area.

7.2 Light Industrial Zone

As earlier noted, the site is located within the Light Industrial Zone. The “Utilities” use class (includes Telecommunications Infrastructure) is discretionary in this zone.

Part D Schedule 24.1.1 of the Southern Midlands Interim Planning Scheme 2015 sets out the Zone purpose of the Light Industrial Zone:

- *“To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.*
- *To promote efficient use of existing industrial land stock.*
- *To minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.*
- *To provide industrial activity with good access to strategic transport networks.”*

The above purposes of the zone do not relate to telecommunications infrastructure, however it is considered that the proposal will complement the existing and future industrial business activity. The small footprint required for the facility will also not encumber development of the area in the future for light industrial purposes. The proposal is therefore considered to be generally in accordance with the intent of this Zone.

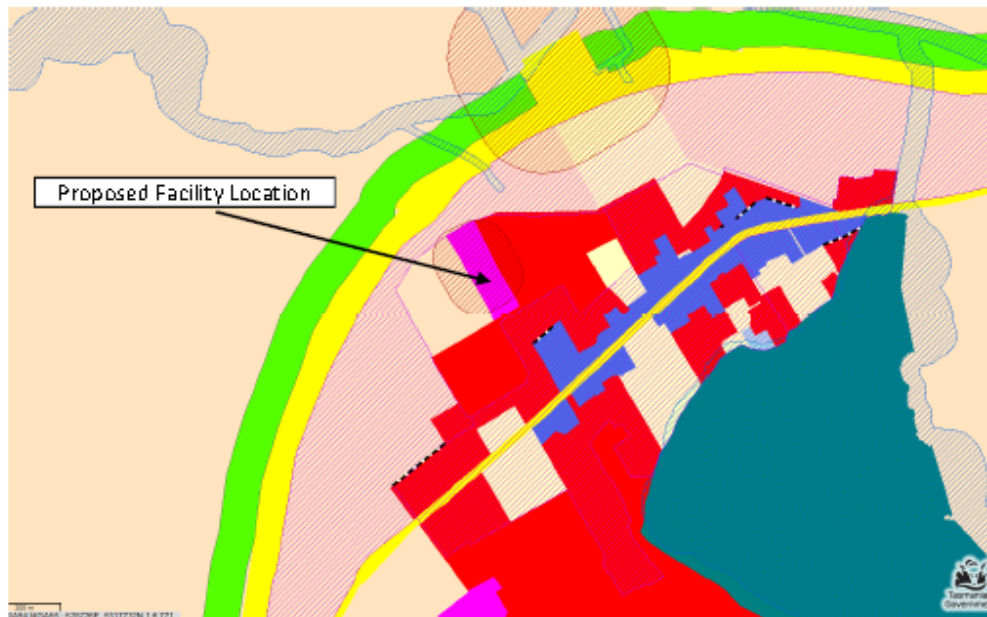


Figure 6: Zoning Map – site within Light Industrial Zone – (Source Listmap)

7.3 Attenuation Code

The proposal is within the Attenuation Area overlay and therefore this application has to consider Part E9 Attenuation Code of the Southern Midlands Interim Planning Scheme 2015.

E9.1 Outlines the purpose of this provision:

“(a) minimise adverse effect on the health, safety and amenity of sensitive use from uses with potential to cause environmental harm; and

(b) minimise likelihood for sensitive use to conflict with, interfere with or constrain uses with potential to cause environmental harm.”

E9.2 Application outlines what the Code applies to:

(a) development or use that includes the activities listed in Table E9.1 and E9.2 in a zone other than the Light Industrial, General Industrial or Port and Marine Zone;

(b) development or use for sensitive use, including subdivision intended for sensitive use;

(i) on land within an Attenuation Area shown on the planning scheme maps, or

(ii) on land within the relevant attenuation distance from an existing or approved (permit granted) activity listed in Tables E9.1 and E9.2 if no Attenuation Area is shown on the planning scheme maps and that activity is not located in the Light Industrial, General Industrial or Port and Marine Zone.

In our view no assessment is required as the proposal is in the Light Industrial Zone, and the proposal is not an activity included in Table E9.1 or E9.2.

7.4 Telecommunications Code

This code applies to development for telecommunication facilities. This code does not apply to use. The purpose of this provision is set out under schedule E19.1.1. This states:

“(a) facilitate equitable provision and access to high-speed broadband and telecommunication networks as services essential for the prosperity, security and welfare of the community;

(b) encourage new telecommunication and digital facilities to form part of a local or regional telecommunications network for all carriers;

(c) encourage shared use and co-location of facilities to minimise the number of towers within the municipal area;

(d) minimise likely adverse impact of communication systems on community health and safety;

(e) minimise adverse visual impact of towers and antennae.”

The proposal forms part of the wider NBN fixed wireless broadband network being rolled out across Australia. Below is an assessment of the proposal against the E19.7 Development Standards table.

E19.7.1 Shared Use and Co-Location

Objective: To minimise the total number of towers and antenna within the municipal area.		
Acceptable Solutions	Performance Criteria	Compliance
<p>A1 A new antenna must be located on an existing tower.</p>	<p>P1 A new antenna may be located on a new tower if it is impracticable to co-locate on an existing tower, having regard to the following:</p> <ul style="list-style-type: none"> (a) no existing tower is located within the telecommunications network area with technical capacity to meet the requirements for the antenna; (b) no existing tower is located within the telecommunications network area with sufficient height to meet the requirements of the antenna; (c) no existing tower is located within the telecommunications network area with sufficient structural strength to support the proposed antenna and related equipment; (d) there is risk of electromagnetic interference between the antenna and an existing antenna on an existing tower; (e) there are other limiting factors that render existing towers unsuitable. 	<p>Complies There are no other telecommunications facilities in the locality that would be suitable for co-location. Similarly there are no other existing structures at the required height in the locality with the ability to meet the antenna requirements. A new facility is therefore required in this instance.</p>
<p>A2 A new tower or mast must be structurally and technically designed to accommodate comparable additional users, including by the rearrangement of existing antenna and the mounting of antenna at different heights.</p>	<p>P2 No performance criteria.</p>	<p>Complies The proposed facility will be able to host additional users/carriers in future.</p>

E19.7.2 Visual Amenity

Objective: To minimise detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.		
Acceptable Solutions	Performance Criteria	Compliance
<p>A1</p> <p>The location of telecommunications infrastructure must comply with all of the following:</p> <p>(a) be within existing utility corridors and sites and use existing infrastructure;</p> <p>(b) be externally finished and maintained in a neutral colour that minimises visual intrusiveness;</p> <p>c) not:</p> <p>(i) be located on skylines that can be seen in silhouette;</p> <p>(ii) be aligned diagonally to the principal slope of a hill;</p> <p>(iii) cross at a low point of a saddle between hills;</p> <p>(iv) be located around the base of a hill;</p> <p>(v) be along the edge of an existing clearing;</p> <p>(vi) be artificially lit unless required for air navigation safety;</p> <p>(vii) be used for signage purposes, other than necessary warning and equipment information,</p> <p>(d) aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables exist;</p> <p>(e) equipment housing and other visually intrusive infrastructure is screened from public view.</p>	<p>P1</p> <p>The location of telecommunications infrastructure not complying with A1 must ensure any detrimental impact upon visual amenity is minimised by reducing the prominence of telecommunications infrastructure, and important public views such as vistas to significant public buildings, streetscapes and heritage areas are protected.</p>	<p>Complies</p> <p>The facility is to be located within an industrial precinct on the edge of the township. It is submitted that the potential for adverse impacts on residential amenity has been reduced through the sufficient spatial separation of the site from surrounding dwellings.</p> <p>A monopole design has been chosen rather than a lattice tower as a monopole is considered to be less visually prominent.</p> <p>There are no overhead telecommunication lines as part of the proposal. A proposed NBN electrical cable will run underground to the closest power source on site.</p> <p>The compound and equipment cabinets will be partly screened from some surrounding viewpoints by the sheds present on the subject site. The 40m monopole with circular headframe will have a galvanised steel (fades to metallic grey) finish, which is considered to reduce prominence of the facility, when viewed with the sky as a backdrop. The antennas will be 'off white' and the ground level cabinets light grey. The proposal is not proposed to be lit.</p>

<p>A2</p> <p>Height above natural ground level must be no more than:</p> <p>(a) 60 metres in the Environmental Management, Rural Resource and Significant Agriculture Zones;</p> <p>(b) 45 metres in the General Industrial or Port and Marine Zone;</p> <p>(c) 40 metres in the Central Business, Commercial, Environmental Living, General Business, Major Tourism, Rural Living and Utilities Zones;</p> <p>(d) 20 metres in the Community Purpose, General Residential, Inner Residential, Light Industrial, Local Business, Low Density Residential, Recreation, Urban Mixed Use and Village Zones.</p>	<p>P2</p> <p>Height above natural ground level not complying with A2 must satisfy all of the following:</p> <p>(a) the predominant height of existing infrastructure or vegetation in the immediate vicinity is above the specified height limit;</p> <p>(b) there is no adverse impact on heritage or ecological values, or visual amenity of the locality;</p> <p>(c) it is critical for the role of the facility within the telecommunications network.</p>	<p>Complies with P2</p> <p>The facility is located in a light industrial zone and at 40m above ground level it is higher than the 20m height noted under A2. That being said the proposal complies with the performance criteria as set out under P2. (a) The structure has to be higher than the surrounding undulating topography in order to function. The transmission network requires line of sight from facility to facility and therefore the parabolic antenna has to be at 34m in height to form the radio link to the Parattah NBN site in order to work. We also note the presence of tall vegetation in the vicinity approximately 160 metres to the south-east, which we believe is above the noted height limit. (b) The facility will not have any adverse impact on ecological values and does not intrude into any identified or known important public views. In addition it is well removed from key heritage areas such as the historic precinct on High Street. (c) NBN Co has identified a requirement to provide a Fixed Wireless facility at Oatlands. The facility is designed to provide Fixed Wireless internet services to dwellings in the Oatlands area, in addition to serving as a communications link for other NBN Fixed Wireless facilities in the Southern Midlands Council region. It is therefore a critical facility not only for Oatlands but also for its role as a transmission link in the proposed network.</p>
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E19.7.3 Environmental Values

Objective: To ensure that environmental values are protected		
Acceptable Solutions	Performance Criteria	Compliance
A1 Telecommunications infrastructure must not be located in an area of environmental significance.	P1 Telecommunications infrastructure located in an area of environmental significance must ensure environmental and heritage values are not significantly impacted.	Complies The proposal is not located in an area of environmental significance and will not impact upon any items, places or areas identified as having aboriginal, cultural or maritime heritage significance. No vegetation removal is proposed, and the site is largely clear of native vegetation. A search of relevant environmental databases was not able to identify any known endangered species in the immediate vicinity of the subject site. Minimal localised excavation and trenching is required for installation. The compound's fencing is permeable and therefore should not result in an increased risk of erosion from overland flow.

E19.7.4 Access

Objective: To ensure that telecommunications infrastructure does not impede movement of vehicular and other modes of transport.		
Acceptable Solutions	Performance Criteria	Compliance
A1 Telecommunications infrastructure must not impede movement of vehicular and other modes of transport.	P1 Telecommunications infrastructure must provide for adequate clearance for vehicular traffic and must not pose a danger or encumbrance to users of other land or aircraft.	Complies The proposed infrastructure will not impede the movement of vehicular traffic or pose a danger to other land users or aircraft. Vehicles will only need to visit the site once or twice a year for maintenance purposes.

E19.7.5 Significant Agricultural Land

<p>Objective: To protect the productive capacity and efficient farming operations of significant agricultural land.</p>		
Acceptable Solutions	Performance Criteria	
<p>A1 Telecommunications infrastructure within the Significant Agriculture Zone must be placed on or within 2 metres of property boundaries or fence lines.</p>	<p>P1 Telecommunications infrastructure within the Significant Agriculture Zone must not degrade or restrict the productive capacity of the land.</p>	<p>N/A - The facility is located in a light industrial zone.</p>

8 OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

8.1 Visual Amenity and Siting

The proposal involves the installation of a 40 metre monopole in the Oatlands area. NBN Co considers that the proposal is appropriate for the locality given the industrial location of the site and the nature of existing and anticipated uses of the site, and surrounding land. Siting the facility behind some existing sheds on site will help screen the compound, cabinets and base of the facility from some surrounding viewpoints.

The proposal is located at the edge of the township and is well removed from key heritage areas that contribute to the identity of Oatlands.

The site is considered appropriate from a visual amenity and setting perspective. While such facilities will inevitably be seen due to their height and the function they serve, the main issue is to strike an appropriate balance between any visual impacts and the overall community benefits from modern communication infrastructure. It is submitted that the right balance has been achieved for this proposal.

In summary:

- ♦ The subject site is located at the edge of the township and does not impact upon identified heritage places or precincts;
- ♦ The subject site is located approximately approximately 110m to the south, 120m to the south-east and 150m to the east/ north-east from the nearest residential dwellings.
- ♦ The facility will not compromise any identified scenic corridors or places of significance or local landmarks; and
- ♦ The height of the proposed monopole is considered to be the minimum required to achieve reasonable radio frequency (RF) objectives.

8.2 Agricultural Land

The proposed facility is to be located on Class 4 agricultural land according to Land capability mapping available online through LIST map. This is described as “land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops.”

The proposed facility only requires a small 80m² compound and is to be situated on an underutilised part of the property. The site is not currently being used for agricultural purposes and it is considered that the facility will not detract from the agricultural qualities of the land. We have noted the current zoning and use of the land for industrial purposes.

8.3 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers. The

nearest site of historic significance, as identified by the Southern Midlands Interim Planning Scheme 2015, is 27 Stanley Street, Oatlands.

There are numerous buildings of heritage significance within Oatlands and the site selection process for this facility has been carried out to ensure that the potential for impacts on the heritage values of the township has been minimised.

Matters of Aboriginal cultural heritage must also be considered with planning applications. The proposal was referred to Aboriginal Heritage Tasmania (AHT) to assess if there were matters of cultural heritage that needed to be considered.

Aboriginal Heritage Tasmania (AHT) completed a search of the Aboriginal Heritage Register (AHR), and advised that “there are no Aboriginal heritage sites recorded within or close to the property” and that “due to a review of previous reports it is believed that the area has a low probability of Aboriginal heritage being present”.

As a result there is no requirement for an Aboriginal heritage investigation and AHT have no objection to the project proceeding. Please refer to **Appendix 5** for a copy of AHT advice.

8.4 Electrical Interference and Grounding of the Facility

The NBN fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA2300 frequency band. As NBN Co is the exclusive licensee of this sub-band, emissions from NBN Co equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the NBN Co frequency allocations. NBN Co intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded to the relevant Australian Standards – that is, the facility will be ‘earthed’.

8.5 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, NBN Co’s contractors will be informed that they must comply with the ‘NBN Construction Specification’ that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, NBN Co intends to restore and reinstate the site to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

8.6 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, a search was conducted through the relevant environmental searches. NBN Co was not

able to identify any known items of Flora and Fauna significance located in the immediate vicinity of the proposal site.

No native vegetation removal is proposed as part of this application.

8.7 Endangered Species

In order to determine any possible Endangered Species associated with the site, a search was conducted through the relevant environmental searches. NBN Co was not able to identify known Endangered Species located in the immediate vicinity of the proposal site.

8.8 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the town of Oatlands. This is expected to be of particular benefit for residential dwellings in the locality.

The new NBN is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

8.9 Public Safety

8.9.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, NBN Co-operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All NBN Co installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the NBN Co facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.15% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

Moreover, all NBN Co equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

- ◆ Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- ◆ Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- ◆ Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

8.9.2 Access

The proposed facility will have restrictions aimed at preventing public access, and will only be able to be accessed by trained technicians.

8.10 The Public Interest and the Benefits of Telecommunications

The proposed NBN Co facility is expected to have significant benefit for residents in the Oatlands area. NBN Co believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the locality.

8.10.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:²

- ◆ There are many potential educational benefits justifying the implementation of the NBN. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- ◆ Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- ◆ Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

² End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

9 CONCLUSION

NBN Co considers that the proposed facility, comprising a 40 metre high monopole with attached antennas and equipment units, has been proposed in the most appropriate location whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. In this regard NBN Co considers that the proposal satisfies the requirements of the Telecommunications Code whilst also addressing coverage deficiencies within the local area.

NBN Co considers that the proposal is also consistent with the stated objectives of the Southern Midlands Interim Planning Scheme 2015. It is considered that the proposal will provide an important community benefit to Oatlands by providing coordinated and open access shared communication infrastructure, and therefore greatly improved fixed wireless internet coverage within the local area.

10 APPENDIX

10.1 Appendix 1 – Copy of Title

10.2 Appendix 2 – Site Photographs



Looking north (approx.) from near the corner of Stanley Street and Nelson Street, towards the proposed facility location



Looking west (approx.) from near the junction of Nelson Street and Wellington Street, towards the proposed facility location



Looking east (approx.) from near the proposed facility location

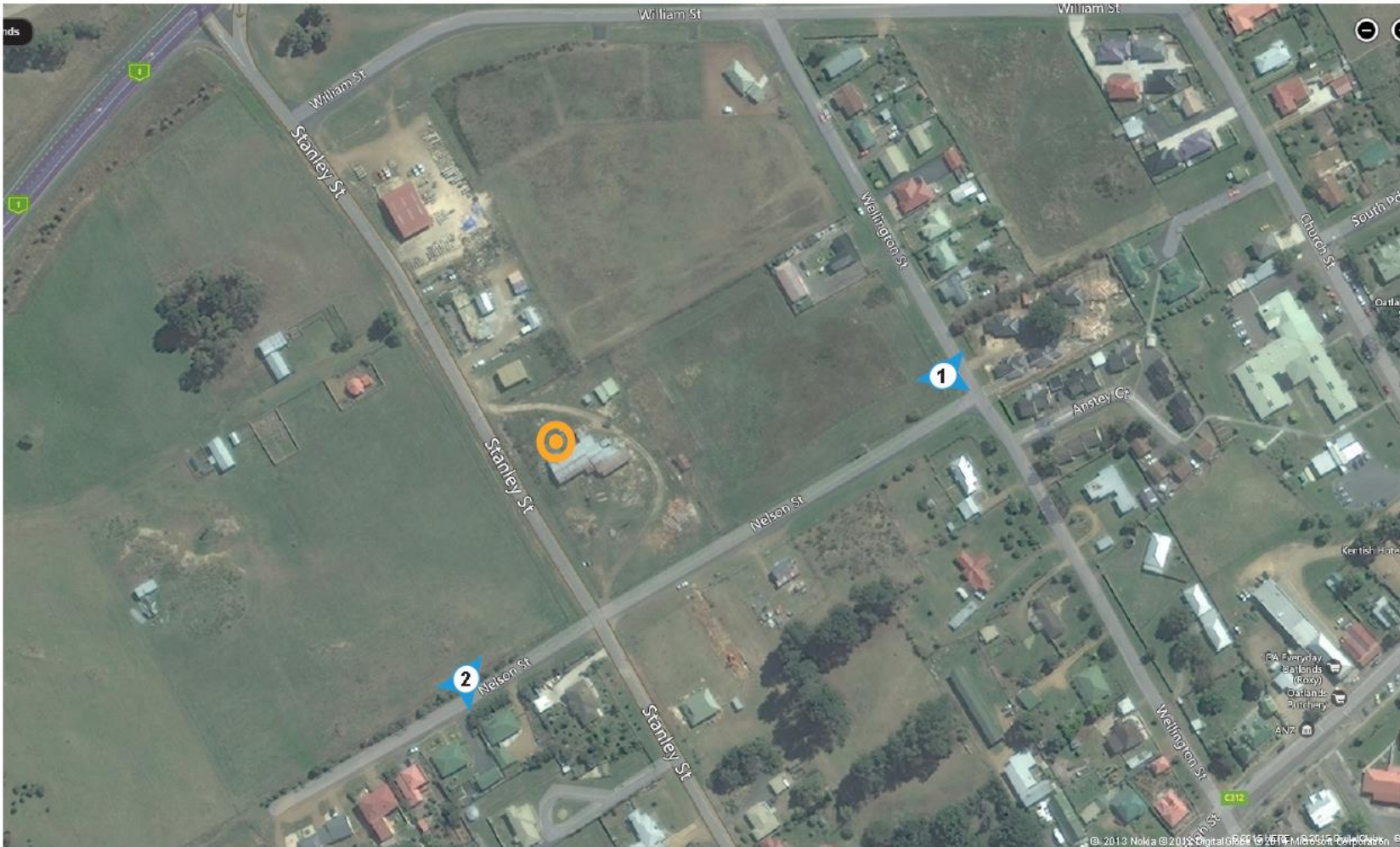


Looking south (approx.) from near the proposed facility location

10.3 Appendix 3 – Proposed Plans



10.4 Appendix 4 – ARPANSA EME Report

10.5 Appendix 5 – Aboriginal Heritage Advice



Project: Oatlands Proposed **nbn**™ Fixed Wireless facility
 Location: 20 Stanley Street, Oatlands
 Image: 2015 (Source: Bing)

SMC - KEMPTON
 RECEIVED
 7/10/2015

-  Proposed Monopole Location
-  View location





This image is an approximate representation of the appearance and location of the proposed communications facility only.

aurecon

SMC - KEMPTON
RECEIVED
7/10/2015



**Looking west
from Wellington Street**



This image is an approximate representation of the appearance and location of the proposed communications facility only.

aurecon

SMC - KEMPTON
RECEIVED
77/10/2015



**Looking north-east
from Nelson Street**



5th August 2015

To Oatlands Residents/Ratepayers

Dear Sir/Madam,

Proposed National Broadband Network Fixed Wireless Facility at 20 Stanley Street, Oatlands (Site Ref: Oatlands)

We are writing to advise that NBN Co is proposing to establish a fixed wireless facility in the Oatlands area.

The facility comprises a monopole, antennas and associated equipment and is proposed to be established at 20 Stanley Street, Oatlands.

The facility has been proposed as part of the NBN rollout, which is designed to provide access to fast and reliable, fixed wireless broadband services to the community in Oatlands.

About the NBN

The National Broadband Network (NBN) is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet services, as quickly and as cost effectively as possible.

NBN Co plans to upgrade the current telecommunications network in the most cost-efficient way using best-fit technology and taking into account existing infrastructure. This will vary from place to place and will include technologies such as Fibre to the Node, Fibre to the Premises, fixed wireless and satellite. Use of fixed wireless and satellite technologies is expected to result in significant improvements compared to services currently available to many Australians living in regional and remote communities.

As part of the fixed wireless component of the network, NBN Co is proposing to establish a series of fixed wireless facilities which are designed to provide fast and reliable wireless broadband services to Australians living in regional and remote areas, including the Southern Midlands Council area.

While NBN Co's fixed wireless service is not a mobile service, it will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility. NBN Co is designing each fixed wireless facility to serve a set number of premises, which should enable consistency in the speed and quality of services that can be delivered to each home and business receiving the fixed wireless service.



Information Session

NBN Co intends to finalise the proposal and lodge a Planning Permit Application with Southern Midlands Council for the proposed fixed wireless facility at 20 Stanley Street, Oatlands. Before the proposal is finalised community members are invited to attend a Community Information Session to find out more about the proposal and to ask any questions.

The Information Session will be held on **Tuesday 18th August 2015 from 3pm-6pm at the Oatlands Community Hall, 1 Gay Street, Oatlands.**

Please find enclosed an invitation to attend. No need to make an appointment, drop in at any time.

Making a Submission or Inquiry

NBN Co intends to lodge a Planning Permit Application with Southern Midlands Council to construct the proposed facility. When the application is lodged, formal, or statutory consultation will be undertaken in accordance with Council's requirements, and submissions can be made to Council when the proposal formally goes on public notification. This will be broadly advertised as per the planning legislation and in keeping with Council's expectations.

If you have any enquiries regarding the proposed facility, please feel free to call David Hughes directly on (03) 9975 3165 or email at david.hughes@aurecongroup.com

For all other general information call the NBN Co Solutions Centre on 1800 687 626, email info@nbnco.com.au or visit the NBN Co website at www.nbnco.com.au.

Yours Sincerely,



David Hughes
Senior Planner
Aurecon Australia Pty Ltd
On behalf of **NBN Co Limited**



Australian Government
Department of Communications

COMMUNICATIONS TOWERS, RADIO TRANSMITTERS AND SAFETY

Information for communities and their parliamentary representatives

Radio transmitters—Are they safe?

Some people may have concerns about possible health effects from exposure to electromagnetic energy (EME) coming from radiocommunications transmitters on towers and elsewhere. This factsheet outlines the steps the Australian Government takes to keep Australians safe.

Exposure to radiofrequency (RF) EME has been the subject of detailed research by experts. Exposure limits are set well below the level at which adverse health effects are known to occur and include a wide safety margin to protect the public.

What is EME?

RF EME is the energy in radio waves, and is used for wireless communication. It has been in use for over 100 years. It is used to send and receive signals between communications equipment such as broadcast towers, radios and televisions, mobile phone towers and phones, radar facilities, and electrical and electronic equipment. It is also part of our natural environment.

How is EME regulated?

Two Australian Government agencies, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the Australian Communications and Media Authority (ACMA), are responsible for regulating RF EME exposure.

ARPANSA is an independent Australian Government agency charged with protecting Australians from exposure to EME. ARPANSA is responsible for advising what safe levels of EME exposure are. ARPANSA has developed a public health standard which sets limits for human exposure to RF EME. The limits are set well below the level at which adverse health effects are known to occur and include a wide safety margin to protect the public. The exposure standards take into account the many sources of RF EME present in the modern environment.

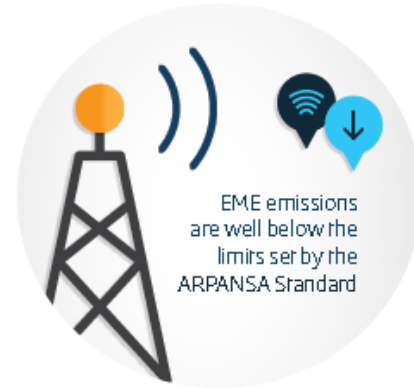
The ACMA licenses the operation of radiocommunications transmitters. Licences require transmitters to comply with the exposure limits set out in the ARPANSA standard.

How much EME comes from radio transmitters?

All transmitters must operate below ARPANSA's public exposure standard. Typically transmitters operate at a tiny percentage of the ARPANSA standard.

Is the scientific information on EME up to date?

ARPANSA maintains continual oversight of emerging research into the potential health effects of EME exposure in order to provide accurate and up-to-date advice to the Government. ARPANSA works with the World Health Organisation in researching the health effects of human exposure to EME. Should scientific evidence indicate that the current ARPANSA standard does not adequately protect the health of Australians, the Government would take immediate action to rectify the situation.



NBN wireless towers

Currently, as part of the rollout of the National Broadband Network (NBN), a number of new fixed wireless towers are being built across Australia. These are subject to the same strict EME safety limits set by ARPANSA. As such, exposure to EME should not be a concern.

People can, however, also be concerned about the appearance of towers and their visual impact in their communities. This can also be the case with other facilities, for example mobile phone base stations. Approvals for the installation of free standing telecommunications towers are subject to state, territory and local government planning laws. NBN Co is required to follow the processes for community and local government consultations set out in these laws. People with concerns about proposed NBN towers should raise their concerns during the consultation process for each tower.

Where can I find out more information?

Further information is available from the following expert bodies:

Australian Radiation Protection and Nuclear Safety Agency
www.arpansa.gov.au/Science/rf

Australian Communications and Media Authority
www.acma.gov.au/Citizen/Consumer-info/Rights-and-safeguards/EME-hub

World Health Organisation
www.who.int/topics/electromagnetic_fields

International Commission on Non-Ionising Radiation Protection (ICNIRP)
www.icnirp.org

You can also find out more about transmitters in your community, including EME reports and community consultation information, from the Radio Frequency National Site Archive
www.rfnsa.com.au

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil.

12.4 PLANNING (OTHER)

12.4.1 ‘Section 30J’ Report considering representations received in relation to the Southern Midlands Interim Planning Scheme 2015

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE 3RD DECEMBER 2015

ATTACHMENTS SUMMARY & ASSESSMENT OF SUBMISSIONS
SUBMISSIONS

INTRODUCTION

This report considers the representations received in relation to the Southern Midlands Interim Planning Scheme 2015 (SMIPS2015) and seeks Council’s endorsement of a report to the Tasmanian Planning Commission (TPC) pursuant to Section 30J of the Land Use Planning & Approvals Act 1993 (LUPAA).

BACKGROUND

The Notice of Declaration of the SMIPS2015 was published in the Tasmanian Government Gazette on 26 August 2015 and it came into operation on 2 September 2015.

Public exhibition of the SMIPS commenced on 5 September 2015 and closed on 19 October 2015, running for six weeks as mandated by LUPAA.

Council must now submit a report on the submissions to the TPC. The report must contain a copy of each representation, a statement by Council (acting as the Planning Authority) on the merit of each representation, whether the interim planning scheme ought to be modified as a result and the impact of the representation on the scheme as a whole. The report may also contain a statement of the Planning Authority’s views and recommendations in respect of the operation of the scheme.

On 2 December 2015 a Councillor workshop was held to consider the submissions and determined a draft ‘view’ of each. The attached table constitutes a summary of the workshop outcomes, which now need to be confirmed in order for the Section 30J report to be finalised and forwarded to the TPC.

IMPACT OF THE PENDING STATEWIDE PLANNING SCHEME

Council's Interim Planning Scheme, like all others in the State, is the end product of the previous State Government's planning reform process. The current State Government has a policy to replace all of the Interim Planning Schemes with a single statewide planning scheme. This is currently being developed and will be placed on public exhibition in early 2016. It is understood the Government intends to finalise and introduce the statewide planning scheme by early 2017.

In order to facilitate the introduction of the statewide scheme, the Government amended LUPAA to alter the way representations to the Interim planning Schemes are dealt with. Essentially, each representation does not have to be fully considered and resolved at the Tasmanian Planning Commission following the submission of Council's Section 30J Report – as was the case in the past. Some issues may be resolved whilst others, considered non urgent, may be placed on hold and resolved at a later date through the statewide scheme (if the issue still exists under the statewide scheme).

It is necessary, therefore, for Council's view on each of the submissions to note whether the issue is considered to be urgent.

DISCUSSION

Council received fourteen representations. Three of these were received outside the public exhibition period. The late submissions have been included in this report and it will be up to the Tasmanian Planning Commission to determine what weight to place upon them. Copies of all submissions are attached.

The attached table summarises the issues raised and provides draft recommendations for inclusion in the Section 30J report, as resolved at the Councillor workshop on 2 December.

This report seeks endorsement of the recommendations, or determination of alternate recommendations.

PROCESS FOLLOWING THE SUBMISSION OF THE REPORT TO THE TPC

If a change to SMCIPS2015 is considered necessary or desirable, Council needs to determine its view on whether the change is urgent and therefore necessary to resolve quickly, and which pathway it recommends the TPC resolve to pursue. Changes can be pursued via:

- An 'urgent amendment' process with the TPC. In addition to 'urgent', such changes would also have to be relatively minor with no potential 'prejudice the public interest'.
- A planning scheme amendment process initiated by either Council or a private party. This pathway would be appropriate for amendments that are considered to be urgent but are not minor in nature. For example; significant rezonings.

- The single statewide planning scheme development process. Changes that are desirable but not urgent might be pursued this way.

The Interim Planning Scheme contains content that is state, regional and local.

Any desirable changes to the state content would require alteration of the Planning Scheme Template for Tasmania. The process for changing the Template is a significant undertaking by the TPC which, therefore, would likely take the view that such changes should be resolved through the statewide planning scheme development process in 2016.

Any desirable changes to regional content would require an Urgent Amendment process to all twelve Southern planning schemes, not just the Southern Midlands Scheme. This process would naturally be more involved than an amendment to just the Southern Midlands scheme.

Given the above, it is appropriate that Council's recommendations in the attached table note whether the issue is in respect of state, regional or local provisions.

