



Meander Valley Council
Working Together

AGENDA

ORDINARY COUNCIL MEETING

Tuesday 14 March 2023

Time 3.00pm

Location Meander Valley Council Offices
26 Lyall Street
Westbury, Tasmania

Phone (03) 6393 5300

Our Values

Our seven values help guide our decisions and underpin all we do.

Respect, listen and care for
one another

Be trustworthy, honest
and tolerant

Be positive and receptive
to new ideas

Be innovative, creative
and learn

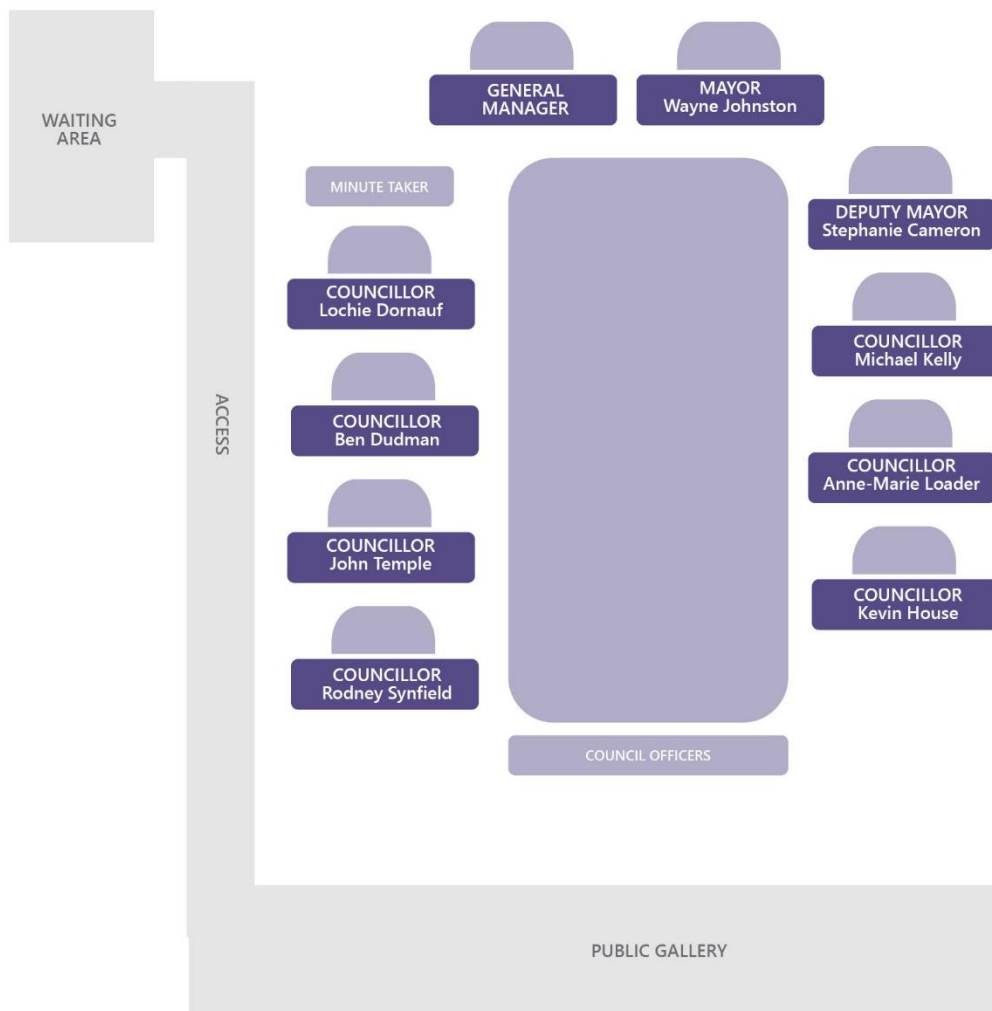
Take a fair, balanced and
long term approach

Use sound
business practices

Work together

Council Chambers

Seating Plan



Going to a Council Meeting

Members of the community are encouraged to engage with Council's monthly meetings. You can submit questions online or attend in person.

Our website offers handy fact sheets with information about what to expect at a Council Meeting, including how to participate in Public Question Time.

After the meeting, you'll find minutes and an audio recording online.

Hard copies of agendas and minutes are also available to view at the Council offices.

Learn more

Click here to find fact sheets about attending a Council meeting, or to submit a question online.

A copy of the latest agenda and minutes are available to view at the Council offices in Westbury. **Click here** to view agendas and minutes online, or listen to audio of our meetings.

You can also contact the Office of the General Manager by phone on (03) 6393 5317, or email ogm@mvc.tas.gov.au to submit a question or learn more about opportunities to speak at a Council Meeting.

Public Access to Chambers

Social distancing requirements have been relaxed and there is no longer a limit on the number of people that may attend the public gallery (beyond the practical limits of the room).

Where there is a need to manage demand, seating will be prioritised as follows:

For planning decisions: applicants and representors have first priority. A representor is a community member who writes to Council to object to or support a planning application (statutory timeframes apply for becoming a representor during the planning process).

For all decisions: Members of the media are welcome to take up any seats not in use by the public, or email ogm@mvc.tas.gov.au to request specific information about a Council decision. Media requests received by email before close of business (or the end of the meeting) will receive a same-day response.

Council operates under a COVID Safety Plan. If you are experiencing any symptoms associated with COVID-19, you are encouraged to stay home.

Conduct at Council Meetings

Visitors are reminded that Council Meetings are a place of work for staff and Councillors.

Council is committed to meeting its responsibilities as an employer and as host of this important public forum, by ensuring that all present meet expectations of mutually respectful and orderly conduct.

It is a condition of entry to the Council Chambers that you cooperate with any directions or requests from the Chairperson or Council officers.

The Chairperson is responsible for maintaining order at Council Meetings. The General Manager is responsible for health, wellbeing and safety of all present. The Chairperson or General Manager may require a person to leave Council premises following any behaviour that falls short of these expectations. It is an offence to hinder or disrupt a Council Meeting.

Access & Inclusion

Council supports and accommodates inclusion for all who seek participation in Council Meetings, as far as is practicable.

Any person with a disability or other specific needs is encouraged to contact Council before the meeting on (03) 6393 5300 or via email to ogm@mvc.tas.gov.au to discuss how we can best assist you with access.

Certificate of Qualified Advice

A General Manager must ensure any advice, information or recommendation is given to Council by a person with the necessary qualifications or experience: section 65, *Local Government Act 1993*.

Council must not decide on any matter without receiving qualified advice, or a certification from the General Manager.

Accordingly, I certify that, where required:

- (i) the advice of a qualified person was obtained in preparation of this Agenda; and
- (ii) this advice was taken into account in providing general advice to Meander Valley Council; and
- (iii) A copy of any such advice (or a written transcript or summary of oral advice) is included with the agenda item.



John Jordan
GENERAL MANAGER

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Meeting Open - Attendance & Apologies

Acknowledgment of Country

Council acknowledges the Pallitore and Panninher past peoples and the traditional owners and custodians of the land on which we gather for the Council Meeting, with respects paid to elders past and present and extended to all Aboriginal and Torres Strait Islander peoples present.

Confirmation of Minutes

Motion Receive and confirm minutes of the last Ordinary Council Meeting held 14 February 2023.

Vote Simple majority

Declarations of Interest

Nil received prior to agenda publication.

Council Workshop Report

Topics Discussed – 28 February 2023

Development & Regulatory - Strategic Planning Induction & Update

Presentation - Northern Tasmania Development Corporation (NTDC) Ltd

Presentations & General Discussion - Deloraine Racetrack Precinct

Infrastructure - Waste Management Strategy

Infrastructure - Financial Support for the Disposal of Euthanised Animals

Infrastructure - Repair and Maintenance of the Deloraine Information Bays

Governance - Meander Valley Council Model Code of Conduct

Community Wellbeing - Presentation & Discussion: Westbury Bicentennial Celebrations

Items for Noting

Infrastructure - 2022 Hard Waste Collection Service Summary

Infrastructure - Proposed Sale of Former Bracknell Tip - Louisa Street, Bracknell

Infrastructure - Rural kerbside waste and recycling collection service update

Mayor & Councillor Report

Councillor Official Activities and Engagements Since Last Meeting

15 February 2023

Meeting: Future of Local Government Review, Longford

Attended by:

Mayor Johnston

Councillor House

Councillor Loader

16 February 2023

Meeting: Northern Flood Recovery Group, Riverside/virtual

Attended by:

Mayor Johnston

Meeting: Mole Creek Progress Association, Mole Creek

Attended by:

Deputy Mayor Cameron

Councillor Loader

Meeting: Chudleigh Show Committee, Chudleigh

Attended by:

Deputy Mayor Cameron

18 February 2023

Community Event: Chudleigh Show, Chudleigh

Attended by:

Mayor Johnston

Deputy Mayor Cameron

Councillor Dudman

Councillor Loader

Community Event: Launceston Touch Association 40th Birthday, Prospect Vale

Attended by:

Mayor Johnston

19 February 2023

Community Event: Street Car Show, Deloraine

Attended by:

Mayor Johnston

Councillor Dudman

Councillor Loader

Community Event: Magic Millions Tasmanian Yearling Sales, Carrick

Attended by:

Councillor Dudman

22 February 2023

Meeting: Great Western Tiers Tourism Association, Deloraine

Attended by:

Councillor Loader

23 February 2023

Meeting: Tourism Industry Council Tasmania Breakfast, Hobart

Attended by:

Mayor Johnston

Meeting: Chudleigh Hall Committee, Chudleigh

Attended by:

Deputy Mayor Cameron

25 February 2023

Community Event: Opening of Meander House, Meander

Attended by:

Mayor Johnston

Councillor House

Councillor Loader

Community Event: Westbury Garden Club Summer Flower Show, Westbury

Presented by:

Councillor Loader

27 February 2023

Meeting: Mole Creek Hall Committee, Mole Creek

Attended by:

Councillor Dudman

1 March 2023

Meeting: Blackstone Heights Community News, Blackstone Heights

Attended by:

Councillor House

Councillor Loader

Community Event: Opening of Village Green Playground, Westbury

Attended by:

Deputy Mayor Cameron

Councillor House

4 March 2023

Community Event: Deloraine Amateur Basketball Grand Finals, Deloraine

Attended by:

Mayor Johnston

5 March 2023

Community Event: Opening of Rupertswood Maze, Hagley

Attended by:

Mayor Johnston

Petitions

Nil received prior to agenda publication.

For further information about petitions, refer to the *Local Government Act 1993*: ss57-60A.

Community Representations

Nil requests received.

Formerly referred to as "deputations", community representations are an opportunity for community members or groups to request up to three minutes to address Council on a topic of particular interest.

Requests received at least fourteen days prior to a Council Meeting will be considered by the Chairperson. For further information, contact the Office of the General Manager on (03) 6393 5317 or email ogm@mvc.tas.gov.au.

Public Question Time

Members of the public may ask questions in person or using our online form.

Click here to submit an online question.

Refer to pages 3 and 4 of this agenda for more information about attending a Council Meeting.

This Month's Public Questions With Notice

Question 1: Joy Kachina, Deloraine

Question without notice at past Council Meeting (February 2023) – taken on notice.

Subsequent to my questions on notice for the February Council meeting regarding the post-flood clean-up of the Deloraine Rotary Park riverfront in December 2022 and the General Manager's response, can Council please clarify if this means that:

a) there has been no testing for pollutants near the work area or,

b) Council has done testing and is in possession of its advice or evidence that the water in the Meander River near the worksite is free of Chemicals, Pollutants and Poisons and is suitable to support our wildlife and the recreational swimming areas for our community?

John Jordan, General Manager advised that his response to Ms. Kachina's previous question as minuted in the February 2023 Ordinary Council Meeting meant there was no evidence to suggest chemicals and poisons had leached into the Meander River due to the deposited flood debris or subsequent work that was undertaken, by extension no testing was warranted or had been undertaken. Equally, Council was not aware of any concern or issue to prompt testing by the Department of Natural Resources and Environment Tasmania, which has primary responsibility for the management of waterways.

Notwithstanding the above and the time-frames since the flood clean-up, in the interests of certainty Council has since taken water samples and is awaiting the results of testing. When these are to hand, Council will consider what, if any, action is needed.

Question 2: Joy Kachina, Deloraine (received via email)

During the flood clean-up in December 2022 was the Environmental Health Officer present at any time to oversee the application and safe use of the poisons used on the forty plus healthy trees that were cut down in and on the banks of the Meander River? If not, Why Not?

Matthew Millwood, Director Works advised there is no requirement for an Environmental Health Officer to oversee the application of herbicide at any site. The person undertaking the herbicide application or use is required to undertake the work in accordance with the relevant standards and practices applicable to the chemicals being applied.

Question 3: Mark Griffiths, Deloraine (received via email)

The Deloraine Walkway Bridge has been closed for nearly 5 months since the floods in October 2022 and we would like to know when it will be open for use again? Five months seems ample time to assess and repair.

John Jordan, General Manager advised that Council approved a contractor to undertake the repair of the bridge in the closed session of the February Council Meeting. Suspension bridges are a specialised construction and time was needed to assess options for the repair or rebuilding of the structure. This included assessing the options to raise the height of the bridge to increase its immunity to future floods. Council expects repairs to start in the second half of April 2023.

Question 4: Joy Kachina, Deloraine (received via email)

Matthew Millwood informed me during our phone conversation that he had an expert in to advise on the platypus situation at the clean up site in Dec 2022. (A Zoologist I believe he said). Can Council please advise whether the Zoologist/Expert identified any Platypus Burrow Sites along the Riverbank in the Clean Up Worksite and, if so, what measures were taken to protect them?