RECOMMENDATION

THAT Council, acting as Planning Authority, endorse the attached report and associated recommendations and submit them as part of its report to the Tasmanian Planning Commission pursuant to Section 30J of the *Land Use Planning & Approvals Act 1993*.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr E Batt

THAT Council, acting as Planning Authority, endorse the attached report and associated recommendations (noting minor amendments made to the Table) and submit them as part of its report to the Tasmanian Planning Commission pursuant to Section 30J of the *Land Use Planning & Approvals Act 1993*.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

*Attachment***Southern Midlands Interim Planning Scheme 2015 - Summary and Response to Representations****SECTION 30J REPORT TO THE TASMANIAN PLANNING COMMISSION**

Reference No. Name Issue	Summary of Representation	Response	Recommendation
A. Dept. State Growth General (State, regional and local provision issues)	<ol style="list-style-type: none"> 1. Notes and agrees with relevant sections of Part A and Part B Clause 4.0 Interpretation. 2. Would like Part B - Exemptions to be expanded to incorporate more of their activities in road corridors. 3. Would like existing and future road corridors zoned Utilities under Part D – Zones. 4. Part D – Zones, PPZ – Future Urban Growth at Bagdad. 5. Part D – Zones, Suggested changes to facilitate road activities in the Rural Resource Zone and Utilities Zone. 	<ol style="list-style-type: none"> 1. Noted 2. Whilst the submission is reasonable, this is a State Template issue. 3. Whilst the submission is reasonable, this is a State Template issue. 4. Notes that these areas cannot access directly onto the highway which is a declared 'limited access' road through Mangalore and Bagdad. 5. Whilst the submission is reasonable, this is a Regional Scheme issue. 	<ol style="list-style-type: none"> 1. Noted. No change to the interim scheme is considered necessary. 2. This is a State Template issue that can be further considered by the State as part of the pending statewide planning scheme. No changes to the interim scheme are considered urgent. 3. As for 2, above. 4. Noted. This issue would need to be resolved before the land could be further rezoned to allow development. No change to the interim scheme is considered necessary. 5. This is an issue that can be further considered by the State as part of the pending statewide planning scheme. No changes to the interim

	<p>6. Part E – Codes, Raises issues with several of the Regional Codes.</p> <p>7. Extractive Industry in the Significant Agriculture Zone</p>	<p>6. These are changes to the Regional Provisions and are not considered urgent.</p> <p>7. Suggests that Extractive Industry in this zone be changed from prohibited to discretionary.</p>	<p>scheme are considered urgent.</p> <p>6. These issues can be further considered by the State as part of the pending statewide planning scheme. No changes to the interim scheme are considered urgent.</p> <p>7. This proposed change is considered necessary and urgent. (Refer submission K). The Use Table in the Significant Agriculture Zone should be amended so that Extractive Industry becomes discretionary, subject to a Performance Criterion that there is minimal loss of good agricultural land.</p>
<p>B.</p> <p>TasRail</p> <p>General</p> <p>(State and regional provision issues)</p>	<p>1. Suggests Part B - Exemptions to be expanded to incorporate more of their activities in road corridors.</p> <p>2. Part D – Zones. TasRail would like all their assets zoned Utilities and makes a number of other comments on the zone provision.</p> <p>3. General. A number of other comments are made on specific provisions of the Scheme.</p>	<p>1. Whilst the submission may be reasonable, this is a State issue.</p> <p>2. Whilst the submission may be reasonable, this is a State issue.</p> <p>3. Whilst the submission may be reasonable, this is a State issue.</p>	<p>1. These issues can be further considered by the State as part of the pending statewide planning scheme. No changes to the interim scheme are considered urgent.</p> <p>2. As for 1, above.</p> <p>3. As for 1, above.</p>

<p>C.</p> <p>TasNetworks</p> <p>General</p> <p>(Regional provision issue)</p>	<p>1. Part E – Codes. TasNetworks have a range of concerns relating to the Electricity Transmission Infrastructure Protection Code.</p>	<p>1. Meetings have been arranged at a regional level with the Tasmanian Planning Commission to resolve these matters with TasNetworks.</p>	<p>1. These changes are considered reasonable and should continue to be progressed through the current regional urgent amendment process to the regional code.</p>
<p>D.</p> <p>Barry Williams</p> <p>Cement Concrete Aggregates Australia</p> <p>Extractive Industry (quarry) provisions</p> <p>(Regional provision issue)</p>	<p>1. Various comments on state and regional provisions in zones and codes.</p> <p>2. Extractive Industry – should be possible in the Rural Living Zone.</p> <p>3. Extractive Industry – should be permitted (not merely discretionary) within the Rural Resource Zone.</p>	<p>1. Whilst the submission may be reasonable, these are State / regional issues.</p> <p>2. It is considered that Extractive Industry does not accord with the objectives of the Rural Living Zone. Rural living areas are invariably in close proximity to rural areas, where gravel and other construction materials quarries are possible.</p> <p>3. The Rural Resource Zone covers many situations and is, in reality, the 'default zone' applied to land when no other zone is deemed appropriate. As a result, it covers both genuine rural land and non genuine rural land such as 'de facto' rural living areas. Quarries and other mining operations may well be inappropriate in some situations.</p> <p>However on large rural titles, such developments could potentially be permitted. A possible solution could be to specify that Extractive Industry is permitted</p>	<p>1. These issues can be further considered by the State as part of the pending statewide planning scheme. No changes to the interim scheme are considered urgent.</p> <p>2. The proposed change to amend the Use Table in the Rural Living Zone to make extractive Industry allowable is not supported as it is inconsistent with the objectives of the zone.</p> <p>3. The proposed change to amend the status of Extractive Industry in the Rural Resource Zone to 'permitted' is supported but only if subject to the qualification that the applicable Standard Recommended Attenuation Distance is contained within the subject title.</p>

		<p>in the Rural Zone if the applicable Standard Recommended Attenuation Distance can be accommodated on the subject title.</p>	
<p>E.</p> <p>Robert Hay</p> <p>16 Goodwins Road, Mangalore</p> <p>(Local provision – zoning issue.)</p>	<p>1. Rezoning request: Seeking ability to subdivide existing 2 hectare Rural Resource zoned title at Goodwins Road, Mangalore.</p> <p>Although not explicitly stated, this is a request to rezone to the Rural Living Zone.</p>	<p>1. This area was previously zoned Rural Agriculture, which has been translated to Rural Resource in the new scheme.</p> <p>Part of group of similar sized titles. Spot rezonings are not generally allowed, so any consideration of rezoning would need to consider a broader area.</p> <p>There is no Rural Living zoned land on the eastern side of the highway in this area.</p> <p>The rezoning of this area is not envisaged in the Bagdad Mangalore Structure Plan.</p> <p>Significant Agriculture Zone exists on the eastern side of Bagdad Rivulet, and the current Rural Resource zoned properties provide a buffer to the intensive agricultural activities that may occur there. Rezoning this area to Rural Living would result in more houses close to Significant Agriculture, which is not to be encouraged.</p> <p>The Midland Highway / Goodwins Road junction does not have slip lanes, which are desirable in a 100 kph area if further subdivision potential is to be contemplated at Goodwins Road.</p> <p>Before such an amendment could be considered, the Bagdad Mangalore Structure Plan would need to be revised and would need to support the proposal.</p> <p>Should the State Government’s highway</p>	<p>1. The proposed rezoning request is not supported, in the short term.</p> <p>Active rezonings are not possible within the interim planning scheme mechanism unless supported by the Regional Land Use Strategy and local structure plan.</p> <p>The proposed rezoning would need a specific planning scheme amendment, which would need to follow a review of the Bagdad Mangalore Structure Plan.</p> <p>It would appear unlikely such a review would result in the expansion of the Rural Living Zone east of the highway at Mangalore.</p> <p>Nevertheless, the zoning of Goodwins Road is a matter that should be reconsidered in any review of the Bagdad Mangalore Structure Plan.</p>

		<p>safety improvements works at Mangalore significantly change the traffic network, a case would exist to undertake a major review of the Bagdad Mangalore Structure Plan.</p> <p>However, it should be noted that a strategic decision to expand the Rural Living Zone to the eastern side of the Midland Highway at Mangalore is considered unlikely, at this stage.</p>	
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<p>F.</p> <p>Dylan Harper</p> <p>172 Ballyhooly Road, Mangalore</p> <p>(Local provision – zoning issue.)</p>	<p>1. Rezoning request: Seeking to change zoning of a 44 hectare property from Significant Agricultural to Rural Resource.</p>	<p>1. This area was previously zoned Rural Agriculture in the 1998 scheme.</p> <p>It has been ‘actively rezoned’ to Significant Agricultural Zone in the new scheme, pursuant to the Southern Tasmania Regional Land Use Strategy.</p> <p>All of the fertile land with potential access to irrigation on the valley floor was rezoned in this way, recognising its status as ‘significant’ agricultural land under the State Policy on the Protection of Agricultural Land.</p> <p>The subject property is in the centre of the valley floor. Any consideration of rezoning would require consideration of rezoning of the whole area. This would require a broad strategic decision not to recognise and protect the good agricultural land in the area.</p> <p>The representor has stated that the rezoning ‘may affect future plans for the property’, but has not been specific. It is noted that under the alternate zone, Rural</p>	<p>1. The proposed rezoning request is not supported.</p> <p>The property is in the heart of the Bagdad Mangalore significant agriculture area, which should be retained for significant agricultural purposes in the interim planning scheme as a consolidated area.</p> <p>It is noted that the pending statewide planning scheme potentially might address rural areas differently to the current interim planning scheme.</p>
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		<p>Resource, the land could not be subdivided. This was also the case under the old scheme. The property is accessed via an access strip, which would limit development potential regardless of zoning.</p> <p>The Significant Agricultural Zone would support, facilitate and protect any agricultural pursuits that the landowner might wish to pursue.</p>	
<p>G.</p> <p>Barrie Paterson</p> <p>Mt Vernon, Melton Mowbray.</p> <p>(Regional provision issue.)</p>	<p>1. Request change to the Heritage Code, to introduce <i>'adjacency'</i>.</p>	<p>1. <i>'Adjacency'</i> in respect of planning scheme heritage provisions means applying heritage rules to properties neighbouring heritage listed places.</p> <p>The previous Southern Midlands Planning Scheme 1998 did not include the concept of <i>adjacency</i>.</p> <p>The Hobart Planning Scheme is the only scheme in Southern Tasmania that includes the concept of <i>adjacency</i>.</p> <p>Given the limitations of the interim planning scheme mechanism, adjacency cannot be brought in to the new Southern Midlands Scheme as it would mean that (many) landowners' properties would suddenly be subject to new rules and restrictions without the ability of those landowners to contest such an imposition. They would be denied 'natural justice'.</p> <p>The introduction of adjacency would, in practice, triple or quadruple the number of properties subject to the Heritage Code. The benefits of such a system would need to be weighed against the dis-benefits, in</p>	<p>1. The introduction of 'adjacency' into the Heritage Code of the Interim planning Scheme is not supported.</p> <p>This would be a major change to the planning scheme provisions applying to the Southern Midlands, and should therefore not be done via the interim planning scheme mechanism.</p> <p>Adjacency is a major policy issue. The pending statewide planning scheme will provide a vehicle through which this matter could be reconsidered at the appropriate political level.</p>

		<p>any consideration of introducing adjacency.</p> <p>The new Heritage Code provides a mechanism whereby the spatial extent of a listing can be different to the title – either smaller or larger. If larger, there would have to be a mapped area included in the planning scheme that clearly sets out which parts of neighbouring land are included in the listing. However, such a change would need a planning scheme amendment process in which the owners of neighbouring properties have the ability to contest the change.</p> <p>It is noted that many heritage listings in the Southern Midlands scheme occur within township Heritage Precincts and the various Cultural Landscape Precincts. Within these areas the issue of adjacency is redundant as the whole of these areas is subject to heritage considerations.</p>	
<p>H. Jenny Topfer Blackbrush Road</p>	<p>1. Concerns that Council will inappropriately ‘slip through’ a rezoning at Blackbrush Road, Mangalore.</p>	<p>1. The representation expresses concern that Council will somehow attempt to rezone land outside of proper process.</p>	<p>1. No changes to the interim planning scheme are proposed in the submission.</p>
<p>I. Richard Barnes Blackbrush Road area</p>	<p>1. Concerns that land at Blackbrush Road should remain zoned Rural Resource.</p> <p>2. States that Council’s failed attempt to rezone the land at Blackbrush Road in 2014 was procedurally fair and that Council should accept the umpire’s decision.</p>	<p>1. The representation expresses support for the current Rural Resource zoning of land at Blackbrush Road.</p> <p>2. This was land that Council attempted to rezone to Rural Living, in accordance with the Bagdad Mangalore Structure Plan and the Southern Tasmania Regional Land Use Strategy. This was refused by the Tasmanian Planning Commission following a process that Council contends was</p>	<p>1. No changes to the interim planning scheme are proposed in the submission.</p> <p>Council, as the Planning Authority, retains the view that the Bagdad Mangalore Structure Plan should eventually be implemented in its entirety, and endorses discussion points numbered 1 to 12 in the adjacent column.</p>

<p>(Zoning issue: [local provision])</p>	<p>3. States that references to the Bagdad Mangalore Structure Plan are 'meaningless' and should be removed.</p> <p>4. States that Council is attempting to stop the representor's right to farm.</p>	<p>fundamentally flawed procedurally and which resulted in a decision that was based on gross errors of fact.</p> <p>The Minister for Planning has recommended that Council pursue the rezonings via a planning scheme amendment following finalisation of the interim planning Scheme.</p> <p>3. The Bagdad Mangalore Structure Plan has not been fully implemented and it is appropriate for the scheme objectives to continue to refer to it.</p> <p>4. Repeated comments that Council wishes to stop the representor from farming are demonstrably untrue. Council supports and encourages farming. However, Intensive Animal Farming proposal, particularly in de facto rural living areas, must be carefully considered on their merits. The Resource Management and Planning Appeals Tribunal, in considering the representor's application for the egg farm, affirmed Council's view that:</p> <ul style="list-style-type: none"> • The egg farm proposal constituted intensive animal farming, not merely agriculture, as contended by the representor. • The adversarial use of neighbouring land for biosecurity and attenuation areas around the egg farm was not reasonable, and such buffers should be provided on 	
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	<p>5. States that Council is attempting to 'rezone by stealth'.</p> <p>6. Concern that the MEDaLS report (Midlands Economic Development & Landuse Strategy) was not made available for the public to comment on.</p> <p>7. Argues Southern Midlands' rivers are not 'small' and shouldn't be described as such in the Municipal Setting part of the</p>	<p>the representors own land.</p> <ul style="list-style-type: none"> • The 'likely rezoning' of the neighbouring land to rural residential use would not result in land use conflict with the egg farm as approved by the Tribunal. <p>5. This is demonstrably untrue. Council could have sought to implement the Bagdad Mangalore Structure Plan rezonings by just incorporating them within the interim scheme. However, Council determined to run all such rezonings through a planning scheme amendment process, thereby affording all potentially affected landowners the opportunity to lodge formal submissions and be involved in the statutory hearing process at the Planning Commission.</p> <p>6. The MEDaLS report (Midlands Economic Development & Landuse Strategy) is an internal strategy identification and prioritisation Council document. The initiatives recommended within it that require rezonings will naturally need rezonings in order to advance. Rezoning applications are subject to a statutory public notification process.</p> <p>7.</p> <p>8. Southern Midlands is blessed with many natural advantages. Large rivers are not one of them.</p>	
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	<p>scheme.</p> <p>8. Cites Regional Land Use Strategy AC1.3 as a reason not to zone land at Mangalore to Rural Living.</p> <p>9. Cites omission of Mangalore from Regional Land Use Strategy Table 3 (Growth Management Strategies for Settlements) as a reason not to zone additional land at Mangalore to Rural Living.</p> <p>10. States Council should be focusing growth at Bagdad, not Mangalore.</p> <p>11. States that existing de facto rural living area should not be thus recognised by zoning.</p> <p>12. States that the mention of the Tasmanian Chinese Buddhist</p>	<p>9. Regional Land Use Strategy AC1.3 is not applicable. Mangalore is not an Activity Centre; it is a rural living area. Activity Centres are focusses of employment, commercial retail and community uses.</p> <p>10. Regional Land Use Strategy Table 3 (Growth Management Strategies for Settlements) is not applicable. Table 3 is activated by Regional Land Use Strategy SRD1.1. Mangalore is a rural living area and is subject to Regional Land Use Strategy 1.3.</p> <p>11. Bagdad is the township within the valley and is rightfully the focus of new suburban-density growth with its additional services and facilities. Mangalore, on the overhand, provides opportunity for economic growth through building on its existing rural living area. The Bagdad Mangalore Structure Plan (which was the subject of extensive community consultation process which the representor chose not to be involved)</p> <p>12. This broad, sweeping statement is not accepted. There are numerous areas of de facto rural living areas in Southern Tasmania for which the Rural Agriculture zone is inappropriate. There are others, however, for which it is appropriate to retain rural zoning. Each case needs to be considered, taking into account a range of factors.</p> <p>13. Planning schemes need to be forward looking, and 'aspirational'. If they were to simply account for what exists, they</p>	
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	<p>Cultural Park should be removed from the local objectives of the scheme, as it has not been approved for development.</p>	<p>wouldn't be 'planning' schemes. It is appropriate to retain the Tasmanian Chinese Buddhist Cultural Park as an objective.</p>	
<p>J. Craig Williams 1356 and 1384 Tea Tree Road (Zoning issue: [local provision])</p>	<p>1. Concerns over rezoning of land: "the rezoning of our land at 1356 and 1384 Tea Tree Road to a lesser value of farm type soils..... devaluing our property".</p> <p>2. Concern that the MEDaLS report (Midlands Economic Development & Landuse Strategy) was not made available for the public to comment on.</p>	<p>1. 1356 Tea Tree Road is the representor's land. This has not been rezoned, as 'Rural Resource in the new scheme is the translation of 'Rural Agriculture in the old scheme. 1384 Tea Tree Road is not the representors land – it is the site of the mooted Tasmanian Chinese Buddhist Cultural Park (TCBCP). This has also not been rezoned, at present.</p> <p>If 1384 Tea Tree Road were rezoned in the future to allow for the TCBCP, it would become a major tourism drawcard. Land neighbouring major tourism drawcards tends to rise in value, not fall, as a result of entrepreneurs seeking money-making opportunities leveraging off the high numbers of tourists and other visitors.</p> <p>2. The MEDaLS report (Midlands Economic Development & Landuse Strategy) is an internal strategy identification and prioritisation Council document. The initiatives recommended within it that require rezonings will naturally need rezonings in order to advance. Rezoning applications are subject to a statutory public notification process.</p>	<p>1. It is noted that the zoning of the representor's land at 1356 Tea Tree Road has not been fundamentally changed in the Interim planning Scheme. Nor has the land at 1384 Tea Tree Road.</p> <p>2. It is noted that the MEDaLS report is an internal strategy identification and prioritisation Council document. The initiatives recommended within it that require rezonings would need rezonings in order to advance. Rezoning applications are subject to a statutory public notification process.</p>

	<p>3. Notes the Tasmanian Chinese Buddhist Cultural Park has 'never been applied for', 'never been zoned', and 'has great bearing on our future upgrading of our quarry to class 2'.</p>	<p>3. The TCBCP has not been applied for, although it is anticipated an application for rezoning will be submitted by the proponents soon.</p> <p>The proposed TCBCP is not the only major concern with the representor's proposed quarry upgrading to Level 2: The representor's property is very small compared to the area covered by Standard Recommended Attenuation Distance (SRAD) for Level 2 quarries. The great majority of the SRAD would be on other people's land. Three such properties would be entirely covered by the SRAD and a large proportion of several others would be covered also. This will significantly impact the future development and use potential of all of this land – not just the TCBCP land. This adversarial impost and would appear to be unfair and counter to the fairness objective of Tasmania's Resource Management and Planning System.</p>	<p>3. It is noted that the rezoning necessary for the TCBCP to proceed is yet to be applied for.</p> <p>The TCBCP is a well-known pending project, having been the subject of considerable media coverage over many years, and highlighted in the mid-2013 informal public consultation process for the Draft Southern Midlands Interim planning Scheme.</p>
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<p>K.</p> <p>Midland Energy</p> <p>(Rezoning request [local provision] and amendment request to a zone provision [regional provision]).</p>	<ol style="list-style-type: none"> 1. Request to rezone land from Significant Agricultural to Rural Resource, to enable coal mining projects to proceed, at two locations – near Tunbridge and near Jericho. 2. Request to amend the Significant Agricultural Zone provisions, to allow possibility for extractive industry in Significant Agriculture Zone. 	<ol style="list-style-type: none"> 1. These areas were previously zoned Rural Agriculture in the 1998 scheme. They have been ‘actively rezoned’ to Significant Agricultural Zone in the new scheme, pursuant to the Southern Tasmania Regional Land Use Strategy. All land mapped as good-quality agricultural land by the Southern Tasmania Regional Planning Project <u>with</u> access to the new Midlands Irrigation Scheme was rezoned in this way, recognising its status as ‘significant agricultural land’ under the State Policy on the Protection of Agricultural Land. The subject land near Tunbridge is a major proportion of the Significant Agricultural Land in that area, whilst the subject land near Jericho is a minor proportion of that area. (Refer maps supplied in the representation). Significant Agricultural zoning protects and facilitates intensive agricultural activity. It is considered that the substantial public and private investment in the irrigation scheme, and now further private investment in intensive agricultural enterprises in both locations, warrants the retention of the Significant Agricultural Zone. 2. The Use Table in the Significant Agricultural Zone prohibits Extractive Industry. The zone is quite limited in spatial extent, with the intention that it only applies to genuinely regionally significant agricultural land particularly where public 	<ol style="list-style-type: none"> 1. The proposed rezoning of the subject land from Significant Agriculture to Rural Resource is not supported. 2. This proposed change to amend the Use Table in the Significant Agriculture Zone so that Extractive Industry becomes discretionary is considered necessary and urgent.
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	<p>3. Concern the company wasn't consulted prior to introduction of the new Interim Scheme.</p>	<p>funds have been expended to provide irrigation water. It was therefore considered appropriate to prohibit resource extraction in order to retain this valuable resource and meet the requirements of the State Policy on the Protection of Agricultural Land.</p> <p>However, it is noted that the method of mining proposed by the representor - the new and innovative 'highwall method' - largely leaves the surface undisturbed – especially when compare to the traditional open cut method. It would appear possible to extract the resource with minimal loss of good agricultural land. It would therefore appear possible for Council to seek to amend the Use Table in the Significant Agricultural Zone to make Extractive Industry possible, subject to a Performance Criterion that there be minimal loss of good agricultural land.</p> <p>3. In mid-2013 Southern Midlands Council undertook an informal (i.e.: non-statutory public exhibition of the draft interim planning scheme. This included the proposed new Significant Agricultural Zone areas at Tunbridge and Jericho. No submissions were received from potential mining companies.</p> <p>Mineral exploration is exempt from the need for any kind of local government approval. Unless those exploring for minerals make contact, Council generally remains unaware of the companies exploring for various resources, whether they have found a viable deposit or how</p>	<p>This change is supported subject to a Performance Criterion that there is minimal loss of good agricultural land.</p> <p>3. The State Government is encouraged to remove the interim planning scheme mechanism from the legislation.</p>
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		<p>close they are to seeking planning approval for a mine. Many Exploration Licences have been issued by the State covering large parts of the Southern Midlands, seeking various types of resources.</p> <p>The interim planning scheme mechanism is specifically designed to avoid public consultation prior to the introduction of an interim planning scheme. This mechanism was removed from the Tasmanian planning system in 1993 but was reintroduced in 2011. At the time, Southern Midlands Council expressed concerns to the State Government. If the new Interim Scheme had have been developed through the 1993-2011 process, all mineral exploration companies would have had the opportunity to formally examine and comment on the draft scheme prior to its introduction.</p>	
<p>L. SM+A, obo A. M. Jackman Land at the end of Mountford Drive, Mangalore. (Rezoning request</p>	<p>1. Request to rezone land from Rural Resource to Rural Living, at the end of Mountford Drive, Mangalore. Submits that the land accords with the objectives of the Rural Living Zone, not the Rural Agriculture Zone</p>	<p>1. This land was subject of a suite of rezonings in the Bagdad-Mangalore area in 2014 to implement the Bagdad Mangalore Structure Plan. It was rezoned from Rural Residential A to Rural Agriculture, under the 1998 scheme. This was then translated to Rural Resource in the interim planning scheme. As stated in the submission, the owners opposed the rezoning at the time. The submission essentially maintains their opposition to the 2014 rezoning.</p>	<p>1. The land should not be rezoned to Rural Living with a one hectare minimum lot size.</p>

<p>[local provision]).</p>	<p>2. States that the current owner purchased the land as rural residential land and the 2014 rezoning to rural has devalued it.</p>	<p>A key reason for the rezoning is the length of Mountford Drive, which is a no-through-road, with no obvious route for it to reconnect to the public road network if extended through the subject property. At 42 ha, the property could have up to 42 new blocks if zoned Rural Living.</p> <p>A second issue is the Heritage Mile Cultural Landscape Precinct, which extends over the property. Numerous one-hectare lots would not be consistent with the intention of the precinct.</p> <p>2. The current owner purchased the property in 1996 when it was zoned rural under the old Brighton Interim Order. It was rezoned to Rural Residential A in 2003 when the Southern Midlands Planning Scheme 1998 was finally approved. As mentioned above, it was changed back to rural in 2014.</p>	<p>2. It is noted that the current owner purchased the property when zoned rural.</p>
<p>M.</p> <p>IreneInc. obo Hunter Heritage Developments</p> <p>(Zoning issue: [local provision])</p>	<p>1. Request for Council to pursue rezoning: Land at Blackbrush Road near the existing rural living zone area.</p>	<p>1. Request for Council to pursue the rezoning of land at Blackbrush Road to Rural Living, in accordance with the full implementation of the Bagdad Mangalore Structure Plan.</p> <p>The submission acknowledges that such rezoning could not be pursued as an urgent amendment (i.e. as a result of considering submissions to the interim scheme).</p> <p>Council has previously stated its intention to complete the Bagdad Mangalore</p>	<p>1. The full implementation of the Bagdad Mangalore Structure Plan should be pursued. This Blackbrush Road rezonings should be pursued through a planning scheme amendment process.</p>

		Structure Plan implementation.	
<p>N.</p> <p>Paul & Lisa Rudd</p> <p>Zoning of land at Dysart</p>	<p>1. Expression of support for zoning of land at Dysart</p>	<p>1. The new interim scheme has rezoned former Anglican church (and cemetery) at Dysart from Community Purpose to Rural Living – matching the surrounding land. The property is no longer a church and was sold into private ownership several years ago.</p>	<p>1. The submission is noted.</p>
Matters Concerned with the Operation of the Interim Scheme Identified by Council:			
<p>O.</p> <p>Council-identified Issue</p> <p>Spatial extent of heritage-listed places.</p> <p>Heritage Code</p>	<p>1. Request amendments to Table E13.1 Heritage Places in the Historic Heritage Code (E13) to specify the spatial extent of heritage listed places for all listings on large rural titles.</p>	<p>1. The spatial extent of heritage-listed places in the Historic Heritage Code is the area within the title - unless otherwise specified in Table E13.1 in fifth column "Specific Extent".</p> <p>Many titles in rural areas are large – often in the hundreds of hectares.</p> <p>It is reasonable that development applications on sites far from historic buildings or other items with heritage value are not subject to the Historic Heritage Code.</p> <p>The Interim Planning Scheme defines Specific Extent for many heritage listed large rural properties, but not all.</p> <p>The remainder should be defined so that:</p> <ul style="list-style-type: none"> • All heritage listed rural properties are subject to the same listing policy. • Unnecessary expense and delay is avoided for some future development applications. • Large areas of land are not encumbered by unnecessary planning provisions. <p>A similar mechanism is utilised within the</p>	<p>1. The spatial extent of all heritage listings in Table E13.1 on large rural titles should be limited by inclusion of a defined Specific Extent in the fifth column.</p> <p>Where a property is 'dual listed', (i.e. on both the Tasmanian Heritage Register (THR) and the Interim Planning Scheme Table E13.1), <u>and</u> there is a rural exclusion agreement on the THR, the Planning Scheme Specific Extent should be the same as the THR rural exclusion agreement spatial extent.</p> <p>This is considered urgent and should be dealt with by way of an Urgent Amendment.</p>

		<p>Tasmanian Heritage Register (THR) by way of 'rural exclusion agreements'.</p> <p>Where a property is 'dual listed', (i.e. on both the Tasmanian Heritage Register and the Interim Planning Scheme), <u>and</u> there is a rural exclusion agreement on the THR, the Planning Scheme Specific Extent should be the same as the THR rural exclusion agreement spatial extent.</p>	
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Southern Midlands Council

Council Minutes

Department of State Growth

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STATE GROWTH COMMENTS – SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

Dear Mr Kirkwood

Thank you for the opportunity to provide comments on the Southern Midlands Interim Planning Scheme 2015. Comments representing the interests of the Department of State Growth are enclosed for your consideration.

As you are aware, the Tasmanian Government has committed to developing a single statewide planning scheme and has established the Planning Reform Taskforce to achieve this and a range of other initiatives aimed at simplifying our planning system. Therefore, whilst our comments are provided in relation to the existing process, we understand that this process will change in the future.

My Department welcomes any opportunity to discuss the issues raised in this submission. If you wish to arrange such a discussion, please contact Selena Dixon on 6166 3481 or selena.dixon@stategrowth.tas.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Kim Evans".

Kim Evans
Secretary

11 October 2015

SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

Tasmanian Government objectives

The Tasmanian Government is committed to growing Tasmania and its economy. It has set a number of targets with respect to growing our State, including reducing Tasmania's unemployment rate to the national average, increasing Tasmania's population to 650 000 by 2050 and securing 1.5 million visitors per year by 2020. In addition, the Tasmanian Government has identified key reforms and major initiatives to drive economic growth in agriculture, tourism, forestry and mining, as well as other sectors of our economy.

State Growth objectives

The Department of State Growth plays a very important role in helping the Tasmanian Government to meet its targets, to implement its reform agenda and deliver major initiatives to maximise economic growth and job creation by:

- working with Tasmanian businesses and industry;
- growing and supporting Tasmania's visitor economy;
- strategically managing our infrastructure and transport systems; and
- building Tasmania's brand as the best place in the country to live, work, invest and raise a family.

State Growth recognises that the Tasmanian planning system is an important facilitator of development required for economic growth and the creation of jobs. The comments provided in this submission reflect the need for State Growth and the industries it supports, to have certainty and practical pathways for new development or expansion of existing operations.

ROAD WORKS ON STATE ROADS & INTERIM PLANNING SCHEME PROVISIONS

Background

The Department of State Growth is the infrastructure authority responsible for the maintenance, repair, minor and major upgrades and realignments of State roads. State roads are those that have been proclaimed under Section 7 of the *Roads and Jetties Act 1935*. State roads may be further protected through limited access proclamation under Section 52A of the *Roads and Jetties Act 1935*, which restricts access to proclaimed points (ie. junctions) or via licenced access points.

State roads are generally contained within a cadastral parcel owned by the Crown. In some sections however (due to historical reasons) limited sections of some State Roads are not located within a separate cadastral parcel and are known as 'right of user' roads. The alignment of State Roads in these sections is shown on the title associated with the surrounding privately owned land.

Where State Growth identifies future road corridors as part of its long term planning, protection of those corridors can be facilitated by one of the two following mechanisms:

- proclamation of intended line under Section 9A of the *Roads and Jetties Act 1935*; or
- rezoning of land to relevant road zone category (i.e. Utilities or Particular Purpose Zone).

Part A Purpose and Objectives

3.0 Planning Scheme Objectives

Section 3.0.1 R Infrastructure: Regional Objectives

Outcome to be achieved by: (c) It is considered appropriate for land use authorities to apply charges to the off-site impacts of developments.

Outcome to be achieved by: (d) Protecting the function and safety of transport infrastructure is essential to the long-term sustainability of transport networks.

Section 3.0.3 R Activity Centres: Regional Objectives

Desired Outcome: (c) The focus on people and pedestrian orientated environments is supported.

Desired Outcome: (h) Providing development standards that support use of public transport and alternative modes of transport to reduce reliance on car use is supported.

Outcome to be achieved by: (h) Development standards that improve the use of public transport and alternative modes are supported.

Part B Administration

4.0 Interpretation

Definition of a Road under the Interim Planning Scheme

A road is defined under Clause 4.1.3 as follows:

Road – means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.

This is a mandatory provision within planning schemes, being part of the Planning Scheme Template for Tasmania (Planning Directive No. 1). State Growth has interpreted this definition in regard to State Roads as:

- Where a State Road is within its own cadastral parcel (the road reservation), the definition includes the full width of the road reservation.
- Where a State Road is a 'right of user' road, it includes the pavement, shoulder, any appurtenant earthworks and the extent of the road as determined under section 9 of the *Highways Act 1951* (a distance of 2.5m on both sides of the roadway, including earthworks thereof).

Further, State Growth understands that this definition of a road does not include future road corridors.

Definition of 'minor utilities' under the Interim Planning Scheme

"minor utilities" includes footpath, cycle path, stormwater channel, water pipes, retarding basin (presumably detention basin) for local distribution or reticulation.

By this definition, it appears that footbridges would be permitted as minor utilities (no permit required) in the Utilities Zone, where they meet the Use and Development Standards for the Zone. This is supported.

Exemptions

General

Unlike the Water and Sewerage Corporation (TasWater), as specified under the *Water and Sewerage Industry (General) Regulations 2009*, State Growth does not have broad exemptions from the *Land Use Planning and Approvals Act 1993*. This means that as an authority providing for critical road infrastructure across the State, it is still required to interact with the local planning approvals process.

5.0 General Exemptions

Maintenance and repair of State Roads is exempt from requiring planning approval pursuant to Clause 5.4 of the Interim Planning Scheme which states:

5.4.1 Maintenance and repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of:

- a) electricity, gas, sewerage, stormwater and water reticulation to individual streets, lots or buildings;*
- b) infrastructure such as roads, rail lines footpaths, cycle paths, drains, sewers, power lines and pipelines; and*
- c) minor infrastructure such as footpaths and cycle paths, playground equipment, seating and shelters, telephone booths, post boxes, bike racks, fire hydrants, drinking fountains, rubbish bins, public art, traffic control devices and markings, and the like on public land.*

It is acknowledged that this is a mandatory provision within planning schemes, being part of the Planning Scheme Template for Tasmania (Planning Directive No. 1). As the responsible State road authority, State Growth undertakes a number of activities required under the *Roads and Jetties Act 1935* to ensure maintenance of a safe and efficient State road network, including mowing of road verges and management of roadside hazards such as vegetation. State Growth expects to continue to undertake these activities under this exemption.

It is noted that both b) and c) refer to 'footpaths, cycle paths', it is unclear what the difference is between these 2 exemptions.

6.0 Limited Exemptions

Unfortunately, there is not a general exemption available for minor road works that are not maintenance and repair. Rather, under section 6 Limited Exemptions (also a mandatory provision required by the Planning Scheme Template for Tasmania) clause 6.2 applies to the provision and upgrades of linear and minor utilities and infrastructure.

6.2.1 Use or development described in subclause 6.2.2 is exempt from requiring a permit under this planning scheme, unless it involves:

- (a) a place or precinct listed in a heritage code that is part of this planning scheme;*
- (b) disturbance of more than 1m² of land that has been affected by a potentially contaminating activity;*
- (c) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;*
- (d) the removal of any threatened vegetation; or*
- (e) land located within 30m of a wetland or watercourse.*

- 6.2.2 *The provision by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of the following utilities and infrastructure:*
- (a) *electricity, gas, sewerage, stormwater and water reticulation to individual streets, lots or buildings; and*
 - (b) *footpaths and cycle paths, playground equipment, seating and shelters, telephone booths, post boxes, bike racks, fire hydrants, drinking fountains, rubbish bins, public art, traffic control devices and markings, and the like on public land.*
- 6.2.3 *Use or development described in subclause 6.2.4 is exempt from requiring a permit under this planning scheme, unless it involves:*
- a) *a place or precinct listed in a heritage code that is part of this planning scheme; or*
 - b) *the removal of any threatened vegetation.*
- 6.2.4 *Minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:*
- a) *minor widening or narrowing of existing carriageways; or*
 - b) *making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic controls devices and markings, street lighting and landscaping.*

State Growth is concerned with the implications of clause 6.2.3.

Firstly, State Growth's position is that the scale of a minor road upgrades considered under the exemption should relate to the scale of the works and not be limited by the extent of the road reservation. In some areas, the State road reserve is wide enough to accommodate significant upgrades such as duplication and in other cases, even minor shoulder widening or curve realignment will require acquisition of small parcels of land. Land acquisition by the State road authority for road purposes is undertaken under the *Land Acquisition Act 1993* and is not subject to Planning Scheme subdivision requirements. Land acquisition to delineate new road reserve boundaries as a result of a road upgrade generally occurs once a planning permit is issued for the works as any changes to the works required as part of an approval may alter the amount of land necessary for reservation for road purposes.

It would be impractical and serve no planning purpose if Councils were required to regulate minor upgrades to existing roads simply because they occurred outside an existing road reserve. State Growth proposes that the scale of any road works proposed should be the determining factor in applying the limited exemption, rather than whether the works occur within or outside of an existing road reserve.

The situations where the exemptions do not apply create considerable uncertainty to State Roads as to whether such works within existing corridors will require planning approval. This is considered an onerous and unnecessary regulatory burden for such activities. Road authorities go through a largely open and transparent planning and assessment process under other legislation, so duplicating this requirement through the planning system is not considered to be a good use of public resources.

State Growth's concern specifically relates to the qualification under clause 6.2.3(b), in that the removal of any threatened vegetation would result in the requirement for a full development application to the Planning Authority, in turn requiring a comprehensive response to multiple provisions in the Planning Scheme for what are essentially 'minor' road works.

Threatened vegetation is defined under clause 4.1.3 as:

Means a threatened native vegetation community that is listed in Schedule 3A of the Nature Conservation Act 2002 or a threatened native ecological community that is listed under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth).

In particular, the following is noted:

1. While it is accepted that this definition is a mandatory provision required by the Planning Scheme Template for Tasmania, State Growth raises concern with the inclusion of native ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. These communities are already adequately protected under the EPBC Act through a specific approval process undertaken by the Australian Government. In State Growth's view, requiring local Planning Authorities to address implications on federally listed ecological communities is inappropriate since local Planning Authorities may lack the necessary resources to undertake such an assessment. Additionally, this is also an unnecessary duplication of approval processes.
2. With regard to managing clearance of native vegetation communities listed under the *Nature Conservation Act 2002*, the *Forest Practices Regulations 2007* exempt (under Section 4(d)) clearance and conversion of a threatened native vegetation community from requiring a certified forest practices plan (under the *Forest Practices Act 1985*) where related to the construction and maintenance of public roads. It specifically notes that this exemption is long standing and was not part of the amendments to the regulations that took place in November 2009, which relates to additional exemptions for use and development requiring a permit under the *Land Use Planning and Approvals Act 1993*.
3. In support of Point 2 and as outlined under clause 6.2.4, the exemption would only apply to minor road works for an existing road. As such, it is State Growth's view that the impact of the clearing of any threatened vegetation communities will only result in minimal impacts due to the minor nature of the works.
4. Moreover, State Growth suggests that such minor road works are essential in terms of ensuring a safe and efficient road infrastructure network that can provide important social and economic benefits to the State, and as such it should not be discouraged from undertaking such works.
5. As part of its comprehensive planning processes, State Growth routinely undertakes assessments and field investigations to determine the presence of threatened flora, fauna and vegetation communities, which are appropriately regulated by the State and Australian Governments. When required, State Growth seeks approvals and permits to ensure that it is in full compliance with relevant legislation. Where residual negative impacts cannot be mitigated, State Growth may enter into legally binding arrangements to secure offsets in accordance with the requirements of both state and federal regulators.
6. Importantly, the result of the limitation of the exemptions under clause 6.2, is that as soon as either such road works involves either a heritage listed place, a precinct listed under the Heritage Code or the removal of threatened vegetation community, it triggers the need for a full development application, which due to the current drafting of the codes in the Interim Planning Scheme, creates discretion for Council to refuse the application. This discretion is then not only limited to the matter that the exemption under clause 6.2 has addressed (heritage and threatened vegetation), but broadened to a range of additional matters covered by other Codes: all native vegetation; wetlands and waterways; scenic management, to name a few.

Whilst State Growth accepts that exemptions should be resolved through a review of PDI, it proposes that where an interim planning scheme (IPS) requires a planning permit as a result of the application of 6.0 limited exemption, the permit application should be confined to the matters for which the IPS requires a permit (heritage or threatened vegetation in the case of clause 6.2), and not be applied against all other standards in the IPS. Based on the requirement for State Growth to

provide a safe and efficient transport network across the State, it is proposed that minor road works should not be subjected to complex and discretionary planning processes. Therefore, State Growth proposes an interim measure for minor road works, which includes 2.5m beyond the right of user road, be specifically exempted from the following Codes (except for the specific matters addressed by the limitations under clause 6.2.3):

- E5.0 Road and Railway Assets Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E14.0 Scenic Landscapes Code.

Notably, State Growth's internal requirements are that in addition to standard processes requiring flora and fauna assessments for all road works, construction must also be undertaken in accordance with the *Wetlands and Waterways Works Manual* and the *Tasmanian Coastal Works Manual*, both issued by the Department of Primary Industries, Parks, Water and Environment, as well as best practice soil and water management guidelines. It is therefore unnecessary for a local Planning Authority to further regulate these areas.