John Jordan, General Manager advised that a Department of Natural Resources and Environment Tasmania (NRE) zoologist provided advice as part of the pre-approval process for the flood clean-up works at the Meander River, Deloraine. They did not attend the site. The zoologist recommended Council consult local knowledge to identify any 'known' platypus burrows within proximity to the proposed work area. To this end, Council's Director Works conducted an on-site meeting with a local platypus tours operator and no burrows were identified in the proposed work area. NRE was advised of the action and related advice.

Question 5: *Peter Wileman, Westbury (received via email)*

In the last State election, the Government ran a pork barrelling exercise known as the Local Communities Facilities Fund. The Centre for Public Integrity has described this program as "an extreme version of the federal sports rorts saga". On 1 March 2023, the ABC reported that the "Meander Valley Council" sought Tasmanian Government funding for the Bracknell Hall redevelopment in the 2021 State election but was unsuccessful. What other projects did the Council seek Government funding for?

John Jordan, General Manager advised that Council was reliant on both Tasmanian and Australian Government funding for a broad range of programs and projects, to support the functions and activities of Council. Council provides a list of priority projects to candidates which is also made available on Council's web-site. These were not specifically focused upon seeking funding from the Local Community Facilities Fund.

Question 6: *Peter Wileman, Westbury (received via email / website)*

The ABC reported on 1 March 2023 that Mr Mark Shelton met with the General Manager of the Meander Valley Council in July 2021 after the Bracknell Hall redevelopment had not received funding under the Local Communities Facilities Fund. Did Mr Shelton raise the potential for the General Manager, on behalf of the Council, to write to the Government for funding? If not, what triggered the letter sent by the Meander Valley Council to Mr Shelton seeking the funding?

John Jordan, General Manager advised that the meeting with Minister Shelton and the subsequent letter of 15 July 2021 was initiated by Council for the purpose of formalising a request for funding assistance. Council also liaised with the Australian Government which, along with the Tasmanian Government, provided grant assistance to the project.

Question 7: *Doreen Wileman, Westbury (received via email / website)*

The State Government is currently undertaking a review of Local Government, part of which flags the potential removal or limitation of the role played by Council in planning decisions. What is the Council's position on this?

John Jordan, General Manager advised the Council had yet to determine a position.

Question 8: *Doreen Wileman, Westbury (received via email / website)*

This review is flying under the radar in the community. Does Council intend to publish its submissions on the review on its website or otherwise? And will there be any public consultation on the matter?

John Jordan, General Manager advised that the review was being conducted and promoted independent of councils by the Tasmanian Government. The community has been afforded opportunity to have input into the review as outlined in the December 2022 Second Options Paper from the Future of Local Government Review Panel. Acknowledging Council's discretion on the matter, it would seem appropriate that Meander Valley Council's response, if and when made, to the review would be a public document.

This Month's Public Questions Without Notice

Nil received prior to agenda publication.



Councillor Question Time

This Month's Councillor Questions With Notice

Nil received prior to agenda publication.

This Month's Councillor Questions Without Notice

Nil received prior to agenda publication.

Council as a Planning Authority

In planning matters, Council acts as a Planning Authority under the *Land Use Planning and Approvals Act 1993*. The following applies to all Planning Authority reports:

Strategy Council has an Annual Plan target to process planning applications in accordance with delegated authority and statutory timeframes.

Policy Not applicable.

Legislation Council must process and determine applications under the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. Each application is made in accordance with LUPAA, s57.

Consultation The "Agency Consultation" section of each Planning Authority report outlines the external authorities consulted during the application process.

Community consultation in planning matters is a legislated process. The "Public Response – Summary of Representations" section of each Planning Authority report outlines all complying submissions received from the community in response to the application.

Budget & Finance Where a Planning Authority decision is subject to later appeal to the Tasmanian Civil and Administrative Tribunal (Resource & Planning Stream), Council may be liable for costs associated with defending its decision.

Risk Management Risk is managed by all decision-makers carefully considering qualified advice and inclusion of appropriate conditions on planning permits as required.

Alternative Motions Council may approve an application with amended conditions, or may refuse an application.

Regardless of whether Council seeks to approve or refuse an application, a motion must be carried stating its decision and outlining reasons. A lost motion is not adequate for determination of a planning matter.

Motion Simple majority

Planning Authority Report

41 Parsonage Street Deloraine

Proposal	Multiple Dwellings (3 Units - 2 proposed & 1 existing)
Report Author	Natasha Whiteley Team Leader Town Planning
Authorised by	Krista Palfreyman Director Development & Regulatory Services
Application reference	PA\23\0060
Decision due	15 March 2023
Decision sought	It is recommended that Council refuses this application. <i>See section titled "Planner's Recommendation" for further details.</i>

Applicant's Proposal

Applicant	Design To Live
Property	41 Parsonage Street, Deloraine (CT: 47826/2)
Description	The applicant seeks planning permission for: <ol style="list-style-type: none">1. The change of use of a single dwelling to multiple dwellings; and2. The construction of two multiple dwellings.

Documents submitted by the Applicant are attached, titled "Application Documents".



Photo 1: Aerial image of the subject site and surrounding land.

Planner's Report

Planning Scheme	Tasmanian Planning Scheme - Meander Valley ("the Planning Scheme")
Zoning	General Residential
Applicable Overlays	Nil
Existing Land Use	Residential Use
Summary of Planner's Assessment	Generally, Multiple dwellings is classed as permitted in this zone (General Residential).
Discretions	For this application, five discretions are triggered. This means Council has discretion to approve or refuse the application based on its assessment of: <ul style="list-style-type: none"> 8.4.2 - P3 Setback and building envelope for all dwellings 8.4.3 - P2 Site coverage and private open space for all dwellings 8.4.6 - P1 Privacy for all dwellings C2.6.2 - P1 Design and layout of parking area

C9.5.2 - P1 Sensitive use within an attenuation area

Before exercising a discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

See attachment titled "Planner's Advice - Performance Criteria" for further discussion.

Performance Criteria & Applicable Standards

This proposal is assessed as not satisfying the relevant Performance Criteria and not compliant with all Applicable Standards of the Scheme.

See attachments titled "Planner's Advice – Performance Criteria" and "Planner's Advice – Applicable Standards" for further discussion.

Public Response

Eight responses ("representations") were received from the public. Of these, all eight are objections.

See attachment titled "Public Response – Summary of Representations" for further information, including the planner's advice given in response.

Agency Consultation

TasWater

The application was referred to TasWater. A Submission to Planning Authority Notice (TWDA 2022/01455-MVC) was received on 6 September 2022.

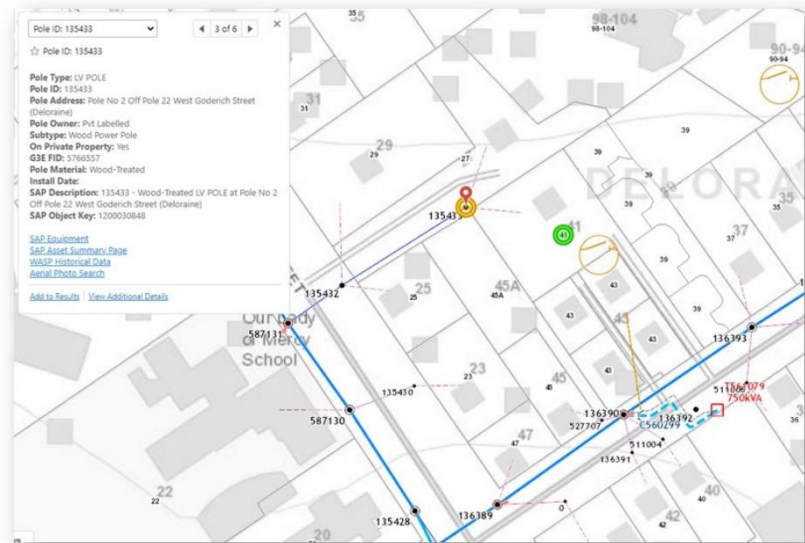
See attachment titled "Agency Consultation - TasWater".

TasNetworks

The application was referred to TasNetworks as a site visit noted that the house connection was over the location of proposed Unit 2 and may be from either a private or public pole. The following advice was received:

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

TasNetworks records show this pole as being privately owned and on private property and that the existing house at 41 Parsonage St is supplied via on OH service from this pole.



TasNetworks provides one point of supply per title of land (strata developments are considered one title) so the applicant will need to make appropriate alterations to the current supply to accommodate the new units which will likely involve a main switchboard on common ground.

It is suggested the applicant contacts an electrician in the first instance to determine the maximum demand required and query how supply can be made available to incorporate the new units in line with our current Service and Installation Rules Version 8.2. [service-and-installation-rules-v8-2-july-2022.pdf \(tasnetworks.com.au\)](https://tasnetworks.com.au/service-and-installation-rules-v8-2-july-2022.pdf)

I note it may be complicated as they share this private pole with other surrounding titles which is no longer allowed. Technical Advice can be sought by their electrician on 1300 300 545.

See attachment titled "Agency Consultation - TasNetworks".

Internal Referrals Infrastructure Services

- Waste Collection: Council's Road Authority has confirmed with Council's kerbside contractor that onsite waste collection is achievable. An indemnity agreement will need to be signed into by the body corporate to indemnify Council and/or its contractor of damage due to accessing the property.

- Stormwater Runoff: Stormwater runoff from all roofed and sealed areas of the development, including existing areas, will be required to be captured and directed to Council's underground stormwater network. This will result in a decrease in stormwater runoff across boundaries into the adjoining properties. To protect Council's stormwater assets, the development will be required to include stormwater detention to hold back and slowly discharge storm water. This detention will be enforced through the plumbing permit stage of the development.
- Traffic: The application complies with the acceptable solution for both parking and vehicle movements. The application is for two additional units and it is considered that the estimated additional 12 vehicle movements per day generated by the development will have a negligible impact on the safety and efficiency of the immediate and broader road network.

If approved the following conditions are recommended:

Condition (1) Prior to commencement of the use, the new stormwater connection must be completed in accordance with Tasmanian Standard Drawing TSD-SW25 to the satisfaction of Council's Director Infrastructure Services. The connection must be at the lowest point so that the entire property can be collected, including all buildings, driveways and manoeuvring areas.

Condition (2) Prior to commencement of the use, the existing stormwater connection for Unit 1 must be decommissioned to the satisfaction of Council's Director Infrastructure Services.

Condition (3) Prior to commencement of the use, a grated drain is to be provided at the junction of the internal driveway and the vehicle crossing to capture all stormwater runoff from the internal concrete driveway. The grated drain must be connected to the new stormwater connection, to the satisfaction of Council's Plumbing Surveyor.

Condition (4) Prior to the commencement of works, amended plans must be submitted to the satisfaction of Council's Plumbing Surveyor, showing runoff from all sealed areas directed to the internal stormwater drainage system and contained within the property boundary.

Condition (5) Prior to the commencement of use, the existing vehicle crossing must be widened to 4.5m within the road reserve and constructed generally in accordance with Tasmanian Standard Drawing TSD-R09 to the satisfaction of Council's Director Infrastructure Services. Refer to Note 2.

Condition (6) A clearway of 4.5m wide x 7.0m long from the road carriage way must be maintained at all times. No obstructions are to be placed in the section of the driveway, including kerb side waste collection bins.

Condition (7) Prior to the commencement of use, the development is to include a 'Shared Zone' sign (R4-4) at the entrance to the property to identify that the driveway is used for both pedestrian and vehicles to the satisfaction of Council's Town Planner.

Note (1) Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as the Stormwater Authority in accordance with the *Urban Drainage Act 2013*.

Note (2) Works must be completed by a suitably qualified contractor. Prior to any construction being undertaken in the road reserve, separate consent is required by the Road Authority. An Application for Works in Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.

Note (3) Council's kerbside waste collection contractor has confirmed that onsite collection is achievable. An indemnity agreement will need to be signed into by the body corporate to indemnify Council and/or its contractor of damage due to accessing the property. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.

Environmental Health

Section C9.0 Attenuation Code of the Planning Scheme includes an attenuated distance of 500m for metal fabrication and 100m from motor bodyworks. The proposed development site at 41 Parsonage Street, Deloraine is within the attenuation distance of four businesses which are considered attenuating activities as shown in the Table below.

Name	Address	Activity & Attenuation Distance	Distance from Activity
Mike Yard Bodyworks	95 Emu Bay Road, Deloraine	Motor Bodyworks 100m	47m
Delquip	27 Tower Hill Street, Deloraine	Metal Fabrication 500m	178m
Sunrise Trailers	111 Emu Bay Road, Deloraine	Metal Fabrication 500m	366m
Graham Automotive & Fabrication	11 West Barrack Street, Deloraine	Metal Fabrication 500m	428m

It is noted that many hundreds of dwellings exist within the attenuation area for these businesses, including most residences on the western side of Deloraine, from the Meander River north to Winter Street. Council has record of receiving two complaints regarding noise emissions from these four premises combined in the past five years. As a result, it is deemed that the proposed sensitive use is unlikely to interfere with or constrain the existing activities, having regard to the nature, scale and operational characteristics of the businesses. Advice from the Director, Environment Protection Authority or Director of Mines was not required in this instance.

Planner's Recommendation to Council

The planner's recommendation, based on a professional assessment of the planning application and its compliance with the Planning Scheme, is set out below.

Council must note the qualified advice received before making any decision, then ensure that reasons for its decision are based on the Planning Scheme. Reasons for the decision are also published in the minutes.

For further information, see Local Government Act 1993, s65, Local Government (Meeting Procedures) Regulations 2015, s25(2) and Land Use and Approvals Act 1993, s57.

Recommendation

This application by Design To Live for Multiple Dwellings (3 Units, 1 existing, 2 proposed) on land located at 41 Parsonage Street, Deloraine (CT: 47826/2) is recommended for refusal on the following ground:

1. The proposal does not satisfy Clause 8.4.2, Performance Criteria P3 as the siting and scale of Unit 1:
 - a) will cause an unreasonable loss of amenity to adjoining properties; and
 - b) does not provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.

Attachments

1. Public Response - Summary of Representations [12.1.1 - 12 pages]
2. Representation 1 - P & E Hendly [12.1.2 - 2 pages]
3. Representation 1 - P & E Hendly [12.1.3 - 1 page]
4. Representation 2 - M Butson [12.1.4 - 2 pages]
5. Representation 3 - K Grigson [12.1.5 - 1 page]
6. Representation 4 - K Pennington-Smith [12.1.6 - 13 pages]
7. Representation 5 - L Watson [12.1.7 - 2 pages]
8. Representation 6 - M Walters & M Donohoe [12.1.8 - 2 pages]
9. Representation 7 - J Earley [12.1.9 - 2 pages]
10. Representation 8 - K & A Walters [12.1.10 - 1 page]
11. Applicant's Response to the representations [12.1.11 - 2 pages]
12. Planner's Advice - Applicable Standards [12.1.12 - 20 pages]
13. Planner's Advice - Performance Criteria [12.1.13 - 31 pages]
14. Application Documents [12.1.14 - 20 pages]
15. Amended Plans received 27 February 2023 [12.1.15 - 17 pages]
16. Agency Consultation - TasWater [12.1.16 - 2 pages]
17. Agency Consultation - Tas Networks [12.1.17 - 3 pages]

Public Response

Summary of Representations

A summary of concerns raised by the public about this planning application is provided below. Eight responses ("representations") were received during the advertised period.

This summary is an overview only, and should be read in conjunction with the full responses (see attached). In some instances, personal information may be redacted from individual responses.

Council offers any person who has submitted a formal representation the opportunity to speak about it before a decision is made at the Council Meeting.

Representation 1

Name E & P Hendley

Concern Supplementary Representation (received 30 January 2023)

1. Raises concerns regarding Council Officers not making contact following submission of representation.
2. Would like to discuss the problems regarding the existing retaining wall that forms part of the works for the two existing units.

Initial Representation (received 23 January 2023)

3. No objection to the proposed development.
4. Have concerns *'about the adequate retaining walls along the common boundary'*.
5. Raises concerns regarding the construction of the retaining wall along the boundary of another unit development that adjoins the site. *'A long deep and wide gap formed under the common fence, it could have almost been crawled through. And it took a lot of effort to have it rectified...observations lead me to believe, that the measures taken will only last short term'*.

Planner's Response

1. Council's Team Leader Town Planning made contact with the representor regarding their concerns when undertaking the assessment of the application. Council's Permit Authority has also

12.1.1 Public Response - Summary Of Representations

discussed the concerns regarding the existing retaining walls with the representor.

2. The construction standards of the existing retaining wall at 45A Parsonage Street, and the proposed retaining walls at the subject site are not matters that the Planning Scheme considers. The retaining walls are assessed and inspected by Building Surveyors. As such, concerns regarding the structural integrity of retaining walls need to be considered by Building Surveyors. Concerns regarding existing retaining walls can be directed to Council's Permit Authority on 6393 5320.

It is noted that if a property owner's work may impact an adjoining property, they must take steps to protect the buildings and people on both sites before starting any building, plumbing, or demolition work. The owner, responsible person, and the manager of the work are all responsible for ensuring protection work is done. The owner must notify adjoining owners, Building Surveyors and Permit Authorities of the protection work. Consent must be obtained from the adjoining owner before work begins. If the adjoining owner disagrees with the proposed protection work, the matter can be referred to the relevant Building Surveyor or Permit Authority/Plumbing Surveyor for determination. Regulations and prescribed periods are outlined in the *Building Act 2016* and *Building Regulations 2016*.

3. Noted.
4. Refer to point 2 above.
5. Refer to point 2 above.

Representation 2

Name M Butson

Concern Initial Representation received 30 January 2023 and amended on 31 January 2023

1. Vibratory compaction during earthworks:

These units are surrounded by some heritage houses, with blue stone foundations and lathe and plaster ceilings ... Any earthworks should not

12.1.1 Public Response - Summary Of Representations

use large vibrating rollers (to avoid damages to walls and ceilings). Only small plate compactors should be used where required.

2. Retaining walls:

The representation is concerned that the retaining walls have not been designed in response to the existing development and retaining walls on adjoining properties. The representation suggests that the retaining walls be deeper, that the floor level be set at the same level of the adjoining Unit 2 at 45A Parsonage Street and that the retaining wall be located off the boundary to support the existing fencing and adjoining land at 27 West Goderich Street during construction. The retaining walls should be approved by a structural engineer and include sub-soil drainage. Concerns are also raised regarding the block retaining wall constructed along the shared boundary with 45A Parsonage Street. This wall isn't constructed to have the pressure of Unit 2 built behind it and does not have a subsoil drain behind it. This development could impact the structural integrity of the of the existing wall and the driveway at 45A Parsonage Street and lead to flooding.

3. Stormwater runoff from the property will be increased as a result of the driveway, parking and turning areas and drainage from the retaining walls and gardens. The runoff will flow onto Parsonage Street, which is not designed for this. Runoff could also flow into 43 and 45A Parsonage Street and cause flooding. It is suggested that the *lowering of Unit 2 will help reduce the amount of runoff.*

Planner's Response

1. The subject site and the immediately adjoining properties are not listed within the Tasmanian Heritage Register. The Planning Scheme does not consider requirements regarding construction methods for development. As such, Council, through any subsequent Planning Permit, does not have the ability to limit the compaction methods that may be used during construction.

The properties listed on the Tasmanian Heritage Register adjacent to the subject property are identified by the blue shading in Figure 1 below. It is noted that the representors property is not listed on the State register.

12.1.1 Public Response - Summary Of Representations



Figure 1: Aerial photo identifying the properties adjacent the subject property listed on the Tasmanian Heritage Register shaded in blue.

2. The design and structural integrity of retaining walls is not a matter that the Planning Scheme considers. If approved and a Planning Permit issued for the proposed development, building plans, including engineering designs will need to be completed for the proposed design. The retaining walls will need to be designed and constructed to the appropriate standard as approved by a Building Surveyor.
3. All stormwater from all roofed and sealed areas the site, including buildings, retaining walls and access ways will need to be directed to Council's stormwater system. If approved, on-site stormwater detention will be required to be installed to the satisfaction of Council and will be enforced through a plumbing permit. The *Urban Drainage Act 2013* administered by Council's Plumbing Surveyor and Stormwater Authority regulates stormwater runoff into adjoining properties. If approved and following construction, if there is runoff experienced by adjoining properties, this can be investigated if the concern is lodged with Council.

Representation 3

Name *K Grigson*

Concern 1. *The rear retaining wall between Unit 2 and 27 West Goderich Street, should be deeper and further away from the existing fence. The*

12.1.1 Public Response - Summary Of Representations

representor is concerned *because it is not as deep as the wall behind 45A Parsonage St, and is too close to the fence*. The representor would like to see Unit 2 1m lower to allow for this. It will also provide less water runoff.

2. *Unit 2 is too close to the garden wall and hedge down the side of 45A Parsonage Street it could damage this wall and flood the neighbouring drive and unit. Unit 2 is 1m higher than the drive of 45A Parsonage Street. It should be at the same level.*
3. *The surrounding heritage houses could develop cracks, if they use large vibrating equipment during earthworks. They should only use small plate compactors to avoid this.*
4. *The representor is concerned that these units will cause more stormwater runoff to the units 43 and 45A Parsonage Street, and put excessive water onto Parsonage Street. This area had flooding issues during the floods of 2022.*

Planner's Response

1. Refer to Planner's Response at:
 - Representation 1 point 2; and
 - Representation 2 point 2.
2. Unit 2 is located a minimum of 1.645m from the boundary shared with 45A Parsonage Street, Deloraine. The location of Unit 2 complies with the distance/setback requirement of the Planning Scheme.
3. Refer to Planner's Response at Representation 2 point 1.
4. Refer to Planner's Response at Representation 2 point 3.

It is noted that the flood issues within this area during the floods of 2022 are not known to Council's Infrastructure Services team. Urban flood modelling undertaken by Council's consultant does not indicate that the property is within a flood zone.

Representation 4

Name *K Pennington-Smith on behalf of K & A Walters, M Walters, H Cresswell, E Windsor, B Richardson*

- Concern**
- 1. The proposed development will directly impact eight neighbouring properties with at least three of those properties losing significant privacy and sunlight.*
 - 2. The current and growing demographic the area of Deloraine where this development is proposed primarily consists of older people, many are women living on their own. Most residents of the small homes/units here have to this area to be close to amenities accessible for people when they no longer drive and are needing to live in a secure safe and quiet environment while still being part of a community. Several of the neighbouring residents are over 80 spend significant time in their small gardens or sitting in the sunshine in enclosed porch/patios overlooking the garden. As such access to sunshine is critical to their wellbeing.*
 - 3. The proposed development allows for around 12 vehicles which will create noise and impact privacy from lights, traffic coming and going, and occupants of vehicles looking down on and into other property due to the height of the buildings/garages/parking spaces.*
 - 4. The representation suggests providing separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.*
 - 5. The increase in ground level for Unit 1 and the height of the unit will overshadow 3 neighboring properties in autumn and winter. These dwellings have elderly residents that spend a considerable amount of time inside the rooms directly impacted and they need the sunlight for their mental health and to reduce the cost of electricity in heating spaces currently warmed by natural sunlight.*
 - 6. The representation raises concerns with the proposed retaining walls through the filling of land and potential drainage issues associated with this.*
 - 7. The representation anticipates that colorbond boundary fencing would surround the development. This is not consistent with existing*

12.1.1 Public Response - Summary Of Representations

fences and indeed creates a segregated community that cause traffic excess noise and restrictive views.

8. *The current storm water drainage is only coping with what already exists, adding two more sets of roof and concrete surrounds will again cause issues for the properties below the proposed development.*
9. *The representation recommends that it be scaled down to a single dwelling application and subject to a revised plan that creates more open space with less impact on all concerned.*

Planner's Response

1. Please refer to the attachment titled 'Planner's Advice – Performance Criteria' which considered the loss of sunlight. The proposed development complies with the privacy requirements of the Planning Scheme. Where there is a window that has a floor level more than 1m in height from existing ground level, the windows are proposed to be obscured glazing. This complies with the Planning Scheme requirement for privacy.
2. Noted. The extent of overshadowing from the proposed development is considered in the attachment 'Planner's Advice – Performance Criteria' specifically section 8.4.2.
3. A multiple dwelling is anticipated to generate 6 vehicle movements per day. As such, the proposed development will generate an additional 12 vehicle movements per day.

It is noted that there is no existing boundary fencing between the subject property and 45A Parsonage Street. A pittosporum hedge is currently establishing along this boundary. The boundary fence shared with 43 Parsonage Street comprises a solid fence paling to a height of approximately 1m with a lattice topper. This lattice topper extends approximately 500mm to 800mm in height. The access strip to 41 Parsonage Street has a colorbond fence approximately 1.8m in height along the northern side. There is minimal fencing along the southern side of the access strip.

A boundary fence can be constructed along the boundaries. Boundary fencing is not a matter that is administered by Council. The erection of boundary fencing should be agreed to by the owners of the land affected.

It is anticipated that a solid boundary fence of 1.8m in height would reduce matters concerned with loss of privacy from passing vehicles,

12.1.1 Public Response - Summary Of Representations

light, traffic noise. However, the concerns regarding the overlooking from the car parking areas due to the topography of the land may not be reduced to the extent expected through the erection of a boundary fence. This is because of the sloping nature of the site. The elevation of the access way may provide opportunities for overlooking that will not be reduced by a fence. However, given the access way leading to the garage of Unit 1 is less than 1m in height, concerns regarding loss of privacy and overlooking can not be considered. This is because the Planning Scheme only considers overlooking when the finished surface and floor level is more than 1m above existing ground level.

The finished floor level of the dining room will have a finished floor level greater than 1m above existing ground level. This window however, is shown to have obscured glass, therefore eliminating overlooking concerns.

4. This matter is considered in detail in the attachment 'Planner's Advice – Performance Criteria' following. The amended shadow diagrams provided by the applicant on 27 February 2023 demonstrate that Unit 2 at 43 Parsonage Street will be overshadowed. This unit has a sunroom constructed at the rear of the unit which is not shown on the shadow diagrams. This sunroom is located 2.6m from the shared boundary with 41 Parsonage Street. The sunroom is the only habitable room (excluding bedrooms) located on the northern side of the dwelling. The room is orientated to take advantage of sunlight. The kitchen and living room windows are located on the south-western side of the dwelling, receiving very minimal late afternoon (after 3pm) sunlight on 21 June. Therefore, the extent of overshadowing to the sunroom and private open space area of Unit 2 43 Parsonage Street is considered unreasonable and will cause a significant loss of amenity to residents.
5. Noted. See comment above. The extent of overshadowing to the units at 45A Parsonage Street, is not considered to be unreasonable. These units will still have access to sunlight to habitable rooms and the private open space area from 10am onwards.
6. Refer to Planner's Response at:
 - Representation 1 point 2; and
 - Representation 2 point 2 and 3.
7. The Planning Scheme has minimal involvement with requiring boundary fencing. The material and height of a boundary fence is to

12.1.1 Public Response - Summary Of Representations

be determined between the adjoining property owners. There are some rules regarding the height of the boundary fence that may require a Planning Permit or Building Approval which need to be followed. However, generally boundary fences are 1.8m in height to achieve appropriate levels of privacy.