Part C Special Provisions

Section 9.7 Subdivision

The provisions of Section 9.7.2 requires that a plan of subdivision must not be approved where the subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway, unless the Minister administering the *Roads and Jetties Act 1935* has first approved so much of the application as affects the drainage. This is supported but needs to be more readily discoverable for applicants by inclusion of a cross-reference in the Interim Planning Scheme, possibly in E7.0 Stormwater Management Code.

Part D Zones

General

State Growth requests that, unless specified, all State roads and proclaimed future road corridors be zoned as Utilities under interim planning schemes and new planning schemes to ensure that:

- the efficiency and safety of the State road network is appropriately protected; and
- planning assessment processes are consistent across all local government authorities.

Protection of, and improvement in, the efficiency, safety and integrity of State road infrastructure relies on efficient assessment of proposed maintenance activity and development. Varying and inconsistent application of planning provisions has created challenges for State Roads when navigating the planning system. This has potential to cause unnecessary and unwarranted delays in gaining planning approvals to undertake important works on the State road network.

The Template Drafting Instructions issued by the Tasmanian Planning Commission (TPC) require that "All roads must be zoned. Highways and major arterial roads should be consistently zoned Utilities. Roads servicing the local area and some collector roads do not need to be separately zoned, but should be included in the surrounding or most appropriate adjacent zone". As a minimum, Category 1, 2 and 3 roads in the Tasmanian State Road Hierarchy would be subject to Utilities zoning.

However, for purposes of clarity around what is State and local road infrastructure, State Growth requests that all State roads and proclaimed future road corridors be zoned Utilities under interim planning schemes and new planning schemes for the following reasons:

- A lack of consistency between schemes in the application of the Utilities zone across State roads means that proposed infrastructure development will be treated inconsistently by Councils.
- The Utilities Zone is a clear visual indication to planners and the public that an important utility is present on the land. Its application to State road infrastructure will aid in protecting the safety and efficiency of road networks and reduce the likelihood of impacts from inappropriate development.
- State Growth is currently undertaking a review of the Tasmanian State Road Hierarchy and classification of its road network to more accurately reflect the planned function and use of roads across the entire State network. The number of road categories may be altered as part of the review, therefore tying the Utilities Zone to specific categories within the Road Hierarchy has potential to undermine this process.

It is acknowledged that State Growth's position regarding zoning of State roads has implications in the allocation of internal resources required to facilitate the flow of spatial information between State Growth and the Councils. State Growth already provides a supporting role to Councils in the drafting of their planning schemes and will continue to provide this support as required.

Where minor road works and upgrades occur outside of a road reservation and are subject to an alternative zoning to Utilities such as Rural Resource zone, State Growth requests the status of such works as No Permit Required or Permitted, in addition to inclusion of acceptable solutions standards that State Growth can reasonably meet.

13.0 Rural Living Zone

Zone Purpose Statement 13.1.1.4: Encouraging passive recreational opportunities through the inclusion of single or multiple trail linkages is supported.

14.0 Environmental Living Zone

Zone Purpose Statement 14.1.1.6: Encouraging passive recreational opportunities that enhance pedestrian, cycling and horse trail linkages is supported.

Zone Purpose Statement 14.1.1.8: Not providing for release of land where it is unsuitable for residential purposes due to road infrastructure constraints is strongly supported.

18.0 Recreation Zone

Zone Purpose Statement 18.1.1.2: Open space networks connected by walking and cycling trails are essential.

19.0 Open Space Zone

Zone Purpose Statement 19.1.1.2: Open space networks connected by walking and cycling trails are essential.

24.0 Light Industrial Zone

Zone Purpose Statement 24.1.1.4: Providing for industrial activity with good access to strategic transport networks is supported.

26.0 Rural Resource Zone

26.2 Use Table

Where minor road works and upgrades occur outside of a road reservation and are subject to an alternative zoning to Utilities such as Rural Resource zone, State Growth requests that such works be allocated the status of No Permit Required or Permitted, which would require the inclusion of acceptable solutions standards that State Growth can reasonably meet.

26.3 Use Standards

Clause 26.3.3 Discretionary Use will apply for road works and requires that a discretionary non-agricultural use must not conflict or fetter agricultural use on the site or adjoining land. It is suggested that consideration be given to providing an acceptable solution for utilities uses to occur within the zone that allows for some impacts on agricultural use where there is an overriding public benefit and the location of the utility or its upgrade is based on achieving operational efficiency.

26.4 Development Standards

Clause 26.4.3 Design requires as an acceptable solution that buildings and works not be located in areas requiring clearing of native vegetation or on a skyline or ridgeline. It is considered that native vegetation impacts are better regulated through the Biodiversity Code and impacts on skylines or ridgelines would be better regulated through the Scenic Landscapes Code. Existing roads often occur on skylines or ridgelines out of necessity, so road upgrades will be implicated. Therefore, State Growth requests an acceptable solution pathway for roadworks.

A3 requires that depth of fill or excavation must be no more than 2m from natural ground level. State Growth requests an acceptable solution pathway for roadworks.

27.0 Significant Agricultural Zone

27.2 Use Table

Where minor road works and upgrades occur outside of a road reservation and are subject to an alternative zoning to Utilities such as Significant Agriculture zone, State Growth requests that such works be allocated the status of No Permit Required or Permitted, which would require the inclusion of acceptable solutions standards that State Growth can reasonably meet.

27.3 Use Standards

Clause 27.3.3 Discretionary Use will apply for road works and requires that a discretionary non-agricultural use must not conflict or fetter agricultural use on the site or adjoining land. State Growth recommends that an acceptable solution for utilities is included, that allows for some impacts on agricultural use where there is an overriding public benefit and the location of the utility or its upgrade is based on achieving operational efficiency.

27.4 Development Standards

Clause 27.4.3 Design, acceptable solution 1 (A1), requires that buildings and works not be located in areas requiring clearing of native vegetation or on a skyline or ridgeline. State Growth believes that native vegetation impacts are better regulated through the Biodiversity Code and impacts on skylines or ridgelines would be better regulated through the Scenic Landscapes Code. Existing roads often occur on skylines or ridgelines out of necessity, so road upgrades will be implicated. Therefore, State Growth requests an acceptable solution pathway for roadworks.

A3 requires that depth of fill or excavation must be no more than 2m from natural ground level. State Growth requests an acceptable solution pathway for roadworks.

28.0 Utilities Zone

28.2 Use Table

State Growth requests that Utilities be allocated the status of No Permit Required so that proposals that comply with all applicable acceptable solutions do not require a permit from Council.

28.3 Use Standards

Clause 28.3.2 Noise contains an acceptable solution that requires measurement of noise emissions at residential zone boundaries. All applications adjoining a residential zone will be required to undertake a noise assessment to meet the acceptable solution, which is impractical and unnecessary for all roadworks. The *State Road Traffic Noise Management Guidelines* have been developed by State Growth and endorsed by the Environmental Protection Authority (EPA). The Guidelines are

intended to guide the management of traffic noise associated with State roads. The guidelines are clear in that not all roadwork scenarios will require consideration of noise, and that State Growth will not accept responsibility for traffic noise where a sensitive use has knowingly moved to an area where traffic noise problems may be likely.

This provision is inconsistent with this approach by putting the onus to manage noise on a utility provider undertaking works on land that may have been set aside for utilities purposes prior to adjacent land being zoned residential. It is noted that noise limits in the AS are inconsistent with the Traffic Noise Guidelines that suggest a design target for external noise measured at sensitive use building façade most exposed to noise of L_{A10} (18hr) 63 dB(a) with an upper limit of 68 dB(A).

28.4 Development Standards

Clause 28.4.3 Landscaping. State Growth requests that development associated with roadworks is not subject to landscaping provisions as this is impractical and unnecessary. State Growth is committed to reinstating manageable vegetation in its road corridors, but no longer implements formal landscape plans, because such areas present a work place safety issue for establishment and ongoing maintenance.

22.0 Particular Purpose Zone – Urban Growth Boundary

The maps show PPZ – Urban Growth Boundary as being applied to several parcels within Bagdad. The Midland Highway is a limited access road and no new accesses can be created. All future access will need to be undertaken via side roads.

Part E Codes

E5.0 Road and Railway Assets Code

State Growth has worked with the TPC for some time on the Road and Railway Assets Code (R&RAC) and supports the principle of regulating development that has potential to impact on the State Road network.

Aspects that have not been considered in the R&RAC in the IPS include:

- Inclusion of Limited Access roads in some fashion (*Roads & Jetties Act 1935* Section 52A)
- Inclusion of Intended Line Corridors (*Roads & Jetties Act 1935* Section 9A).

E5.2 Application of the Code & E5.4 Use or Development Exempt from the Code

State Growth remains concerned about the potential application of this Code to road works. The intent of this code is not to regulate road works. Where a planning permit for a major upgrade of existing road or new road is required, the Code should not apply to the proposed use and development when undertaken by the road authority.

As part of its Project Design Process, State Growth reviews and assesses all State Growth road projects to ensure compliance with relevant traffic safety requirements. Similarly, State Growth designs its road upgrades (including structures) to comply with the Department's Technical Standards and Specifications, along with relevant Austroads Guidelines. These Technical Standards and Specifications aim to ensure the upgrades are designed to improve road safety and move traffic efficiently. Therefore, additional assessment (or referral to State Growth) is an unnecessary duplication under the Code.

E5.2(c) applies the Code to a sensitive use, building, works or subdivision only for Category 1 and 2 roads where they are zoned Utilities. State Growth has consistently provided advice that the Code should apply to all Category 1 to 3 roads. Utilities zoning should not be a prerequisite for application of the Code. As previously stated, all State roads should be zoned Utilities, however there may be

instances where roads may not be zoned Utilities, either inadvertently or through an upgrade to an existing road that requires land acquisition of adjacent land subject to an alternate zoning. It should also apply to future road corridors that have been identified in the Planning Scheme or via proclamation. These may or may not be zoned Utilities. Regardless, consideration of adjacent sensitive uses must be undertaken to protect critical transport infrastructure (ie. Category 1 to 3 Roads) and avoid land use conflicts.

E5.3 Definition of Terms, "limited access road" is defined but there is no other reference to these roads within the Code (refer to comment on inclusion of a provision relating to Limited Access Road above).

As previously noted, only Category 1 and 2 roads are included in the R&RAC. State Growth requests that Category 3 roads also be included, to ensure potential land use conflicts are avoided.

Figure E5.1 Sight lines for Accesses and Junctions

State Growth requests that in addition to the Figure provided, Table 3.2 in the Austroads Guide to Road Design - Safe intersection site distances and corresponding minimum crest vertical curve size for sealed roads be included in the Code. State Roads is willing to provide further advice in relation to the inclusion of this table.

E5.5 Use Standards

State Growth requests that a clause be included under 5.5 requiring the submission of a Traffic Impact Assessment undertaken by an appropriately qualified person that addresses impacts of traffic generation on safety and efficiency of the road network, unless the road authority advises otherwise.

E5.6 Development Standards

Under E5.6.1 A1.1 Development is required to be located at least 50m from Category 1 or 2 road that is zoned Utilities. As raised previously, development for sensitive use adjacent to Category 3 roads and future road corridors should also be included.

A1.2 allows a building where there is an existing row of buildings. State Growth requests that this provision not apply to multiple dwellings and subdivision as this has the potential to enable the proliferation of dwellings in a potentially noisy environment.

E6.0 Parking and Access Code

This code appears to duplicate some access provisions in the Road and Railway Assets Code. The purpose statements for the Code at Section E6.1.1 (a) to (h) are supported. The application of the Code to State Roads is noted but it is assumed that the access provision of E5.0 Road and Railway Assets Code (E5.6.1 Road accesses and junctions) will in some way override the apparent conflict with E6.7.1 Number of Vehicular Accesses. State Growth recommends clarification of these anomalies.

E7.0 Stormwater Management Code

State Growth requests an acknowledgement that an acceptable solution pathway cannot be achieved for construction of roads particularly in rural areas where responsible disposal of stormwater must occur under the Department's Standard specifications for design and construction of roads. Water sensitive urban design measures need to be quantifiable for assessment under the acceptable solution.

As previously indicated, State Growth has requested an exemption from this Code. State Growth can provide an assurance that it undertakes responsible disposal of stormwater consistent with the standard specifications for design and construction of State Roads.

It is also noted that disposal of stormwater in rural areas may require different consideration to urban areas, where connection to reticulated system is not possible.

E10.0 Biodiversity Code

As previously indicated, State Growth has requested an exemption from this Code for minor road works (see 6.0 on page 5). Threatened vegetation communities listed under *Environment Protection and Biodiversity Conservation Act 1999* should be regulated under that Act and not under the Planning Scheme.

State Growth also supports the exemption of development that addresses unacceptable risk to public or private safety, works within 2m of existing infrastructure for maintenance, repair, upgrading or replacement of infrastructure, clearance and conversion of an area less than 750m², clearance and conversion or disturbance of vegetation assessed under *Environment Protection and Biodiversity Conservation Act 1999*, *Threatened Species Protection Act 1995* and *Nature Conservation Act 2002*.

It is noted that this exemption from the Code further highlights the illogical structure of the limited exemption at 6.2.4 whereby a minor road upgrade that minimally affects threatened vegetation listed under the *Environment Protection and Biodiversity Conservation Act 1999* or *Nature Conservation Act 2002* will be subject to a range of matters covered by Zones and other Codes but potentially not the very Code that regulates the limitation that the exemption sought to address.

E11.0 Waterway and Coastal Protection Code

State Growth supports the exemption of development that addresses unacceptable risk to public or private safety, and works within 2m of existing infrastructure for maintenance, repair, upgrading or replacement of infrastructure. However, State Growth proposes that greater certainty be given to works that are affected by this Code by providing an acceptable solution pathway for road works other than minor road works which, as previously proposed, should be exempt.

Under Clause E11.7.1 A1, road works are automatically discretionary as it would be impossible to meet the acceptable solution being for works to occur within a building area on a plan of subdivision. State Growth submits that this imposes unnecessary regulation on the State Road Authority, particularly given it is already required to undertake all works within its operational guidelines, consistent with best practice and in accordance with the *Wetlands and Waterways Works Manual*. In addition, the Manual is a complex and wide-ranging document that is not easily applied as an appropriate guide for decision-making in a statutory planning process.

E13.0 Historic Heritage Code

State Growth supports the exemption for minor upgrades or provision of minor infrastructure within a heritage precinct, cultural landscape precinct or heritage place. It is suggested that where properties are dual listed (local and state), that local heritage listings reflect the surveyed boundaries of state listings, particularly for rural or large properties where they specify an 'area of interest' and not the entirety of the property. Listings of entire properties where not required, unnecessarily constrain important road infrastructure through an onerous development application process, as the limited exemption for minor upgrades cannot apply; even in circumstances where there are no items of heritage significance being impacted that require protection.

E14.0 Scenic Landscapes Code

State Growth remains concerned about the potential application of this Code to works on a major road, given the purpose of the Scenic Landscapes Code is to protect the views from the road corridor. The intent of this Code should not to regulate road works. It is requested that the exemption under E14.4 (b) be expanded to include all road upgrades, not only those works within 2m of existing infrastructure.

E17.0 Signs

The Code includes exemptions for statutory signs for traffic and information, as well as temporary events signs. Commercial advertising signs (ground based and/or pole signs) require planning approval and are typically discretionary in the Utilities zone in the Interim Planning Scheme. This is considered the appropriate mechanism to assess this type of signage.

There appears to be a conflict between Table E17.2 Sign Standards and Table E17.3 Status of Signs in Zones. Sign Standards Table E17.2 indicates that the following signs are effectively prohibited as they are not to "...encroach on any road or other public reservation":

- Ground Base Sign
- Ground Base Panel Sign.

A Pole or Pylon Sign is also not to project "...more than 1200mm beyond the boundary with the footpath or road reservation." However, Table 17.3 indicates that in the Utilities Zone these three signs are Discretionary.

For commercial signs applications, landowner consent from the Crown to the making of a planning application and, once planning approval has been given, subsequent approval under the provisions of the *Roads & Jetties Act 1935* are the only inputs considered necessary by State Roads.

FOREST RESOURCES AND INTERIM PLANNING PROVISIONS

Background

Resource Policy, within the Department of State Growth, provides advice to the Government and broader community on a broad range of policy issues regarding the management of forest resources in Tasmania, consistent with national agreements (i.e. the Regional Forest Agreement), ecologically sustainable forest management (ESFM) principles, the Permanent Native Forest Estate, the operation of forest product markets, and regulation and legislation for forests and forest management.

Part D Zones

27.0 Significant Agricultural Zone

This is a significant zone in this scheme and a limited number of forestry activities are discretionary only. The wording used is *"Only if tree farming and plantation forestry in accordance with a Forest Practices Plan and not located on prime agricultural land"*.

Tree farming is not defined and "forest operations" and "Plantation Forestry" are specifically excluded under the No Permit Required section of the use table. For consistency and clarity State Growth suggests that the wording be amended to *"Only if for forest operations and plantation forestry in accordance with a Forest Practices Plan and not located on prime agricultural land"*. This does possibly give a broader use definition but is a more consistent use of terminology covering most forest activities. The existing description would more likely give rise to inconsistent interpretation.

Part E Codes

E3.0 Landslide Code

E3.4 Use or development exempt from this code.

Although the Landslide Code seems to be focussed on buildings, it may be worded in such a way that it would impact road works for access to forest operations. Given Forest Operations subject to a Forest Practices Plan, do not have the status of a General Exemption; it is proposed that Forest Operations and works associated with those operations be listed as exempt from this code.

State Growth proposes the following wording:

- forest operations and associated works in accordance with a certified Forest Practices Plan.

E11.0 Waterway and Coastal Protection Code

The overlay mapping that relates to this code includes mapped exclusion zones on classes of streams, which in many cases, would be classified as Class IV (insignificant) under the Forest Practices Code. Such mapping creates a large range of potential errors and possible disputes, especially using contours mapped under timber, which are notoriously inaccurate. State Growth proposes that the outcomes of the code should be achieved by stream description, rather than mapping, which will reflect more realistically the on ground situation.

MINING AND EXTRACTIVE INDUSTRIES & INTERIM PLANNING SCHEME PROVISIONS

Background

Mineral Resources Tasmania, within the Department of State Growth, provides for the development of mineral resources in Tasmania consistent with sound economic, environmental and land use management. This function includes the provision of precompetitive geoscience information, management of mineral tenements for exploration and mining and regulation of those tenements to the benefit of the industry and community. The granting of mineral rights is governed under the *Mineral Resources Development Act 1995*.

Part B Administration

4.1.3 Definitions and Terms:

Whilst it is acknowledged that the definitions are mandatory within planning schemes, being part of the Planning Scheme Template for Tasmania (Planning Directive No. 1), State Growth proposes that the following additional definitions are included to provide clarity:

Mining lease	a mining lease in force under the <i>Mineral Resources Development Act 1995</i>
Mining	any operation or work, other than fossicking or prospecting, carried out to obtain minerals including construction materials

Part D Zones

26.0 Rural Resource Zone

26.2 Manufacturing and Processing is a discretionary use under the Rural Resource zone, with the following qualification 'only if manufacturing of rural equipment or processing rural products'. The term 'rural products' is not defined in section 4.1 Planning Terms and Definitions so it is unclear as

to whether this includes the processing of minerals or construction materials as a supporting use of extractive industries.

State Growth proposes the qualification either be removed, or appropriately defined and expanded if necessary to included processing that supports extractive industries.

27.0 Significant Agriculture Zone

Extractive industries and associated manufacturing and processing uses are currently prohibited in this zone. This creates significant challenges for the ongoing operation and development of existing quarries and future development of important resources that are located within this zone. State Growth notes that raw materials, such as those produced by local quarries, are required by a range of uses in this zone including agricultural uses such as constructing and maintaining roads, pipelines and dams, and that it is important that they are available close by to ensure transport costs in particular, are minimised and on farm resource needs can be met.

A number of existing mining leases and exploration licences are present in areas zoned Significant Agriculture throughout the southern region. In the Southern Midlands municipality, there is the potential for coal resources and the Minister for Resources has granted Exploration Licence EL25/2008 to Energy Investments Pty Limited to explore for coal, east of Woodbury. Although exploration activities are exempt under the *Land Use Planning and Approvals Act 1993* subject to rigorous regulation by Mineral Resources Tasmania, an exploration licence is issued with the expectation that, in the event a suitable economic resource is discovered, it can be developed and mined in the future subject to obtaining the relevant planning approvals.

The majority of the area subject to the Exploration Licence was previously zoned Rural Agricultural, with small sections zoned Rural Forest, and extractive industries was a discretionary use in both zones. However, the current prohibition of this use in the Significant Agricultural zone under the IPA means that a future Development Application can no longer considered. In this circumstance the area of land subject to the Exploration Licence encompasses land capability classes 5 and 6, and not Prime Agricultural land, although it is noted that the Midlands Irrigation Scheme intersects with the Licence area. To prohibit extractive industries and mining without due consideration of the potential benefits of the region based on the assessment of an appropriate cost benefit analysis, is not an acceptable position to State Growth and not in keeping with the State Policy on the Protection of Agricultural Land 2009.

Further, the broad application of this zone across the municipality means that other strategically located and potentially important resources will be sterilised from future exploitation, which is also unacceptable. State Growth believes that quarrying is a supportive function for agriculture and should be considered as Discretionary which is consistent with *27.1.1.4. To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.*

To ensure that the operation and development of existing and future extractive industries and mining are not hindered, State Growth proposes that extractive industries and associated manufacturing and processing are included as Discretionary uses in this zone.

29.0 Environmental Management Zone

29.2 Extractive industries are currently prohibited in this zone apart from "...Conservation Areas, Regional Reserves and public lands under the *Crown Lands Act 1976*", where they are Discretionary. The qualification restricting extractive industries to reserved public land only needs to be removed as it is not in keeping with the application of the *Mineral Resources Development Act 1995* Section 5(1), which applies to all land and minerals in the State. It also appears to be partly incorrect as Conservation Areas and Regional Reserves are reserved under the *Nature Conservation Act 2002* and a public reserve comes under the *Crown Lands Act 1976*. Once again this creates

significant challenges for the ongoing operation and development of existing quarries and future development of important mineral resources that are located within this zone.

Part E Codes

E3.0 Landslide Code

E3.4 Use of Development Exempt from this code. It is noted that major works (E3.7.3) capture extractive industries through the ground disturbance limits. The requirement to undertake a Landslide Risk Management Report in medium to low risk areas would place an unnecessary regulatory and cost burden on Level 1 Activity operations. State Growth requests that works associated with extractive industries are exempt from this code to avoid duplicated assessment processes. As part of its assessment of mining lease applications, Mineral Resources Tasmania assesses land stability.

E7.0 Stormwater Management Code

E.7.4.1 Exempt Development

State Growth requests that Level 2 Activity extractive industries approved under EMPCA be exempt from this Code as the EPA assessment process deals with stormwater management. This will avoid unnecessary duplication of assessment processes and would be consistent with the approach taken with the Biodiversity Code.

E7.5.1 Application Requirements

State Growth is concerned the requirement for engineered stormwater management plan by a suitably qualified person for a Level 1 Activity extractive use potentially imposes a significant cost burden on the applicant and a duplication of assessment completed by Mineral Resources Tasmania on all mining leases. Therefore, State Growth requests that Level 1 Activity extractive use is explicitly excluded from requiring such a report.

E9.0 Attenuation Code

Map E9.0 Attenuation map overlay.

The buffer overlay is inconsistently applied to current mining lease tenements across the municipality. For example, it is noted that ML 1529P/M, 1972P/M, 1958P/M, 1980P/M, 1697P/M and 1952P/M are not subject to an overlay map, whereas the remaining eighteen mining leases in the municipality are subject to an overlay. A consistent approach would include application of the overlay to reflect the mining lease and required attenuation distance from the boundary of the mining or quarry lease consistent with the statement included above Table E9.1 Attenuation Distances. State Growth would like to understand the rationale for the application of the overlay maps and to have a further discussion on the practical application of this important overlay.

E20.0 Acid Sulphate Soils Code

E20.4 Development exempt from this code

State Growth requests that 'works or disturbance associated with a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994*' be included as an exemption to avoid duplication of assessment.



Enquiries to Michael Ince
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Your Ref
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Mr Tim Kirkwood,
General Manager
Southern Midlands Council
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Oatlands TAS 7120

email: mail@southernmidlands.tas.gov.au

Dear Mr. Kirkwood,

RE: SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

Please find enclosed TasRails' representation in relation to the Southern Midlands Interim Planning Scheme 2015. TasRail is generally supportive of the interim scheme but has provided comment specific to TasRail's interests in the attached document.

TasRail is happy to discuss our comments further. If you have any questions please contact me on 6227 5212.

Michael Ince
Manager, Property Services
TasRail

19 October 2015

ASSESSMENT OF THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015 IN RELATION TO TASRAIL USE AND DEVELOPMENT

Planning Scheme Objectives

3.0.1 - R Infrastructure: Regional Objectives

...Outcomes to be achieved by:

...(b) Protecting the function and safety of transport infrastructure through a road and rail assets code.

(c) Recognising and protecting major utilities through the use of the Utilities Zone...

TasRail supports protecting the function and safety of rail use and development through the Road and Rail Assets Code and Utilities Zone but suggests more differentiating between the two sets of controls exempting rail use and development from the code and clarifying its application to adjoining use and development.

3.0.1 - L Infrastructure: Local Objectives

Objectives:

(a) To maintain, improve and maximise the community benefit from existing and future infrastructure...

Desired outcomes:

...(d) Key infrastructure with potential for amenity impacts is protected from encroachment and fettering by sensitive use or other incompatible use.

Outcomes to be achieved by:

...(d) Applying the Utilities Zone to major utilities, facilities and corridors including major roads, the Particular Purpose Zone 2 – Future Road Corridor Zone to the route of the future Midland Highway Bagdad Bypass and using the Electricity Transmission Infrastructure Protection Code to protect major electricity transmission assets.

TasRail supports Utilities zoning to be applied to all of the Rail Network. It suggests however, that the Road and Rail Assets Code also contributes to the achievement of this outcome and so should also be listed here.

General and Limited Planning Scheme Exemptions

Under Section 19 of the *Rail Infrastructure Act 2007*:

(1) A railway entity does not have to comply with the requirements of the Land Use Planning and Approvals Act 1993 as regards –

(a) emergency railway works; or

(b) routine railway works that are carried out wholly within the rail network in order to maintain the rail network.

(2) All other railway works are taken to be developments that a planning authority has a discretion either to refuse or permit in accordance with section 57 of the Land Use Planning and Approvals Act 1993.

(3) To avoid doubt over the application of subsection (1)(b), the question of whether railway works are carried out wholly within the rail network is to be determined irrespective of whether a railway entity has to access adjoining land to carry out those railway works.

Under the Act, the following terms are defined as follows:

railway works means works to maintain or extend the rail network;

maintain, the rail network, includes –

- (a) repair the rail network; and
- (b) modify the rail network; and
- (c) upgrade the rail network; and
- (d) any dismantling or replacement of infrastructure carried out in connection with such a repair, modification or upgrade;

routine railway works means railway works other than emergency railway works;

The rail network is defined under the Act and consists of the Bell Bay Line, the Derwent Valley Line, the Fingal Valley Line, the North East Line, the South Line, the Western Line, the Zinc Works (Risdon) Line, the Melba (Emu Bay) Line and the Hellyer Spur.

Under 19(1)(b) of the *Rail Infrastructure Act 2007*, the railway entity is exempt from requiring planning approval for minor upgrades, heritage, threatened vegetation or not, where they are emergency or routine railway works that are carried out wholly within the rail network in order to maintain the rail network.

In relation to the planning scheme exemptions, the maintenance and repair of linear infrastructure exemption (clause 5.4) and the emergency works exemptions (clause 5.7) would appear generally consistent with the Rail Act exemptions although TasRail prefers the broader term 'railway' that incorporates *the track of the railway, the land corridor along which the track of the railway is laid and all of the attendant rail infrastructure* (section 3(2) of the *Rail Infrastructure Act 2007*) compared to 'rail lines' used in 5.4.1 (b).

6.2 Provision and Upgrades of Linear and Minor Utilities and Infrastructure

6.2.3 Use or development described in subclause 6.2.4 is exempt from requiring a permit under this planning scheme, unless it involves:

- (a) a place or precinct listed in a heritage code that is part of this planning scheme; or*
- (b) the removal of any threatened vegetation.*

6.2.4 Minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:

- (a) minor widening or narrowing of existing carriageways; or*
- (b) making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices and markings, street lighting and landscaping.*

In relation to the linear infrastructure exemption (clause 6.2) above, although TasRail believes the *Rail Infrastructure Act 2007* ('the Act') overrides it in some cases, TasRail has concerns relating to the threatened vegetation limiter to this exemption as follows:

Threatened vegetation is defined under clause 4.1 as :

...a threatened native vegetation community that is listed in Schedule 3A of the Nature Conservation Act 2002 or a threatened native ecological community that is listed under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth).

TasRail considers that communities are already adequately protected under the *Environment Protection and Biodiversity Conservation Act 1999* through a specific permit process undertaken by the Commonwealth Government. Requiring local Planning Authorities to address implications on federally listed ecologically communities seems an unnecessary and avoidable duplication of approval processes in addition to being a task for which they may be insufficiently resourced to carry out effectively.

TasRail also recommends including 'railways' after carriageways in 6.2.4(a) and as mentioned previously, prefers the term 'railway' to rail lines since it encompasses the land corridor etc.

Beyond 'minor' upgrades, TasRail requests an exemption that is consistent with the Act for routine railway works within the rail network to repair, modify or upgrade the rail network; and for any dismantling or replacement of infrastructure carried out in connection with such a repair, modification or upgrade.

6.3 Vegetation planting, clearing or modification

...6.3.1 Use or development described in subclause 6.3.2 is exempt from requiring a permit under this planning scheme, unless it involves:

- (a) a place or precinct listed in a heritage code that is part of this planning scheme;*
- (b) an area that is subject to a code that is part of this planning scheme and which expressly regulates impacts on scenic or landscape values;*
- (c) an area that is subject to a code that is part of this planning scheme and which expressly regulates impacts on biodiversity values;*
- (d) disturbance of more than 1m² of land that has been affected by a potentially contaminating activity;*
- (e) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area shown in the planning scheme;*
- (f) the removal of any threatened vegetation; or*
- (g) land located within 30m of a wetland or watercourse.*

6.3.2 The planting, clearing or modification of vegetation for any of the following purposes:

- ...(d) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the Local Government Act 1993;*
- ...(f) to provide clearance of up to 1m for the maintenance, repair and protection of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities;*

Section 19 of the *Rail Infrastructure Act 2007* exempts regardless of heritage, scenic or other values as controlled through the planning scheme, the clearing or modification of vegetation where it is *routine railway works that are carried out wholly within the rail network in order to maintain the rail network* from requiring planning approval. TasRail however notes the vegetation clearing and modification exemption specific to electricity infrastructure under clause 5.13 (*to the extent necessary*) and the omission of railways from the list of infrastructure examples provided in the planting, clearing and modification of vegetation exemption 6.3.2(f) (*to provide clearance of up to 1m*). TasRail considers that clearing and vegetation modification within the existing railway network, regardless of heritage, biodiversity, threatened species, waterways etc proximity should be specifically exempted to the extent necessary (providing clearances of greater than 1m in some cases) to ensure vegetation management to maintain safe operation and sight lines is exempt.

Use classes

From Table 8.2

'Utilities' use class description:

use of land for utilities and infrastructure including:

(a) telecommunications;

(b) electricity generation;

(c) transmitting or distributing gas, oil, or power;

(d) transport networks;

(e) collecting, treating, transmitting, storing or distributing water; or

(f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.

Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.

TasRail prefers the broader term 'railway' to 'railway line' used in the above definition.

The Zones

General

TasRail requests that the state rail network, including currently non-operational lines be zoned Utilities.

Utilities Zone

TasRail understands that the Utilities Zone controls have been adopted by the whole region (not just Southern Midlands Council) and therefore requests that the following comments be applied regionally.

TasRail notes that as the existing rail network is zoned Utilities and since routine railway works carried out wholly within the rail network in order to maintain the rail network are exempt from the requirements of the *Land Use Planning and Approvals Act 1993*, the Zone controls will not apply to many of TasRail's activities within the Zone.

The zone controls also control non-rail uses and development within the Zone to (according to the Zone Purpose Statement) ensure they are compatible with the utility. Notably, TasRail would also control development by third parties as owner of the rail corridor land zoned Utilities.

Use table and standards

28.3 Use Standards

...28.3.2 Noise

Objective:

To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.

A1 Noise emissions measured at the boundary of a residential zone must not exceed the following:

(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;

(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;

(c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

P1 Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

...28.3.5 Discretionary Use

Objective: To ensure that uses not directly associated with a utility do not compromise the use of that land for utility purposes.

A1 No Acceptable Solution.

P1 Discretionary use must not compromise or reduce the operational efficiency of an existing or intended utility having regard to all of the following:

- (a) the compatibility of the utility and the proposed use;*
- (b) the location of the proposed use in relation to the utility;*
- (c) any required buffers or setbacks;*
- (d) access requirements.*

TasRail supports the limited set of discretionary uses for the Utilities Zone but suggests that rail use and development, and not just minor utilities should be No Permit Required.

In relation to clause 28.3.2, the requirement to undertake a noise assessment for all applications not just those adjoining but even nearby to all residential zones is considered onerous and inconsistent with the objective of the zone which is to provide for utilities. And TasRail shouldn't be required to take responsibility where sensitive uses knowingly establish close to the rail network. Rather the onus should be on the sensitive uses to respond to the utility. TasRail therefore requests that noise standards should instead apply to proposed new adjoining sensitive use and development through provisions in Road and Rail Code.

Clause 28.3.5 P1 requires that operational efficiency must not be compromised but TasRail recommends that safety should also be a consideration (safety isn't currently included).

Development and subdivision standards

28.4 Development Standards for Buildings and Works

...28.4.2 Setback

Objective: To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.

A1 Building setback from frontage must be no less than:

10 m, if from a primary frontage.

nil m, if from a secondary frontage.

P1 Building setback from frontage must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*
- (c) enhance the characteristics of the site, adjoining lots and the streetscape.*

A2 Building setback from a residential zone must be no less than:

(a) 5 m;

*(b) half the height of the wall,
whichever is the greater.*

P2 Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:

- (a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;*
- (b) overlooking and loss of privacy;*
- (c) visual impact when viewed from adjoining lots.*

28.4.3 Landscaping

Objective: To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and provides a visual break from land in a residential zone.

A1 Landscaping is not required along the frontage of a site if the building has nil setback to frontage.

P1 Landscaping must be provided to satisfy all of the following:

- (a) enhance the appearance of the development;*
- (b) provide a range of plant height and forms to create diversity, interest and amenity;*
- (c) not create concealed entrapment spaces;*
- (d) be consistent with any Desired Future Character Statements provided for the area.*

A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10 m.

P2 Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.

...28.4.5 Fencing

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

A1 Fencing must comply with all of the following:

- (a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage;*
- (b) fences along a frontage must be 50% transparent above a height of 1.2 m;*
- (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.*

P1 Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:

- (a) the height of the fence;*
- (b) the degree of transparency of the fence;*
- (c) the location and extent of the fence;*
- (d) the design of the fence;*
- (e) the fence materials and construction;*
- (f) the nature of the use;*
- (g) the characteristics of the site, the streetscape and the locality, including fences;*
- (h) any Desired Future Character Statements provided for the area.*

In relation to 28.4.2 A1 a 'building' can be a 'structure' which could presumably include a rail line or other railway infrastructure including bridges, poles and pylons, structures and supports, electrical substations etc. 10m seems an excessively wide setback for rail infrastructure falling under the definition of 'building' especially considering the narrow corridors in which railways are often located (as narrow as 10m in some cases) and the broad meaning of the term 'building'. Less than 1m would be more achievable for railways use and development.

In relation to the 28.4.3 A2 the requirement for 10m of landscaping along boundaries with land zoned residential seems excessive in the case of narrow rail corridors. Landscaping is not defined, but works beyond fire hazard and weed management purposes may be difficult to achieve over TasRail's lengthy network. Landscaping also has the potential to hinder site lines

In relation to 28.4.5 Fencing, TasRail queries the prioritization of appearance in the Objective. Fencing might have different purposes in this zone including safety aims. In relation to P1 TasRail recommends inserting an additional sub-clause (i) that regard should be had to utility safety and operational considerations

In relation to 28.5.1 Subdivision, from time to time, TasRail may wish to subdivide, sometimes by adhering a surplus portion of the rail corridor to a neighbouring property to resolve minor encroachments and the like. Therefore P1 should be amended to accommodate subdivision for this purpose (ie land might be adhered to an adjoining farm where its use would then become agricultural).

The purpose of the Utilities Zone is to protect the land for existing and future utilities which is clearly set out in the Zone Purpose. Its secondary use is to provide for other compatible uses where they do not adversely impact on the utility. TasRail therefore queries the use of standards that emphasise impacts on neighbouring residential zones rather than more clearly prioritising the protection of land for existing and future utilities which in some cases may well detract from residential amenity.