Boundary fences are legislated under the *Boundary Fences Act 1908*. The Planning Scheme does not consider the impact of boundary fencing on the community as referred to in the representation, nor take into consideration the loss of views as a result of the construction of a boundary fence.

8. Refer to Planner's Response to Representation 2 at point 3.
9. The comment regarding only constructing one additional dwelling is noted. Development may be more compliant with the building envelop provisions of the Planning Scheme if only one additional dwelling was proposed.

Representation 5

Name L Watson

- Concern**
1. The representor is *dissatisfied with the plans for the proposed build of Unit 1 & 2. This is going to create a serious shadow effect on my residence of which I am not at all pleased with.*
 2. The representor raises a *strong objection to this plan being approved given the direct effect it will have on my home, my lifestyle and the negative effect it will create in a home where I am currently very happy.*
 3. The representation encourages Meander Valley Council to *please re-consider its approval of this planning development and the ongoing negative effect it will cause on not just our home but many of other local residents.*

- Planner's Response**
1. It is noted that the shadow diagrams that were available for viewing during the advertising period were incorrect and showed increased shadow falling on 45A Parsonage Street. Amended shadow diagrams are provided in the attachment titled 'Amended Plans received 27 February 2023'. These shadow diagrams show that 45A Parsonage Street will receive overshadowing to the private open space areas and

12.1.1 Public Response - Summary Of Representations

habitable rooms at 9am, however, from 10am onwards the extent of overshadowing reduces, and sunlight will be received to the habitable rooms of the units and private open space areas. The extent of overshadowing on Unit 1 45A Parsonage Street is considered reasonable.

2. Noted.
3. The proposed development is considered to unreasonably overshadow Unit 2/43 Parsonage Street.

Representation 6

Name *M Walters & M Donohoe*

- Concern*
1. *As the owners of Units 1 & 2 45a Parsonage Street, Deloraine we are dissatisfied with the proposal. The tenants of our units are elderly and believe there will be a serious shadow effect on their residence, of which we certainly agree. They have also raised concerns about the direct effect it will have on their lifestyle at the residence, of which they are extremely happy.*
 2. *Our other concern is the density of surrounding properties in such a small area. We believe this, in the future, could potentially devalue properties in the area. We also see an issue with a change in traffic conditions.*

Planner's Response

1. Refer to Planner's Response to Representation 5 at point 1.
2. The proposed development complies with the density provisions of the Planning Scheme, exceeding a site area per dwelling of 325m².

The Planning Scheme does not consider if development could devalue adjoining properties so this matter can not be considered.

Council's Road Authority have considered the proposed development and the additional 12 vehicle movements per day that would be generated by the development. Parsonage Street and the wider traffic network is designed to a standard to absorb this additional load.

Representation 7

Name J Earley

- Concern**
1. The objection is *primarily with the proposed placement of Unit 1. The roof line of this building will come within 1.5 metres of the existing boundary line. Also, the proposed height of the roof is in excess of 5.8 metres from ground level.*
 2. Unit 1 is northwest of 2/43 Parsonage Street. *This will this will greatly diminish the amount of direct sunlight received on a daily basis, particularly during the winter months. With the proposed building being in excess of 5.8 metres tall within 1.5 metres of the boundary and situated on an elevated site in relation to my premises, direct sunlight to my property will be greatly diminished if not totally removed.*
 3. The shadow diagrams submitted are *not an accurate indication of what the true effects this development will have on the neighbouring units. Such a building in this location will greatly affect the ability of myself or tenants to enjoy the ambience of the location I own.*
 4. If approved, the representor believes *it would make the surrounding area of Deloraine the densest housing area in the whole town.*
 5. Concerned that the proposal has not considered the neighbouring properties

Planner's Response

1. Noted the objection primarily concerns proposed Unit 1.
2. Unit 2/43 will receive extensive overshadowing from proposed Unit 1 from 10am through to 3pm on 21 June. The extent of the overshadowing into the sunroom and private open space area of this unit is considered to cause an unreasonable loss of amenity. Please refer to the attachment titled 'Planner's Advice – Performance Criteria' specifically section 8.4.2.
3. It is noted that the shadow diagrams that were available for viewing during the advertising period were incorrect and have been amended. Please refer to attachment titled 'Amended Plans received 27 February 2023' for the revised shadow diagrams.

12.1.1 Public Response - Summary Of Representations

4. The proposed development complies with the density provision of the Planning Scheme being greater than the site area per dwelling prescription of 325m².
5. Noted.

Representation 8

Name *K & A Walters*

Concern

1. The representors are dissatisfied with proposed Unit 2. It will overshadow Unit 2/45A Parsonage Street which will directly affect the enjoyment of the home and lifestyle of the representors.
2. The representors strongly object to the plan being approved *given the direct effect it will have on my home, my lifestyle and the negative effect it will create in a home where I am currently very happy.*
3. The representation encourages Meander Valley Council to *please re-consider its approval of this planning development and the ongoing negative effect it will cause on not just our home but many of other local residents.*

Planner's Response

1. Refer to Planner's Response to representation 5 at point 1.

The extent of overshadowing on Unit 2/45A Parsonage Street is considered reasonable.
2. Noted
3. Refer to Planner's Response to representation 5 at point 3.

Note: The planning application was advertised in a local newspaper and on Council's website for a statutory period of 14 days from 21 January 2023 to 7 February 2023. The property was also signposted.

12.1.2 Representation 1 - P & E Hendly

Natasha Whiteley

From: peter hendley [REDACTED]
Sent: Monday, 30 January 2023 9:40 PM
To: Planning @ Meander Valley Council
Cc: lyn .
Subject: Re: Planning ref. PA/23/0060 41 Parsonage St. Deloraine.

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Re: Planning ref. PA/23/0060 41 Parsonage St. Deloraine.

On the 23rd of January I emailed the council re the above in which I raised concerns about the proposed retaining wall along our potential boundary.

In the email, I expressed a wish to communicate with the council further on the matter.

I am disappointed in that I have not received any reply or contact from any of the councils officers involved.

It is my thought that it would be beneficial to all concerned, if I could meet a relevant and qualified person on site to discuss my concerns, and maybe also discuss the problems associated with the existing sub standard retaining walls that are part of the works of the 2 existing units.

It would seem like there is a good chance of the same failures being repeated with this unit. It is very worrying. I do not wish to have to seek legal advice.

My mobile phone no. is [REDACTED]

Yours sincerely

Peter Hendley

On Monday, 23 January 2023 at 06:50:50 pm AEDT, peter hendley [REDACTED] wrote:

Erlinda and I (Peter Hendley) own a neighbouring property, no 27 West Goderich St.

We have no objection to the proposal as such.

We do have concerns however about adequate retaining walls along the common boundary.

In the last building works, the retaining wall was worse than a joke. A long deep and wide gap formed under the common fence, it could have almost been crawled through. And it took a lot of effort to have it rectified. But I my observations lead me to believe, that the measures taken will only last short term.

So, if the council is serious in meeting high standards, could you please raise our concerns.

I would welcome further contact with the council.

Regards
Peter Hendley
for Erlinda Hendley and myself.

12.1.2 Representation 1 - P & E Hendly

[Sent from Yahoo Mail on Android](#)

12.1.3 Representation 1 - P & E Hendly

From: [REDACTED]
Sent: Mon, 23 Jan 2023 18:50:50 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Cc: [REDACTED]
Subject: Planning ref. PA/23/0060 41 Parsonage St. Deloraine.

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Erlinda and I (Peter Hendley) own a neighbouring property, no 27 West Goderich St.
We have no objection to the proposal as such.
We do have concerns however about adequate retaining walls along the common boundary.
In the last building works, the retaining wall was worse than a joke.
A long deep and wide gap formed under the common fence, it could have almost been crawled through. And it took a lot of effort to have it rectified. But I my observations lead me to believe, that the measures taken will only last short term.
So, if the council is serious in meeting high standards, could you please raise our concerns.
I would welcome further contact with the council.
Regards
Peter Hendley
for Erlinda Hendley and myself.
[Sent from Yahoo Mail on Android](#)

12.1.4 Representation 2 - M Butson

From: [REDACTED]
Sent: Tue, 31 Jan 2023 08:27:15 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: Fw: 41 Parsonage St Deloraine Tas Planning Application -- Written Submission

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Hello I have made some amendments to my previous submission. Please use this one. Thanks Mark Butson

ATTENTION-- General manager-- Meander Valley Council
Written submission to Planning Application for 41 Parsonage St Deloraine Tas.
I hereby express the following concerns about this application.

1 Vibratory compaction during earthworks.

These units are surrounded by some heritage houses, with blue stone foundations and lathe and plaster ceilings. (My heritage house is behind Unit 2. There are others also).
Any earthworks should not use large vibrating rollers. (to avoid damages to walls and ceilings).
Only small plate compactors should be used where required.

2 Retaining walls.

A --Western elevation Unit 2 at RH end shows a block retaining wall 2015 high above FL along the boundary fence to 27 West Goderich St.(and approx 1.7m below NGL)

This wall should be deeper. The retaining wall next to this behind 45 A Parsonage St is deeper (approx 3m). This difference of approx 1.3m in height will affect the structural integrity of this wall (because the neighbouring wall will undermine this wall).

Western elevation shows the natural ground level lower than the top of this 2m wall. The ground level along this fence is even higher than the ground level behind 45A Parsonage St.
The floor level of Unit 2, should be 3m below the ground level at the fence, to align with the retaining wall behind 45 A Parsonage St.(and similar floor level of the rear unit of 45A Parsonage St.)

Also this wall should be a distance from the boundary (at least 1.2 m), to provide support to the existing fence, and the adjoining land of 27 West Goderich St, during construction. The site plan shows 1.3 and 1.5m from the fence to Unit 2 wall, with the retaining wall right on the fence line.

Also this wall should have a sub-soil drain behind it at the base, to provide for drainage of the ground behind. Otherwise water pressure will affect the structural integrity of the wall.

The wall should be approved by a qualified Structural Engineer.

B --The existing retaining wall between Unit 2 (alongside the eastern elevation)and the driveway of the rear unit of 45 A Parsonage St, is a low block garden wall with a hedge planted on top.

The bottom of this wall is 1m deeper than the floor level of Unit 2.

This existing wall was not built to have the pressure of Unit 2 built behind it, and does not have a subsoil drain behind it.

This may affect the structural integrity of this existing wall (and their driveway).

12.1.4 Representation 2 - M Butson

It may also lead to flooding of 45 A Parsonage St.

The floor level of Unit 2 should be 1m deeper, so that it does not place pressure on this wall.

(the floor level of Unit 2 should be similar to the floor level of the rear unit of 45A Parsonage St.)

3 Flooding issues.

The proposed driveway, parking and turning areas of Units 1 and 2 plus drainage from retaining walls and gardens, will increase substantially the stormwater runoff.

This runoff will flow onto Parsonage St, which is not designed for this.

Also this runoff may flow into the rear units of 43 Parsonage St and cause flooding

(Also the flooding of 45 A Parsonage St is mentioned above.)

The lowering of Unit 2 will help reduce the amount of runoff.

I am a qualified Structural Design Engineer. The above issues I have raised regarding the retaining walls and vibratory compaction effects are valid and important.

Regards

Mark Butson B.Eng MEAust CPE



12.1.5 Representation 3 - K Grigson

From: [REDACTED]
Sent: Tue, 31 Jan 2023 09:36:50 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: SUBMISSION - ISSUES REGARDING PLANNING APPLICATION FOR 41 PARSONAGE ST DELORAINE

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Attention General Manager Meander Valley Council.

Re: Issues Regarding Planning Application for 41 Parsonage St Deloraine.

I am a resident of Deloraine, and I raise the following issues regarding the Planning Application for 41 Parsonage St Deloraine.

1 Retaining Walls.

The rear retaining wall between Unit 2 and 27 West Goderich St, should be deeper and further away from the existing fence. I am worried because it is not as deep as the wall behind 45A Parsonage St, and is too close to the fence.

Unit 2 should be 1m lower to allow for this. It will also provide less water runoff.

Also Unit 2 is too close to the garden wall and hedge down the side of 45A Parsonage St it could damage this wall and flood the neighbouring drive and unit. Unit 2 is 1m higher than the drive of 45A Parsonage St. It should be at the same level.

2 Vibratory Compaction.

The surrounding heritage houses could develop cracks, if they use large vibrating equipment during earthworks. They should only use small plate compactors to avoid this.

3 Flooding.

I am worried that these units will cause more stormwater runoff to the units at 43 and 45A Parsonage St, and put excessive water onto Parsonage St.

This area had flooding issues during the floods of 2022.

Regards

Kerensa Grigson [REDACTED]

12.1.6 Representation 4 - K Pennington-Smith

From: [REDACTED]
Sent: Fri, 3 Feb 2023 13:31:56 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Cc: [REDACTED]
Subject: Objections to proposed development at 41 Parsonage St Deloraine. CT:47826/2
Attachments: Objection to development at 41 Parsonage St APPENDIX A.docx, Objection to proposed development application at 41 Parsonage St Deloraine.docx

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Good afternoon,

Please find attached our objections to the proposed development at 41 Parsonage St DELORAIN (CT:47826/2)

Also attached is APPENDIX A which is the relevant planning notes referred to in our objection.

This objection has been prepared in consultation with neighbouring property owners including;

Kaye and Allan Walters
Malcom Walters
Hilda Cresswell
Karen Pennington-Smith
Elsie Windsor
Barbara Richardson

We look forward to a response from the Meander Council and would be happy to discuss our concerns further.

Regards,
Karen Pennington-Smith
On behalf of above named residents.

12.1.6 Representation 4 - K Pennington-Smith

Objection to proposed development application at 41 Parsonage St Deloraine (CT: 47826/2)

General Residential Zone Rulings for Meander Valley Council

Regarding Setbacks, Siting and Scale for proposed application at 41 Parsonage St DELORAINE (CT:47826/2)

The proposed development will directly impact eight neighbouring properties with at least three of those properties losing significant privacy and sunlight.

The Planning Guidelines reference sunlight, privacy, topography of the site and similarity to other subdivision/buildings in area.

The current and growing demographic the area of Deloraine where this development is proposed primarily consists of older people, many are women living on their own.

Most residents of the small homes/units here have moved to this area to be close to amenities accessible for people when they no longer drive and are needing to live in a secure safe and quiet environment while still being part of a community. Several of the neighbouring residents are over 80 and spend significant time in their small gardens or sitting in the sunshine in enclosed porch/patios overlooking the garden. As such access to sunshine is critical to their wellbeing.

The proposed development allows for around 12 vehicles which will create noise and impact privacy from lights, traffic coming and going, and occupants of vehicles looking down on and into other property due to the height of the buildings/garages/parking spaces.

Objections and suggestions are as follows and can be referenced by APPENDIX A:

Consistency in apparent scale, bulk etc.

12.1.6 Representation 4 - K Pennington-Smith

To provide separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space (note, the shadow line on the existing dwellings on both the southern western and eastern boundaries if this goes ahead)

Changes to land form.

The Ground level on existing S W and E boundaries has been drawn to project a 1.2 metre increase and the plus 4 metre projected roof height will put at least three neighbouring dwellings in a lack of sunlight for the Autumn and Winter months from noon onwards. These dwellings have elderly residents that spend a considerable amount of time inside the rooms directly impacted and they need the sunlight for their mental health and to reduce the cost of electricity in heating spaces currently warmed by natural sunlight.

The retaining walls described in the application are not suitable for the land to be built on, lifting ground levels and creating potential drainage issues are inevitable. Strip footings not concrete slab construction would be more suitable with no need for retaining work and rise in heights overall.

Also, it is noted that, metal Colourbond fencing would surround the development which is not consistent with existing fences and indeed creates a segregated community that cause traffic excess noise and restrictive views. The current storm water drainage is only coping with what already exists, adding two more sets of roof and concrete surrounds will again cause issues for the properties below the proposed development.

In summary,

This development application is considered inappropriate for the site by the concerned residents that surround it. On the area of land proposed for development the developers are trying to fit too much into too small a space and this would have a serious impact on the neighbours, almost all of whom are over 65 and spending most of their time at home.

It is recommended that it be scaled down to a single dwelling application and subject to a revised plan that creates more open space with less impact on all concerned.

This objection is written on behalf of the nearby residents:

12.1.6 Representation 4 - K Pennington-Smith

Kaye and Allan Walters
Malcolm Walters
Elsie Windsor
Hilda Cresswell
Barbara Richardson
Karen pennington-Smith

03/03/2023

APPENDIX A

8.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

(a) provides reasonably consistent separation between dwellings and their frontage

within a street;

(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;

(c) provides separation between dwellings on adjoining properties to allow reasonable

opportunity for daylight and sunlight to enter habitable rooms and private open

space; and

(d) provides reasonable access to sunlight for existing solar energy installations.

P3

The siting and scale of a dwelling must:

(a) not cause an unreasonable loss of amenity to adjoining properties,

having regard to:

(i) reduction in sunlight to a

habitable room (other than a

12.1.6 Representation 4 - K Pennington-Smith

bedroom) of a dwelling on an adjoining property;

(ii) overshadowing the private open space of a dwelling on an adjoining property;

(iii) overshadowing of an adjoining vacant property; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:

(i) an adjoining property; or

(ii) another dwelling on the same site.

8.4.3 Site coverage and private open space for all dwellings

Objective:

12.1.6 Representation 4 - K Pennington-Smith

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight.

Acceptable Solutions Performance Criteria

A1

Dwellings must have:

- (a) a site coverage of not more than 50%
(excluding eaves up to 0.6m wide);
and
- (b) for multiple dwellings, a total area of
private open space of not less than
60m² associated with each dwelling,
unless the dwelling has a finished
floor level that is entirely more than
1.8m above the finished ground level
(excluding a garage, carport or entry
foyer).

P1

Dwellings must have:

- (a) site coverage consistent with that
existing on established properties in
the area;
- (b) private open space that is of a size

12.1.6 Representation 4 - K Pennington-Smith

and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:

- (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and
- (ii) operational needs, such as clothes drying and storage; and
- (c) reasonable space for the planting of gardens and landscaping.

A2

A dwelling must have private open space that:

- (a) is in one location and is not less than:
 - (i) 24m² or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);

12.1.6 Representation 4 - K Pennington-Smith

(b) has a minimum horizontal dimension

of not less than:

(i) 4m; or

(ii) 2m, if the dwelling is a multiple

dwelling with a finished floor

level that is entirely more than

1.8m above the finished ground

level (excluding a garage, carport

or entry foyer);

(c) is located between the dwelling and

the frontage only if the frontage is

orientated between 30 degrees west

of true north and 30 degrees east of

true north; and

(d) has a gradient not steeper than 1 in

10.

P2

A dwelling must have private open space

that includes an area capable of serving as

an extension of the dwelling for outdoor

relaxation, dining, entertaining and

children's play and is:

(a) conveniently located in relation to a

living area of the dwelling; and

(b) orientated to take advantage of sunlight. 8.4.4 Sunlight to private open space of multiple dwellings

12.1.6 Representation 4 - K Pennington-Smith

Objective:

That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.

Performance Criteria

A1

A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):

(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):

(i) at a distance of 3m from the northern edge of the private open space; and

(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;

(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and

12.1.6 Representation 4 - K Pennington-Smith

(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:

- (i) an outbuilding with a building height not more than 2.4m; or
- (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.

P1

A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.

8.4.6 Privacy for all dwellings

Objective:

To provide a reasonable opportunity for privacy for dwellings.

P1

A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more

12.1.6 Representation 4 - K Pennington-Smith

than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or
- (b) another dwelling on the same site or its private open space.

P3

A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

8.4.7 Frontage fences for all dwellings

Objective:

The height and transparency of frontage fences:

- (a) provides adequate privacy and security for residents;
- (b) allows the potential for mutual passive surveillance between the road and the dwelling; and
- (c) is reasonably consistent with that on adjoining properties.

Acceptable Solutions Performance Criteria

A1

12.1.6 Representation 4 - K Pennington-Smith

No Acceptable Solution. [S5]

P1

A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

- (a) provide for security and privacy while allowing for passive surveillance of the road; and
- (b) be compatible with the height and transparency of fences in the street, having regard to:
 - (i) the topography of the site; and
 - (ii) traffic volumes on the adjoining road.

12.1.7 Representation 5 - L Watson

From: [REDACTED]
Sent: Mon, 6 Feb 2023 16:40:02 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: Letter to MVC
Attachments: Letter to MVC.odt

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

12.1.7 Representation 5 - L Watson

06/02/2023

To Whom it may concern,

I am writing regarding concerns with a recent development application for 41 Parsonage Street Deloraine 7304. The development application is multiple dwellings of which 1 is existing with 2 proposed.

I understand that the applicant is Design to Live under Planning PA/23/0060 and the owners are Alistair and Sonja Rule.

We are the residents of Unit 1/45a Parsonage Street Deloraine and are mostly dissatisfied with the plans for the proposed build of Unit 1 & 2

This is going to create a serious shadow effect on my residence of which I am not at all pleased with.

I wish to raise a strong objection to this plan being approved given the direct effect it will have on my home, my lifestyle and the negative effect it will create in a home where I am currently very happy.

I wish strongly for Meander Valley Council to please re-consider its approval of this planning development and the ongoing negative effect it will cause on not just our home but many of other local residents.

Regards

Lorraine Watson



12.1.8 Representation 6 - M Walters & M Donohoe

From: [REDACTED]
Sent: Mon, 6 Feb 2023 20:15:59 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: 41 Parsonage St
Attachments: 41 Parsonage Street.docx

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Good Evening,

Please find attached a letter regarding a Planning Application at 41 Parsonage St.

Kind regards, Michelle

Michelle Donohoe

[REDACTED]

12.1.8 Representation 6 - M Walters & M Donohoe

6/2/2023

To Whom it May Concern,

We are writing regarding concerns with a recent Planning Application for 41 Parsonage Street, Deloraine. The Planning Application is for multiple dwellings, one existing with two proposed.

Our understanding is that the application is under Planning PA\23\0060, Design to Live.

As the owners of Units 1 & 2 45a Parsonage Street, Deloraine we are dissatisfied with the proposal.

The tenants of our units are elderly and believe there will be a serious shadow effect on their residence, of which we certainly agree. They have also raised concerns about the direct effect it will have on their lifestyle at the residence, of which they are extremely happy (Please refer to a letter of objection sent in by Kaye & Allan Walters).

Our other concern is the density of surrounding properties in such a small area. We believe this, in the future, could potentially devalue properties in the area. We also see an issue with a change in traffic conditions.

We hope you take into consideration our viewpoints and those of other concerned residence in the area. We welcome the opportunity to discuss this further.

Regards,

Malcolm Walters & Michelle Donohoe

12.1.9 Representation 7 - J Earley

From: [REDACTED]
Sent: Mon, 6 Feb 2023 21:24:00 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: RE: Application PA/23/0060 – 41 Parsonage Street, Deloraine
Attachments: Letter of Objection.pdf

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

To the General Manager,
Please find attached my letter of objection regarding the Application for Planning Approval for application PA\23\0060.
I appreciate your consideration in this matter.
Regards,
Jarrod Earley

5/2/23

To the General Manager

Re application PA/23/0060 – 41 Parsonage Street, Deloraine

As the current owner of Unit 2/43 Parsonage Street Deloraine I would like to exercise my right to object to this development as proposed.

My objection is primarily with the proposed placement of Unit 1 as it stands.

My understanding is that the roof line of this building will come within 1.5 metres of the existing boundary line. Also, the proposed height of the roof is in excess of 5.8 metres from ground level.

As the proposed building of Unit 1 is northwest of my unit, this will greatly diminish the amount of direct sunlight received on a daily basis, particularly during the winter months. With the proposed building being in excess of 5.8 metres tall within 1.5 metres of the boundary and situated on an elevated site in relation to my premises, direct sunlight to my property will be greatly diminished if not totally removed.

I genuinely believe the “Shadow Diagram” as shown in the Development Application is not an accurate indication of what the true effects this development will have on the neighbouring units.

Such a building in this location will greatly affect the ability of myself or tenants to enjoy the ambience of the location I own.

Also, if this development is to proceed I believe it would make the surrounding area of Deloraine the densest housing area in the whole town.

I feel there has been no consideration given to neighbouring property owners in regards to this proposed development by the proponents.

I strongly urge Council to reject this Development Application as is proposed.

Regards,
Jarrod Earley



12.1.10 Representation 8 - K & A Walters

02/02/2023

To Whom it may concern,

Index No.	15711
Doc No.	
RCVD	7 FEB 2023
Action Officer	MA
EO	

I am writing regarding concerns with a recent development application for 41 Parsonage Street Deloraine 7304. The development application is multiple dwellings of which 1 is existing with 2 proposed.

I understand that the applicant is Design to Live under Planning PA/23/0060 and the owners are Alistair and Sonja Rule.

We are the residents of Unit 2/45a Parsonage Street Deloraine and are mostly dissatisfied with the plans for the proposed build of Unit 2.

This is going to create a serious shadow effect on my residence of which I am not at all pleased with.

I wish to raise a strong objection to this plan being approved given the direct effect it will have on my home, my lifestyle and the negative effect it will create in a home where I am currently very happy.

I wish strongly for Meander Valley Council to please re-consider its approval of this planning development and the ongoing negative effect it will cause on not just our home but many of other local residents.

Regards

K. W. Walters A & W Walters

Kaye & Allan Walters

[Redacted Address]

12.1.11 Applicant's Response To The Representations



8th Feb 2023

PA/23/0060 - Response to representations received

Applicant: Design To Live

Development: Multiple dwellings

Owner: Alistair & Sonja Rule

Address: 41 Parsonage Street

We have read all representations received and addressed the common concerns below.

Concern 1: The proposal exceeds an appropriate level of density for the area

The site is 1585m² which allows for 528M² of available land per proposed dwelling, exceeding the acceptable solution of 325m² per dwelling. Therefore, we are not required to address the performance criteria. However, to alleviate the representors concerns we have provided an analysis of the adjoining properties below to demonstrate the density of the proposal is in keeping with the existing surrounding area.

- 39 Parsonage Street - (excluding undeveloped Strata Title 7/39): Site area developed with strata as multiple dwellings: Approx. 1475m² land area divided by four dwellings equals 368m² per dwelling.
- 43 Parsonage Street – Site area developed with strata as multiple dwellings: Approx 1305m² land area divided by four dwellings equals 326.25m² per dwelling.
- 45a Parsonage Street – Site area developed as multiple dwellings: 998m² land area divided by two dwellings equals 499m² per dwelling.

The traffic movements will be in keeping with the surrounding lots as the density of the proposal will be significantly similar as previously stated.

Concern 2: Height of proposed dwellings and potential for overshadowing

This proposal satisfies A3 of clause 8.4.2 in the Tasmanian Planning Scheme. Units 1 & 2 can both be constructed while being fully contained in the prescribed building envelope. Therefore, we are not required to address the performance criteria. However, we have provided additional sun studies to show the extent of overshadowing during winter & summer solstices.

12.1.11 Applicant's Response To The Representations

Living areas of the adjacent units (2/43 & 3/43 Parsonage Street) are located to the south, overshadowing only occurs on non-habitable rooms due to layout of the adjoining units (bathroom, WC, bedroom).