The Codes

Road and Railway Assets Code

TasRail understands that this regional version of the code will be replaced in the Interim Schemes by a Statewide version that is currently in the final stages of drafting. Comments will be provided to the Tasmanian Planning Commission in relation to the statewide version and for what it's worth, please see below for responses regarding the current, regional version.

E5.1 Purpose of the Road and Railway Assets Code

E5.1.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and*
- (b) reduce conflicts between sensitive uses and major roads and the rail network.*

E5.2 Application of this Code

E5.2.1 This Code applies to use or development of land:

- (a) that will require a new ...level crossing; or*
- (b) that intensifies the use of an existing access; or*
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:*
 - (i) a rail network;....*

TasRail's general position is that rail use and development should be managed through zoning controls and exemptions and understands the purpose of the the Road and Railway Assets Code to be to manage non-utilities use and development in close proximity and likely to impact or fetter the rail network. TasRail recommends that the E5.2.1 makes explicit that the code is not intended to apply to Utilities use and development. TasRail also recommends the insertion of 'or level crossing' into E5.2.1(b).

...E5.4 Use or Development exempt from this Code

E5.4.1 If for a temporary... level crossing, with the written consent of the relevant road or rail authority.

E.5.5 Use Standards

E5.5.1 - only applies to Roads (not rail)

E.5.5.2 Existing level crossings

Objective: to ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.

P1 Any increase in vehicle traffic at an existing access across part of a rail network, must be safe and not unreasonably impact on the efficiency of the rail network, having regard to:

- (a) the increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the use and frequency of the rail network;*
- (d) any alternative access;*
- (e) the need for the use;*
- (f) any traffic impact assessment; and*
- (g) any written advice received from the rail authority.*

E5.6 Development Standards

E5.6.1 Development adjacent to roads and railways

Objective: To ensure that development adjacent to ...the rail network:

- (a) ensures the safe and efficient operation of ...the rail network;*
- (b) allows for future ...rail widening, realignment and upgrading; and*
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from ...the rail network.*

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network...:

- (a) new buildings;*
- (b) other road or earth works; and*
- (c) building envelopes on new lots.*

A1.2 Buildings, may be:

- (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or*
- (b) an extension which extends no closer than:
 - (i) the existing building; or*
 - (ii) an immediately adjacent building.**

P1 The location of development, from the rail network... must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) the proposed setback;*
- (b) the existing setback of buildings on the site;*
- (c) the frequency of use of the rail network;*
- (d) the speed limit and traffic volume of the road;*
- (e) any noise, vibration, light and air emissions from the rail network or road;*
- (f) the nature of the road;*
- (g) the nature of the development;*
- (h) the need for the development;*
- (i) any traffic impact assessment;*
- (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and*
- (k) any written advice received from the rail or road authority.*

TasRail notes that E.5.6.1 P1 only requires that the location of development has no unreasonable impacts on the efficiency of the road and request that impacts on the efficiency of the railway network also be included. Additionally, setbacks of buildings should be sufficient to ensure safe sight distances can be maintained especially near level crossings.

...E5.6.3 New level crossings

Objective: To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

A1 No acceptable solution.

P1 Level crossings must be safe and not unreasonably impact on the efficiency of the rail network, having regard to:

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the rail network;*
- (c) the location of the level crossing;*
- (d) any alternative access;*
- (e) the need for the level crossing;*
- (f) any traffic impact assessment;*
- (g) any measures to prevent access to the rail network; and*
- (h) any written advice received from the rail authority.*

It is TasRail policy that the creation of new level crossings new level crossings should be limited. No acceptable solution for E5.6.3 is therefore supported.

E5.6.4 Sight distance at ...level crossings

Objective: To ensure that...level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

A1 Sight distances at:

...(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

P1 The design, layout and location of a... rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the road or rail network;*
- (c) any alternative access;*
- (d) the need for the access, junction or level crossing;*
- (e) any traffic impact assessment;*
- (f) any measures to improve or maintain sight distance; and*
- (g) any written advice received from the road or rail authority.*

Does E5.6.4 apply only to new level crossings? Or does it apply to development that reduces sight distances for existing level crossings? Should it be A2 and P2 of E5.6.3?

Biodiversity Code

The Main Line is not located within a Biodiversity Protection Areas however, TasRail supports the exemptions for weed removal and works to address a public safety risk and exemptions for matters covered by other means as through exemptions E10.4.1 (o) and (p).

TasRail recommends including railways amongst the infrastructure examples provided for exemption E10.4.1 (j) although the 2m limit may in some cases prove insufficient to exempt clearing to maintain safe sight lines.

TasRail notes the exemption specific to power lines and recommends an equivalent railways exemption to enable clearing as necessary to maintain safe operation and sight lines to be exempt.

Waterway and Coastal Protection Code

The Main Line is located within Waterway and Coastal Protection Areas at points.

Comments in relation to the Biodiversity Code exemptions above apply here also.

Historic Heritage Code

TasRail recommends that 'railways' be included in the list of examples provided in exemption E13.4.1(k)(vi) although as raised elsewhere in this submission, provision of clearance of up to 1m may be insufficient in some cases for safe sight lines.

TasRail also recommends including 'railways' alongside 'existing carriageways' in exemption E13.4.1(i)(i).

Also, as raised earlier in this submission TasRail also prefers the use of the term 'railway' compared to rail lines.

Scenic Landscapes Code

The Main Line is partially located within a Scenic Landscape Corridor.

TasRail requests that 'railways' be explicitly included in the list of examples provided in exemption E14.4.1(i) although as raised elsewhere in this submission, provision of clearance of up to 2m may be insufficient in some cases to provide for safe sight lines.

Inundation Prone Areas Code

Railways often occupy low-lying and thus flood prone areas because they avoid steep grades. As could be expected therefore the Main Line is partially located within Riverine Inundation Hazard Areas.

E15.7 Development Standards for Buildings and Works

...E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

Objective:

- (a) To ensure that landfill and mitigation works do not unreasonably increase the risk from riverine, watercourse and inland flooding, and risk from coastal inundation.*
- (b) To ensure that the risk to waste water management from riverine, watercourse and inland flooding, and risk from coastal inundation is appropriately managed.*

A1 For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution.

P1 Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:

- (a) no adverse affect on flood flow over other property through displacement of overland flows;*
- (b) the rate of stormwater discharge from the property must not increase;*
- (c) stormwater quality must not be reduced from pre-development levels....*

E15.7.5 P1 that requires that the rate of storm water discharge from the property must not increase is potentially problematic for rail development. TasRail requests that P1(b) be deleted on the basis that part (a) will ensure no adverse effects (despite any increase to discharge) will occur.



TasNetworks' submission

Glamorgan Spring Bay Interim Planning Scheme 2015

Tasman Interim Planning Scheme 2015

Southern Midlands Interim Planning Scheme 2015

Huon Valley Interim Planning Scheme 2015

Version Number 1.0

29 September 2015

TasNetworks' submission
29 September 2015

Contact This document is the responsibility of the Network Planning Team, Tasmanian Networks Pty Ltd, ABN 24 167 357 299 (hereafter referred to as "TasNetworks").

Please contact the Network Planning Manager with any queries or suggestions.

Action	Name	Date	Signature
Prepared by	Gina Goodman	Sept 2015	

Next Review N/A

Responsibilities

- **Implementation** All TasNetworks staff and contractors.
- **Compliance** All group managers.

Minimum Requirements The requirements set out in TasNetworks' documents are minimum requirements that must be complied with by TasNetworks staff, contractors, and other consultants.

The end user is expected to implement any practices which may not be stated but which can be reasonably regarded as good practices relevant to the objective of this document.

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TasNetworks' submission
29 September 2015

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Attachments:

Appendix 1 - latest version of Code E8

TasNetworks' submission
29 September 2015

1 Overview

This document is TasNetworks' representation to the Planning Authorities of the following Councils in relation to the following interim planning schemes:

Council	IPS
Glamorgan Spring Bay	Glamorgan Spring Bay Interim Planning Scheme 2015
Tasman	Tasman Interim Planning Scheme 2015
Southern midlands	Southern Midlands Interim Planning Scheme 29015
Huon Valley	Huon Valley Interim Planning Scheme 2015

2 Glossary

IPA	Inner Protection Area, as defined in the Electricity Transmission Infrastructure Protection Code
ETC	Electricity Transmission Corridor as defined in the Electricity Transmission Infrastructure Protection Code
The Protection Code	The Electricity Transmission Infrastructure Protection Code
The Commission	The Tasmanian Planning Commission

3 Use Status for Utilities

TasNetworks is supportive of the Interim Planning Scheme approach that enables consideration of "Utilities" use and development in all zones.

The exception to this statement for these interim schemes occurs in the Huon Valley Interim Planning Scheme under Particular Purpose Zone 4 - Franklin Marine and Tourism Precinct where all Utilities are prohibited. It is not known if this is an oversight. However, the site affected by this zone is only a very small area within the broader planning scheme and this, combined with exemptions under the *Electricity Supply Industry Act 1995* and associated 2008 regulations mean that this use status at this location is unlikely to adversely impact on TasNetworks ability to provide essential services.

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4 Services and Subdivision

1.	All Services clauses for subdivision	<p>TasNetworks has identified a gap in planning schemes generally that has now flowed through to interim planning schemes. This relates to the consideration of power supply at subdivision stage. Planning schemes do not often require consideration of connection to the electricity network for subdivisions. The provision of electricity is an essential service that needs to be considered as part of every subdivision. TasNetworks has proposed the inclusion of an additional clause in each zone that requires this.</p> <p>It is necessary, at subdivision stage, to consider how the uses and developments that can occur on the subdivided land will be serviced by electricity. The clause proposed mandates connection to the electricity network for permitted status. However, if an alternative approach to power supply is proposed by a developer, the performance criteria can accommodate this.</p> <p>It is important to TasNetworks that</p> <ul style="list-style-type: none"> (a) The manner in which a subdivision is to be supplied with power be considered at subdivision stage; and (b) The method of supply is built prior to the issue of titles (this could be connection to the electricity network or the alternative power supply) or binding arrangements are made to ensure this occurs before new use and development occurs on the new lots. <p>TasNetworks has encountered situations where reticulated power has not been required as part of the subdivision process. This leads to unfair, costly and disorderly connection processes. The installation of the reticulated power services for subdivision should occur at subdivision stage, not after the titles are issued and sold to separate owners. If reticulated power is not provided at subdivision stage, the first owner to develop their land and request connection to the network will bear more cost than those that come after. Where, in the subdivision, a development occurs will also have significant influence on the cost of connection. It is not linear, ie, one connection after the next, next to each other. It is dotted around a subdivision over a period of years. The earlier developers subsidise the connection of those that come after. The last owner to develop their lot is likely to have the least cost connection as all other owners have already subsidised the provision of that community infrastructure service. It is essential that the subdivider be required to pay for the provision of reticulated power prior to the issue for title for the subdivided land.</p>
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	<p>Proposed Clause:</p>	
<p>A4 Each lot must be connected to an electricity distribution network or an electricity transmission system.</p>	<p>P4 Each lot must be provided with a means of supplying electricity to the land having regard to all of the following: (a) Lot size; (b) The likely future use and development of the land; (c) The requirements of the relevant electricity entity.</p>	
<p>Additional definitions required in the main definitions section of the Interim Scheme:</p>		
<p>relevant electricity entity</p>	<p>(a) In the case of an electricity distribution network, a distribution network service provider as defined in the <i>Electricity Supply Industry Act 1995</i>; (b) In the case of an electricity transmission system, a transmission network service provider as defined in the <i>Electricity Supply Industry Act 1995</i>.</p>	
<p>electricity distribution network</p>	<p>as defined in the <i>Electricity Supply Industry Act 1995</i></p>	
<p>electricity transmission system</p>	<p>as defined in the <i>Electricity Supply Industry Act 1995</i></p>	

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5 Code E8

This section relates to the regional provisions for the Southern Interim Planning Schemes.

TasNetworks is grateful and pleased to see the inclusion of Code E8 – Electricity Transmission Infrastructure Protection Code (the Protection Code) in most of the Southern Region Interim Planning Schemes and would welcome the inclusion of a similar code in the Tasmanian Planning Scheme. TasNetworks acknowledges the significant assistance many Southern Council staff has provided in the drafting of this Code.

It is understood that the Protection Code is an optional regional provision. All Protection Code clause references are to those currently in the declared Interim Planning Schemes.

As part of the declaration process, the Minister required alterations to the Protection Code as follows:

Revise the Code in accordance with one of the following options:

(i) Delete E8.0 Electricity Transmission Infrastructure Protection Code and include any infrastructure corridors or sites that are within the associated overlay in the Utilities Zone; or

(ii) Revise the Code to remove references to any third parties without statutory approval powers.

Reason: The Code is not consistent with the operation of Planning Directive No. 1 as it divests assessment of use and development to a third party without statutory approval powers.

Separate to the Minister's direction, TasNetworks has also continued to review the effectiveness of the Protection Code as a whole and proposes a number of changes that will increase its effectiveness.

In its present form, the operation of the Protection Code is considered to be hampered to an unacceptable degree and will capture more development than is required to fulfil its purpose.

TasNetworks has proposed a number of urgent amendments to the Protection Code and these are currently being considered by the Commission. TasNetworks has also provided feedback to the Planning Reform Taskforce regarding the Code and the proposed Tasmanian Planning Scheme.

A copy of the updated protection Code, which is the most recent version provided to the Commission, includes urgent amendments proposed together with non-urgent amendments which make the Code operate more effectively is attached (Appendix 1). It is requested the attached updated Code (Appendix 1) replace the existing Code incorporated into the Interim Planning Schemes covered by this submission.

The changes required have been divided into two categories:

1. **Drafting changes** to align with Planning Scheme definitions or correct drafting oversights
2. Changes implementing the **Minister's direction** and/or affecting the **operation of the Code**

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5.1 Drafting Changes

Change no.	IPS Code Clause	Explanation
Clauses where wording changes are required to align with Planning Scheme definitions or correct drafting oversights		
2.	E8.4.4	Use of defined term 'setback' is not appropriate in all circumstances where this clause applies. For example, setback relates to a boundary, however, location in this instance can be relative to a communications station as in E8.4.4(b)(ii).
3.	E8.5.1(a)	Delete 'authority' and insert 'entity' to align with Code definitions.
4.	E8.5.1(b)	Some acceptable solutions require regard to the views of the electricity transmission entity. This clause refers only to performance criteria. Include reference to acceptable solutions to enable the Planning Authority to properly consider this advice.
5.	E8.7.2 P1(a)	Use of defined term 'setback' is not appropriate in all circumstances where this clause applies.
6.	E8.7.3 A1	Use of defined term 'setback' is not appropriate in all circumstances where this clause applies.
7.	E8.7.4 A1(b)	Remove reference to planning scheme defined term 'building height' as its use here compromises the intent of the clause.
8.	E8.8.1 A2(b)	Remove narrow reference to dwellings and replace it with sensitive uses. This is a drafting oversight that needs to be corrected. To fulfil the purpose of the Code, this clause should apply to all sensitive uses.

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5.2 Implementing Minister's Direction and/or Changing the Operation of the Code

Change no.	IPS Code Clause	Explanation
Clauses where changes are required to enable implementation of the <i>Minister's direction and/or operation of the Code</i>		
9.	E8.5	Amend to take account of Minister's direction and still enable consideration of the electricity transmission entity's advice.
10.	E8.7	Development in the ETC - Delete current Clause and replace with Clause that imposes only the minimum regulation required to protect electricity transmission assets. See fuller explanation below.
11.	E8.8.1	Subdivision in the ETC - Delete current Clause and replace with Clause that imposes only the minimum regulation required to protect electricity transmission assets. This includes communication assets. See fuller explanation below.

5.2.1 Clause E 8.7.1 and 8.8.1

These Clauses demonstrate the consequences of the Minister's direction to remove any reference to third party authorities without statutory approval powers. These clauses are also some of the most important clauses required to provide consistency between the planning system, easement rights and ensure safety for all.

There are several issues here:

1. With the removal of the ability to provide an exemption and the redrafting of A1, all development is now excluded from the entire ETC. This is not the intention of TasNetworks with respect to this Code. The application of this exclusion to the entire ETC is not necessary to protect electricity transmission assets in most cases.
 - a. Whilst it is essential to prevent incompatible development, there are some types of development which can be allowed to occur in the IPA, provided safety requirements and easement access needs are met. TasNetworks has provided a temporary solution to this issue, however requests further negotiations with the Tasmanian Planning Commission to agree on acceptable wording. This is currently occurring with the urgent amendment process.
 - b. It is TasNetworks desire that less onerous requirements be applied to the area outside the IPA but within the ETC. The main issues here are notification of development occurring, the protection of strategic opportunities and the ability to negotiate an outcome.
2. The requirements that all sensitive use subdivisions indicate a building area at least 65 metres from a substation facility does not allow an applicant to demonstrate performance. This has created an issue in the Kingborough Municipal Area and without the changes requested, consideration of performance based mitigation measures cannot be considered for residential subdivision. It is considered reasonable that a developer be afforded the opportunity to demonstrate

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- performance with respect to noise impact. TasNetworks has provided alternative wording to assist here and again requests further discussion with the Commission regarding wording. This is occurring as part of the urgent amendment process.
3. Presently 8.7.1 and 8.8.1 do not contain acceptable solutions. The performance criteria are essentially acceptable solutions as these criteria are measureable. It is considered reasonable to move what is presently measureable performance criteria to the acceptable solutions for these clauses and provide a performance criteria that allows for discretion and demonstration of performance by a developer as outlined in point 2 above.
 4. The current Code provides no criteria for protection of communications sites regarding subdivision. This was an oversight in the original Code and a new clause has been provided for this issue.

6 Conclusion

Thank you for the opportunity to comment. We look forward to working with your respective Councils and the Tasmanian Planning Commission to advance the Code further.

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E.8.0 Electricity Transmission Infrastructure Protection Code

E.8.1 Purpose

E.8.1.1 The purpose of this provision is to:

- (a) ensure protection of use and development against hazard associated with proximity to electricity transmission infrastructure;
- (b) ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;
- (c) maintain future opportunities for electricity transmission infrastructure

E.8.2 Application

E.8.2.1 This code applies to:

- (a) development (including subdivision) within:
 - i) an electricity transmission corridor;
 - ii) 55 m of a communications station.
 - iii) use and development (including subdivision) within 65 m of a substation facility

E.8.3 Definition of Terms

E.8.3.1 In this code, unless the contrary intention appears:

communications station	means an antenna and any supporting tower or pole that is identified on the planning scheme maps and used for carrying communications associated with the electricity transmission entity.
electricity transmission corridor (ETC)	means land that is identified on the planning scheme maps as being within the ETC overlay. ¹
electricity transmission entity	means an electricity entity as defined under the <i>Electricity Supply Industry Act 1995</i> that is licenced to carry on operations in the electricity supply industry under that Act with respect to transmission of electricity.

¹ The ETC incorporates:

- (a) land within 60 m of the centreline of an existing overhead electricity transmission line;
- (b) land within 10 m of an *unregistered* wayleave (and including the wayleave), whether associated with an existing transmission line or not; and
- (c) land within 10 m of the centreline of underground cabling used for, or associated with, electricity transmission.

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electricity transmission infrastructure (ETI)	means electricity infrastructure as defined by the <i>Electricity Supply Industry Act 1995</i> for or associated with the transmission of electricity. This includes but is not limited to overhead lines, underground electricity and communication cables, substations, communications station, buildings, structures and access tracks for or associated with the transmission of electricity.
inner protection area (IPA)	means land that is identified on the planning scheme maps as being within the IPA overlay. ²
registered electricity easement	means an easement or wayleave held by or benefiting an electricity entity, including: <ul style="list-style-type: none"> (a) an easement registered under the <i>Land Titles Act 1980</i>; and (b) a registered wayleave as defined in the <i>Electricity Wayleaves and Easement Act 2000</i>.
capable of sensitive use	means use or development where <ul style="list-style-type: none"> 1. a permit is not required to commence or carry out a sensitive use or development 2. a sensitive use or development must be granted a permit 3. a planning authority has discretion to refuse or permit a sensitive use or development.
substation Facility	means land that is identified on the planning scheme maps as owned, leased, licensed (or similar) by the electricity transmission entity for use as a substation or switching station. This definition does not include easements or land used solely for access to the substation facility.
suitably qualified person	means a professional engineer currently practising with relevant CPEng or NPER accreditation and an appropriate level of professional indemnity and public liability insurance.

² The IPA incorporates:

- (a) land subject to an unregistered wayleave.;
- (b) land within 25 m of the centreline of an existing 110 kV overhead transmission line
- (c) land within 30 m of the centreline of an existing 220 kV overhead transmission line;
- (d) land within 6 m of the centreline of underground cabling used for, or associated with, electricity transmission.

Note: Unregistered wayleaves established by the *Electricity Wayleaves and Easement Act 2000* are unregistered easement rights which can vary in width and are not shown on the title documents for land.

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unregistered wayleave	means a wayleave which is entered in the Roll of Unregistered Wayleaves maintained by the electricity transmission entity under the <i>Electricity Wayleaves and Easement Act 2000</i> . ³
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E.8.4 Use and Development Exempt from this Code	
The following use or development is exempt from this Code:	
E.8.4.1	Use and development within the electricity transmission corridor, but not within the inner protection area, when involving: <ul style="list-style-type: none"> a) additions or alterations to an existing building, or the construction of a non-habitable building, provided the gross floor area is no more than 150 m² b) minor utilities or works not associated with the development of a new building.
E.8.4.2	Use or development within 65 m of a substation facility but no closer than 5 m if: <ul style="list-style-type: none"> a) not involving the storing or handling of material, which is capable of generating airborne particulate matter, outside of a fully enclosed building; b) not involving a sensitive use; c) when involving a sensitive use the new use or development does not involve a habitable building or habitable room.
E.8.4.3	Development within 55 m of a communications station if:- <ul style="list-style-type: none"> (i) building height is no more than 9.5 m; and (ii) a building is located: <ul style="list-style-type: none"> a. not less than 5 m from any security fence associated with a communications station or the boundary of a site within which a communications station is located; or b. not less than 20 m from the communications station. <p style="text-align: center;">whichever is the lesser (distance).</p>
E.8.4.4	Development of Utilities within 55 m of a communications station.
E.8.4.5	Use or development of electricity transmission infrastructure.

³ These easements are not referenced in Schedule 2 of a Torrens Title.

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E.8.5 Application Requirements

- E.8.5.1 Where performance criteria requires the planning authority to have regard to the written advice or requirements of the electricity transmission entity, the applicant must provide the written advice of the electricity transmission entity setting out the entity's views of the proposed use or development.
- E.8.5.2 In the case of development within the electricity transmission corridor, but outside the inner protection area, the applicant must demonstrate, to the satisfaction of the planning authority that, prior to submission of its application, it has notified, in writing, the electricity transmission entity of the substance and extent of its proposed use or development.
- E.8.5.3 In addition to any other application requirements, the planning authority may require an assessment, by a suitably qualified person, of noise emissions, as necessary to determine compliance with any acceptable solution or performance criteria.

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E.8.6 Use Standards

E.8.6.1 Sensitive use within 65 m of a substation facility.

Objective:		To ensure that sensitive use within a habitable building or habitable rooms within a dwelling adequately respond to the potential amenity impact of substation noise.	
Acceptable Solution		Performance Criteria	
A1	No Acceptable Solution.	P1	Use must be located an appropriate distance from the substation facility having regard to the following: <ul style="list-style-type: none"> (a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise emissions from the substation facility (b) the written advice from the electricity transmission entity

E.8.6.2 Use other than Sensitive use within 65 m of a substation facility.

Objective:		To ensure that use of land does not adversely affect the safe and reliable operation of electricity transmission infrastructure within the substation facility.	
Acceptable Solution		Performance Criteria	
A1	A use must not result in materials stored or handled within the site becoming airborne contaminants which transmit into a substation facility.	P1	Use must be located an appropriate distance from the substation facility, having regard to all of the following: <ul style="list-style-type: none"> (a) the conductivity of airborne contaminants and their potential to affect the safe, reliable and efficient operation of the substation facility; (b) the requirements of the electricity transmission entity.

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E.8.7 Development Standards for Building and Works

E.8.7.1 Within the Electricity Transmission Corridor.

Objective:	To ensure that development is located appropriate distances from electricity transmission infrastructure to:		
	<ul style="list-style-type: none"> (a) ensure operational efficiencies, access and security of existing or future electricity transmission infrastructure. (b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure. 		
Acceptable Solution		Performance Criteria	
A1	Development is not within: <ul style="list-style-type: none"> (a) an inner protection area; (b) a registered electricity easement. 	P1	Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following: <ul style="list-style-type: none"> (a) the need to ensure operational efficiencies of electricity transmission infrastructure; (b) the provision of access and security to existing or future electricity transmission infrastructure; (c) safety hazards associated with proximity to existing or future electricity transmission infrastructure; (d) the requirements of the electricity transmission entity.

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E.8.7.2 Development for Sensitive uses within 65 m of a substation facility.

Objective:		To ensure that development is setback appropriately to:	
		(a) ensure that sensitive uses within habitable buildings or habitable rooms within a dwelling adequately respond to the potential amenity impact of substation noise;	
		(b) ensure operational efficiencies and security of existing and future electricity transmission infrastructure.	
Acceptable Solution		Performance Criteria	
A1	No Acceptable Solution.	P1	Development must be located an appropriate distance from the substation facility having regard to the following: (a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise emissions from the substation facility; (b) any written advice from the electricity transmission entity.

E.8.7.3 Development for Uses Other Than Sensitive Uses Within 65 m of a Substation Facility.

Objective:		(a) To ensure that development is setback appropriately to protect against risk to the security, operational efficiency and access to existing and future electricity transmission infrastructure.	
Acceptable Solution		Performance Criteria	
A1	Development must be setback no less than 5 m from a substation facility.	P2	Development must be located an appropriate distance from a substation facility having regard to written advice from the electricity transmission entity.

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E.8.7.4 Development within 55m of communication station.

Objective:		To ensure that development in close proximity to a communication station does not adversely impact upon the security, operational efficiency and access to those facilities.	
Acceptable Solution		Performance Criteria	
A1	<p>No part of the development: is located less than:</p> <ul style="list-style-type: none"> (a) 5 m to any security fence associated with a communications station or the boundary of a site within which a communications station is located; or (b) 20 m to the communications station. <p>whichever is the lesser.</p> <ul style="list-style-type: none"> (c) extends above the height of the facility's antennae/disk when measured in horizontal plane. 	P1	<p>Development must be located an appropriate distance from a communication station having regard to written advice from the electricity transmission entity.</p>

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E.8.8 Development Standards for Subdivision

E8.8.1 Subdivision.

Objective:		To provide for new lots that:	
		<ul style="list-style-type: none"> (a) contain building areas which are suitable for further development, located to avoid hazard from electricity transmission infrastructure and enable appropriate levels of amenity; (b) incorporate controls and restrictions to ensure that future development does not compromise safety, security and operational efficiency of existing and future electricity transmission infrastructure. 	
Acceptable Solution		Performance Criteria	
A1	<p>Subdivision of a lot, all or part of which is within the electricity transmission corridor must be for the purpose of one or more of the following:</p> <ul style="list-style-type: none"> (a) separation of existing dwellings ; (b) creation of a lot for public open space, road or access; (c) creation of a lot in which the building area is located entirely outside the inner protection area. 	P1	<p>Subdivision of a lot, all or part of which is within the electricity transmission corridor must have regard to the following:</p> <ul style="list-style-type: none"> (a) the need to ensure operational efficiencies of electricity transmission infrastructure; (b) the provision of access and security to existing or future electricity transmission infrastructure; (c) safety hazards associated with proximity to existing or future electricity transmission infrastructure; (a) the requirements of the electricity transmission entity.
A2	<p>A lot, any part of which is located within 65 m of a substation facility, and which is capable of sensitive use must:</p> <ul style="list-style-type: none"> (a) identify a building area setback no less than 65 m from a substation facility that can accommodate a sensitive use; or (b) identify a building area setback no less than 5 m from the substation facility that can accommodate a sensitive use and demonstrate that noise emissions experienced at the edge of the building area closest to the substation 	P2	<p>A lot, any part of which is located within 65 m of a substation facility, and which is intended for sensitive use must demonstrate the provision of a building area having regard to the following:</p> <ul style="list-style-type: none"> (a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise from a substation facility; (b) the written advice of the

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	<p>facility will not exceed:</p> <ul style="list-style-type: none"> i) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; ii) 5 dB(A) above the background (LA90) level or 40 dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; iii) 65 dB(A) (LAm_{ax}) at any time. <ul style="list-style-type: none"> a. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. b. Noise levels are to be averaged over a 15 minute interval. 		<p>electricity transmission entity.</p>
A3	<p>A lot, any part of which is located within 55 m of a communications station must identify a building area which is no closer than:</p> <ul style="list-style-type: none"> (a) 5 m to any security fence associated with a communications station or the boundary of a site within which a communications station is located; or (b) 20 m to the communications station <p>whichever is the lesser.</p>	P3	<p>The design of each lot must:</p> <ul style="list-style-type: none"> (a) ensure that the location of any building area will not compromise access, security or the operational efficiency of a communications station; (b) have regard to the written advice of the electricity transmission entity.



Damian Mackey

From: Support.iPlan@planning.tas.gov.au
Sent: Monday, 19 October 2015 1:03 PM
To: barry.williams@ccaa.com.au *(CCAA = Cement Concrete Aggregates Austr*
Subject: Submissions Feedback

Thank you for providing comments on the Southern Midlands Interim Planning Scheme 2015. Your submission has been forwarded to Council, and will be considered as a representation for the purposes of the *Land Use Planning and Approvals Act 1993*. A copy of your submission is included below for your reference.

Keep watching the [iplan website](#) for the latest news on the interim planning scheme assessment process.

Regards

The iplan team.

Submitted Comments

The following comments have been finalised and forwarded to the Council.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

3.0.5 - R Productive Resources: Regional Objectives

The Regional Objective of supporting and protecting regionally significant extractive industries is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

3.0.5 - L Productive Resources: Local Objectives

The Local Objective of protecting rural resource uses by minimizing the potential for fettering by residential encroachment is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

6.3 Vegetation planting, clearing or modification

Mineral Resources Tasmania is considered to be a relevant agency and through the terms of a mining lease will regulate vegetation planting, clearing or modification to facilitate mining and rehabilitation activities in accordance with the terms of the Mining Lease Schedules.

A Limited Exemption should apply for planting, clearing or modifications to vegetation undertaken in accordance with a Mining and Rehabilitation Management Plan approved under the terms of a Mining Lease issued under the *Mineral Resources Development Act 1995*.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

9.2 Development for Existing Discretionary Uses

The provision to consider a development associated with an existing discretionary use as a use that is permitted if no new use is established or if the existing use is not substantially intensified is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

13.2 Use Table

Extractive Industries are prohibited in the Rural Living Zone. A large component of the cost of quarry materials is the cost to cart those materials to the project site. The Rural Living Zone will tend to surround population centres. Prohibiting quarries within these areas will cause the cost of materials to increase and hence to cost of residential, commercial and industrial development.

The Extractive Industries Use should be made discretionary in the Rural Living Zone.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

24.2 Use Table

Extractive Industries are prohibited in the Light Industrial Zone. Quarries can be complimentary with other light industrial uses and some light industries rely on quarry products , for example Landscape Suppliers. Prohibiting quarries within these areas will cause the cost of materials to increase.

When quarry reserves are depleted a possible future land use can be to convert that land to a light Industrial Subdivision.

The Extractive Industries Use should be made discretionary in the Light Industrial Zone.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

26.2 Use Table

Extractive Industry is a primary producer extracting and processing a natural resource that is essential to all other development including agricultural, residential, industrial and commercial. Extractive industries should be permitted in at least one zone.

Extractive Industries should be 'Permitted' in the Rural Resource Zone.

The Manufacturing and Processing Use Class is discretionary in the Rural Resource Zone if working on rural equipment and products. Many quarries have a concrete batch plant located on the site as an ancillary but separate use. This use is considered manufacturing and processing but it is dealing with extractive products not rural equipment and products and is therefore prohibited in the Rural Resource Zone.

The qualifier for Manufacturing and Processing in discretionary section of the Use Table for the Rural Resource Zone should be removed.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

26.3.1 Sensitive Use (including residential use)

Residential use is discretionary if for a single dwelling in the Rural Resource Zone. If residential use is considered a sensitive use, the Performance Criteria (P1) is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

26.3.2 Visitor Accommodation

The Performance Criteria P1 should apply to Extractive Industry as a rural resource use. The Rural Resource Zone includes mining in the Zone Purpose Statement but mining is not included in the definition for Resource Development.

Performance Criteria P1 should *include rural resource and **extractive** use of the property or adjoining land.*

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

E3.4 Use or Development Exempt from this Code

The Landslide Hazard Area applied on the overlay maps covers areas of land where quarries are situated. Quarrying activities are regulated under the *Mineral Resources Development Act 1995*. Quarrying activities will also be described as 'Works' under the definition provided in the Southern Midlands Interim Planning Scheme and hence will trigger the Landslide Hazard Code. Seeking to regulate quarries with respect to ground stability is a direct duplication of the work already undertaken by Mineral Resources Tasmania.

Works in accordance with a Mining and Rehabilitation Management Plan approved under the terms of a mining lease issued under the *Mineral Resources Development Act 1995* should be exempt from E3.0 Landslide Code.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

E7.4 Development Exempt from this Code

Most Quarries are Level 2 Activities and as such have a Permit issued by the Southern Midlands Council and Environmental Permit Conditions issued by the Board of the Environment Protection Authority. Environmental aspects of the operation are regulated by the Industrial Operations section of the Environment Protection Authority (EPA) under the *Environmental Management and Pollution Control Act 1994*. Seeking to regulate the stormwater management of a level 2 quarry will be directly duplicating the work already undertaken by the EPA.

Stormwater management associated with a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994* should be exempt from the Stormwater Management Code.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

E9.4 Use and Development exempt from this Code

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

Table E9.1 Attenuation Distances

Quarries operate within a mining lease issued by the Minister for Resources under the *Mineral Resources Development Act 1995*. The mining lease authorizes the Lessee to conduct mining in accordance with the approved mining and rehabilitation management plan within the perimeter of the mining lease. As more becomes known about the resource the approved Mining and Rehabilitation Management Plan is subject to change and hence is renewed periodically along with the mining lease. The mining lease permits mining within the operations area indicated on the mining lease plan or if no operations area is indicated, over the entire area excluding a 10 metre buffer around the perimeter.

Seeking to apply the attenuation distance for Extractive Industries by measuring from the edge of the applied mining lease is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

[E10.4 Development Exempt from this Code](#)

An exemption for clearance and conversion or disturbance associated with a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994* is supported.

Submitted Comment by barry williams on 19 Oct, 2015 at 13:03:00+11:00

[E11.4 Development Exempt from this Code](#)

An exemption for development associated with a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994* is supported.

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(E)

The Southern Midlands Council
Main Road Kempton

15/10/15
Mr Robert Hay
Goodwins Road
Mangalore
0408 144 217

Mr Damian Mackey
Dear Sir.

Re The New Planning Scheme.

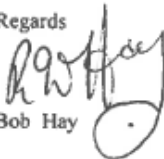
I would like to make a submission as to the new planning scheme .
I would like make a submission as to the subdivision of the 3 five acre blocks
On the southern side of Goodwins road Mangalore.
It is envisaged to divide the blocks into 2 separate blocks accessed off
Goodwins road.

The 5 acre blocks are located in a short no through council road
Due to there present use they will not be returned to agriculture use.
None of the drive ways front onto the Midlands Highway.
According to information given an access turn off lane is to be provided
During the midlands highway upgrade.
As they do not directly access the highway they are not restricted to the
Daily access limit.
All the necessary services are already to the properties.