Updated shadow plans have been provided to show 1- hour intervals between the hours of 9am to 3pm on the 21/06 (winter solstice) and 21/12 (summer solstice). As demonstrated on PRSN41-15/16 there is no additional impact with regard to overshadowing adjacent properties during the summer months when outdoor areas are typically more likely to be used. During winter the shading does not exceed 50% of their private open space for 50% of the day. Indicative outlines of adjoining dwellings have also been shown to provide further clarity.

Concern 3: Vibratory compaction during earthworks

There are no adjoining lots that are listed on the Tasmanian Heritage Register and no clause in the Tasmanian Planning Scheme relating to vibratory compaction.

Concern 4: Retaining walls

Concern regarding structural integrity of retaining walls is not a planning matter. However for clarification, it is required that retaining walls are to be completely supported on the property it is retaining. Additionally, a structural engineer is required to design and inspect retaining walls to ensure they are constructed in accordance with the Australian Standards. Which inherently means they will not create risk or nuisance to adjacent properties.

Concern 5: Flooding due to excess stormwater run-off

Stormwater will be addressed with on-site stormwater detention, designed by a hydraulic engineer to ensure an acceptable rate of flow into the stormwater main on Parsonage Street in accordance with the Urban Drainage Act 2013.

Concern 6: Fencing

Fencing for the proposed development will not exceed the acceptable height of 2.1m above existing ground level as stated in table 4.6.4 of the Tasmanian Planning Scheme.

Regards,
Justin Lefevre (B.Env.Des)

Planner's Advice: Applicable Standards

Background

The proposal is for the change of use of an existing single dwelling to multiple dwellings and the construction of two multiple dwellings on land located at 41 Parsonage Street, Deloraine (CT: 47826/2) ("the site" – refer to Figure 1).



Figure 1: Aerial image of the subject site and the surrounding area.

The subject site is an internal lot accessed off Parsonage Street. The site has an area of 1585m². The access strip of the internal lot has a uniform width of 5m and length of 44.4m.

There is an existing single dwelling and garden shed located in the northern corner of the property.

The site rises in elevation from Parsonage Street towards the northern corner of the property. There is a rise in elevation of approximately 7m across the site. The elevation at Parsonage Street is 248m rising to 255m in the northern corner. The south-western corner of the lot has an elevation of approximately 248.5m. Figure 2 shows the half metre contours for the site.

Figures 3-5 are photos of the subject site.

12.1.12 Planner's Advice - Applicable Standards



Figure 2: Aerial photo of subject site showing half metre contours.



Figure 3: Access strip into 41 Parsonage Street viewed from Parsonage Street.

12.1.12 Planner's Advice - Applicable Standards



Figure 4: location of proposed Unit 1.



Figure 5: location of proposed Unit 2.

12.1.12 Planner's Advice - Applicable Standards

The adjoining properties to the West, South and East of the subject site contain multiple dwelling development. 45A Parsonage Street contains two multiple dwellings; 43 Parsonage Street contains four multiple dwellings; and 39 Parsonage Street contains four constructed dwellings with planning approval for six multiple dwellings in total.

The surrounding area consists of residential dwellings which includes both single dwellings and multiple dwellings. The subject site is opposite Woolworths located at 68 Emu Bay Road and is near Our Lady of Mercy School and the Catholic Church located at 20 & 22 West Goderich Street. The proposed development is in close proximity to the service centre of Deloraine.

The subject site and the adjoining properties are within the General Residential Zone (refer to Figure 6).



Figure 6: Zoning map of the subject site and the surrounding area.

Proposed development

The proposed new dwellings will be positioned to the western and southern boundaries of the site as shown in Figure 7.

The proposed new dwellings each comprise of three bedrooms, open plan living, dining and kitchen, separate toilet and bathroom, with an attached garage and a visitor car parking spaces next to the dwelling. The proposed two dwellings each have the same floor plan with a slight change to the garage door entrance. The existing internal driveway will be finished in concrete. The floor plan is shown in Figure 8.

12.1.12 Planner's Advice - Applicable Standards

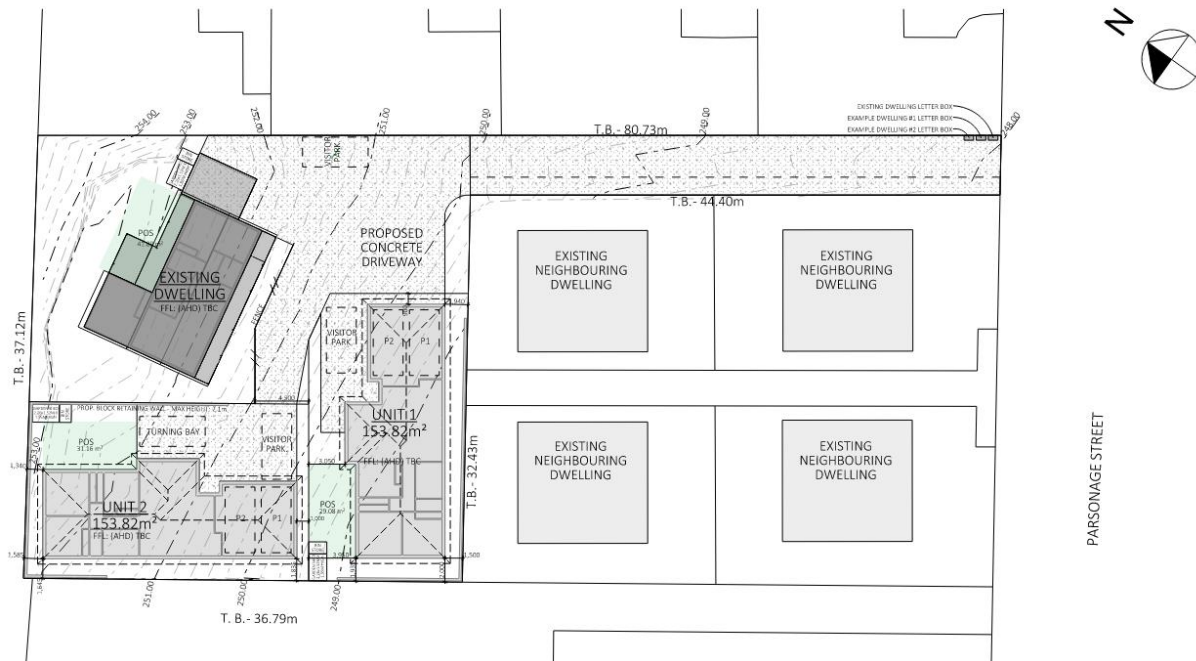


Figure 7: Site plan of the proposed development.

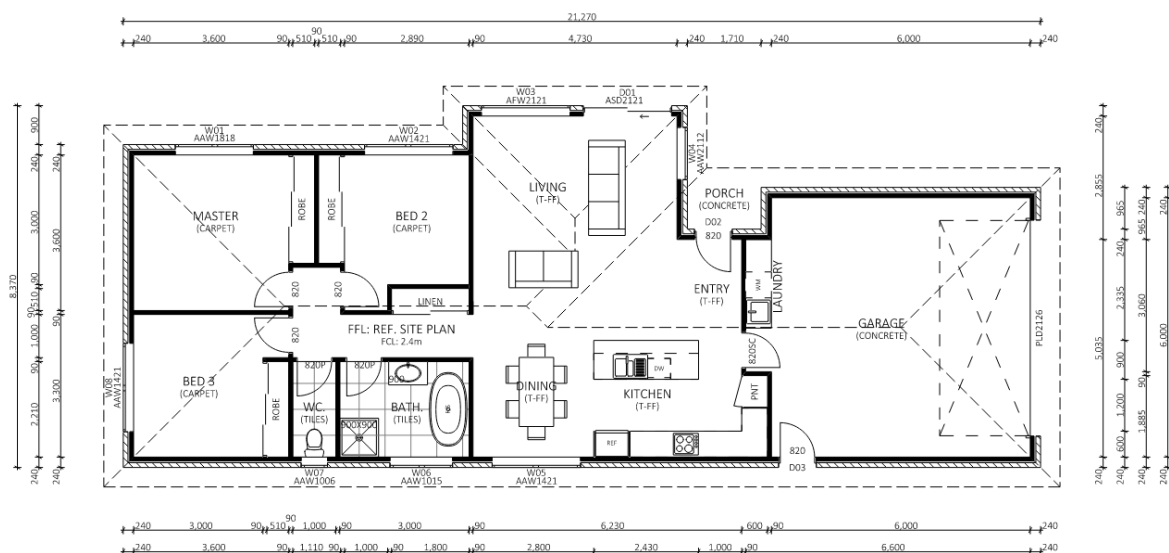


Figure 8: Typical floor plan of the proposed multiple dwellings.

Summary of Planner's Advice

This application was assessed against General Provisions Standards, as well as the Applicable Standards for this Zone, any relevant Codes and Specific Area Plans.

All Standards applied in this assessment are taken from the Planning Scheme.

This application is assessed as compliant with the relevant Acceptable Solutions, except where "Relies on Performance Criteria" is indicated (see tables below).

12.1.12 Planner's Advice - Applicable Standards

Council has discretion to approve or refuse the application based on its assessment of the Performance Criteria, where they apply. Before exercising discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

For a more detailed discussion of any aspects of this application reliant on Performance Criteria, see the attachment titled "Planner's Advice - Performance Criteria".

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
8.4.1	<i>Residential density for multiple dwellings</i>	
A1	The proposed development is for three multiple dwellings and the subject site has a total area of 1585m ² . Therefore, the site area of each multiple dwelling is 523.33m ² . This exceeds the minimum requirement of 325m ² .	Complies
8.4.2	<i>Setbacks and building envelope for all dwellings</i>	
A1	The proposal is setback more than 4.5m from the primary frontage.	Complies
A2	The proposed dwellings each have an attached garage. The garages will be setback greater than 5.5m from the primary frontage.	Complies
A3	<p>The applicable building envelope is described by F8.3 of the Planning Scheme (image below) on the basis that the site is an internal lot. The table below indicates that Unit 1 is located less than 4.5m from the south-eastern boundary and Unit 2 is located less than 1.5m from the north-western boundary. It is noted that Unit 2 would comply with the setback requirement; however, a retaining wall is proposed which has a total length exceeding 9m along the north-western boundary. Therefore, the minimum setback is 1.5m.</p> <p>(a) Both units are contained within the building envelop regarding height, it is only the setback distances that are not complied with.</p>	Relies on Performance Criteria

8.0 General Residential Zone

**Scheme
Standard****Planner's Assessment****Assessed Outcome**

(b) The retaining walls, which are considered to be works forming part of the dwelling, are proposed to be built to the boundary and exceed 9m in wall length, relying on Performance Criteria.

Retaining walls are proposed along the north-western, south-western, and south-eastern boundaries.

Unit 1 will have a retaining wall that will have a maximum height 1m and will retain fill. This wall will be constructed above the existing ground level.

Unit 2 will have a retaining wall that will have a maximum height of 2.1m and will retain cut. This will be constructed below the existing ground level.

Unit No	Max Wall Height (m)	Boundary Setback (m)							
		North-East		South-East		South-West		North-West	
		R ¹	P ²	R ¹	P ²	R ¹	P ²	R ¹	P ²
1	4.16	1.5	13.5	4.5	1.5*	1.5	1.935	1.5	25.6
2	4.39	1.5	26.1	4.5	13.4	1.5	1.645	1.5	1.34*

¹ Required in accordance with A3(a) and (b).

² Proposed Setback

* Does not comply with Acceptable Solution and Relies on Performance Criteria.

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome

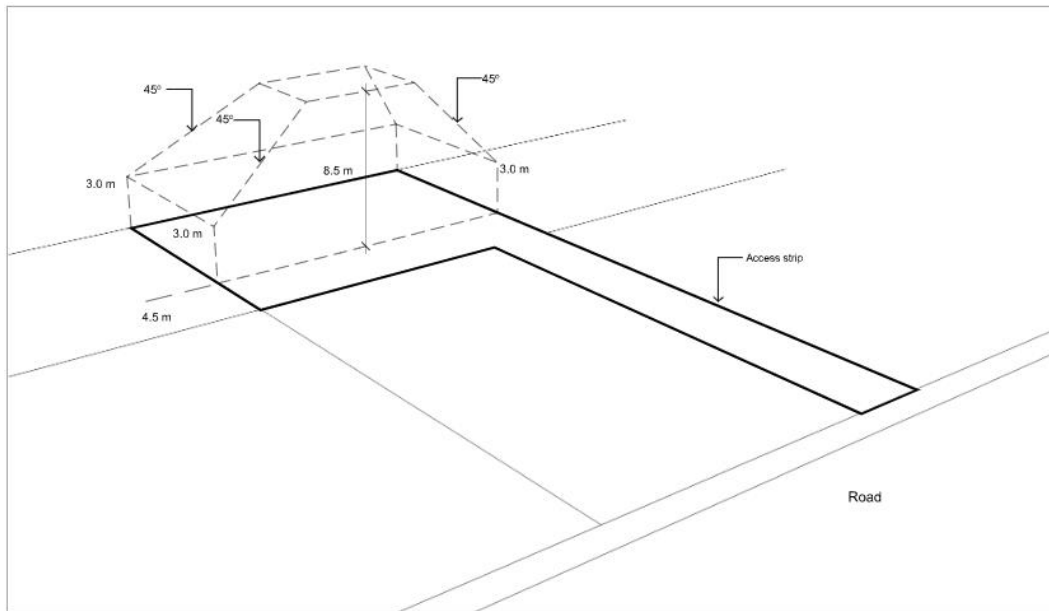


Figure 8.3 Building envelope for internal lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

Figure 9: Building Envelope as referred to in the Planning Scheme.