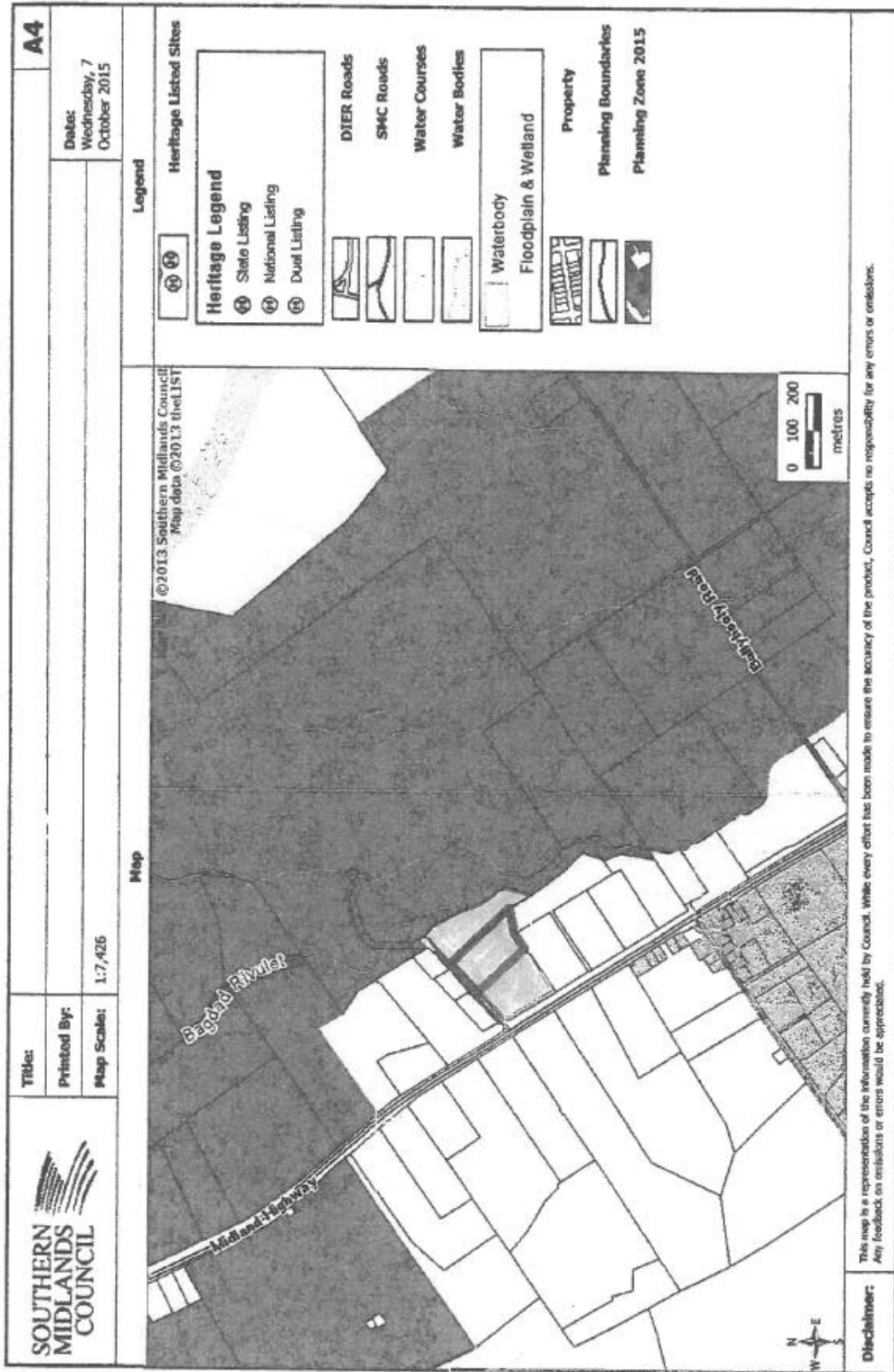
The division of these properties will have no affect on the area due to
There location in a very short no through road.

I hope the council will consider this submission favourable and I would
Be appreciative of any advice you can offer.

Regards



Bob Hay





Damian Mackey

From: Support.iPlan@planning.tas.gov.au
Sent: Monday, 19 October 2015 3:09 PM
To: dylan.harper@tollgroup.com
Subject: Submissions Feedback

Thank you for providing comments on the Southern Midlands Interim Planning Scheme 2015. Your submission has been forwarded to Council, and will be considered as a representation for the purposes of the *Land Use Planning and Approvals Act 1993*. A copy of your submission is included below for your reference.

Keep watching the [iplan website](#) for the latest news on the interim planning scheme assessment process.

Regards

The iplan team.

Submitted Comments

The following comments have been finalised and forwarded to the Council.

Submitted Comment by Dylan Harper on 19 Oct, 2015 at 15:10:00+11:00

Southern Midlands Interim Planning Scheme 2015

To Whom it May Concern

I am writing to object to the change of the zoning to my property to Significant Agriculture.

This may affect proposed future plans to our property.

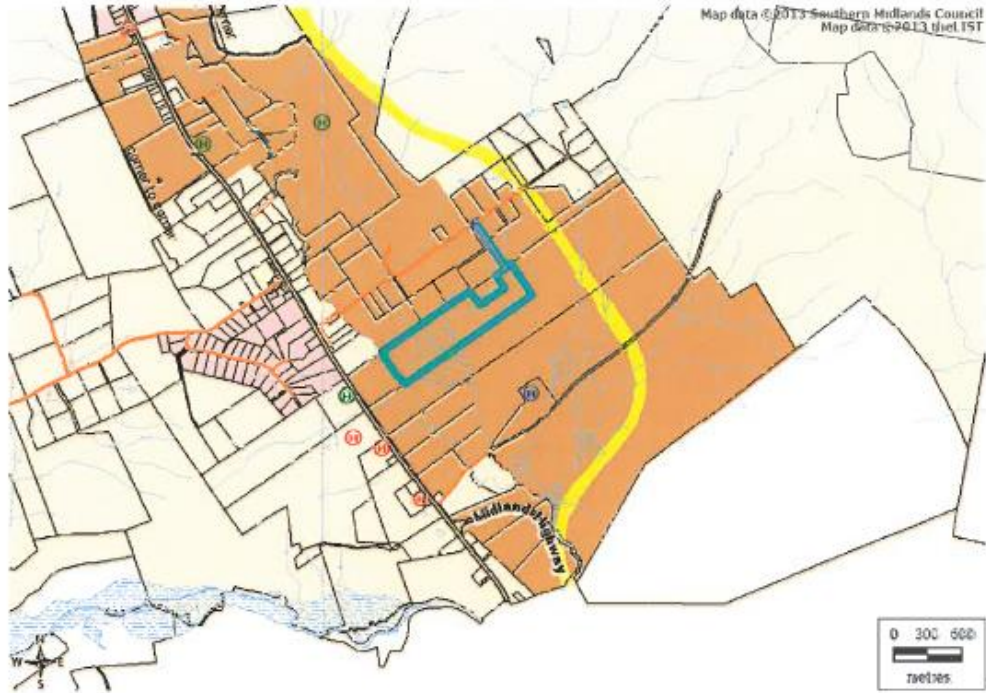
Kind Regards,

Dylan Harper

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172 Ballyhooly Road: Owners: DL & KC Harper



Damian Mackey

From: Support.iPlan@planning.tas.gov.au
Sent: Thursday, 1 October 2015 2:12 PM
To: barriepaterson@bigpond.com
Subject: Submissions Feedback

Thank you for providing comments on the Southern Midlands Interim Planning Scheme 2015. Your submission has been forwarded to Council, and will be considered as a representation for the purposes of the *Land Use Planning and Approvals Act 1993*. A copy of your submission is included below for your reference.

Keep watching the [iplan website](#) for the latest news on the interim planning scheme assessment process.

Regards

The iplan team.

Submitted Comments

The following comments have been finalised and forwarded to the Council.

Submitted Comment by Barrie Paterson on 01 Oct, 2015 at 14:12:00+10:00

Southern Midlands Interim Planning Scheme 2015

The absence of adjacency rules in the SM Planning Scheme is a serious omission that must be rectified. This is for several reasons;

1] Development of heritage places listed on either the state or council registers are assessed for their appropriateness and the significance embodied in the place is considered and foremost in considering changes. It is, however, not the case that all the values of the place are contained within the title boundary of the listed place. A mechanism to assess impact of the entire of the area affecting the significance values of the site is both required and should be mandated. This is a statement of the obvious but it is bizarre that it not accepted in the scheme being proposed.

2] Sparsely populated rural settings amplify damage done by poorly placed or executed development adjacent to heritage sites. The SM area has valuable cultural landscapes that can and are being significantly damaged by inappropriate buildings by their positioning adjacent to significant heritage sites or that are not in keeping with the preserved Georgian landscape values that have endured and are appreciated by historians and tourists alike.

3] The reason advanced for the absence of adjacency rules in the planning scheme is that the government and property developers prefer a prescriptive and simplified scheme. This is, I believe, a prescription for unnecessary conflict where owners and custodians of heritage sites who are not able to object to inappropriate development applications adjacent to their properties. Quite why preserving heritage is the sole

onus of property owners rather than the wider community eludes me. The accepted wisdom is that the community derives a benefit from sympathetic assessment and preservation of its heritage. That heritage and tourism and now combined at a state government level is evidence of this approach. It is self defeating to cleave out adjacency on the spurious grounds of "natural justice" of adjoining owners. They are the equal beneficiaries of good heritage practice.

Adjacency protections are commonplace in other Australian jurisdictions and worldwide. They are nothing less than commonsense - an acknowledgment of the imperfect capture of heritage sites within arbitrary title boundaries.

Tasmania is now becoming a focus for a more nuanced understanding and appreciation of the Georgian heritage that has been preserved here - admittedly by neglect as much as by good laws - and it would be retrograde to set loose unfettered and inappropriate development without allowing the logic that heritage protection starts and ends within the curtilage of the properties contained on the register. There is after all a conspicuous absence of cultural heritage landscapes in any of the heritage registers - this despite firm recommendations dating to 2002 that this was a serious omission in legislative protection.

It is not possible for MacDonald's to erect an outlet in the adjacent paddock to Stonehenge and for good reason. The reasons advanced for the omission of this feature in the SM area are simplistic and ideological.

That the scheme should so lack appreciation of the potent damage that is possible if there are not constraints in this valued landscape is regrettable and no doubt will be regretted in the fullness of time. I suggest it amounts to legislative timidity. Large property owner rights and has the self-interested fingerprints of the Property Councils lobbying have prevailed over good governance - yet again.

II strenuously and urgently suggest that it is appropriate and fair that adjacency should feature in the SM Planning Scheme.

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(H)

Damian Mackey

From: Support.iPlan@planning.tas.gov.au
Sent: Tuesday, 6 October 2015 8:59 AM
To: jenny.topfer@bigpond.com
Subject: Submissions Feedback

Thank you for providing comments on the Planning Scheme Maps. Your submission has been forwarded to Council, and will be considered as a representation for the purposes of the *Land Use Planning and Approvals Act 1993*. A copy of your submission is included below for your reference.

Keep watching the [iplan website](#) for the latest news on the interim planning scheme assessment process.

Regards

The iplan team.

Submitted Comments

The following comments have been finalised and forwarded to the Council.

Submitted Comment by Jenny Topfer on 06 Oct, 2015 at 08:59:00+11:00

Zoning Map

Re: Southern Midlands Council Zoning Map for Mangalore.

I note in the current Scheme Map that the Southern Midlands Council has now updated its zoning map to reflect the recent Planning Commission decision to reject its proposed rezoning of land on Blackbrush Rd Mangalore to Rural Living, as set out in the Southern Midlands Planning Scheme Draft Amendment 1.2/2014 and Draft Amendment 1.3/2014.

The Southern Midlands Council included these rezonings in its Interim Planning Scheme Documentation, somewhat preemptively, in June 2014. The Council then took the decision to promote this rezoning via a draft amendment to the existing Planning Scheme, with the stated aim of allowing proper scrutiny of these changes. In October of last year, the TPC ruled against the rezoning. I wrote to Minister Peter Gutwein in January of this year, pointing out that Council had taken no steps to remove its rezoning from the Interim Planning Scheme Documentation following the TPC decision. I was concerned that the rezoning would 'slip through' via the Interim Planning Process.

While the current maps reflect a return to the original zoning, I remain very concerned that the Council will seek to pursue its rezoning aims via the Interim Planning Scheme process. This would be a blatant misuse of the Interim Planning

Scheme process and not at all in keeping with a process that ensures proper scrutiny of planning decisions.

Jenny Topfer

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Damian Mackey

From: Support.iPlan@planning.tas.gov.au
Sent: Friday, 16 October 2015 4:07 PM
To: rwbarnes73@gmail.com
Subject: Submissions Feedback

Thank you for providing comments on the Southern Midlands Interim Planning Scheme 2015. Your submission has been forwarded to Council, and will be considered as a representation for the purposes of the *Land Use Planning and Approvals Act 1993*. A copy of your submission is included below for your reference.

Keep watching the [iplan website](#) for the latest news on the interim planning scheme assessment process.

Regards

The iplan team.

Submitted Comments

The following comments have been finalised and forwarded to the Council.

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00
[Southern Midlands Interim Planning Scheme 2015](#)

Overall, the Scheme has some irrelevant or meaningless sections that now 'hang' due to bits having been removed just prior to declaration. The Scheme refers to documents like the Bagdad - Mangalore structure plan which was implemented in terms of rezonings prior to the declaration of this Scheme - its purpose is now complete and is of no relevance to the current Scheme for review.

I have had little time to review the Scheme in its entirety owing to the short period of consultation time afforded and the fact that time is short when running a farm - especially a farm where we had to fight for the right to farm. I remain sceptical that we will be allowed to get on with our farm without more or further applications to rezone land around this farming area where we bought to farm - how many more times must we fight the scourge that is housing estates in and on farmland when there are many other areas where housing can be built before we start to lose farming ground.

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00
[Part A Purpose and Objectives](#)

I write to make comment that the decision of the Minister when declaring the Scheme should stand for the final Scheme in relation to the below -

1. The rejection of rezoning of land along Black Brush Road (from near Mountford

Drive westwards towards Mangalore Rivulet) to Rural Living - the original insertion of this stealth rezoning by Council was merely a means to establish a prolongation of 'residential land' into the Mangalore Valley from which land surrounding the zoning could be developed as further residential oriented land.

2. The land on Black Brush Road that was the subject of the Bagdad-Mangalore Structure Plan should not be rezoned via this Scheme as it has already been refused by the 'umpire'.

Sitting aside the Scheme, in an uncertain location/status, is the economic strategy prepared by the Council. This 'strategy' I believe will be used by Council to support some of the rezonings which were removed by the Minister - yet it has never been issued for public comment. The strategy, in my view, simply justifies the expansion of residential oriented development in areas such as Mangalore without any justification other than to increase the rate base - where is the benefit to the local community from this? No additional services are .

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

2.2.4 Municipal Setting

The statement -

'Increased population and urban growth are anticipated in the areas of Bagdad, Campania, Mangalore and Kempton which are in commuting distance of Hobart. The anticipated economic growth and activity generated from the new and expanded irrigation schemes will attract more employment and people to the northern reaches of the municipality and around the intensive farming districts.'

- simply shows that this Council wants to expand residential development in these areas 'which are in commuting distance of Hobart'.

The Council has made it clear that they wish to expand residential development through the active rezoning of land through the original draft of the Interim Scheme and also through the Bagdad - Mangalore Structure Plan initiated amendments to the 1998 Scheme. The rezonings along Black Brush Rd were refused by the Commission in that procedurally fair process and also by the Minister in declaring the 2015 Interim Planning Scheme - this position should be retained upon declaration of the final Scheme.

Mangalore is NOT in the list of small settlements or district towns, rather it is a small hamlet to which it states 'Many people also live in smaller rural hamlets and on the numerous farms that make up the unique landscape between these population centres.'

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

2.2.4 Municipal Setting

The rivers that traverse the municipality are not small (catchment, length???) due to low rainfall, a river catchment and length has nothing to do with rainfall. The volume of water that flows down a river is related to volume, but volume per se does not dictate length, width etc of a river, there are lots of other variables that help to determine that - the section should be amended.

'Increased population and urban growth are anticipated in the areas of Bagdad, Campania, Mangalore and Kempton which are in commuting distance of Hobart. The anticipated economic growth and activity generated from the new and expanded irrigation schemes will attract more employment and people to the northern reaches of the municipality and around the intensive farming districts.'

- simply shows that this Council wants to expand residential development in these areas 'which are in commuting distance of Hobart'.

Why is it the the RLUS states AC1.3 Discourage out-of-centre development by only providing for in-centre development within planning schemes .and we have a council deciding that Mangalore is a growth area - why do they anticipate growth in these areas? The only means for growth in terms of residential growth is to rezone land into residential oriented land zones. This is to be discouraged according to the STLUS.

Table 3 on page 89 of the STLUS does not even list Mangalore as anything - it is 'other settlement' in Table 2 of page 88. The growth strategy is therefore very low, and growth 'does not preclude growth possible under existing capacity' There is nil existing capacity at Managlore - there are no services like shops etc, there is no land available nor should be made available for housing other than that which already exists in the very centre of the location.

Land rezoned to residential at Bagdad as part of the amendment process initiated by Council for the Bagdad - Mangalore Structure Plan should be used to grow Bagdad as this settlement at least has services like a community centre, shops and a service station.

The Council has made it clear that they wish to expand residential development through the active rezoning of land through the original draft of the Interim Scheme and also through the Bagdad - Mangalore Structure Plan initiated amendments to the 1998 Scheme. The rezonings along Black Brush Rd were refused by the Commission in that procedurally fair process and also by the Minister in declaring the 2015 Interim Planning Scheme - this position should be retained upon declaration of the final Scheme.

Mangalore is NOT in the list of small settlements or district towns, rather it is a small hamlet to which it states 'Many people also live in smaller rural hamlets and on the numerous farms that make up the unique landscape between these population centres.'

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.2 - L Residential Growth: Local Objectives

Desired outcome c should be removed - the structure plan has in effect been implemented by the amendments to the 1998 Scheme put through by Council.

The retention of this plan in the Scheme, and its associated perverse outcome of land rezonings in farmland, -

- Apply the Rural Living Zone to existing areas
- (d) characterised by rural living use in the Bagdad Mangalore Valley and at Campania and where

not already at a density of 1 lot per hectare,
provide for this density where possible.

A rural living use does not mean that it should be classified as a rural living zone - indeed this means that vast tracts of land that is being used for residential use (ie has a house) could be classed to the rural living zone - this would open up considerable tracts of land to the benefits of the rural living zoning without any further assessment or ability for people to comment/complain.

I note the use of the word 'generally' in (c) - will Council add things to their plan and not tell any one and then say that it is generally in accordance with the plan?

This Council has a history of dismissing any concerns about the rezoning of farmland to housing where it does not suit their interests or plans.

In fighting our right to farm, we were told by Council that we were in a rural living feeling landscape as it had a rural living feeling - I am still unsure as to what that exactly means as the land was zoned agriculture.

Why reference a plan that is no longer of any use in terms of rezonings and it only serves to justify further attempts by Council to rezone our land and land near us as rural living which would bestow such rights on others that we would be forced to shut our farm.

How is this in keeping with the RLUS? Indeed, to rezone agricultural land to rural living land on the basis of 'well, that it what it is being used for' is senseless and unjustified. I do agree however that the smaller blocks of the Mangalore location should be rezoned to rural living, but this should not extend to any properties beyond Mountford Drive and certainly not the farmland block behind our property (32 Banticks Rd).

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.3 - L Activity Centres: Local Objectives

Bagdad should be added to the Village zone (c)

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.4 - L Economic Infrastructure: Local Objectives

Desired outcome

- (e) The Chinese Buddhist Cultural Park at Tea Tree Road, Rekuna is established.

should be removed. What Buddhist Cultural Park?

Why should this alleged activity that has not been planned nor approved for development be afforded a special area or mention within the Scheme.

Outcome to be achieved -

- (d) Applying a particular purpose zone at Tea Tree Road, Rekuna, that facilitates the establishment of the Chinese Buddhist Cultural Park.

should be removed, it is in effect an active rezoning which has not been afforded any

level of assessment nor community consultation. The retention of this in the Scheme merely provides a means of 'administrative leverage' to any future application that may or may not materialise for the development.

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.5 - L Productive Resources: Local Objectives

Desired outcome

- (c) Potential for fettering of agricultural and other rural resource use by encroachment of sensitive use is minimised.

should be strengthened to indicate that agricultural uses have priority over sensitive uses in terms of planning. This could be best achieved by the following change.

Outcomes to be achieved should not be this -

- (b) Applying the Significant Agricultural Zone to the best quality agricultural land, especially where irrigation schemes exist or may exist in the future.

it should be to apply the requirements of the PAL Policy in recognising Prime and Significant agricultural land - significant ag land should also be classed as SAZ

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.6 - L Natural Environment: Local Objectives

Is

- (b) Using best available spatial information on biodiversity in the implementation of the Biodiversity Code in a manner that meets local community expectations. This includes minimising impacts on local biodiversity values, (rather than avoiding altogether), and not requiring biodiversity offsets where impacts cannot be avoided.

really in keeping with the RMPS Objectives? I don't think so.

Why does Council see it fit to establish a buffer on adjoining land for the natural values at Chauncy Vale? Is this not fair to those whom land in the buffer? Reserves should be self-buffering.

- (c) Protecting the core biodiversity values of the Chauncy Vale Wildlife Sanctuary through retaining a buffer area on surrounding land.

The below

- (e) Requiring the use of weed management practices during the construction of development and use of land.

is an unnecessary impost to development and is not in keeping with the Weed management Act

Submitted Comment by Richard Barnes on 16 Oct, 2015 at 16:06:00+11:00

3.0.9 - L Competitiveness: Local Objectives

What is 'good' land and what is 'bad' land? Is this Council capable of distinguishing the two?

- Ensuring zone provisions protect good agricultural land, especially where irrigated or
- (a) potentially irrigated, and provide for agricultural support industries and downstream processing opportunities.

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10/27/2015

SMC IPS Submission - Williams (late).html



[Show Header](#)

scheme comment

From : "caswilliams@bigpond.com" <caswilliams@bigpond.com>

To : SMC Mail

Cc : greg.alomes@planning.tas.gov.au

Sent : 21 October 2015 07:03:55

Hi Tim

be it that the time for comment closed on monday I would like you to accept my submission, I did try several times to load Iplan but was unsuccessful on all three accounts(it wouldn't go past the log in stage).With my work being away from the pc this is the fist opportunity.

Comment 1

the rezoning of our land 1356 and 1384 TeaTea Rd to a lesser value of farm type soils only devalues our property to wich we hare a rural resource business operating on.

comment 2

visual amenity, with our rural resource "quarry" we have to go to great lengths to shall I say hide our operation, yet miscellaneous developments have been approved on rural zoned land with none, Council should be more consistent in planning.

comment 3

The MEDALS report has never been made available for public submissions. This document forms part of the Councils future plan with no public comment or being able to protect their assets.

Comment 4

The never applied for TBCP was removed from the interim scheme , this development that has never been applied for , never been zoned for has great bearing on our future upgrading of out Quarry to a class 2.

Back to my first comment about land types and values, it has been said in assessments made by council about us fettering land use values with our Quarry yet council them self have proposed to devalue both properties.

Thanks for your time

Craig Williams
1356 Tea Tree Rd
0407 129 562



16 October 2015

Southern Midlands Council
71 High Street
OATLANDS, TAS 7120

To Whom it May Concern;

RE: Representation to *Southern Midlands Interim Planning Scheme 2015*

Background:

Midland Energy Ltd through its wholly owned subsidiaries holds two granted Exploration Licences (EL) within the Southern Midland Councils' boundaries. Tiger Coal Pty Ltd holds EL25/2008 near Jericho and Energy Investments Pty Ltd holds EL65/2007 near Tunbridge.

These two exploration licences were granted in 2007 and 2008 respectively. Since this time the company has completed significant exploration on the licence areas targeting economic deposits of coal. Currently across the two projects, Midland Energy has proven a JORC resource of 90 million tonnes (mt) of coal. We have since completed pre-feasibility studies and initial planning has commenced for development of a 1.1mt mining operation at the more advanced Woodbury location. Please see attached our business strategy document that outlines the high level of advancement of the projects and the proposed plan moving forward. The project will use an innovative mining method known as Highwall Mining, which greatly reduces ground disturbance and compared with open cut mining, providing for a better environmental outcome and allowing existing land use to better cohabitate with the mining operations.

Since the licences were first granted, the significant total of **\$3,178,012** has physically been spent on the ground on active exploration including many thousands of metres of drilling. Of this amount, the majority of these funds (millions of dollars) have been spent with local drill contractor KMR Drilling who are based in Campania, within the Southern Midlands Council, thus providing many employment opportunities for local residents and countless economic benefits for constituents within the council area. This doesn't include other funds that have been spent on the upkeep of the licences/marketing/ and other associated running costs of the company.

There has been a rezoning of substantial areas of both ELs from Rural Agriculture zoning under the previous Scheme to Significant Agricultural zoning in the new Interim Scheme. This effectively changes the Extractive Industries Use Class from discretionary under the old Scheme to prohibited under the new Scheme, thus curtailing the development of a large new export industry in the Central Midlands. Needless to say, our investors and financiers are now reluctant to commit to funding the various stages of the critical regulatory approvals process with the uncertainty this partial rezoning of the EL areas has created.

Representation:

It was with great shock that the *Southern Midlands Interim Planning Scheme 2015* came into effect on September 2, 2015 without any consultation from either Southern Midlands Council or Mineral Resources Tasmania who regulate our licences. We only learned of the rezoning and impact of this on our leases from our consultants, CBM Group, after they began initial investigations into the approvals facilitation, including Development Application, for our Woodbury Project.

As highlighted above, a substantial investment of money and time has been injected into our projects over a number of years, which has allowed the progression from initial exploration through mine scoping studies and project planning, to the point where we are ready to commence the project approvals process. This has only occurred on the basis that once the projects were proven viable we could progress to mining operations as was previously allowed under the previous zoning (subject to regulatory approvals).

Our projects have the potential to be a significant contributor to the region and the state. In the first stage of development we expect **capital expenditure to top \$30 million**. Most of this investment will be spent with local businesses in the form of consulting, drilling and earthmoving contractors, haulage companies, heavy equipment manufacturers, fabricators and other suppliers. This will result in significant new employment opportunities in the region, and potentially millions in revenue to the state in the form of royalties and other fees and taxes.

Under the rezoning in the new Scheme, the Extractive Industry Use is not permissible in the Significant Agriculture zone. This will effectively “turn off the tap” for investment in mineral exploration and mining for my company and any other groups that may have wished to explore within this zoning in the future. As a consequence many potential jobs and significant investment within the Southern Midlands simply will not eventuate.

As part of our progress to date, a substantial effort has been put into evaluating the resource and the best method of extraction. In consultation with our geologists and equipment manufacturer Caterpillar, we have provisionally decided on a Highwall mining method. Highwall mining is a technique that is not currently used in Australia but is extremely prevalent in the United States coal fields. It is essentially a hybrid combination of underground mining and open cut techniques. Please view this video that demonstrates this mining method: <https://www.youtube.com/watch?v=sETq5IVsY1E>

Another key advantage of the Highwall method is that it has a substantially reduced surface disturbance and visual impact compared with open cut mining. Unlike conventional open cut mining where an exponentially large pit needs to be opened up as the resource gets deeper, the Highwall method only requires a narrow trench for the machine to operate in, with all coal extraction conducted underground. This translates into far less overburden removal which means lower operating costs but more importantly less surface area footprint (around 10% compared to traditional methods) and easier environmental rehabilitation. It will also allow the mine to better operate alongside the existing land use.

Recommendations:

1. Adjustment of the Rural Resource Zone boundary to incorporate the entirety of EL areas.

Please see attached maps of our two ELs. It demonstrates that the Significant Agriculture Zone only affects a portion of each Licence Area to varying degrees with the remainder being under the Rural Resource Zone.

Through years of exploration of the EL areas, we have refined the resource area down to the smallest area possible that still gives sufficient years of continuance to justify the capital expenditure to develop a mine. You can see the original size of the licence area at inception shaded in light brown, which has been consolidated to the current EL areas in pink cross hatch (redundant non-coal bearing ground has been relinquished and handed back as part of the normal exploration process). In the case of EL65/2007 at Tunbridge, the Significant Agriculture Zone encompasses most of the southern area of the licence which is consequently where the bulk of our resource for the Woodbury Project lies. Having this EL cut into two zones effectively kills this project as very little of the resource is left in the area zoned Rural Resource.

Furthermore, we dispute that any of this land is in fact worthy of being zoned Significant Agriculture. The Statewide land capability mapping shows that the land is only graded 5-6 at EL65/2007 and 4-6 at EL25/2008. Despite the fact that irrigation is now available, we do not share Council's (or their sub consultant's) view that this substantially improves the land value to justify excluding all uses other than agriculture. Due to the amount of drilling, assaying and geological assessment undertaken by us through our exploration, by default, we have amassed a vast knowledge of both the topsoil and subsoil profiles.

Please see attached supporting evidence for a hole that was drilled in 2014 (Hole # W82) which is within the new Significant Agricultural Zone. The written logs prepared by our qualified Geologist Rowena Murcott highlights that the first 45m below surface contains mostly dolerite chips (rock) and iron stained clays which is not amenable to any type of agriculture. The attached photos further demonstrate (particularly the top right photo) that there is very little fertile soil below surface and contradicts the assumption that this is prime agricultural land. We would be happy to show you further drill hole data if you require this, but have limited it to 1 example to avoid bombarding the council with too much information.

Our exploration to date indicates that the top layer of soil is only very shallow across the EL area. The top layer of soil quickly becomes dolerite or sandstone which is not amenable to intensive agriculture and contains high levels of salt. No amount of water will improve this land if the basic requirements to make it fertile are not present. We have produced thousands upon thousands of metres of diamond core that is held on our behalf by MRT that physically proves our assertions of what is below the surface. I am confident that Macquarie Franklin have not completed anywhere near the level of intensive investigation below surface that we have conducted and as such I find their findings incomplete and conflicted.

In summary, we propose Council adjusts the zoning boundaries whereby the whole of our EL areas are under the Rural Resource zoning which allows for extractive industries such as ours to operate. This is only bringing the land use back to what it was zoned previously, and importantly does not preclude the land to be used for intensive agriculture both during and after the mining activity.

2. Amendment to the Significant Agriculture Zone to allow extractive industries as a discretionary use

Further to our above recommendation, as an active exploration company we believe the current permitted uses for the Significant Agriculture zone are too restrictive and will hamper large industry that may want to invest within the Southern Midlands region.

Having previous experience successfully developing mineral projects in Tasmania (Hardrock Coal Mining - Fingal Valley Coal Project) and other mineral exploration projects in Australia, we feel that this interim rezoning and reclassification of land to Significant Agriculture zone will impede investment into this state and the region in what is already an extremely tough climate for explorers.

Due to dysfunctional finance markets and poor sentiment towards mining, it is already incredibly difficult to raise investment funds for exploration and mining. This interim rezoning will simply increase the perceived sovereign risk of doing mineral based business in Tasmania which will effectively deter any new explorers wishing to enter the region.

We would suggest that the permitted uses within the Significant Agricultural zones in the region be amended to include Extractive Industries and associated mineral processing as discretionary uses going forward. This will then give prospective explorers the confidence to invest money into the region knowing they can ultimately mine the resource once all normal regulatory and environmental conditions are met. Again, this does not preclude the land to be used for intensive agriculture both during and after the mining activity.

Summary:

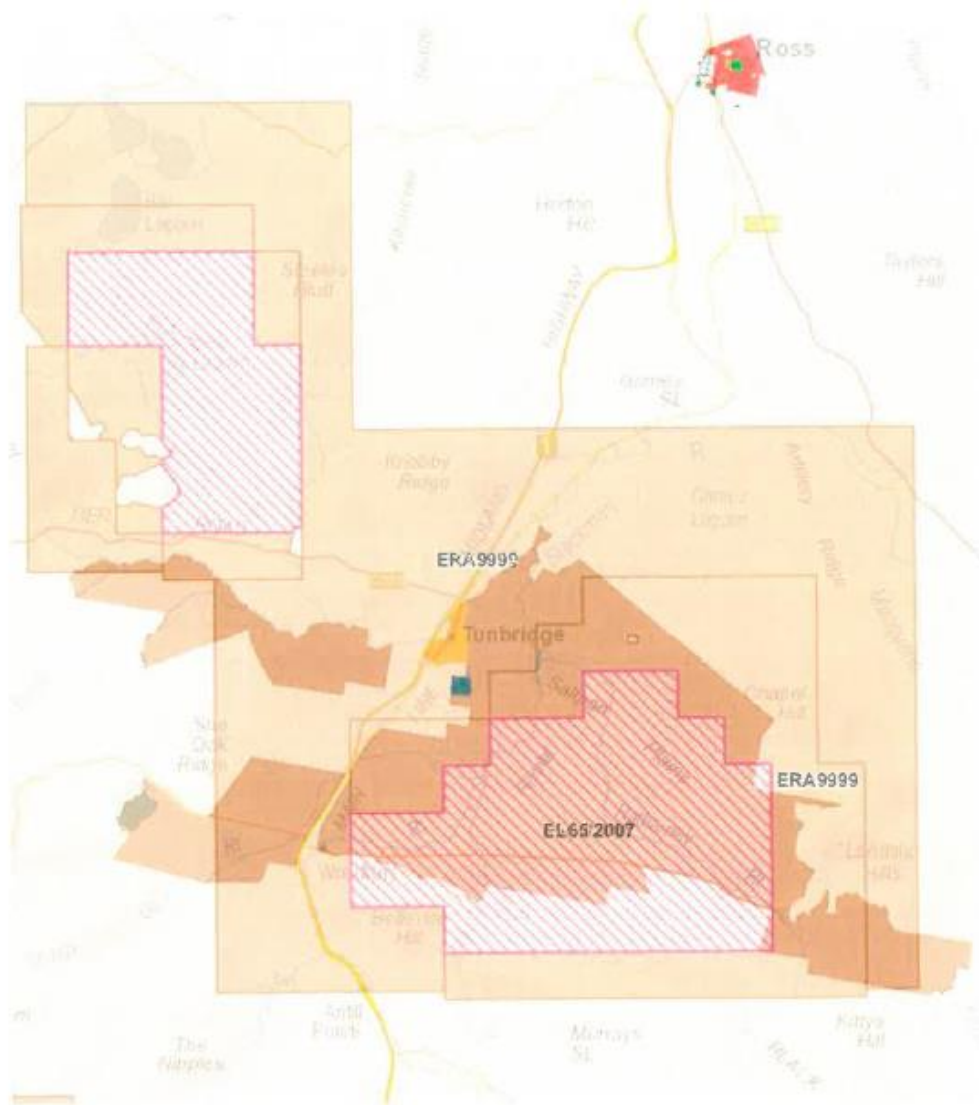
I trust that we have demonstrated a sufficient case for the adjustment of the Rural Resource zoning boundary to accommodate our projects as well as a general relaxing of the Significant Agriculture zoning to allow mining as a discretionary use. This ensures that all mining projects will still need to satisfy all planning, environmental and safety regulations through the regulatory approvals process, and is in effect only bringing the planning controls back to what was allowed for in the previous Scheme.

We see no reason why mineral extraction and agriculture cannot co-exist and cooperate to the betterment of all residents of the region and the state. I welcome any councillor or planning official to contact me directly for further information or clarification on any of the information contained within.

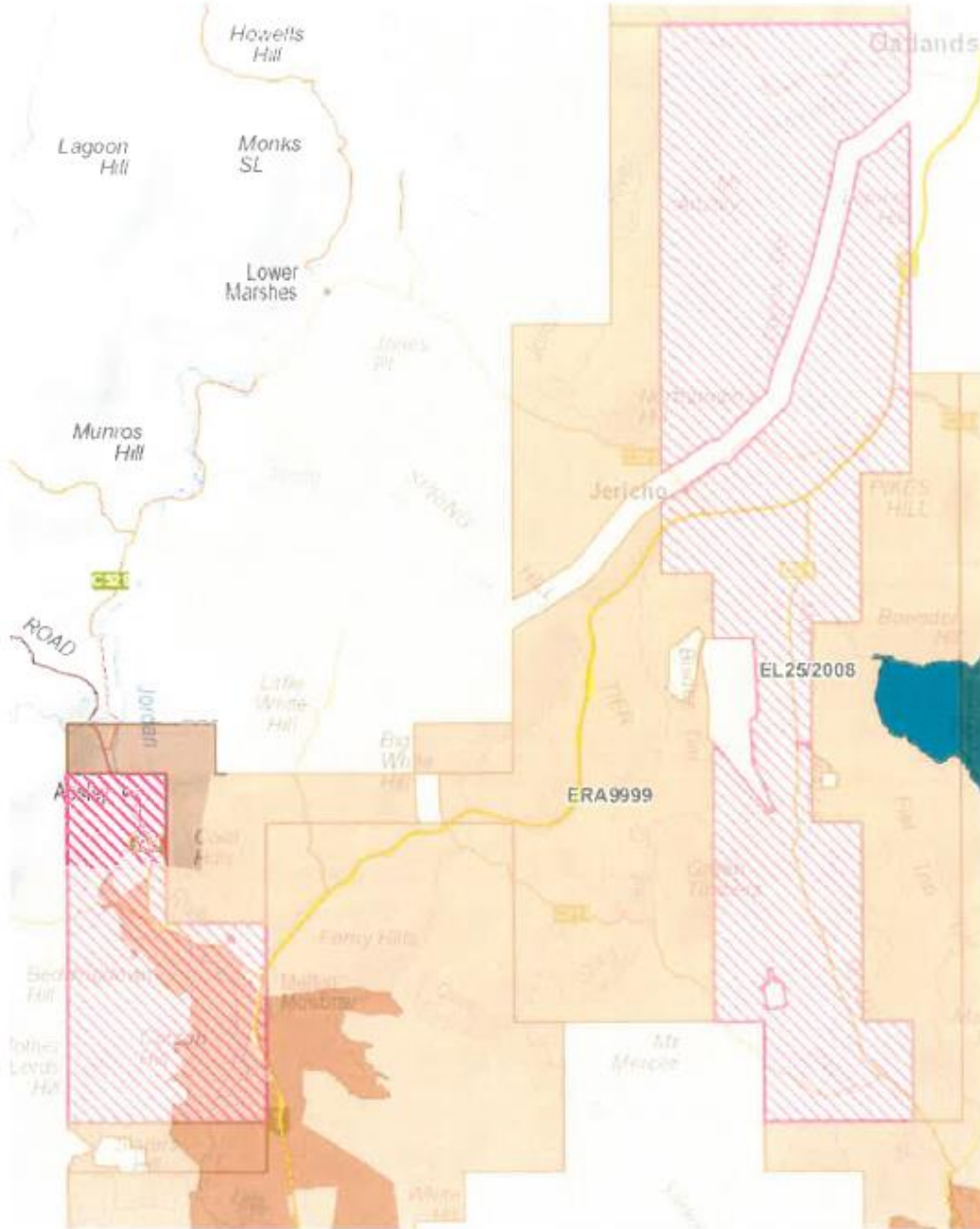
Kind Regards

DANIEL MACRI
Managing Director – Midland Energy Ltd

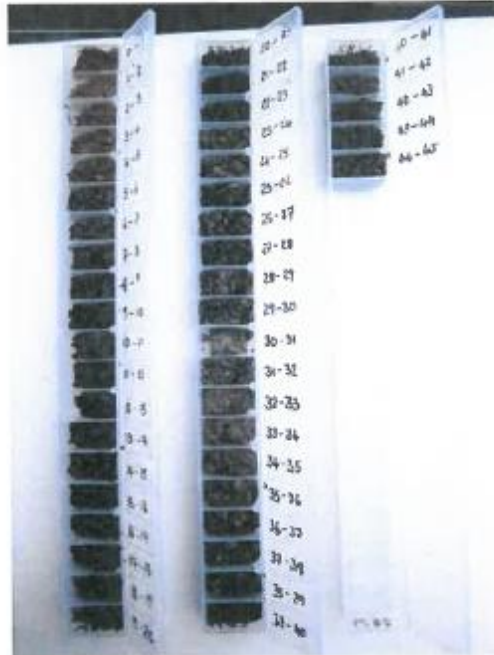
EL65/2007

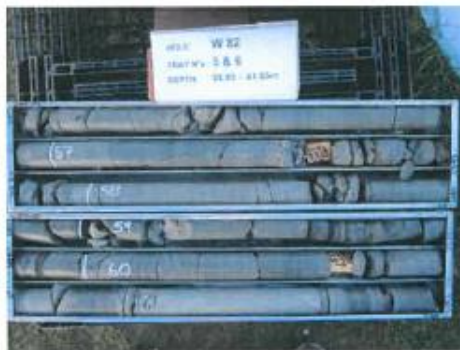


EL25/2008



**W 82 Percussion Chips and Core Tray
Photographs**











Midland Energy

DRILL HOLE No W82

SHEET 1 OF 4

Survey Depth	Azimuth	Dip	Hole Co-ordinates
			GPS 609-79
			Easting 5538 824m E
			Northing 5332085m N
			Elevation (m) 250m RL
			Azimuth, Mag 0
			Dip -90°

PROJECT: <u>WOODBURY COAL EXPANSION</u>
PROSPECT: <u>E165/2007</u>
DATE: <u>21 JULY 2014</u>
LOGGED BY: <u>MVA/COT/J</u>

KMR TRUCK MOUNTED HYDRAPOWER 500

DRILLER: DARREN RICHARDSON

HOLE DEPTH (m)	CORE RECOVERY (%)	ROD	SAMPLE NO.	SPLINDERS					ACTUAL LOG		GRAPHIC LOG	GEOLOGY NOTES	SUMMARY LOG
				1	3	1	3	5	STRUCT	ALT			
0											0-1m RED BROWN CLAYS AND WEATHERED DOLERITE	5m HAMMER PERCUSSION TO 45m	
1											1-5m YELLOW-GREY WEATHERED DOLERITE CHIPS IN MINOR IRON STAINED CLAYS		
5											5-45m GRAY, FRESH DOLERITE DOLERITE CHIPS		
40													
42													
44													
46													
48													
50													
52													
54													
56													
58													
60													
REMARKS													

Midland Energy

DRILL HOLE No W82

SHEET 2 OF 4

Survey Depth	Azimuth	Dip	Grid Co-ordinates
			Easting
			Northing
			Elevation (m)
			Adm. Mag.
			Dip

PROJECT: <u>WISSELEY COAL EXPLORATION</u>
PROSPECT: <u>EA 65/2007</u>
DATE: <u>21 JULY 2014</u>
LOGGED BY: <u>MURKETT</u>

HOLE DEPTH	CORE NO.	ROD	CORRECTION	SURFACES	MICROFOL LOG		GRAB LOG				GEOLOGY NOTES	LABORATORY LOG	
					STRUCT	ALT	NO	1	2	3			4
47													
49													
46	100	100											
48	100	100											
50	100	100											
52	100	100											
54	100	100											
56	100	100											
58	100	100											
60	100	100											
62	100	100											
64	100	100											
66	100	100											
68	100	100											
70	100	100											
72	100	100											
74	100	100											
76	100	100											
78	100	100											
80	100	100											

45-42 - 48-12m Dolomite: GREY, FRESH
ORTHIC, MINOR VEINLETS

48-12 - 50-02m Sandstone - Becerra - Becerra
ASTEROID, MUCIFELLS, NUMEROUS MUDSTONE
FRAGMENTS (RECORDED) IN SANDSTONE MATRIX

50-02 - 50-31m COAL, HOLLY, 10% BROWN BRASS, FRAGILE
COAL LENS 8 CM

50-31 - 51-37m GREY MUDSTONE, CARBONIFEROUS AT TOP
COAL LENS 8 CM

51-37 - 52-09m CARBONIFEROUS MUDSTONE

52-09 - 52-52m DARK CARBONIFEROUS MUDSTONE

52-52 - 53-92m COAL, 2m, 20% BROWN BRASS, FRAGILE
COAL LENS 8 CM

53-92 - 54-50m GREY MUDSTONE / CLAYSTONE, FINE

54-50 - 54-65m Grey Mudstone, Abundant coal flour beds

54-65 - 60-63m GREY MUDSTONE, SOME COMPLEX BEDS

60-63 - 60-80m SALTSTONE, GREY, FINE, LITTLE

60-80 - 60-95m GREY MUDSTONE

60-95 - 61-40m Sandstone - FINE TO MEDIUM, GREY

61-40 - 61-70m GREY MUDSTONE, INTERBEDDED WITH SALTSTONE

61-70 - 61-82m Sandstone, GREY, MEDIUM

61-82 - 64-19m Sandstone, LITTLE, BLOCKS

64-19 - 66-87m Sandstone, COAL FRASER AND MUDSTONE LAMINAE

66-87 - 68-89m Sandstone, GREY, MEDIUM GRAIN

68-89 - 80-67m Sandstone, GREY, LITTLE
DIRTY MATRIX

80-67 - 80-83m COAL and CARBONIFEROUS
FRASER BEDS IN SANDSTONE MATRIX

Midland Energy

DRILL HOLE No 4182

SHEET 3 OF 4

Survey Dept	Asimuth	Di	Role Co-ordinates
			Easting
			Northing
			Elevation (m)
			Asimuth Mag
			Di

PROJECT: <u>bleedout cone L101000000</u>
PROSPECT: <u>L140 / R007</u>
DATE: <u>24 July 2014</u>
LOGGED BY: <u>ALVACET</u>

HOLE DEPTH	CORE RECOVERY	CORR	SAMPLE NO	SULPHIDES	PICTORIAL LOG		GRAPHIC LOG	GEOLOGICAL NOTES	DENSITY LOG
					SFRCT	ALT			
170	65								
180	50								
190	100								
200	100								
210	100								
220	100								
230	100								
240	100								
250	100								
260	100								
270	100								
280	100								
290	100								
300	100								
310	100								
320	100								
330	100								
340	100								
350	100								
360	100								
370	100								
380	100								
390	100								
400	100								
410	100								
420	100								
430	100								
440	100								
450	100								
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490	100								
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510	100								
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580	100								
590	100								
600	100								
610	100								
620	100								
630	100								
640	100								
650	100								
660	100								
670	100								
680	100								
690	100								
700	100								
710	100								
720	100								

Midland Energy

DRILL HOLE No W82

SHEET 4 OF 4

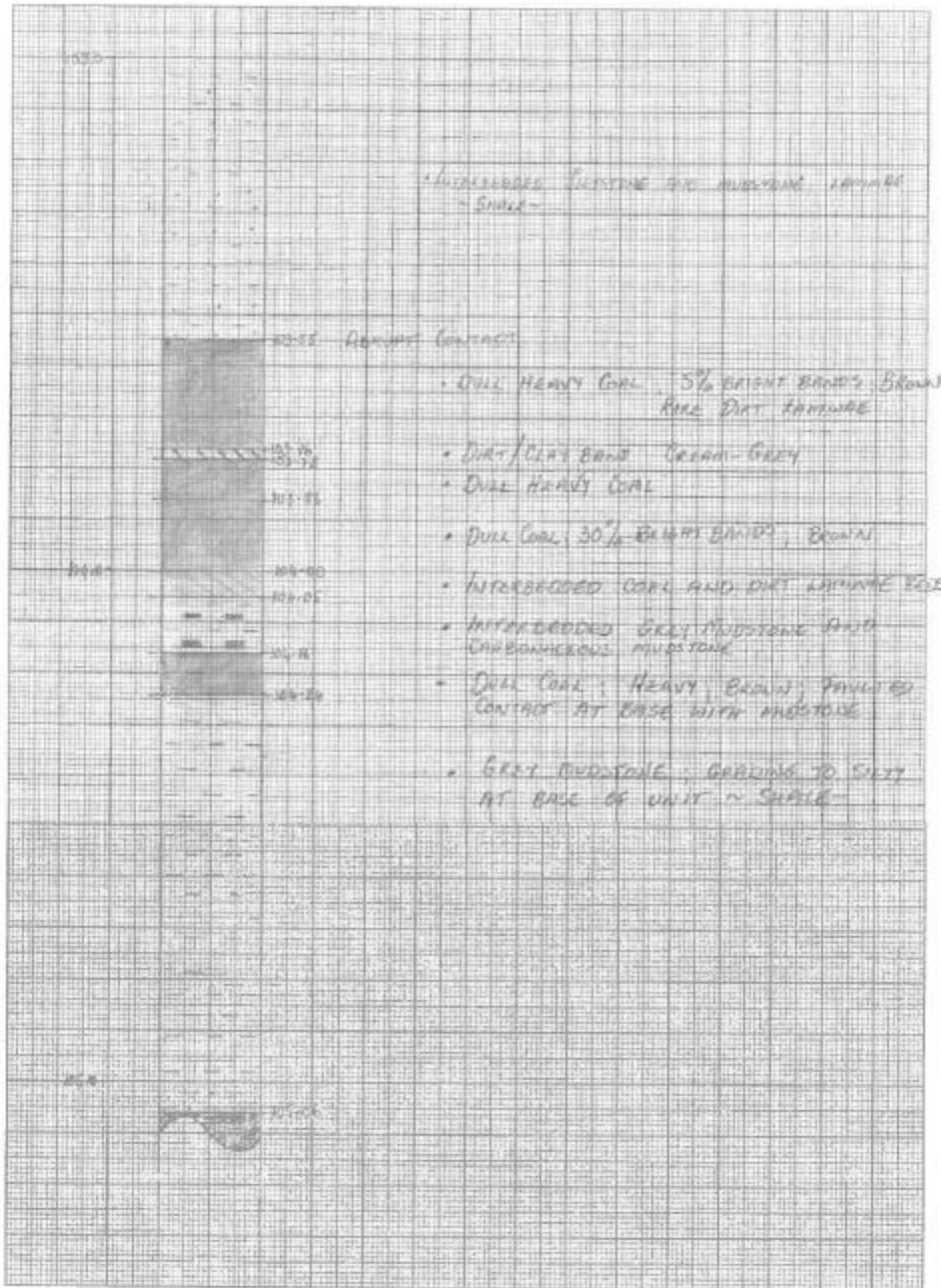
Survey Depth	ASPECT	Dip	Hole Co-ordinates
			Easting
			Northing
			Elevation (m)
			Azimuth Mag
			Dip

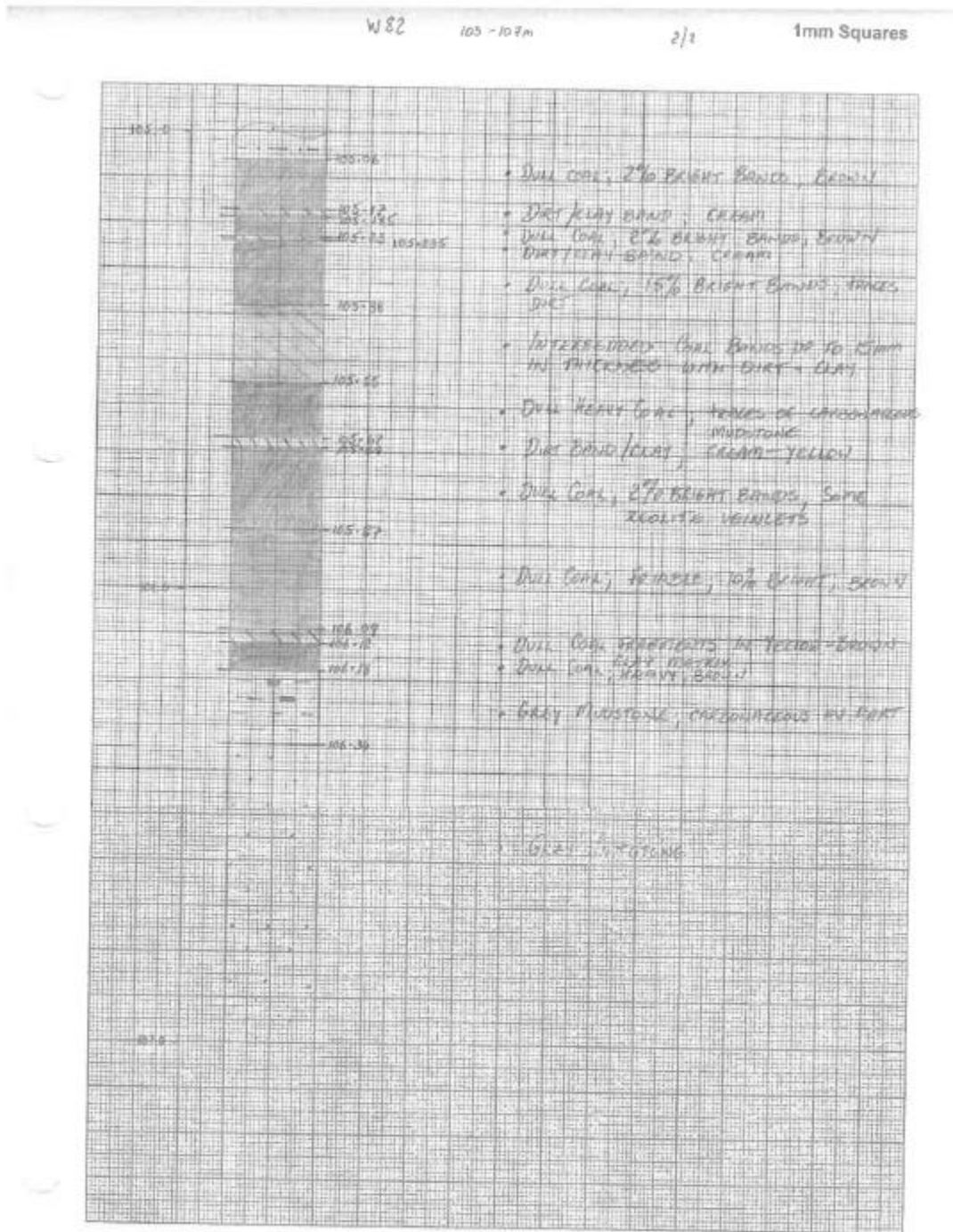
PROJECT: <u>WOODBURY COAL EXPLORATION</u>
PROSPECT: <u>EX 65 / 2009</u>
DATE: <u>1 August 2014</u>
LOGGED BY: <u>MUNCOY</u>

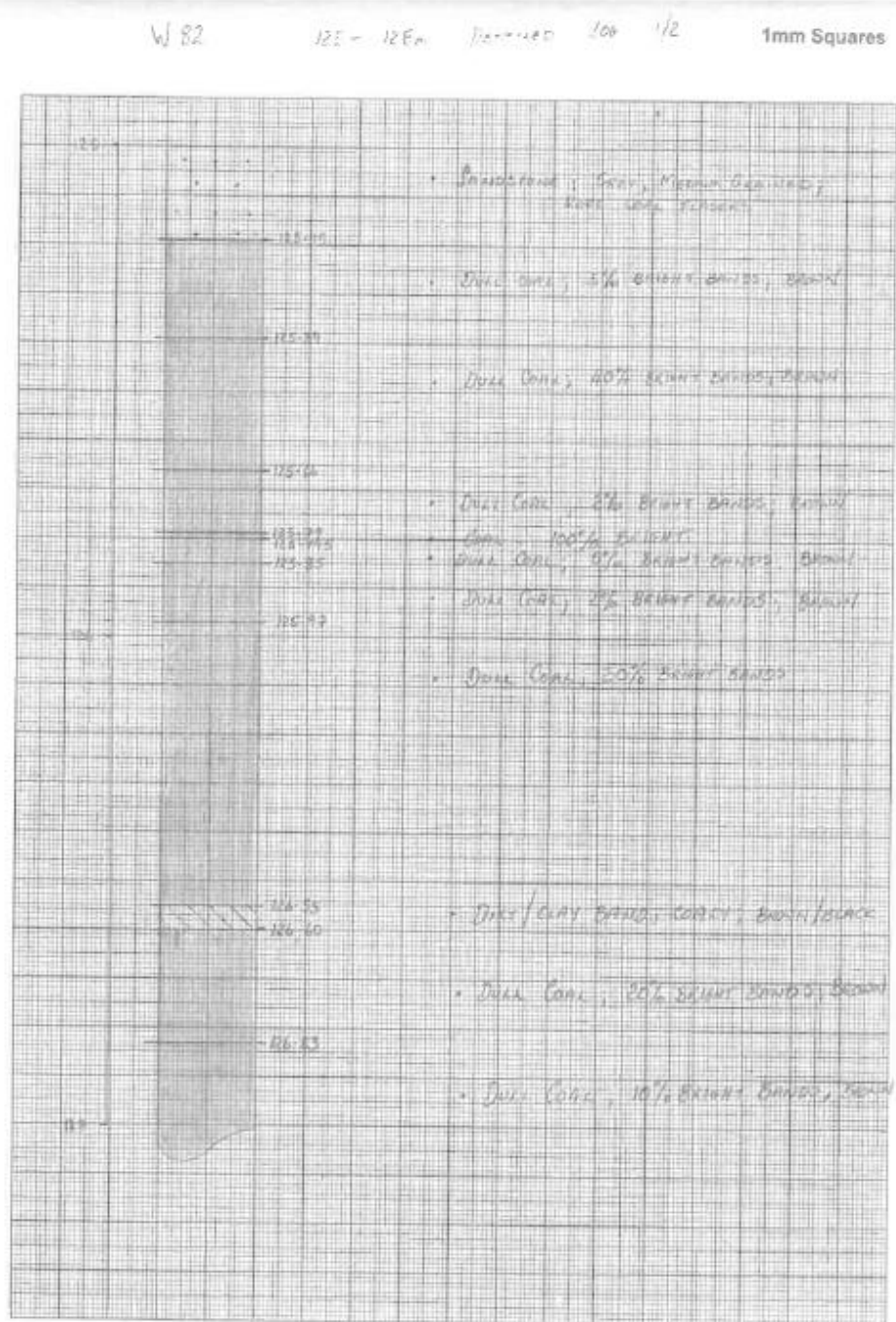
HOLE DEPTH CORRECTION	ROD NO.	SAMPLE NO.	SPLINDERS					PICTORIAL LOG		GRAPHIC LOG	GEOLOGY NOTES	SUMMARY LOG
			1	2	3	4	5	STRUCT	ALT			
100	0										121.9 - 125.19m SANDSTONE, GRAY MATTEN, Floor CONTACT BY BASE Some CARB MOST ABUNDANT AND COAL FRASER BEDS CONTACT WITH 125.19m AT BASE OF UNIT RESIDUAL SURFACE	
122	15										125.19 - 127.56m COAL (0.39m) Dk. 20% bright black/brown to show shy bed with adj. fragments. 126.55 - 126.60m	
140	15										127.56 - 129.09m GRAY MUDSTONE; fractured in part	
150	40										129.09 - 129.14m (0.05m) COAL CARB MUDSTONE BANK	
160	40										129.14 - 131.63m GRAY MUDSTONE, INTERBEDDED GRAY MUD AND CARBONACEOUS MUDSTONE - SAMPLE	
170	15										131.63 - 133.70m MUDSTONE, INTERBEDDED GRAY MUD AND CARBONACEOUS MUDSTONE - SAMPLE	
180	15										133.70 - 133.72m CLAY BAND WITH COAL FRAGMENTS	
190	57										133.72 - 134.08m (0.36m) COAL, dull coal at base	
200	79										134.08 - 137.15m MUDSTONE; GRAY; MUDSTONE TO FINE GRAINED	
210	0											
220	42											
230	0											
240	25											
250	0											
260	0											
270	26											
280	0											
290	10											
300	35											
310	60											
320	65											
330	40											
340	40											
350	90											
360	60											
370	40											
380	40											
390	90											
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1570	90											
1580	60											
1590	90											
1600	60											
1610	90											
16												

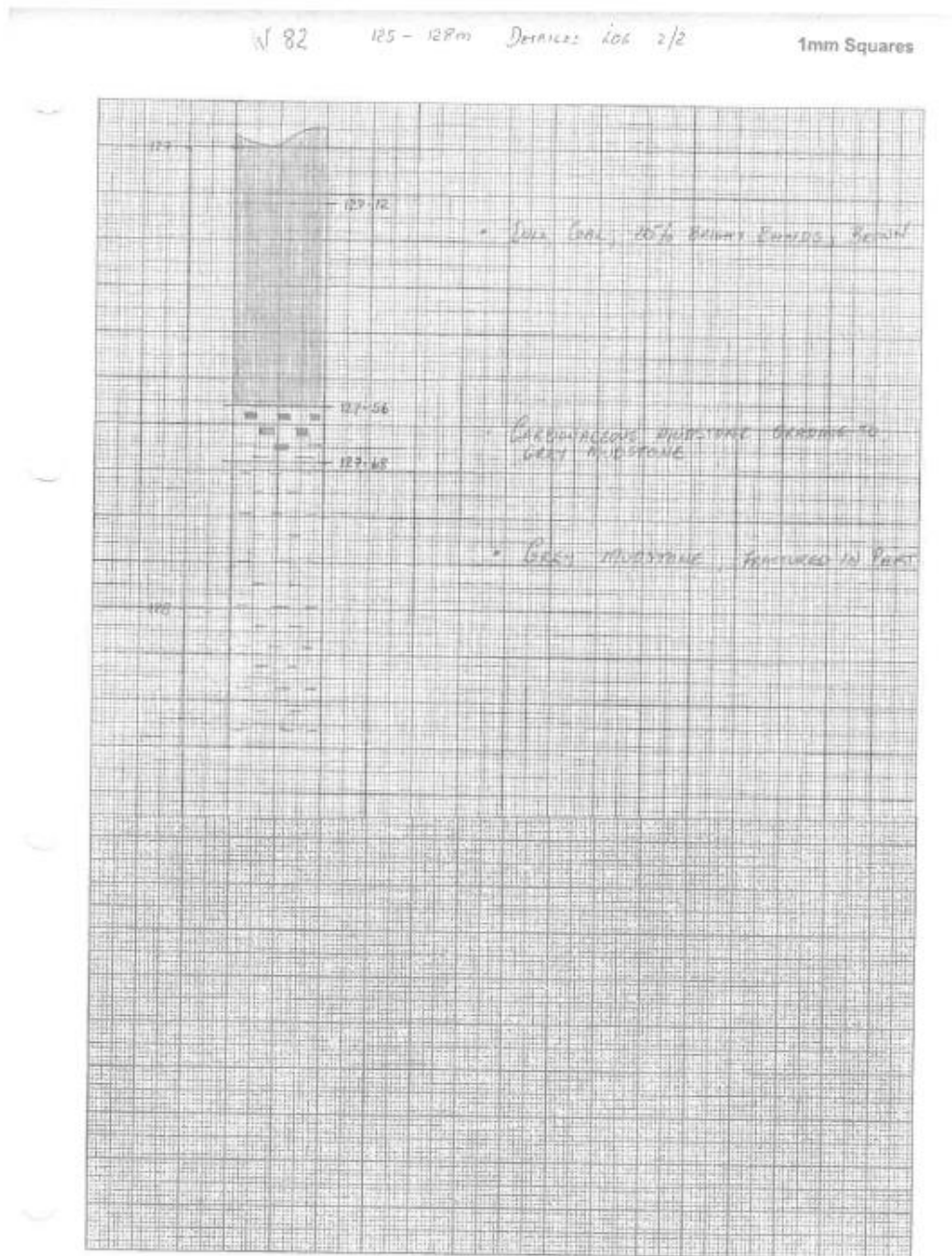
W 82 103 - 107m Devised log 1/2

1mm Squares










FILE NOTE

File ref: SMC Interim Planning Scheme
Date: 23 October 2015
Subject: Midland Energy Submission – Interim planning Scheme
Author: Damian Mackey – Manager D&ES

I hereby confirm that Daniel Macri of Midland Energy attempted to lodge his company's submission pertaining to the Southern Midlands Interim Planning Scheme 2015 on Sunday 18 October and Monday 19 October prior to the close of submissions but was unsuccessful due to IT issues. We were unable to determine whether the IT problem was at Midland Energy's or Southern Midlands Council's end.

The submission was eventually received (via my home email address) on Wednesday 21 October.


Damian Mackey
Manager D.E.S.



SHAUN
McELWAIN
+ ASSOCIATES

12 October 2015

The General Manager
Southern Midlands Council
71 High Street
OATLANDS TAS 7120

By email: mail@southernmidlands.tas.gov.au

Dear Sir/Madam

SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015
REPRESENTATION ON BEHALF OF ANDREA MARY JACKMAN

I advise I act for Andrea Mary Jackman who is the registered proprietor of a parcel of land at Mountford Drive Mangalore in Tasmania and which is more particularly comprised in Certificate of Title volume 119147 folio 1 of the Register.

This is a representation on behalf of my client as to the zoning of this land in accordance with the recently exhibited Southern Midlands Interim Planning Scheme 2015 (the planning scheme).

The planning scheme has zoned the land pursuant to clause 26 as Rural Resource. My client objects to this zoning.

The statement of zone purpose at clause 26.1 emphasises:

- the need to provide for the sustainable use or development of resources for agriculture, forestry, mining or other primary industries;
- to provide for other use or development that does not constrain or conflict with resource development uses;
- to provide for non-agricultural use or development, such as recreation, conservation or tourism;
- to allow for residential and other uses not necessary to support agriculture provided such uses do not fetter existing or potential rural resource use, add to the need to provide for services or infrastructure or to upgrade existing infrastructure or contribute to the incremental loss of productive rural resources.

BARRISTERS + SOLICITORS
52 ELIZABETH ST
PO BOX 1218
LAUNCESTON TAS 7250
T. 03.6334.5884
F. 03.6334.5373
E. office@shaunmcelwaine.com.au

SHAUN
McELWAINÉ
+ ASSOCIATES

There are no local area objectives nor desired future character statements.

The land is unsuitable for agricultural forestry or mining or other primary industries. The parcel of land is of an insufficient size to permit its productive use for agricultural purposes. It adjoins an existing area of rural residential development and is the natural extension of Mountford Drive for such uses. The soil profile of the property will not support any productive agricultural or forestry use.

When my client acquired this property it was zoned in a way which was compatible with rural residential use, or low density residential use. It was acquired for subdivision for that purpose.

The property was the subject of a rezoning from Rural Residential A to Rural Agriculture pursuant to the Southern Midlands Planning Scheme 1998 and which was the subject of a decision made by the TPC on 14 November 2014. My client objected to that rezoning. My client maintains her objection to the current zoning pursuant to the planning scheme.

The land does not comply with the zone purpose statement for the Rural Resource zone because it does not provide for the sustainable use or development of agriculture, forestry, mining or other primary industries. The starting point for the zoning of any land must be compliance with the statement of zone purpose. That statement is not met in this case.

In contrast, the statement of zone purpose for the Rural Living Zone is applicable to the land. The characteristics of the land are consistent with the following statements of zone purpose:

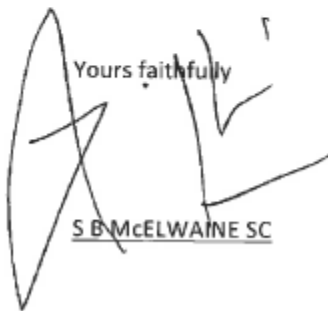
- to provide for residential use and development on large lots in a rural setting where services are limited;
- to provide for compatible use and development that does not adversely impact on residential amenity;
- to provide for agricultural uses that do not adversely impact on residential amenity;
- to facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages; and
- to avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

My client's land is the next logical extension of the existing Rural Living Zone in Mountford Drive. My client acquired the land with that objective in mind. Rezoning has caused a significant devaluation of my client's land which is not fair in accordance with the objectives of the resource management and planning system of Tasmania.

SHAUN
McELWAIN
+ ASSOCIATES

Accordingly my client's representation is that the appropriate zoning for the land is the Rural Living Zone.

My client will wish to participate in a hearing in relation to her representation.

Yours faithfully

S B McELWAIN SC



13 November 2015

Mr Damian Mackey
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Via email: mail@southernmidlands.tas.gov.au

Dear Damian

**BAGDAD MANGALORE STRUCTURE PLAN - BLACK BRUSH ROAD, MANGALORE
SOUTHERN MIDLAND INTERIM PLANNING SCHEME 2015**

I write in relation to the recently implemented Interim Planning Scheme, as you are aware we act for the owners of land in Black Brush Road (CT 152939/6), which formed part of the land within the Bagdad Mangalore Structure Plan (BMSP) and formed part of the suite of amendments Council previously proposed under the Southern Midlands Planning Scheme 1998.

While we understand that the period for formal exhibition of the Interim Planning Scheme is finished it seemed an appropriate time to ask Council to consider and provide advice on the BMSP and potential for future amendments to the Interim Planning Scheme.

While it is understood that these amendment would not be something which could be pursued as an urgent amendment, it is requested that Council consider the full implementation of the BMSP as our clients still wishing to see the rezoning consistent with the BMSP.

Please contact me if you require any further information or wish to discuss any aspect of the proposal.

Yours faithfully

Jacqui Blowfield
Senior Planner
IRENEINC PLANNING

smithstreetstudio | ireneinc
49 Tasma St, North Hobart, TAS 7000
Tel (03) 6234 9281

Paul & Lisa Rudd
C/o Post Office
Kempton 7030

Southern Midlands Council
Manager Development & Environmental Services
85 Main Street
Kempton 7030

11/09/15

In reference to: The Southern Midlands Interim Planning Scheme 2015

Dear Damian,

This is just a quick letter to say that Paul and I, as private owners of 5 Church Lane Dysart, approve of the zoning of our property as Rural Living.

We understand that by submitting this letter we will be notified if any other person makes a representation to Council on the interim planning scheme regarding our property. (Is that correct Damian)?

Should I also make a comment on the State Government's iplan website regarding this - or is this letter sufficient?

Thank you for your time.

Yours sincerely

Paul and Lisa Rudd

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.

13.2.1 Swanston Bridge Replacement Consideration of Tenders

AUTHOR DEPUTY GENERAL MANAGER (A BENSON) & MANAGER WORKS & TECHNICAL SERVICE (J LYALL)

DATE 2ND DECEMBER 2015

ATTACHMENTS Request For Tender Swanston Bridge Replacement
Six Tenders Submitted

(given the bulk of this these attachments, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required – please contact Andrew Benson to arrange)

ISSUE

Consideration of the Tenders received in response to Council's Request For Tender (RFT) for the Replacement of the Swanston Bridge, over the Little Swanport River at Swanston.

BACKGROUND

It is meaningful to remind Council of the circumstances that were the precursor to this Tender consideration. There have been two previous reports to Council in respect of the Swanston Bridge replacement,

1. The first Report in May 2015 was in respect of the Swanston Bridge replacement, research brief outcomes, and as a result Council requested community input, then a further report to Council on the findings of the community input; and
2. The Report to the July 2015 Council meeting was in respect of Swanston Bridge replacement design considerations and Community consultation.

Those two reports are included below and encapsulated in the following twenty pages.

[EXTRACT FROM THE JULY 2015 COUNCIL MEETING]

SWANSTON BRIDGE REPLACEMENT – DESIGN CONSIDERATIONS

AUTHORS DEPUTY GENERAL MANAGER (ANDREW BENSON) &
ACTING MANAGER WORKS & TECHNICAL SERVICE
(CRAIG WHATLEY)

DATE 15th July 2015

ATTACHMENTS

1. Swanston Bridge Replacement Community Consultation Responses
2. SES Risk Register & Risk Treatment Plan as their Response
3. Original Engineering Report

ISSUE

The replacement of the Swanston Bridge at Swanston in a cost effective and practical manner that provides access to the Eastern side of the Little Swanport River for the residents within agreed service levels.

BACKGROUND

[EXTRACT FROM THE MAY 2015 COUNCIL MEETING]

The following Research Brief was issued to Council's Consulting Engineer, Phil Gee from Sugden & Gee.

Research Brief for the Replacement of the Swanston Bridge Over the Little Swanport River

Background

The Swanston bridge is located over the Little Swanport River at Swanston (refer to the attached location plan). There are three to four families that permanently reside on the eastern side of the river. There is a four wheel drive track to the east coast which is in quite poor condition; otherwise the families live on virtually a "no through road". The existing timber bridge is in very poor condition and has a 5t load limit. In recent years Council constructed a ford using 1200mm x 1200mm RC box culverts. The ford is sometimes impassable and on some occasions the box culverts and associated roadway have been washed aside by the flood waters. According to local knowledge, the flood waters have been known to lap at the underside of the existing timber bridge. Refer to

the attached images of the existing bridge. Council have had a detailed survey undertaken by Surveyor Tony Woolford (attached). The bridge is a single lane width and any new structure should be a single lane width.

The dilemma is, does Council spend \$500,000 on a new bridge that can withstand the flood waters and provide 365 days a year access for three to four families, or does it provide a modified approach to the situation. If a modified approach is considered what would the parameters be?

Council would like to test the assumptions and an estimate for a full bridge replacement should be considered as well as a structure that will allow a service level to the residents that provides less than full 365 day a year service, but a service that will be for no greater isolation period than 2.5 to 3 days.

This research project is broken down into three components, Stage 1, Stage 2 and Stage 3.

Stage 1 – Catchment Analysis

A detailed catchment analysis is required to determine the flow volumes. Whilst upstream of the bridge is key to the calculations, a short distance downstream from the bridge the Eastern Marshes Rivulet provides a confluence with the Little Swanport River.

At maximum flow this downstream confluence does frustrate the effective waterway condition for a speedy dispersment of the outfall. Calculations should be at least on a one in one hundred year frequency.

Stage 2 – Design Options

The determination of structures based on the analysis required, namely;

- A. Full bridge construction to provide for 365 day pa access for the families on the eastern side of the river;*
- B. A structure to accommodate a maximum of 2.5 to 3 day isolation once a year;*
- C. A structure to accommodate a maximum of 2.5 to 3 day isolation twice a year.*

The new structure should be located on the alignment as surveyed by Tony Woolford, (star pins showing centreline) which is parallel to the existing structure.

The consideration of riverbed/riverbank treatment as a transition from the catchment to the structure to increase the desired flow characteristics should be undertaken.

During the site visit I suggested that an alternative design comprising three 3m x 3m side by side be investigated as an alternative to a new structure of pier and beam construction.

For consideration at the detailed design stage, Jack Lyall suggested

- *that at the upstream side of the structure that a “tree rack” be constructed in an attempt to arrest, plus allow for easy removal of any trees or logs that could restrict the water flow through the structure;*
- *that a dry weather flow pipeline be installed under the any culvert floor to facilitate Platypus migration.*

Stage 3 - Report

A report is to be provided covering a range of construction concepts/options including an estimate of those options.