8.4.3 Site coverage and private open space for all dwellings

A1

(a) The proposal will have a site coverage of 30.8%.

Complies

Exiting Dwelling	112m ²
Unit 1	153.82m ²
Unit 2	153.82m ²
Total Coverage	419.64m ²
Lot area	1363m ² (1585m ² -(5mx44.4m))
Site coverage	30.8%

8.0 General Residential Zone

***Scheme
Standard*****Planner's Assessment****Assessed Outcome**

(b) The proposal will have the following areas for private open space:

Existing Dwelling	253m ²
Unit 1	101m ²
Unit 2	103m ²

A2

(a) Each unit will have a private open space area that is in one location and not less than 24m².

**Relies on
Performance Criteria**

Existing Dwelling	42m ²
Unit 1	31.16m ²
Unit 2	29.08m ²

(b) The private open space area will have the following horizontal dimensions:

	Length	Width
Existing Unit POS	8.52m	4.93m
Unit 1	7.8m	3.95m
Unit 2	8.7m	5.4m

Unit 1 does not meet the 4m minimum horizontal dimension.

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
	<p>(c) The development does not propose private open space areas between the dwelling and the frontage.</p> <p>(d) The gradient of the private open space areas is not steeper than 1 in 10.</p>	
<hr/>		
8.4.4	<i>Sunlight to private open space of multiple dwellings</i>	
A1	<p>Unit 2 is partly located to the north of the private open space of Unit 1 as demonstrated in red on the image below.</p> <p>(a) Unit 2 is located 1m from the northern edge of the private open space area. (a) can not be complied with.</p> <p>(b) The private open space area of proposed Unit 1, given the offset with Unit 2 is able to achieve 50% of the private open space area (12m²), as required by A2 of clause 8.4.3, to receive 3 hours of sunlight between 9am and 3pm on 21st June. The area will receive sunlight between 9am and 12 noon. (b) can be complied with.</p>	Complies

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome



Figure 9: Red area showing the section of private open space for which Unit 2 is to the north of. Approximately 13m² of private open space is not within this area.

8.4.5 Width of opening for garages and carports for all dwellings

A1	The proposal involves garages that are setback more than 12m from the frontage.	Not Applicable
----	---	----------------

8.4.6 Privacy for all dwellings

A1	The proposed development does not include any balcony, deck, roof terrace, or carport that has a floor level more than 1m above existing ground level.	Relies on Performance Criteria
----	--	--------------------------------

The visitor car parking space for Unit 2, as scaled from the south-east elevation, will have a finished surface level more than 1m above the existing ground level.

- (a) The visitor car parking space is more than 3m from the side boundary.

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome

(b) The visitor car parking space is more than 4m from the rear boundary.

(c) The visitor car parking space is:

(i) 4.05m from the window and sliding door of the living room for Unit 1.

(ii) 1m from the private open space area of unit 1.

The car parking space is not more than 6m from (i) and (ii) above and relies on Performance Criteria.

A2

The proposed development will have windows less than 3m from side boundary. However, the windows will have finish floor level of less than 1m or will have obscured glazing thus able to satisfy (b) for this acceptable solution

Complies

Recommended Condition:

Prior to the commencement of use, Unit 1's dining room window shown on the south-east elevation must have fixed obscure glazing extending to a height of not less than 1.7m above the floor level, to the satisfaction of Council's Town Planner.

A3

All dwellings will be setback more than 2.5m from the shared driveway, visitor parking spaces and turning area. Therefore, the proposal is able to satisfy the acceptable solution.

Complies

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
8.4.7	<i>Frontage fence for all dwellings</i>	
A1	The proposal does not propose any fences in the frontage.	Not Applicable
8.4.8	<i>Waste storage for multiple dwellings</i>	
A1	(a) The site plan demonstrates that each dwelling will have an area of 1.5m ² exclusive to each dwelling for waste storage.	Complies

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
<i>C2.5.1</i>	<i>Car parking numbers</i>	
<i>A1</i>	<p>The proposal will have two car parking spaces and a visitor parking space per dwelling, satisfying the requirements of Table C2.1 of this Code.</p> <p>Multiple Dwellings are to provide 2 car parking spaces per dwelling and 1 dedicated visitor car parking space per 3 dwellings for internal lots. The development requires 7 car parking spaces. 9 car parking spaces have been proposed.</p> <p>Note: The visitor car parking space for the existing dwelling is shown partly within the proposed common property for the subsequent strata division. If approved, this will need to be altered, to either be wholly within Lot 1, the existing dwelling lot, or the common property.</p>	Complies
<i>C2.5.2</i>	<i>Bicycle parking numbers</i>	
<i>A1</i>	The proposal is for residential use which in Table C2.1, there is no requirement to provide any bicycle parking numbers. Therefore, this Clause does not apply to this application.	Not Applicable
<i>C2.5.3</i>	<i>Motorcycling parking numbers</i>	
<i>A1</i>	There is no requirement to provide motorcycle parking spaces for a use providing 0-20 car parking spaces.	Not Applicable

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C2.6.1	<i>Construction of parking areas</i>	
A1	The parking, access ways, manoeuvring and circulation spaces will be sealed with concrete. These spaces will be drained to the public storm water system.	Complies
C2.6.2	<i>Design and layout of parking areas</i>	
A1.1	<ul style="list-style-type: none"> (a) The parking, access ways, manoeuvring and circulation spaces have the following: <ul style="list-style-type: none"> (i) The gradient of the parking, access ways, manoeuvring and circulation spaces comply with the Australian Standard for domestic properties. (ii) The proposed development will allow for vehicles to enter and exit the site in a forward direction. In some areas a 5-point turn will be required. (iii) The access width is 5m complying with the requirement for 6 to 20 parking spaces. The change of direction the proposed development will have a width exceeding 4.2m and radius of not less than 4m. Given the 5m width of the access, passing bays can be provided for within the access. (iv) The car parking spaces shown can meet the required 2.6m by 5.4m width and length for parallel parking for the proposed units. However, the two spaces for the existing dwelling have been shown with a length less than 	Relies on Performance Criteria

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
	<p>5.4m and relies on the Performance Criteria.</p> <p>Note: The spaces shown scale at a width of approximately 2.5m, however, there is room on site to meet the required width to satisfy the requirements in Table C2.3.</p> <p>(v) The combined access and manoeuvring width that satisfy the C2.3, exceed 6.4m for 90 degrees.</p> <p>(vi) All garages will have a vertical height of 2.1m or more.</p> <p>(vii) All units are proposed to have three parking spaces, within their own strata lot area, noting, the visitor parking space for the existing dwelling will need to be either wholly outside or wholly within the proposed strata boundary. Given each unit is provided dedicated car parking, delineation is achieved by being located adjacent to each unit.</p>	
A1.2	The proposal does not include any disability car parking spaces. Therefore, this provision does not apply to this application.	Not Applicable
C2.6.3	<i>Number of accesses for vehicles</i>	
A1	The development will use the existing driveway for vehicle access. Only 1 access to the frontage will be provided.	Complies

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
A2	The subject site is within the General Residential Zone. Therefore, this provision does not apply to this application.	Not Applicable
C2.6.5	<i>Pedestrian access</i>	
A1.1	The proposed development will have a total of nine car parking spaces which is less than 10. Therefore, any uses that have less than 10 car parking spaces are not required to provide any pedestrians access.	Not Applicable

C3.0 Road and Railway Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
3.5.1	<i>Traffic generation at a vehicle crossing, level crossing or new junction</i>	
A1.1	Not a category 1 road or limited access road.	Not Applicable
A1.2	Written consent from Council's Road Authority was not required as the vehicle access is existing.	Not Applicable
A1.3	Not within proximity to the rail network.	Not Applicable
A1.4	<p>The proposed development will generate 18 vehicles movement per day. Each unit will generate 6 vehicle movements per day as per the RTA Guide to Traffic Generating Development NSW.</p> <p>The proposal will not result in more than 40 vehicle movements per day satisfying the requirement in Table C3.1.</p>	Complies
A1.5	Not a major road.	Not Applicable

C9.0 Attenuation Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C9.5.2	<i>Sensitive use within an attenuation area</i>	
A1	The proposal is a sensitive use within the attenuation distance of three metal fabrication activities and one motor bodyworks activity. There is no acceptable solution. Therefore, the proposal must rely on the performance criteria.	Relies on Performance Criteria

8.0 General Residential Zone

8.4.2 Setbacks and building envelope for all dwellings	
Planning Scheme Provision	<p>Objective</p> <p><i>The siting and scale of dwellings:</i></p> <ul style="list-style-type: none"> (a) <i>provides reasonably consistent separation between dwellings and their frontage within a street;</i> (b) <i>provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> (c) <i>provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> (d) <i>provides reasonable access to sunlight for existing solar energy installations.</i>
	<p>Performance Criteria P3</p> <p><i>The siting and scale of a dwelling must:</i></p> <ul style="list-style-type: none"> (a) <i>not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i> <ul style="list-style-type: none"> (i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i> (ii) <i>overshadowing the private open space of a dwelling on an adjoining property;</i> (iii) <i>overshadowing of an adjoining vacant property; and</i> (iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i> (b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i> (c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i> <ul style="list-style-type: none"> (i) <i>an adjoining property; or</i> (ii) <i>another dwelling on the same site.</i>

Summary of Planner's Advice

The development is assessed as not satisfying Performance Criteria P3, and is inconsistent with the objective.

Details of the planner's assessment against the provision are set out below.

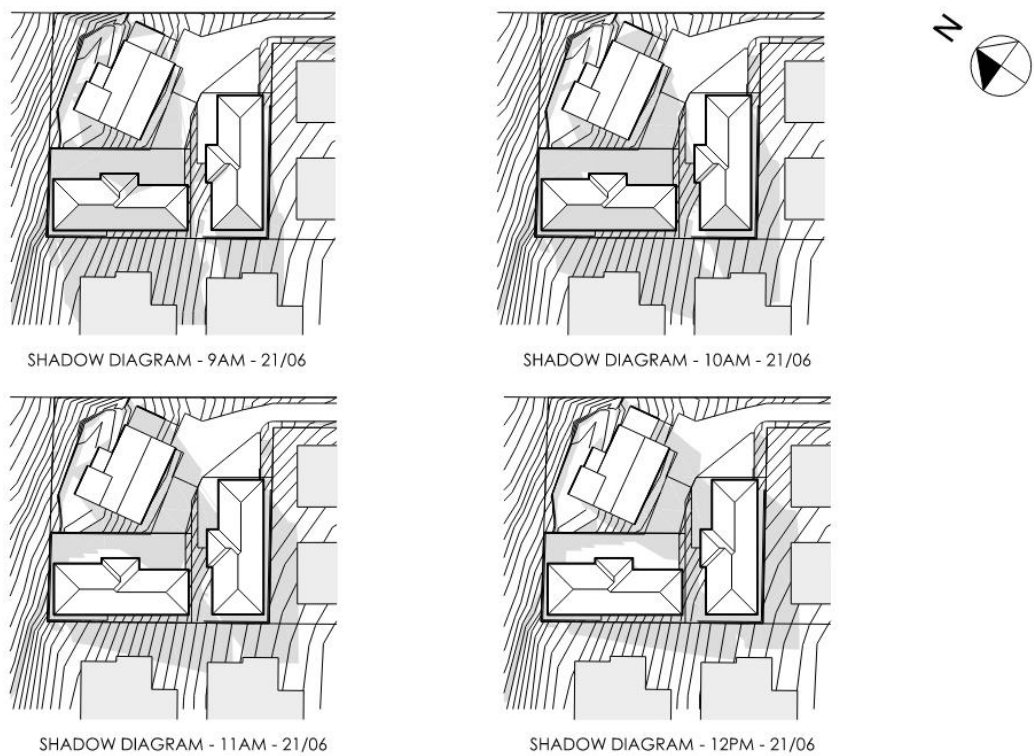
12.1.13 Planner's Advice - Performance Criteria