Timeline

The report shall be provided by 18th May 2015 to ensure that the financial considerations are included in the Council budget workshop for the 2015/2016 financial year.

*Andrew Benson
Deputy General Manager*

6th April 2015

CURRENT

The Research Brief was addressed by Council’s Consulting Engineer, with his report and associated documents being attached to this Agenda Item. The documents provide an analysis of the catchment characteristics and the effective options available for Council to consider in the replacement of the current structure.

These construction works will be required to be undertaken during the 2015/2016 financial year

RECOMMENDATION

For discussion and a decision on the way forward.

C/15/05/061/20042 DECISION

Moved by Clr D F Fish, seconded by Clr B Campbell

THAT Council

- 1. note the Report;**
- 2. write to all property owners that would be required to use the bridge**
 - a. advising of the progress on the replacement of the bridge,**
 - b. sharing Council’s desire to implement a 5 year Annual Recurrent Interval (5 year flood frequency) design parameter on the new structure,**
 - c. seeking property owner’s input on the 5 year Annual Recurrent Interval (5 year flood frequency)**
 - d. seeking property owner’s input on any other relevant issues that may be impacted on by the replacement structure**
- 3. receive a report from Council Officers in respect of the feedback from the Community consultation.**

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

[END OF EXTRACT FROM THE MAY 2015 COUNCIL MEETING]

The following letter was sent to the property owners identified on Council Land Information System as well as all Emergency Management Services and Glamorgan Spring Bay Council.

[COMMUNITY CONSULTATION LETTER]

19th June 2015
PID

Dear

SWANSTON BRIDGE REPLACEMENT
PRELIMINARY CONSIDERATIONS & COMMUNITY CONSULTATION

As a local property owner who may use the Swanston Bridge I write to advise you of Council's progress on the investigation and preliminary considerations in preparation for the Request for Tender for the replacement of the Swanston Bridge over the Little Swanport River at Swanston.

I was asked to undertake the preliminary work for the replacement of the Swanston Bridge ensuring that the end product is a cost effective and practical solution that provides access to the Eastern side of the Little Swanport River for the residents and property owners, within acceptable service levels.

As you know the existing timber bridge is in very poor condition and has a 5t load limit. In recent years Council constructed a ford using 1200mm x 1200mm Reinforced Concrete box culverts to enable heavy vehicles to traverse the crossing. The ford is sometimes impassable and on some occasions the box culverts and associated roadway have been washed aside by the flood waters. The bridge is a single lane width and any new structure should be a single lane width as well. Council have had a detailed survey undertaken by Surveyor Tony Woolford.

The dilemma is, does Council spend \$750,000 on a new bridge that can withstand the flood waters (100 year flood frequency) and provide 365 days a year access for a small number of residents, or does it provide a modified approach to the situation. If a modified approach is considered what would the parameters be?

Council were very keen to test the assumptions, as such an estimate for a full bridge replacement should be considered as well as a structure that will allow a service level to the residents that provides less than full 365 day a year service, but a service that will be for no greater isolation period than 2.5 to 3 days.

Council commissioned an Engineering Report from Consulting Engineers, Sudgen & Gee Pty Ltd. In the Report the Engineers were asked to provide a "Catchment Analysis" and "Design Options". The Design Options were required to take into account a one year, five year, ten year, twenty year, fifty year and one hundred year rainfall, Annual

Recurrent Interval (ARI – flood frequency) design options along with some preliminary estimates of design responses.

The Report covered the Existing Bridge, Traffic Usage, Water Catchment, Flood Analysis (including the fact that the Eastern Marshes Rivulet joins the Little Swanport River just 110m downstream from the existing bridge), Geology, as well as Waterway Requirements, Bridge and Culvert Options & Comparison Costs of Options.

In Section 7 of the Bridge Code, Australian Standard 5100.1-2004 it states that the waterway requirements shall be determined by the local authority in consultation with other relevant authorities. In this case the local authority is Southern Midlands Council.

It is common for a bridge to be designed for a 100yr ARI rainfall event. However, where there are low traffic volumes and few properties it is reasonable to construct a bridge or culvert for a lower rainfall event at a cost that is commensurate with the properties and vehicles serviced. It is therefore also common for authorities to adopt a solution that may avoid flooding with say a 5yr or 10yr ARI rainfall event and accept that the structure will be flooded in higher rainfall intensities. In these cases the structure must be designed to cope with the overtopping of the flood waters.

From the range of comparisons considered in the Report, the optimum solution appears to be to have a 5yr ARI rainfall flood capacity provided by 4 box culverts side by side (each 2.4m high x 4.2m wide) at a cost range from \$295,000 to \$355,000.

From the flow capacity analysis it shows that at an average of every five years flood waters coming down the catchment through the culverts will lap at the underside (soffit) of the top of the culverts

The table below is for various ARI rainfall events showing the soffit and the top of the culvert for 200mm or 300mm thick culvert roof slabs (the deck). The culvert roof slabs will be the running surface for the traffic:

<i>ARI Rainfall (Flood Frequency)</i>	<i>Approx. Flood Level above soffit of the culvert (mm)</i>	<i>U/stream surface less 200mm (m)</i>	<i>U/stream surface less 300mm (mm)</i>
<i>5 years</i>	<i>0</i>	<i>-200</i>	<i>-300</i>
<i>10 years</i>	<i>400</i>	<i>200</i>	<i>100</i>
<i>20 years</i>	<i>700</i>	<i>500</i>	<i>400</i>
<i>50 years</i>	<i>1100</i>	<i>900</i>	<i>800</i>
<i>100 years</i>	<i>1400</i>	<i>1200</i>	<i>1100</i>

For example this table shows that during a 10 years flood frequency event and if the deck of the slabs is 300mm thick, the flood waters will be running 100mm (or 4 inches) above the deck surface of the culverts.

Based on this information Council is keen to understand property owner's response to Council considering the approval of a river crossing design solution based on a 5 year ARI.

If there is agreement on the 5 year ARI, that will mean the Southern Midlands Emergency Management Plan will need to document all emergency management responses if the river is in flood and impassable.

I have enclosed a Response Form along with a stamped return addressed envelope for you to complete so that Council can consider your views in respect of this matter. It would be appreciated if you would be able to return the Response Form duly completed so that we receive it no later than the 13th July 2015, therein allowing me to provide a report to the July Council meeting that includes the views of property owners that traverse the river crossing. If Council does not receive a completed form by the return date we will make the assumption that you have no issue with Council utilising a 5 year ARI as a benchmark in the criteria.

The existing bridge is quickly coming to the end of its useful life and the cost of maintenance will mean that it will not be able to be part of any new arrangements, unfortunately not even as a foot bridge.

In conclusion, Council are very keen to provide an efficient and effective engineering solution to the new river crossing at Swanston in a financially responsible manner. Your input to that decision making process would be greatly appreciated.

Please give me a call or email me if you require any more information or clarification in relation to any of these matters.

Yours sincerely

*Andrew Benson
Deputy General Manager*

ph 03 6259 3011 *fax* 03 6259 1327 *mob* 0429 852730
email abenson@southernmidlands.tas.gov.au

Encl. Community Consultation Response Form

COMMUNITY CONSULTATION RESPONSE FORM
DESIGN OPTIONS FOR THE SWANSTON BRIDGE
OVER THE LITTLE SWANPORT RIVER AT SWANSTON

Andrew Benson
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Dear Andrew

We have read your letter dated 19th June 2015 and note that you would like us to comment on Council using a 5 year ARI design criteria for the replacement of the Swanston Bridge.

Please cross out the statement that does not represent your view in relation to this matter

I/We agree with Council using a 5 year ARI for the design criteria for the new structure

I/We disagree with Council using a 5 year ARI for the design criteria for the new structure

If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;

.....

If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;

.....
.....
.....

Council appreciates you taking to time to respond - thankyou

Signature:

Date:

[END OF COMMUNITY CONSULTATION LETTER]

[DISTRIBUTION LIST OF COMMUNITY CONSULTATION LETTER]

PID	Name	Address	Suburb	State	Post Code
5837803	MR & PP Hazelwood	622 Swanston Road	SWANSTON	TAS	7120
7567595	MR Hazelwood & Sons Pty Ltd	PO Box 30	OATLANDS	TAS	7120
1885154	DJ & RA Tribolet	91 Daniels Road	SWANSTON	TAS	7120
1885138	EA Daley	Post Office	BUCKLAND	TAS	7190
3314347	C J Palmer, J M Whitehead	24 Poplar Grove	LANGWARRIN	VIC	3910
3314339	Tas Land Conservancy Inc	PO Box 2112	SANDY BAY	TAS	7005
7239823	Wiggins & Dean Logging Pty Ltd	RMB 662	WOODSDALE	TAS	7120
1567279	Stonehouse Grazing Pty Ltd	PO Box 638	LAUNCESTON	TAS	7250
5837790	R W & M G McShane	C/-1114 Stonehenge Rd	STONEHENGE	TAS	7120
5837870	SE & RG Ransley	P O Box 59	CAMPANIA	TAS	7026
1774585	CM Crawford, GJ Edgar, JR & PR Last, JS & RB Mawbey	5 Mt Stuart Road	MT STUART	TAS	7000
1871166	JE Dunbabin	107 Beach Road	MARGATE	TAS	7054
3192351	JA Tanner	PO Box 556	MOONAH	TAS	7009
3226160	IK Cerveri	1 / 61 King Parade	KNOXFIELD	VIC	3180
3226152	SR Gibson & CE Paine	4 Grebe Street	PRIMROSE SANDS	TAS	7173
5837774	Gunns Ltd C/- Korda Mentha	GPO Box 2985	MELBOURNE	VIC	3001
5837774	Forico Pty Ltd	PO Box 5316	LAUNCESTON	TAS	7250
2527594	Forestry Tasmania - L & P Branch	GPO Box 207	HOBART	TAS	7001
5837782	Stonehenge Holdings Pty Ltd	C/- 1114 Stonehenge Road	STONEHENGE	TAS	7120
	Crown Land Services	GPO Box 44	HOBART	TAS	7001

	General Manager - Glamorgan / Spring Bay Council	Crn Vicary and Henry Street	TRIABUNNA	TAS	7190
	State Director, SES	ses@ses.tas.gov.au			
	Commissioner Tasmania Police	tasmania.police@police.tas.gov.au			
	Chief Fire Officer, TFS	fire@fire.tas.gov.au			
	Chief Officer, Tas Ambulance	duty.manager.comms@ambulanc.e.tas.gov.au			
	Mr J & Mrs E Tribolet	Swanston Road	SWANSTON	TAS	7120

[END OF DISTRIBUTION LIST OF COMMUNITY CONSULTATION LETTER]

From these twenty six letters that were sent out Council received five responses, two of those responses from a property owner who owns two titles in the area. Whilst it was the same response, it is only fair to treat it as two responses. All of the responses are attached; however there is a summary of the responses included in the body of this Report. The writer was contacted by the State Emergency Services (SES) who were recipients of the letter and they wished to explore the matter further and as such requested a copy of the Engineering Report, which was duly provided. A late response from SES has been received and is included in the attachments as a Risk Register along with a Risk Treatment Plan. This will be analysed and a further briefing to Council during the meeting will be required.

Councillors will note that the Community Consultation letter did request feedback on or before 13th July 2015. At the time of writing this report, that time has passed.

Summary of Five Community Consultation Letter Responses – Swanston Bridge Replacement

<p>Property Owner</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>2 pages of reasons attached</i></p> <p>.....</p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p>.....</p> <p>.....</p>		
<p>MR Hazelwood & Sons Pty Ltd, PO Box 30 OATLANDS</p> <p><i>plus</i></p> <p>MR & PP Hazelwood, 622 Swanston Road, SWANSTON</p>	<p>Issue Raised</p>	<p>Response to Issue</p>	<p>Determination</p>
	<p><i>Ia. We totally disagree with replacing the Swanston Bridge with four box culverts in place of replacing the bridge. When the river floods the culverts will not be able to take the massive amount of flood water,</i></p>	<p>Ia. The catchment analysis has shown that the four, 4.2 x 2.4 culverts will be sufficient for withstanding a 5 year flood frequency. The letter referred to, for example the table which showed that during a 10 years flood frequency event and if the deck of the slabs is 300mm thick, the flood waters will be running 100mm (or 4 inches) above the deck surface of the culverts.</p>	

	<p><i>1b. the culverts will be blocked by the flood debris, particularly fallen trees and logs washed downstream by the large volume of flood water</i></p>	<p>1b. It is acknowledged that there is considerable debris upstream from the proposed site. The design parameters in the Request For Tender (RFT) will state that a “debris rack” will required to be installed upstream from the culverts with the proviso that it be constructed in a manner that it could be easily serviced and maintained</p>	
	<p><i>2. There is no flood warning scheme on the Little Swanport River and no notification system of dam water being released.</i></p>	<p>2. The total catchment upstream from the Swanston crossing is 20,482Ha. It is acknowledged that there are no warning systems in place in the catchment. This is an issue that could be addressed through the SM Emergency Management Plan</p>	
	<p><i>3. Ongoing costly repairs in the event of flood to bridge approaches.</i></p>	<p>3. The design parameters will require that the bridge approaches shall be appropriately designed to withstand flood frequencies greater than 5 years, with minimum repair work to be undertaken.</p>	
	<p><i>4. In this day and age we should be going forward. The first bridge over the Little Swanport River at Swanston was built around 1900 and looked on as an asset to the area. The area has continued to be developed ever since and has potential for numerous further development.</i></p> <p><i>If the area is made to be isolate, contracts on certain commodities won't be able to be obtained.</i></p>	<p>4. Helpful historical perspective</p> <p>The term <i>isolate</i> is to make a place unreachable from the surrounding area.</p>	

		Whilst this would be a true statement for say a maximum of two to three days every say eight to ten years. It is difficult to see the impact that this may have on commodities and their respect contracts. Any significant precipitation events will by their nature halt to some degree agricultural activities.	
	<i>5. The isolation prospect of the Swanston area will cause devaluation in the land.</i>	5. A preliminary comment in respect of this matter was sought from the Office of the Valuer General. Advice was received that stated, based on the information provided of possible isolation for two to three days every eight to ten years, then the valuation of property in the area would not be adversely impacted on at all.	
	<i>6. Will be unable to attend to livestock, will create RSPCA issues</i>	6. There is high ground on the eastern side of the Little Swanport River where stock can be safe from any flood event and it is assumed that when flood events happen in the area, as there have been since settlement, contingencies are put in place	
	<i>7a. Seniors will feel unsafe to reside in the area</i>	7a. Agreed, they may feel unsafe	
	<i>7b. Employees won't know when to leave the area or return, as there is no mobile phone services in the area.</i>	7b. It is acknowledged that there is no mobile phone coverage in the area. The Bureau of Meteorology has very good forecasting and reporting systems in place either via satellite internet connection or via the ABC. Given	

		<p>the upstream terrain, the catchment would take some time to reach a breach point and therefore it would not be an event that would accelerate at a dramatic pace. It is noted that other parts of the Swanston Road on the western side of the Little Swanport River do become inundated during significant precipitation events.</p>	
	<p><i>8. And there are numerous other issues if you wish to contact me.</i></p>	<p>8. Contact has been made however Mr Hazelwood was not available at the time – an update on discussions with Mr Hazelwood will be provided at the time of the Council meeting</p>	

<p>SE & RG Ransley, PO Box 59, CAMPANIA</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>I disagree for the purpose of being flooded in and I need access to my land</i></p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p><i>Do it once and do it properly and you never have to touch it again</i></p> <p>.....</p>		
	<p style="text-align: center;">Issue Raised</p>	<p style="text-align: center;">Response to Issue</p>	<p style="text-align: center;">Determination</p>
	<p>No other issues raised</p>		
<p>Forestry Tasmania, GPO Box 207, HOBART</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p>.....</p>		
	<p style="text-align: center;">Issue Raised</p>	<p style="text-align: center;">Response to Issue</p>	<p style="text-align: center;">Determination</p>
	<p>No other issues raised</p>		

<p>DJ & RA Tribolet, 91 Daniels Road, SWANSTON</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>Emergency issues with life threatening or treatment requiring Doctors attention could be handled by Westpac Rescue Helicopter</i></p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p><i>If road is blocked greater than three days, perhaps consideration of a food drop for those resident effected</i></p>		
	Issue Raised	Response to Issue	Determination
	No other issues raised		

CONCLUSION

A rigorous hydraulic/engineering analysis along with a subsequent Report on the Little Swanport River catchment was developed and some concept costs were compiled providing relevant details to assist in the development of a decision in relation to the type and cost of structure to replace the deteriorating Swanston Bridge.

A comprehensive letter outlining the details of the Engineering Report and Council's thinking as a consequence to that Report, was sent to all property owners that would need to use the Swanston Bridge to access their respective properties.

Emergency Services organisations and Glamorgan Spring Bay Council received a copy of the letter requesting feedback.

Twenty one letters went to property owners and five responses were received back, two responses were supportive of the 5 year ARI (flood frequency) Criteria, three responses (two from the same person, albeit the owner of two properties) were not in agreement with the 5 year ARI (flood frequency) Criteria.

There is a balance for Council to consider between the cost of a 100 year ARI (flood frequency) structure which would be in the order of \$750,000 to cater for say four permanent resident families and up to twenty absentee owners, along with associated agricultural uses with 365 days a year access. Against the cost of a 5 year ARI (flood frequency) structure which would be in the order of \$350,000, that will require some maintenance works to accommodate the over topping of the structure and not be accessible for two to three days every, say eight to ten years.

RECOMMENDATION

For discussion, along with further analysis of the SES documents being provided at the meeting, then for consideration / decision.

HUMAN RESOURCES & FINANCIAL IMPLICATIONS

From a financial perspective there would be some savings in initial construction costs depending on the final design criteria if a criteria less than 100 year ARI is adopted.

COMMUNITY CONSULTATION & PUBLIC RELATIONS IMPLICATIONS

Initial Community Consultation has been undertaken; depending on Council's decision further Consultation may be required.

WEB SITE IMPLICATIONS

Not applicable at this point in time.

POLICY IMPLICATIONS

Inclusion of details in the Municipal Emergency Management Plan

PRIORITY - IMPLEMENTATION TIME FRAME Construction of replacement structure within 2015/2016 financial year.

Following Andrew Benson's introduction of the this Item to the Council meeting he picked up on two matters flagged in the report;

1. Follow-up phone with Mr Hazelwood
 2. A briefing for Council on the State Emergency Service (SES) submission.
-
1. Andrew Benson advised the meeting that he was able to contact Mr Hazelwood as per Mr Hazelwood's request in his Consultation letter response. During the conversation Mr Hazelwood raised the matter of School Bus access if the river was impassable he also stated that Shooters and Wood Hookers could be trapped if the river came up and access was blocked. Mr Hazelwood also reiterated the matters raised in his response form, as attached. These additional matters were discussed by the meeting.
 2. Andrew Benson then referred to the SES submission. He provided an A3 size of both the Risk Register as well as the Risk Treatment Plan documents. As there were no other documents provided by SES, Andrew Benson then proceeded to provide a detailed explanation of the two documents. He started by providing each Councillor with a copy of a document titled "Southern Midlands Council Risk Management Framework", a document that he had produced in 2013 covering an introduction to the principles and structure of Risk Management in accordance with ISO 1000:2009. He worked through, amongst other things within the document, Identification of Risks, Likelihood and Consequences as well as Risk Ratings and Risk Treatment Plans. This provided a basis for Councillors to understand the SES document. Andrew Benson advised the meeting that the SES documents used the National Emergency Risk Assessment Guidelines 2015, which have not yet been released. The National Emergency Risk Assessment Guidelines provide a contextualised emergency risk assessment methodology consistent with the Australian/New Zealand Standard AS/NZS ISO 31000:2009 Risk management – Principles and guidelines. In effect he advised that the documents showed that if a 5 year Annual Recurrent Interval (ARI) (flood frequency) were used, then some mitigating risk treatment options would be required to be established to ensure that a satisfactory "Social Setting" framework is in place. The term Annual Exceedance Probability (AEP) was used in the SES documents and is defined in the following manner "the likelihood of occurrence of a flood of given size or larger, occurring in any one year. AEP is expressed as a percentage (%) and may be expressed as the reciprocal of ARI (Average Recurrence Interval). For example, if a peak flood discharge of 500 m³/s has an AEP of 5%, it means that there is a 5% risk (ie, a risk of one-in-20) of a peak flood discharge of 500 m³/s or larger occurring in any one year. The SES documents stated that for a 5 year ARI, a 20% AEP is determined, ie there is a 20% chance of the structure being "overtopped" in any one year. Andrew Benson advised the meeting that by the same analysis a 10 year ARI criteria provides a 10% AEP, ie there is a 10% chance of the structure being "overtopped" in any one year. He further explained that with a 10% AEP there were no mitigating risk treatment options required by the National Emergency Risk Assessment Guidelines 2015, used by the SES.

RECOMMENDATION

For discussion, along with further analysis of the SES documents being provided at the meeting, then for consideration / decision.

DECISION

C/15/07/121/20104

Moved by Clr D F Fish, seconded by Clr A R Bantick

THAT:

- 1. the report be received and noted;**
- 2. the Community consultation process be endorsed;**
- 3. a Request for Tender be developed and advertised for the replacement structure of the Swanston Bridge at Swanston, to provide for design and construction options of a 5 year ARI (flood frequency) criteria as well as a 10 year ARI (flood frequency) criteria.**

CARRIED

Vote For	Councillor	Vote Against
✓	Mayor A E Bisdee OAM	
✓	Deputy Mayor A O Green	
✓	Clr A R Bantick	
✓	Clr E Batt	
	Clr B Campbell	✓
✓	Clr D F Fish	
✓	Clr D Marshall	

[END EXTRACT FROM THE JULY 2015 COUNCIL MEETING]



Existing Swanston Bridge



Existing Swanston Bridge Bypass

CURRENT

Council engaged Phil Gee, BE, FIEAust, CPEng, MBA, Managing Director, Sugden & Gee Pty Ltd. on a contract basis to undertake the Superintendent's role in respect of this project, along with the development of the tender documentation in partnership with Council's Deputy General Manager and Council's Manager Works & Technical Services. Phil Gee also undertook the Research that was a precursor to the development of the RFT

The RFT required two options to be included in the Tender as follows:

- **Option 1** – a bridge or culvert solution that provides at least a 5yr Average Recurrence Interval (ARI) Flood Protection
- **Option 2** – a bridge or culvert solution that provides at least a 10yr ARI Flood Protection

The Request for Tender was processed through Council's newly established E Procurement Portal, via Tenderlink. The process was seamless and very efficient to operate/manage. An online forum was established as part of the Tender process with the Superintendent being available via email up until five days before the Tender closed for questions in respect of the Tender documents and/or site conditions.

With the process being undertaken through the E Procurement Portal, all organisations registered receive a copy of the information and the responses, in a transparent manner. A pre-tender Site Meeting was held and minutes of that meeting were lodged on the E Procurement Portal, which was then automatically distributed to organisations that had downloaded the RFT.

When the Tender closed the Nominated Officer (in this case Deputy General Manager – Andrew Benson) received an e-mail through the portal to advise that the Tender had closed and the "keys to the Tender Box" were available through a coded number access (this number is only available to the Nominated Officer). The Tender Opening Committee of two people, including the Nominated Officer and Council Officer, Kelly Woodward, witnessed the downloading of the zip file with all of the Tenders and then the opening of the zip file. A Summary of the Tenders was then printed off and the two members of the Tender Opening Committee signed that they were present and witnessed the opening of the Tenders on the Summary printout. The complete Tender

documents along with the signed Tender Opening Committee Summary were then forwarded to the Tender Assessment Panel plus the Superintendent for consideration. A copy of all documents was also immediately sent to Council's Records Management Office for lodgement in Council's Records Management system as a permanent record of the Tender submissions.

The Tender Assessment Panel meeting was held on Thursday 26th November 2015, where the Project Superintendent, Phil Gee provided a draft Engineer's Report for consideration of the Panel. A rigorous analysis was undertaken and a range of options as provided in the documentation were considered on their respective merits.

ENGINEER'S REPORT

The following Report is provided by Sugden & Gee

[COMMENCEMENT OF ENGINEER'S REPORT]

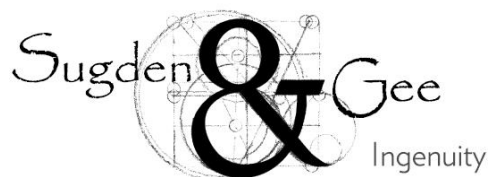
Swanston Bridge Contract No. 05/2015

Report on Tenders

r
e
p
a
r

For: Southern Midlands Council - Tender Assessment Panel

Date: 24 November 2015



PO Box 8, Lauderdale, TAS. 7021
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Prepared by: **Phil Gee**

Date: **26 November 2015**

Report Revision History					
<i>Rev No.</i>	<i>Description</i>	<i>Prepared by</i>	<i>Reviewed by</i>	<i>Authorised by</i>	<i>Date</i>
<i>DRAFT A</i>	<i>Draft for A. Benson</i>	<i>PG</i>	<i>PG</i>	<i>PG</i>	<i>24/11/15</i>
<i>DRAFT B</i>	<i>Tender review</i>	<i>PG</i>	<i>PG</i>	<i>PG</i>	<i>25/11/15</i>
<i>REV00</i>	<i>Final submission</i>	<i>PG</i>	<i>PG</i>	<i>PG</i>	<i>26/11/15</i>

Introduction

The Southern Midlands Council (SMC) advertised a Request for Tenders (RFT) for the Bridge Works to reconstruct the Swanston Bridge (bridge no. 1716), Contract No. 05/2015 in the Mercury newspaper on 17 October 2015. A copy of the Request for Tenders is contained in Appendix A.

SMC's bridge inspectors have determined that the existing timber bridge structure has decayed and have applied a 5 tonne load limit on it. The scope of this Contract is to design and constructed a bridge adjacent to an existing timber bridge that has decayed. Civil works including roadworks and preparation of the site and crane access are to be carried out by the SMC's workforce.

Clause 2.8 of the RFT requires the Tenderer to include two options as follows:

Option 1 – a bridge or culvert solution that provides at least a 5 year Average Recurrence Interval (ARI) flood protection.

Option 2 - a bridge or culvert solution that provides at least a 10 year Average Recurrence Interval (ARI) flood protection.

Tenders for the Contract closed at 4 pm on Monday 16 November 2015.

This report provides an assessment of Tenders received for Contract No. 05/2015.

Code for Tenders & Contracts

The Tender process and this assessment has been conducted in accordance with SMC's Code for Tenders and Contracts in that it aims to achieve:

- open and effective competition
- value for money
- enhancement of the capabilities of local business and industry, and
- ethical behaviour and fair dealing

The Tender process was undertaken in accordance with the Southern Midlands Council's Code for Tenders and Contracts.

The Contract price was expected to be in the range of \$350k to \$450k (excl. GST) which is above the \$100k value which requires public tender by the Council's Code for Tenders and Contracts.

The Tenders were assessed by a Tender Review Panel who will make a recommendation to Council.

The Conditions of Tender, specification, Conditions of Contract and Tender Form were prepared without bias and aligned with appropriate Australian Standards and Codes for design and construct bridge contracts.

Tenders Received

The following six Tenders were received:

The RFT called for prices on two options:

Option 1 – a bridge or culvert that provides a 5 year ARI flood protection

Option 2 – a bridge or culvert that provides a 10 year ARI flood protection

Tenderer's were required to submit prices for both options for a valid Tender.

Alternative Tenders were also invited providing a conforming Tender was also provided.

Tenderer	Price Option 1	Price Option 2	Alternative Price	Comment
BridgePro Engineering P/L	\$332,100.00	\$332,100.00		Both options provide 100 yr ARI
VEC Civil Engineering P/L	\$396,328.00	\$531,841.00		90 day validity (120 day specified). Insurance provisos
Tas Marine Construction P/L (SMC)	\$427,310.00	\$441,210.00		
Batchelor Construction Group P/L	\$438,889.80	\$445,688.50		
TasSpan P/L	\$439,778.78	\$534,993.84	\$220,810.46	Alternative has 6mth ARI and requires additional road construction
Timber Restoration Systems P/L	-	\$598,798.00	\$421,775.00	No Option 1.

Required Documentation

Tenderers were required to submit the following documentation:

- Form of Tender and schedules completed and signed by the Tenderer
- Insurance Certificates of Currency
- Quality Management System certification
- Environmental Management System certification
- WHS Management System certification
- A program scheduling the various activities from the Date of Acceptance of Tender through to issue of the Final Certificate.
- Relevant project experience of the Tenderer in bridge construction and design and construct contracts
- Relevant qualifications and experience of key staff that the Tenderer will use to deliver this Contract.
- Relevant qualifications and experience of the Professional Engineers who will be responsible for the design and certification of the bridge.
- Projected Cash Flow
- Proposed methodology and sketch plans for the proposed bridge re-establishment solution
- Proposed systems for risk management including workplace health and safety, quality of product and environmental management.
- A statement of the Tenderer’s current capability and capacity to deliver the contract on time
- A statement of the Tenderer’s financial capacity to carry out the Contract
- Any supporting documentation which the Tenderer considers relevant to the Tender
- Information to support the selection criteria of the Tender assessment

All Tenderers provided a signed Tender Form and schedules, however, the following Tender is considered invalid:

- *The Tender from Timber Restoration Systems Pty Ltd as they did not provide a price for Option 1 as required by Section 2.8 of the RFT. This Tender and associated alternative Tender did not provide information on methodology or sketch plans for the proposed bridge re-establishment solution as required in Section 2.6.2 of the RFT .*

Assessment

The Tender assessment criteria were clearly outlined in Request for Tender.

A schedule summarising the Tender assessment of all Tenders against the assessment criteria is contained in Appendix B. The following is a discussion of Tenders against each of the assessment criteria.

Prices and Rates

A design and construct Contract method was adopted so as to capture innovation in design methodology and to optimise cost. Estimates based on previous Tenders and the Sugden & Gee report Swanston Bridge Options Assessment, May 2015, were between \$300k to \$350k for a culvert providing 5yr ARI protection and \$430k and \$520k for a 45m Bridge (excl. GST).

All Tender pricing Schedules were checked to ensure they corresponded with the Tender Lump Sums. The sum of the Scheduled amounts from BridgePro Engineering Pty. Ltd. is \$332,620.00 (excl. GST), which is \$520 higher than their Tender Sum of \$332,100.00 (excl. GST) for both Option 1 & 2. Clarification was sought from BridgePro who have confirmed their Tender Sum of \$320,100.00 (excl. GST), which is a lump sum price. This Tender is the lowest price conforming Tender and is significantly lower than the next lowest conforming Tender from VEC of \$396,328.00 (excl. GST) for Option 1 and \$435,960.80 (exc. GST) for Option 2.

It should be noted that BridgePro's Tender exceeds the flood protection requirements of both Option 1 (5yr ARI) and Option 2 (10yr ARI) by offering 100yr ARI protection. Additional earthworks associated with council's roadbuilding to a higher level are estimated to be in the order of \$6k.

Tendered rates for labour and plant are used to price variations should they be required due to latent conditions or unforeseen circumstances. The Tendered rates from BridgePro are comparable to other Tendered rates and are within acceptable range.

Alternative Tenders

The following alternative Tenders have been received:

TasSpan

Alternative 1 - Culvert with 0.5 yr ARI flood protection

TasSpan offered a two culvert solution that provides only 0.5yr ARI protection for \$220,810.46 (the RFT required protection Options of 5yr ARI and 10yr ARI). This Tender does not include the design and construction of the road embankment across the river bed to the culverts. The culverts will only cover approximately 7.2m of the river crossing, which of a minimum needs to be 45m. There will also be additional costs associated with trash racks to prevent log jams and more frequent clean up of debris after flood and the community disruption. These costs are estimated to be:

Design of road earthworks:	\$5k
Road earthworks:	\$40k
Trash Racks:	\$30k

Total:	\$75k
Contingency	\$10k
Total	\$85k

Annual maintenance: \$5k

The real cost of this non-conforming Tender is therefore in the order of \$305k, which is \$27k lower than the lowest conforming Tender. The capital savings will fund up to six years of additional annual maintenance after which this option will become more costly due to annual maintenance due to regular flooding. The additional social, economic and emergency management costs to the community, as identified by the State Emergency Services response to the broad consultation in July 2015, have not been factored into these costs.

Alternative 2 - Non-conforming Tender – delayed Practical Completion Date

TasSpan also offer reduced prices if the Date for Practical Completion can be extended to 30 June 2015 (the Tender specifies 20 weeks from the Date for Acceptance of Tender which is anticipated to be before Christmas 2015 giving a Date for Practical Completion near the end of May 2016.) These reduced prices for this non-conforming Tender are:

Option	Extended Date for PC (\$)	Conforming Date for PC (\$)
Option 1 – 5yr ARI	423,195.20	439,778.78
Option 2 – 10yr ARI	514,881.28	534,993.84
2 Culvert – 0.5yr ARI	213,591.81	220,810.46

With respect to the reduced price for the 2 culvert 0.5yr ARI option, based additional costing outlined in Alternative 1 (above) this will provide up to eight years of maintenance before this option becomes more costly than the BridgePro bridge option. The economic, social, and emergency management costs to the community of more frequent road closers, etc has not been factored into this.

BridgePro

BridgePro offer optional additional features beyond the basic scope and the Council staff would like to add impact angles to protect concrete edges subject to traffic. This is priced at \$4,800 (excl. GST) and can be arranged through variation if their lump sum Tender is accepted.

Timber Restoration Systems

Timber Restoration Systems offer an alternative \$421,775.00, however, there is no description of what this alternative is.

Proposed Bridge Deck Solution

The lowest conforming Tender is from BridgePro and has a bridge solution that offers 100 ARI flood protection which significantly exceeds requirements of the specification of 5yr and 10 yr ARI flood protection options. It is a three span solution that is 42m long (3 x 14m spans) with earthworks extended to the specified 45m within their Tender.

The new bridge will allow the 100yr ARI flood passage below the structure and as such will be higher than the existing bridge deck which is at the 100yr ARI flood level of RL159.68.

The proposed solution considers the significant hydraulic forces during flood with potted piles into the rock bed and a pre-cast shear wall between the piles. There will be significant advantage offered by the 100 yr ARI through improved access and reduced maintenance costs after flooding.

The low priced two culvert non-conforming Tender offers only 0.5yr ARI flood protection. It will require significant additional work by SMC to design and construct a roadway to the culvert and offers significantly lower level of service. The increased maintenance costs after flooding will negate the cost savings after six to eight years (refer Section 5.2 costing). There will also be additional social, economic and emergency management costs associated with a 0.5yr flood protection solution.

Company Experience & Capability

The lowest conforming Tenderer, BridgePro, is an experienced and capable bridge construction contractor with appropriate insurance and third party certified management systems. BridgePro has successfully delivered two bridge contracts for SMC in the past 12 months, Brown Mountain Rd & Sydney Cottage, and there is confidence they have the experience and capability to deliver this Contract.

Personnel Experience & Capability

The lowest conforming Tenderer, BridgePro, has suitably experienced and capable personnel in bridge design and construction.

Conclusion

The lowest price Tenderer, BridgePro Engineering Pty. Ltd., is experienced in design and construction of similar bridges to the Swanston Bridge and their proposed solution complies with the specification and exceeds the flood level specification. They have certified quality management systems and carry appropriate levels of insurance.

The Tender from BridgePro at \$320,100 is significantly lower than other Tender's, even when additional earthwork to build the road estimated at \$6k is taken into account. The addition of impact angles at \$4,800 still have the price significantly below the next lowest conforming Tender from VEC of \$396,328.

The non-conforming Tender from TasSpan for two culverts offering will require additional works by SMC which will lift the total cost to the order of \$300k. It is considered that the loss of flood protection, community benefit and additional capital works and maintenance do not warrant the cost savings in the order \$20k offered by this alternative.

Based on assessment the Tenders received for SMC Contract 05/2015 for the Swanston Bridge:

1. The Tender process was conducted in accordance with the SMC Code of Tenders
2. The best value for money Tender is that received from BridgePro Pty Ltd including the option of wing walls for the sum of \$320,100.00 excl. GST.
3. The provision of impact angles should be included at the cost of \$4,800.00



Phil Gee, MBA, BE, CPEng, FIEAust, RPEQ
Managing Director
Sugden & Gee Pty Ltd

Appendix A

Request for Tenders

(given the bulk of this these attachments, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required please contact Andrew Benson)

Appendix B

Tender Assessment Schedule

Swanston Bridge
Southern Midlands Council Contract No. 05/2015

The following is an assessment of the submitted Tenders against the Selection Criteria:

Criteria*	BridgePro	VEC	TMC (SMC)	Batchelor	TasSpan	TRS
Price Option 1	332,100.00	396,328.00	427,310.00	438,889.80	439,778.78	-
Price Option 2	332,100.00	531,841.00	441,210.00	445,688.50	534,993.84	598,798
Price Altn've					220,810.46 for 2 culverts. Also, reduced prices for extended construction period: 423,195.20 (Opt 1), 514,881.28 (Opt 2) 213,591.81 (culverts)	421,775.00
Rates (Ave.)	80.63	86.88	92.50	80.00	77.78	128.5
Proposed bridge/culvert solution	42m pile, abutment, wing walls, 3 spans x 2 decks, fill to embankment at 45m. 100 yr ARI protection.	45m (60m for 10yr ARI), 3 spans, piles, N beams, abutments.	4 spans, piles, footings and deck. Design sketch not provided.	4 spans, precast piers on footings, 2 deck beams per span.	Pier on spread footing on rock, 2 spans, 4 deck beams per span. Non-conforming Tender is 2 culverts.	No details of proposed solutions provided.
Conditions		90 day validity period (120 days specified). Insurance clauses				
Relevant company experience	Strong	Strong	Some bridge, strong marine experience	Low	Strong	Strong in timber rehabilitation

Criteria*	BridgePro	VEC	TMC (SMC)	Batchelor	TasSpan	TRS
Experience and qualifications of key personnel	Strong	Strong	Good	Weak in bridges	Strong	Strong in timber rehabilitation

*Note: all pricing excludes GST

[END OF ENGINEER'S REPORT]

Southern Midlands Council

Council Minutes

The Engineer's Report included in this Agenda Report above, includes the minor clarification changes sought by the Tender Assessment Panel and has been endorsed by the Tender Assessment Panel.

The replacement cost as nominated in Council's bridge asset management plan is in the order of \$730,000, therefore this Tender represents exceptional value when taking into account the demolition of the existing structure by Council (approximately \$8,000), the road works either side of the river to match the bridge deck levels, by Council, including the extra over height required by this Tender (approximately \$40,000), plus the Tender (\$332,100).

It is confirmed that this process has been undertaken in accordance with Council's Code for Tenders & Contracts, January 2015 version.

RECOMMENDATION

THAT Council

- 1. Receive and note the report;**
- 2. Accept the Tender received from BridgePro Pty Ltd for the sum of \$332,100.00 excl. GST**
- 3. Accept a variation to the Tender sum, which includes the provision to supply and install impact angles at the cost of \$4,800.00 excl. GST; and**
- 4. Sign and seal the Formal Instrument of Agreement with BridgePro Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their Tender submission, for the sum of \$332,100.00 excl. GST plus the nominated variation.**

DECISION

Moved by Clr B Campbell, seconded by Clr D Fish

THAT Council

1. Receive and note the report
2. Accept the Tender received from BridgePro Pty Ltd for the sum of \$332,100.00 excl. GST; and
3. Accept a variation to the Tender sum, which includes the provision to supply and install impact angles at the cost of \$4,800.00 excl. GST; and
4. Sign and seal the Formal Instrument of Agreement with BridgePro Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their Tender submission, for the sum of \$332,100.00 excl. GST plus the nominated variation.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

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 Ensure Adequate lighting based on demonstrated need.
- 1.4.1b Contestability of energy supply.

Nil.

13.5 BUILDINGS

Strategic Plan Reference – Page 15

- 1.5.1 Maintenance and improvement of the standard and safety of public buildings in the municipality.

Nil.

13.6 SEWERS

Strategic Plan Reference – Page 15

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

13.7 WATER

Strategic Plan Reference – Page 15

1.7.1 Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

13.8 IRRIGATION

Strategic Plan Reference – Page 15

1.8.1 Increase access to irrigation water within the municipality.

Nil.

13.9 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.10 WASTE

Strategic Plan Reference – Page 17

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

Nil.

13.11 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

**13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES
(ENGINEERING)**

13.12.1 Manager - Works & Technical Services Report

AUTHOR MANAGER – WORKS & SERVICES (JACK LYALL)
DATE 2nd DECEMBER 2015

ROADS PROGRAM

Road re-sealing has commenced in the Kempton area, with further reconstruction work to take place in December 2015.

General potholing work is being undertaken on sealed and unsealed roads.

BRIDGE PROGRAM

Delays in construction have impacted on the installation date for the Old Tier Lane Bridge, Woodbury. Negotiations are occurring with Tasmanian Irrigation in regard to power outages to allow for craneage on site.

The components for this bridge have been completed and are now awaiting installation (as above).

WASTE MANAGEMENT PROGRAM

Dysart Waste Transfer Station will be undergoing some major clean up work prior to the Christmas break.

TOWN FACILITIES PROGRAM

General Maintenance is continuing plus focusing on watering street trees.

The following Works and Technical Services issues were raised for discussion:

- Campania Waste Transfer Station – green waste to be removed prior to Christmas
- Cliftonvale Road – sections resealed
- Water Tanks (Trucks) – replacement tanks have now been constructed and are in operation
- Estate Road, Campania – to contact R Downie to discuss issues of concern
- Roadside slashing – slashing program progressing well

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr B Campbell, seconded by Clr E Batt

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 18

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 19

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 20

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 21

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.
- 2.5.2 The Bagdad Bypass and the integration of development.

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 Program Report

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)
DATE 4th DECEMBER 2015

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects.

DETAIL

During the past month, Southern Midlands Council heritage projects have included:

- Co-ordinating the SMC Artist in Residence Program at the Oatlands Gaoler's Residence.
- Working with volunteer Linda Clarke on heritage surface finishes curating & online database.
- An announcement on the National Stronger Regions Fund grant application is expected in December – SMC has an application in for the Heritage Skills Hub proposed for 79 High Street (Commissariat).

Heritage Projects program staff have been involved in the following Heritage Building Solutions activities.

- Staging of a masonry conservation open day in conjunction with the Royal Tasmanian Botanical Gardens (29th November). The event was well attended with around 40 participants.
- Continued implementation of the Premaydena Officers Quarters project.
- Scoping of a project at a prominent Hobart heritage building, which may include some training components.

Heritage Projects program staff have been involved in the following Heritage Education and Skills Centre activities.

- Completion of the Glamorgan-Spring Bay project for 5x5x5, with trackbuilding, devegetation and conservation works completed on the Paradise Probation Station and ‘Convict Road’ at Orford.
- Continuation of the Derwent Valley Council project for 5x5x5, being conservation and maintenance of a portion of the Willow Court perimeter wall.
- Discussions with a possible project partner for 2016+ for recruitment for the 5x5x5 project.
- Drafting of the 5x5x5 annual report – a copy of which will be provided to next council meeting for information.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr B Campbell

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

Attachment

15.2 NATURAL

Strategic Plan Reference – Page 23/24

- | | |
|-------|---|
| 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, GIS & Climate Change – General Report

AUTHOR NRM PROGRAMS MANAGER – (MARIA WEEDING)

DATE 3rd DECEMBER 2015

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report.

DETAIL

- Minor works on the Dulverton Walking track continue in preparation for the Christmas break period when there are often lots of waking groups using the track. Works have included organising a couple of new information signs, continuation of watering of recently planted plants and reinstatement of some track markers that were pulled out of their position. The walking track information brochure continues to be sought by many visitors. The brochure is available free from the Visitor Information Centre at Callington Mill.
- Maria Weeding and Helen Geard have been busy working on the Mahers Point Cottage Expressions of Interest for Sale document. A draft has been prepared for Council to consider. See separate report.
- Maria Weeding and Helen Geard spent a day on the property ‘Ashgrove’ Andover, collecting stone for the dry stone wall to be built at the side of the road at Callington Park. Ian Carline, trading as Wally’s Walling, commenced building the wall on Tuesday 1st December 2015.
- Graham Green continues working from the Kempton Office compiling a Storm Water Strategy for Council.

RECOMMENDATION

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

DECISION

Moved by Clr B Campbell, seconded by Clr D Fish

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

15.3 CULTURAL

Strategic Plan Reference – Page 24

3.3.1 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 25

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 25

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 26

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 27

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 27

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 27

4.5.1 Encourage community members to volunteer.

Nil

16.6 ACCESS

Strategic Plan Reference – Page 28

- 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 (DDA).

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 28

- 4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 29

- 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 29

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

16.9.1 Animal Control Report

AUTHOR ANIMAL CONTROL OFFICER (GARTH DENNE)
DATE 3rd DECEMBER 2015

ISSUE

Consideration of Animal Control Officer's Monthly Report.

DETAIL

Refer to attached Monthly Statement on Animal Control for period ending 30th November 2015.

Dog Attacks

Campania

On or about Tuesday the 17th November 2015 a number of sheep (approximately 8) were killed in a dog(s) attack. The owner of the sheep saw two dogs amongst his sheep and recognised them as belonging to his neighbour. Upon speaking to the owner of the dogs, and explaining the situation he readily accepted full responsibility for his dogs actions as well as the resultant consequences . Also he has now contacted his neighbour to arrange compensation.

Campania

The second attack happened on a nearby property during the same timeframe, and my investigations indicate that in all likelihood these dogs were responsible. In this instance 9 lambs were killed. It should be noted that this matter was reported two days later and there were no witnesses, however I understand the offer of compensation as mentioned above is in place for this matter. Both dogs have been permanently removed and relevant Infringement Notices issued.

RECOMMENDATION

THAT the Animal Control Officer’s Monthly report be received.

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

THAT the Animal Control Officer’s Monthly report be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 30 NOVEMBER 2015**

Total of Dogs Impounded: 3

Dogs still in the Pound: 0

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
3	0	0	0

MONEY RECEIVED

Being For:

Pound	<u>\$ 0.00</u>
Reclaims	<u>\$ 0.00</u>
Dog Registration	<u>\$ 394.57</u>
Infringement Notices	<u>\$ 0.00</u>
Other	<u>\$ 0.00</u>
TOTAL	<u>\$ 394.57</u>

COMPLAINTS RECEIVED FOR PERIOD ENDING 30 NOVEMBER 2015

Dog at Large:	<u>8</u>
Dog Attacks:	<u>2</u>
Request Pick-ups:	<u>3</u>
After Hours Calls:	<u>5</u>
TOTAL	<u>18</u>

Number of Formal Complaints Received: 0

Number of Infringement Notices Issued: 2

ANIMAL CONTROL OFFICER: GARTH DENNE

16.10 **EDUCATION**

Strategic Plan Reference – Page 29

4.10.1 Increase the educational and employment opportunities available within the Southern Midlands.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 30

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY

Nil.

17.3 SAFETY

Strategic Plan Reference – Page 31

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

Nil.

17.4 CONSULTATION AND COMMUNICATION

Strategic Plan Reference – Page 31

5.4.1 Improve the effectiveness of consultation and communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 32

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

Nil.

18.2 SUSTAINABILITY

Strategic Plan Reference – Page 33 & 34

- 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 34 & 35

- 6.3.1 Communities finances will be managed responsibly to enhance the wellbeing of residence.
- 6.3.2 Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation.
- 6.3.3 Council's finance position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.
- 6.3.4 Resources will be allocated to those activities that generate community benefit.

18.3.1 Monthly Financial Statement (November 2015)

AUTHOR FINANCE OFFICER (COURTNEY PENNICOTT)
DATE 3rd DECEMBER 2015

Refer enclosed Report incorporating the following:

- a) Statement of Comprehensive Income – 1st July 2015 to 30th November 2015
(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 1st December 2015.
- e) Cash Flow Statement – November 2015

Note: Expenditure figures provided are for the period 1st July to 30th November 2015 – approximately 42% of the period.

Comments

A. Current Expenditure Estimates (Operating Budget)

Strategic Theme – Infrastructure

Sub-Program – Lighting - expenditure to date (\$48,663– 55.76%). Street lighting is now paid on a monthly basis. Prior to the commencement of monthly payments, in August 2015, a quarterly payment was made in July 2015 which related to part of the previous financial year. Recognising that this was not an accrued expense as at June 2015, it is expected that this budget will be exceeded by approximately \$14,700 at the end of the reporting period.

Sub-Program – Signage - expenditure to date (\$5,331– 56.72%). Expenditure relates to the replacement of damaged and missing signs, including the large Colebrook township sign.

Strategic Theme – Growth

Sub-Program – Business - expenditure to date (\$96,024– 76.10%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

Sub-Program – Aged – expenditure to date (\$2,246 – 149.70%). Expenditure of \$1,256 relates to seniors week activities.

Sub-Program – Childcare – expenditure to date (\$5,000 – 66.67%). The total amount expended relates to the annual payment to the Brighton Family Day Care service.

Strategic Theme – Organisation

Strategic Theme – Improvement – expenditure to date (\$38,197– 436.54%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

Sub-Program – Sustainability - expenditure to date (\$1,019,641 – 49.79%). Expenditure to date includes approximately \$149,500 of annual expenses (e.g. insurances, subscriptions and licence payments). If this amount is apportioned over the financial year, expenditure to date is within the approved budget.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr E Batt

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

STATEMENT OF COMPREHENSIVE INCOME

FOR THE PERIOD

1st JULY 2015 to 30TH NOVEMBER 2015

	Annual Budget	Year to Date as at 30TH NOVEMBER	%	Comments
Income				
General rates	\$ 4,666,548	\$ 4,626,999	99.2%	Budget includes Interest & Penalties to be imposed to end of June 2016
User Fees (refer Note 1)	\$ 658,662	\$ 352,137	53.5%	
Interest	\$ 200,000	\$ 78,408	39.2%	
Government Subsidies	\$ 15,570	\$ 7,570	48.6%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 355,854	\$ 121,052	34.0%	
Sub-Total	\$ 5,896,634	\$ 5,186,166	88.0%	
Grants - Operating	\$ 3,201,435	\$ 848,852	26.5%	Mens Shed \$3202 FAGS \$845,649.50
Total Income	\$ 9,098,069	\$ 6,035,017	66.3%	
Expenses				
Employee benefits	\$ (3,766,728)	\$ (1,354,032)	35.9%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,738,461)	\$ (1,426,500)	52.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,668,500)	\$ (1,120,770)	42.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (50,583)	\$ (5,147)	10.2%	
Contributions	\$ (188,399)	\$ (47,100)	25.0%	Fire Service Levies
Other	\$ (264,784)	\$ (126,535)	47.8%	
Total expenses	\$ (9,677,455)	\$ (4,080,083)	42.2%	
Surplus (deficit) from operations	\$ (579,386)	\$1,954,934	-337.4%	
Grants - Capital (refer Note 3)	\$ 877,860	\$ 89,436	10.2%	
Sale Proceeds (Plant & Machinery)	\$ 210,000	\$ 61,231	0.0%	
Net gain / (loss on disposal of non-current asse	\$ -	\$ -	0.0%	
Surplus / (Deficit)	\$508,474	\$2,105,601	414.1%	
NOTES				
1. Income - User Fees (Budget \$658,662) includes:				
- All other Programs	\$ 330,162	\$ 234,065	70.9%	
- Callington Mill	\$ 328,500	\$ 118,073	35.9%	Actual Income Received (i.e. excluding Debtors)
	\$ 658,662	\$ 352,137		
2. Income - Other (Budget \$355,854) includes:				
- Income (Private Works)	\$ 127,854	\$ 86,939	68.0%	
- Tas Water Distributions	\$ 228,000	\$ 33,812	14.8%	
- Public Open Space Contributions	\$ -	\$ -	0.0%	
- Other	\$ -	\$ 300	0.0%	
	\$ 355,854	\$ 121,052	34.0%	
3. Grant - Capital (Budget \$877,860) includes:				
- Black Spot Funding	\$ -	\$ -		
- Roads To Recovery Grant	\$ 877,860	\$ 89,436	10.2%	To be claimed in March 2016
	\$ 877,860	\$ 89,436	10.2%	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2015/16
SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th NOVEMBER 2015 - 43%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3004318	3004318	1300328	1703990	43.28%
Bridges	361179	361179	139019	222160	38.49%
Walkways	179906	179906	79726	100180	44.32%
Lighting	87266	87266	48663	38603	55.76%
Irrigation	0	0	0	0	0.00%
Drainage	85107	85107	35636	49471	41.87%
Waste	579191	579191	184132	395059	31.79%
Public Toilets	56642	56642	20715	35927	36.57%
Communications	0	0	0	0	0.00%
Signage	9400	9400	5331	4069	56.72%
INFRASTRUCTURE TOTAL:	4363009	4363009	1813549	2549460	41.57%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	481205	481205	233273	481205	48.48%
Tourism	222479	222479	19192	222479	8.63%
Business	876177	126177	96024	30153	76.10%
Agriculture	0	0	89	-89	0.00%
Integration	25615	25615	1715	23900	6.70%
GROWTH TOTAL:	1605476	855476	350293	757648	40.95%
LANDSCAPES					
Heritage	292412	292412	73460	218952	25.12%
Natural	138323	138323	53506	84817	38.68%
Cultural	0	0	0	0	0.00%
Regulatory	824289	824289	372469	451820	45.19%
Climate Change	28204	28204	5	28199	0.02%
LANDSCAPES TOTAL:	1283228	1283228	499440	783788	38.92%
LIFESTYLE					
Youth	222610	222610	15977	206633	7.18%
Aged	1500	1500	2246	-746	149.70%
Childcare	7500	7500	5000	2500	66.67%
Volunteers	34500	34500	13337	21163	38.66%
Access	0	0	0	0	0.00%
Public Health	7881	7881	1769	6112	22.44%
Recreation	430731	430731	140116	290615	32.53%
Animals	72429	72429	32712	39717	45.16%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	777151	777151	211157	565994	27.17%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	31025	31025	13582	17443	43.78%
Safety	56650	56650	24245	32405	42.80%
Consultation	5070	5070	2255	2815	44.48%
Communication	12125	12125	1179	10946	9.72%
COMMUNITY TOTAL:	104870	104870	41261	63609	39.34%
ORGANISATION					
Improvement	8750	8750	38197	-29447	436.54%
Sustainability	2047836	2047836	1019641	1028195	49.79%
Finances	252135	252135	87134	165001	34.56%
ORGANISATION TOTAL:	2308721	2308721	1144971	1163750	49.59%
TOTALS	10442455	9692455	4060671	5884249	41.90%

CAPITAL EXPENDITURE PROGRAM 2015-16
AS AT 30 NOVEMBER 2015

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
INFRASTRUCTURE						
	ROAD ASSETS					
	Resheeting Program		\$ 600,000	\$ 343,756	\$ 256,149	
		C1020041 Harbacks Road Resheeting		\$ 95		
	Reseal Program		\$ 500,000	\$ -	\$ 139,907	
		C1010046 East Bagdad Road Reseal		\$ 21,521		
		C1010048 Oatlands and Kempton Road Reseal Project		\$ 338,572		
	Reconstruct & Seal					
		Clifton Vale Road	\$ 21,818	\$ -	\$ 21,818	
		Brown Mountain Road (section up Hill - 200 metres)	\$ 30,000	\$ -	\$ 30,000	
		Eldon Road (various sections - 500 metres)	\$ 75,000	\$ -	\$ 75,000	
		Green Valley Road (above Bridge - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
		Inglewood Road (vicinity of Viaduct) - 585 mtrs from Rail Lights to Viaduct	\$ 87,750	\$ -	\$ 87,750	
		Rhyndaston Road (Vicinity of J Housego - 100 metres)	\$ 13,750	\$ -	\$ 13,750	
		Woodsdale Road (Whitefoord end - 2 sections - 200 metres)	\$ 30,000	\$ -	\$ 30,000	
		Woodsdale Road (near 'glue pot' - 2 sections - 240 metres)	\$ 36,000	\$ -	\$ 36,000	
		Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
	Junction Road Realignment/ Other					
		C1010037 Campania - Reeve St / Clime Street	\$ 45,600	\$ 11,722	\$ 33,878	
		Church Street, Oatlands (outside school -'V' drain) - 100mtrs	\$ 6,000	\$ -	\$ 6,000	
		High Street/Esplanade - Junction Improvements	\$ 25,000	\$ -	\$ 25,000	
		Reeve Street - Hall Street to Rec Ground (K&G) - 70 mtrs	\$ 8,800	\$ -	\$ 8,800	
		C1020047 Lovely Banks Road (junction with Colebrook)	\$ 40,000	\$ 5,755	\$ 34,245	
	Carry Forwards:					
	Minor Seals (New)					
		C1020031 Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	
		C1020032 Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000	
	Sealed - Road Widening					
		C1010036 Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000	
	Unsealed - Road Widening					
		C1020037 Hall Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000	
		C1020038 Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	
		C1020034 Church Road (Corner Widening)	\$ 7,165	\$ 9,202	\$ (2,037)	
	Junction / Road Realignment / Other					
		Woodsdale Road / Tunnack Main Rd Junction (30 mm Overlay)	\$ 6,400	\$ -	\$ 6,400	
		Yarlington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977	
		C1020040 Interlaken Road- Corner Realignment (Rockton)	\$ 13,308	\$ 12,909	\$ 399	
		C1010038 Campania - Reeve St / Hall Street K&G	\$ 5,000	\$ -	\$ 5,000	
		Tunbridge Main Road Verge	\$ 3,000	\$ -	\$ 3,000	
		C1010039 Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000	
		Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
		York Plains Road *Camber adjustment)	\$ 5,000	\$ -	\$ 5,000	
		C1020026 Church Road -Realign (Intersection with Elderslie Road) - Survey & Acquisition	\$ 211,000	\$ 188,567	\$ 22,433	WIP 30/6/15
			\$ 2,003,292	\$ 943,123	\$ 1,060,169	

BRIDGE ASSETS						
	C1030023	Swanston Road - Little Swanport Rv (B 1716)	\$ 355,000	\$ 22,846	\$ 332,154	
	C1030028	Rotherwood Road (B1137)	\$ -	\$ 182	\$ (182)	
	C1030030	Jones Rd (B5083)	\$ -	\$ 76,982	\$ (76,982)	WIP 30/6/15
	C1030041	Kheme Road (Birralee Creek B5175)	\$ 142,527	\$ -	\$ 142,527	
	C1030044	Grahams Creek Road (Grahams Creek B2510) Elderslie Road	\$ 81,672	\$ 1,304	\$ 80,368	
		Noyes Road (Limekiln Creek)	\$ 41,265	\$ -	\$ 41,265	
	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/15
	C1030021	Wattle Hill Road (Coal River B1402)	\$ 284,925	\$ 734	\$ 284,191	
		Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,547	\$ -	\$ 163,547	
	C1030051	Old Tier Road (Blackman River B3207)	\$ 132,834	\$ 9,247	\$ 123,587	
	C1030052	Jordan River B5083	\$ -	\$ 5,165	\$ (5,165)	
	C1030049	Inglewood Road (Tin Dish Rivulet B4289)	\$ 212,650	\$ 522	\$ 212,128	WIP 30/6/15
	C1030048	Muddy Plains Road (Summerfield Creek B417)	\$ 107,289	\$ 63,977	\$ 43,312	WIP 30/6/15
	C1030050	Nala Road (Kittys Rivulet B4264)	\$ 107,289	\$ 51,346	\$ 55,943	WIP 30/6/15
	C1030012	Sandy Lane (Red Rocks Race B4198)	\$ 56,950	\$ 8,218	\$ 48,732	WIP 30/6/15
			\$ 1,685,948	\$ 241,991	\$ 1,443,957	
WALKWAYS						
		Footpaths - General (Program to be confirmed)	\$ 30,000	\$ -	\$ 30,000	
		Bagdad Township				
	C1090013	- Swan Street - Kerb & Gutter (eastern & western side)	\$ 112,244	\$ 2,687	\$ 109,557	
		Campania Township				
	C1040005	- Reeve Street (Vicinity of Store)	\$ 10,000	\$ 5,057	\$ 4,943	
	C1040005	- Reeve Street (500 metres)	\$ 80,000	\$ 8,386	\$ 71,614	WIP 30/6/14 Design etc
		- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	\$ 5,000		\$ 5,000	
		Kempton Township				
		- Main Street (vicinity of Tavern) incl. renewal of K&G	\$ 17,500	\$ -	\$ 17,500	
		Oatlands Township				
		- Church Street (K&G renewal)	\$ 15,000	\$ -	\$ 15,000	
		Tunbridge Township				
		- Various (to be confirmed)	\$ 7,800	\$ -	\$ 7,800	
			\$ 277,544	\$ 16,129	\$ 261,415	
DRAINAGE						
		Bagdad				
		- Midland Hwy/ Swan St Drainage (McShane Property)	\$ 22,500	\$ -	\$ 22,500	
	C1090015	- Swan Street - Kerb & Gutter (eastern & western side)	\$ -	\$ -	\$ -	WIP 30/6/15
		- East Bagdad Road - Drainage Renewal	\$ 50,000	\$ 3,697	\$ 46,303	
		Campania				
	C1090008	- Reeve Street Open Drain (North Of Telephone Box)	\$ 35,000	\$ 5,740	\$ 29,260	WIP 30/6/15
		Kempton				
	C1090025	- Main Street Kempton Huntington Tavern	\$ -	\$ 14,230	\$ (14,230)	
		Oatlands				
		- Barrack Street(towards Mason St)	\$ 10,000	\$ -	\$ 10,000	
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	
	C1090024	Stormwater Management Plan		\$ 1,484		
			\$ 122,500	\$ 25,152	\$ 98,832	

	WASTE	C110002	Wheellie Bins & Crates	\$ 7,500	\$ 3,498	\$ 4,002
				\$ 7,500	\$ 3,498	\$ 4,002
	PUBLIC TOILETS	C1110001	Colebrook - Power Connection & Lighting	\$ 5,000	\$ 3,935	\$ 1,066
			Campania - Urinal / Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000
				\$ 9,000	\$ 3,935	\$ 5,066
	SIGNAGE		Oatlands Signage (Info Bays) - Town Maps	\$ 10,000	\$ 660	\$ 9,340
		C113001	Highway Signage - Graphic Design	\$ 2,000	\$ 600	\$ 1,400
				\$ 12,000	\$ 1,260	\$ 10,740
	MILL OPERATIONS		Office Equipment & Furniture	\$ -	\$ 358	\$ (358)
				\$ -	\$ 358	\$ (358)
LANDSCAPES	HERITAGE	C3010002	Callington Mill (Master Precinct Plan)	\$ 12,500	\$ -	\$ 12,500
			Callington Mill (Mill Tower- Fire Detection System)	\$ 6,500	\$ -	\$ 6,500
			Callington Mill (Car Parking Area- Drainage Improvements)	\$ 5,000	\$ -	\$ 5,000
		C3010008	Commissariat (79 High Street)	\$ 139,500	\$ 12,923	\$ 126,577
			Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000
			Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000
			Roche Hall - Forecourt (Interps- Planning)	\$ 5,000	\$ -	\$ 5,000
			Roche Hall - Stamp Duty (Property Transfer)	\$ 15,275	\$ -	\$ 15,275
		C3010009	Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500
			Parattah Railway Station - Guttering & Fascia	\$ 2,600	\$ -	\$ 2,600
				\$ 205,875	\$ 12,923	\$ 192,952
	NATURAL		Callington Park - Stone Wall	\$ 9,000	\$ -	\$ 9,000
			Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000
		C3020005	Chauncy Vale Track Construction	\$ -	\$ 10,000	\$ (10,000)
				\$ 14,000	\$ 10,000	\$ 4,000
	REGULATORY	C3040001	Kempton Council Chambers - Building & Office Improvements	\$ 18,954	\$ -	\$ 18,954
		C3040001	Kempton Council Chambers - Office Equipment	\$ 3,000	\$ 990	\$ 2,010
		C3040001	Kempton Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500
				\$ 29,454	\$ 990	\$ 28,464

Southern Midlands Council

Council Minutes - 2 December 2015

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LIFESTYLE	RECREATION	C4070001	Parattah Recreation Ground - Grandstand	\$ 10,000	\$ -	\$ 10,000			
		C4070001	Parattah Recreation Ground - Demolish External Toilets	\$ 5,000	\$ -	\$ 5,000			
			C4070002	Parattah Recreation Ground - Facility Development	\$ 20,000	\$ -	\$ 20,000		
			C4070003	Campania Recreation Ground- Tree Planting	\$ 5,000	\$ 101	\$ 4,899		
			C4070005	Recreation Committee	\$ 15,000	\$ 540	\$ 14,460		
			C4070007	Woodsdale Hall	\$ -	\$ 5,545	\$ (5,545)		
			C4070016	Colebrook Recreation Ground (Amenities)	\$ 35,000	\$ 9,420	\$ 25,580	Includes C4070030	
			C4070017	Kempton Hall - External Repainting	\$ 20,000	\$ -	\$ 20,000		
				Kempton Recreation Ground - Grandstand Hand Rails	\$ 5,000	\$ -	\$ 5,000		
				Oatlands Aquatic Club Building	\$ 18,000	\$ -	\$ 18,000		
			C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	\$ 8,000	\$ -	\$ 8,000		
				Oatlands Recreation Ground - Retaining Wall	\$ 12,000		\$ 12,000		
			C4070027	Oatlands Recreation Ground Flood Lights	\$ 385,000	\$ 375,973	\$ 9,027	Ground Lighting - Budget Amendment	
			C4070028	Campania Recreation Ground Flood Lights	\$ -	\$ 279,668	\$ (279,668)		
			C4070031	Mt Pleasant - Watering System	\$ 20,554	\$ 16,514	\$ 4,040		
				Mt Pleasant - Upgrade Toilets	\$ 13,000	\$ -	\$ 13,000		
			C4070032	Mt Pleasant - Cricket Pitch	\$ -	\$ 7,032	\$ (7,032)		
					\$ 571,554	\$ 694,793	\$ (123,239)		
			SAFETY		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
						\$ 3,000	\$ -	\$ 3,000	
	CAPACITY		Community Blacksmith Program	\$ 6,200	\$ -	\$ 6,200			
			Community Garden- Mill Precinct	\$ 8,200	\$ -	\$ 8,200			
		C5020001	Levendale Community Centre	\$ 20,000	\$ 9,624	\$ 10,376			
				\$ 34,400	\$ 9,624	\$ 24,776			
	ADMINISTRATION	C6020003	Computer System (Hardware / Software)	\$ 20,000	\$ 5,626	\$ 14,374			
		C6020007	Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000			
		C6020007	Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500			
		C6020004	Records Management		\$ 726	\$ (726)			
		C6020007	Town Hall (General) - incl. Office Equip/Furniture	\$ 8,000	\$ 4,674	\$ 3,326			
		C6020007	Photo Reframing	\$ 1,500	\$ -	\$ 1,500			
		C6020010	Municipal Revaluation		\$ 7,000	\$ (7,000)			
	WORKS		Kempton Depot - Painting	\$ 10,000	\$ -	\$ 10,000			
			Depot Relocation	\$ 5,000	\$ -	\$ 5,000			
		C9990002	Minor Plant Purchases	\$ 9,500	\$ 8,415	\$ 1,085			
			Radio System	\$ 2,000	\$ -	\$ 2,000			
			Plant Replacement Program						
			Refer separate Schedule (Net Changeover)	\$ 365,000	\$ -	\$ 365,000			
			Light Vehicles	\$ 168,000	\$ 160,984	\$ 7,016			
			(Trade Allowance - \$240K)	\$ -	\$ -	\$ -			
			Water Tanks Replacement (Truck)	\$ 50,000	\$ 15,000	\$ 35,000			
				\$ 661,500	\$ 202,425	\$ 459,075			
		GRAND TOTALS	\$ 5,637,567	\$ 2,166,201	\$ 3,472,850				

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 1st December 2015		Last Financial Year 5th December 2014	
Arrears brought forward as at July 1		\$ 369,292.54		\$ 431,103.63
ADD current rates and charges levied		\$ 4,604,838.13		\$ 4,326,873.65
ADD current interest and penalty		\$ 24,706.65		\$ 21,416.81
TOTAL rates and charges demanded	100.00%	\$ 4,998,837.32	100.00%	\$ 4,779,394.09
LESS rates and charges collected	53.86%	\$ 2,692,421.67	54.87%	\$ 2,622,361.17
LESS pensioner remissions	4.38%	\$ 218,749.31	4.52%	\$ 216,029.76
LESS other remissions and refunds	-0.02%	-\$ 1,007.15	-0.13%	-\$ 6,191.21
LESS discounts	0.47%	\$ 23,673.42	0.45%	\$ 21,628.61
TOTAL rates and charges collected and remitted	58.69%	\$ 2,933,837.25	59.71%	\$ 2,853,828.33
UNPAID RATES AND CHARGES	41.31%	\$ 2,065,000.07	40.29%	\$ 1,925,565.76

	INFLOWS (OUTFLOWS) (July 2015)	INFLOWS (OUTFLOWS) (August 2015)	INFLOWS (OUTFLOWS) (September 2015)	INFLOWS (OUTFLOWS) (October 2015)	INFLOWS (OUTFLOWS) (November)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities						
Payments						
Employee costs	- 254,864.07	- 261,693.89	- 251,001.52	- 232,034.50	- 393,712.86	- 1,393,306.84
Materials and contracts	- 412,124.72	- 525,718.68	- 473,273.43	- 198,766.35	- 274,822.30	- 1,884,705.48
Interest	- 128.02	-	-	-	- 5,019.42	- 5,147.44
Other	- 14,368.84	- 28,264.62	- 34,991.30	- 82,725.46	- 24,794.03	- 185,144.25
	- 681,485.65	- 815,677.19	- 759,266.25	- 513,526.31	- 698,348.61	- 3,468,304.01
Receipts						
Rates	86,203.59	581,696.64	1,435,377.23	353,194.19	343,555.95	2,800,027.60
User charges	341,967.92	60,880.69	107,331.56	106,788.34	69,109.21	686,077.72
Interest received	14,286.13	15,869.47	15,542.66	15,996.65	16,712.92	78,407.83
Subsidies	-	-	-	-	7,570.00	7,570.00
Other revenue grants	3,166.00	422,824.75	-	36.36	512,260.75	938,287.86
GST Refunds from ATO	-	-	-	-	-	-
Other	49,007.95	28,624.98	89,118.60	- 34,879.60	- 119,059.78	12,812.15
	494,631.59	1,109,896.53	1,647,370.05	441,135.94	830,149.05	4,523,183.16
Net cash from operating activities	- 186,854.06	294,219.34	888,103.80	- 72,390.37	131,800.44	1,054,879.15
Cash flows from investing activities						
Payments for property, plant & equipment	- 108,069.43	- 563,212.67	- 61,851.29	- 133,488.49	- 565,068.58	- 1,431,690.46
Proceeds from sale of property, plant & equipment	-	-	-	-	-	-
Proceeds from Capital grants	12,357.27	15,330.01	-	7,944.55	25,599.09	61,230.92
Proceeds from Investments	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-
Net cash used in investing activities	- 95,712.16	- 547,882.66	- 61,851.29	- 125,543.94	- 539,469.49	- 1,370,459.54
Cash flows from financing activities						
Repayment of borrowings	- 4,507.85	-	-	-	- 12,524.30	- 17,032.15
Proceeds from borrowings	250,000.00	-	-	-	-	250,000.00
Net cash from (used in) financing activities	245,492.15	-	-	-	- 12,524.30	232,967.85
Net increase/(decrease) in cash held	- 37,074.07	- 253,663.32	826,252.51	- 197,934.31	- 420,193.35	535,515.12
Cash at beginning of reporting year	10,002,747.20	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	10,002,747.20
Cash at end of reporting	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	9,920,134.66	10,538,262.32

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 4th December 2015.

Information Bulletins dated the 27th November 2015 have been circulated since the previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 27th November 2015 and 4th December 2015 be received and the contents noted.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr B Campbell

THAT the the Information Bulletins dated 27th November 2015 and 4th December 2015 be received and the contents noted.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

20. MUNICIPAL SEAL

Nil.

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

21.1 National Stronger Regions Fund - Grant Application - 79 High Street, Oatlands (Formal Advice of Approval)

The General Manager advised that it has been formally announced that the Southern Midlands Council has been successful in being granted \$309,500 under the National Stronger Regions Fund (NSRF) for the integrated Heritage Skills Hub project – Commissariat building.

A Grant Deed will be finalised in the new-year to enable commencement of works.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr B Campbell

THAT Council:

- a) note the advice; and
- b) specifically acknowledge the Manager - Heritage Projects (Brad Williams) for his work in coordinating the application and establishing the partnership arrangements with the other industry training bodies which strongly promoted the merit of the project and documented their willingness to become involved.

CARRIED

The meeting was suspended for afternoon tea at 3.32 p.m.

The meeting resumed at 3.50 p.m.

RECOMMENDATION

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

DECISION

Moved by Clr B Campbell, seconded by Deputy Mayor A Green

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

CLOSED COUNCIL MINUTES

22. BUSINESS IN “CLOSED SESSION “

EXCLUDED FROM THE MINUTES 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

Moved by Deputy Mayor A Green seconded by Clr B Campbell

THAT Council move out of “Closed Session.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

RECOMMENDATION

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

DECISION

Moved by Clr B Campbell, seconded by Clr E Batt

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

23. CLOSURE

The meeting closed at 4.20 p.m.