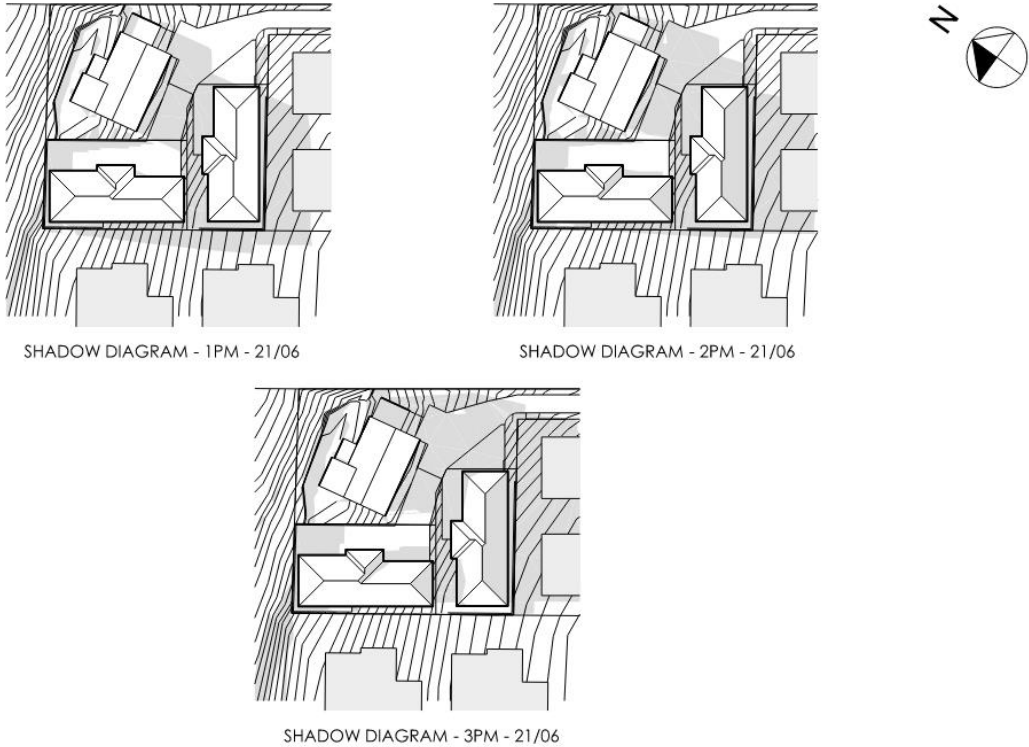
Scheme Provision	Planner's Assessment
<p>8.4.2 Performance Criteria P3</p>	<p>Proposed Unit 1 is setback 1.5m from the southern boundary shared with 43 Parsonage Street, Deloraine. As the subject site is an internal lot, the Acceptable Solution requires a distance 4.5m from the rear boundary of a property with an adjoining frontage. Unit 1 is located to the rear boundary of 43 Parsonage Street, for which Parsonage Street is its frontage. The building envelope for an internal lot is clearly displayed in Figure 8.3 of the Planning Scheme (included in the attachment titled 'Planner's Assessment – Applicable Standards'). The location of the titles for the subject site and 43 Parsonage Street is identical to the scenario represented in this figure. As such, it is clearly demonstrated that the application relies on the Performance Criteria.</p> <p>The development also proposes retaining walls to be constructed to the north-western, south-western, and south-eastern boundary. As the wall length of the retaining walls exceed 9m in length and the walls are within 1.5m of the boundary, the retaining walls also rely on assessment against the Performance Criteria.</p> <p>As the wall length is exceeded due to the length of the retaining walls within 1.5m of the boundary, Unit 2 also relies of the assessment against the Performance Criteria as it is setback 1.34m from the rear (north-western) boundary.</p>
<p>8.4.2 Performance Criteria P3 (a)</p>	<p>The siting and scale of Unit 1 must not cause an unreasonable loss of amenity to adjoining properties having regarding to the matters considered in (i) to (iv) assessed below. The assessment below identifies that proposed Unit 1 will overshadow the sunroom (habitable room) and private open space of Unit 2/43 Parsonage Street. The extent of overshadowing will be from 10am through to 3pm on 21 June. The southern side of Unit 1 will be filled to create a level area to construct on. As a result, this is considered to enhance the extent of overshadowing to the adjoining property and also generate visual impacts from the bulk, and scale of Unit 1 when viewed from Unit 2/43 Parsonage Street.</p>
<p>8.4.2 Performance Criteria P3 (a)(i)</p>	<p>The assessment of the application identified that the shadows that were depicted in the submitted and advertised plans were falling in the wrong direction. As such, on 27 February 2023, amended plans were submitted which included amended shadow diagrams (refer to attachment titled 'Amended Plans received 27 February 2023'). These shadow diagrams for 21</p>


12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>June are considered to better represent the extent of overshadowing falling on the adjoining properties. It is noted Unit 2/43 Parsonage Street has a glass sunroom addition constructed to the rear of the unit. This extends 2.4m from the rear of the unit and extends most of the width of the unit being 8.4m. This structure is located 2.6m from the shared boundary with the subject site. The shadow diagrams do not show this sunroom in the building footprint.</p> <div data-bbox="430 627 1404 1209"> <p>The figure consists of two hand-drawn diagrams. The left diagram is a floor plan for Unit 2, showing a lounge, kitchen, bath, WC, and two bedrooms (Bed 1 and Bed 2) with robes. A 'Glass Sunroom Addition' is shown at the rear, measuring 8.4m in width and 2.4m in depth. The right diagram is a site plan for 43 Parsonage Street, showing four units (2, 3, 4, 5) with their respective setbacks and dimensions. Unit 2 is at the top left, Unit 5 at the top right, Unit 3 at the bottom left, and Unit 4 at the bottom right. The site plan includes dimensions for setbacks (e.g., 2.6m, 3.0m, 4.5m) and lot boundaries (e.g., 32.00m, 45.00m). The date '03/3/4' and '12/11/2014' are noted at the bottom right of the site plan.</p> </div> <p>Figure 1: Floor plan and site plan of the sunroom located at 2/43 Parsonage Street, Deloraine.</p> <div data-bbox="510 1276 1372 1926"> <p>A photograph showing the rear of Unit 2, featuring a large glass sunroom addition with a white frame and a corrugated metal roof. The sunroom is situated behind a wooden fence, and a grassy area is visible in the foreground. The date '24 02 2023' is printed in orange in the bottom right corner of the photo.</p> </div> <p>Figure 2: Photo of sunroom to the rear of unit 2/43 Parsonage Street taken from the subject site.</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>Other than the sunroom the habitable rooms (other than bedrooms) for Unit 2/43 Parsonage Street, are located on the south-western side of the dwelling. As such the sunlight received to the sunroom is considered to enhance the quality of the amenity of the residents of the unit.</p> <p>The shadow diagrams for 21 June are shown in the figures below.</p> <div data-bbox="427 613 1465 1366">  <p>SHADOW DIAGRAM - 9AM - 21/06</p> <p>SHADOW DIAGRAM - 10AM - 21/06</p> <p>SHADOW DIAGRAM - 11AM - 21/06</p> <p>SHADOW DIAGRAM - 12PM - 21/06</p> </div> <p><i>Figure 3: Shadow diagrams for 21 June, showing 9am through to 12noon.</i></p>

Scheme Provision	Planner's Assessment
	<div data-bbox="432 349 1465 1093">  <p>SHADOW DIAGRAM - 1PM - 21/06</p> <p>SHADOW DIAGRAM - 2PM - 21/06</p> <p>SHADOW DIAGRAM - 3PM - 21/06</p> </div> <p data-bbox="555 1099 1342 1133"><i>Figure 4: Shadow diagrams for 21 June, showing 1pm through to 3pm.</i></p> <p data-bbox="419 1171 1477 1630">These shadow diagrams demonstrate that the proposed development will generate overshadowing to the adjoining properties. The morning sunlight on 21 June will fall on the two units located at 45A Parsonage Street. The shadow will extend to the habitable room windows of the kitchen and lounge room (north-east elevation) and the sliding door to the lounge room (north-west elevation). However, from 11am onwards, these habitable rooms will not be overshadowed by the development. As such, the extent of overshadowing to the habitable rooms of 45A Parsonage Street is not considered to cause an unreasonable loss of amenity, as the habitable rooms will receive sunlight from the late morning through to the afternoon. Figure 5 shows a photo of the north-east elevation of the units at 45A Parsonage Street.</p>

Scheme Provision	Planner's Assessment
	 <p data-bbox="419 1111 1474 1178"><i>Figure 5: North-east elevation of the units at 45A Parsonage Street taken from the subject site looking south.</i></p> <p data-bbox="419 1216 1474 1928">The shadow diagrams demonstrate that Unit 2/43 Parsonage Street will receive shadowing from 10am through to 3pm. This shadowing will reduce sunlight into the purposely constructed sunroom. The plans do not demonstrate the height at which the sun will meet the glass wall. However, rough sketches were undertaken showing that it will be at a height approximately 1.3m above existing ground level at 10am on 21 June and 1.2m at 12 noon. The 12 noon scenario will cast the shortest shadow. It is noted, that because a retaining wall tapering in height from 1m through ground level will also be constructed, if a 1.8m high boundary fence is constructed on top of the wall, this will also cast a shadow on Unit 2/43 Parsonage Street. This shadow in some circumstances will be greater than the shadow cast from Unit 1 itself. Without detailed plans showing where the shadow of the proposed development falls on the sunroom on 21 June, it cannot be concluded that that the extent of the overshadowing received to the sunroom is reasonable and will not cause an unreasonable loss of amenity. It is, therefore, considered, based on duration of shadowing received to the sunroom (10am through to 3pm) on 21 June and the predicted height the shadow falls on the</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>sunroom, that an unreasonable loss of amenity is created through the loss of sunlight.</p> <p>Unit 3/43 Parsonage Street will receive overshadowing from 1pm onwards. However, the proposed development will not overshadow a habitable room (other than a bedroom) as these rooms are located on the north-eastern side of the dwelling.</p>
<p>8.4.2 Performance Criteria P3 (a)(ii)</p>	<p>The proposed development will overshadow the adjoining properties private open space areas throughout various times of the day. The private open space area of Unit 1 and 2 45A parsonage Street will be overshadowed from 9 am and 10am on 21 June. However, from 11am these private open space areas will receive access to sunlight. The private open space area for Unit 2/43 Parsonage Street will receive overshadowing from 10am through to 3pm. Unit 3/43 Parsonage Street's private open space area will be impacted by overshadowing from 1pm through the 3pm on 21 June.</p> <p>Given the private open space area for the units at 45A Parsonage Street and Unit 3/43 Parsonage Street receive more than 3 hours of sunlight throughout the day on 21 June, the extent of overshadowing on this area is considered reasonable. However, Unit 2/43 Parsonage Street's private open space area will be in shadow from 10 am through to 3 pm on 21 June and given the space will receive less than 3 hours of sunlight on 21 June, this is considered unreasonable and can negatively impact how the space is enjoyed. It is considered that the extent of overshadowing to the private open space of Unit 2/43 Parsonage Street will cause an unreasonable loss of amenity.</p> <p>Receiving access to direct sunlight even in the winter months is considered to be a factor and quality that contributes to making a place pleasant and enjoyable. Removing the ability for the private open space to receive sunlight can impact how the outdoor area dedicated to that dwelling is used.</p>



12.1.13 Planner's Advice - Performance Criteria

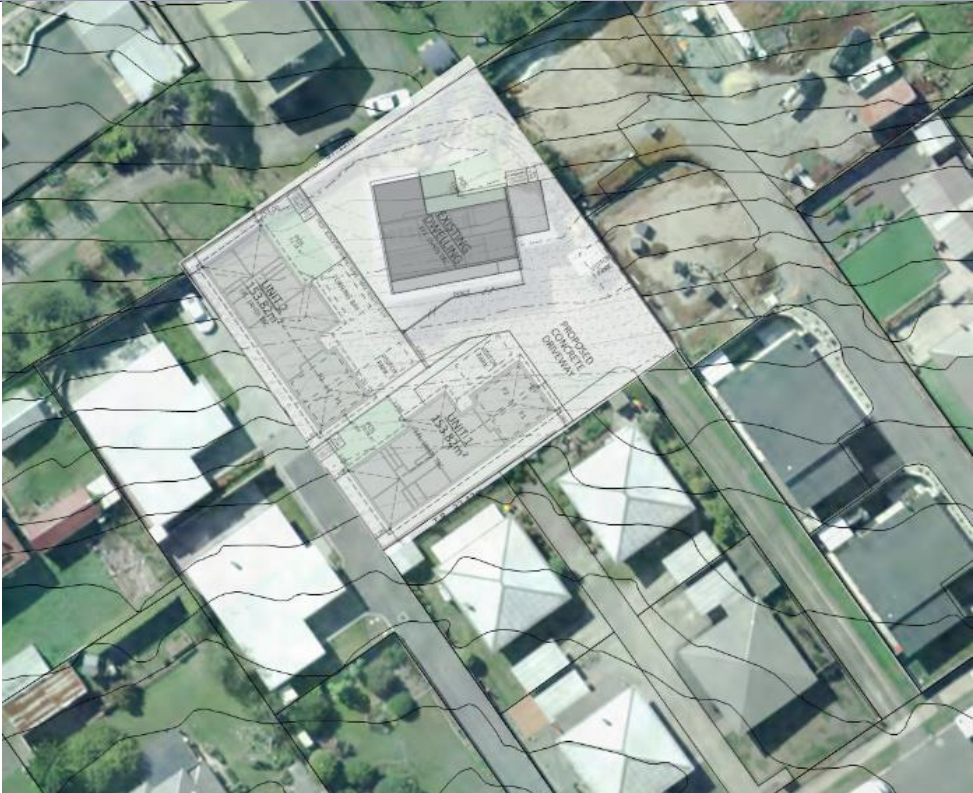
Scheme Provision	Planner's Assessment
	<div data-bbox="445 342 1449 1086"></div> <p data-bbox="445 1086 1449 1122"><i>Figure 6: Photo of the private open space area for Unit 2/43 Parsonage Street, Deloraine.</i></p> <div data-bbox="445 1149 1449 1892"></div> <p data-bbox="445 1892 1449 1928"><i>Figure 7: Photo of the private open space area for Unit 3/43 Parsonage Street, Deloraine.</i></p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>8.4.2 Performance Criteria P3 (a)(iii)</p>	<p>Not applicable. There is no vacant land adjoining the subject site.</p>
<p>8.4.2 Performance Criteria P3 (a)(iv)</p>	<p>The southern half of the development area for Unit 1 will be filled to a maximum height of 1m in the southern corner of the lot. This will require a retaining wall to be constructed along the south-eastern and south-western boundary decreasing in height from 1m to where it meets natural ground level. Unit 1 will be located 1.5m from the south-western corner shared with 43 Parsonage Street. The unit will not be parallel to the boundary having a setback of 1.94m to the same boundary at the south-eastern corner of the unit. The south-western corner of Unit 1 will have a wall height of 4.16m from existing ground level. The overall maximum height of the dwelling will be 5.86m. Figures 8 and 9 are photos taken from the common area between Unit 2 and Unit 3 43 Parsonage Street, Deloraine. The existing boundary fence consists of a 1m high paling fence topped with lattice ranging in height from 1.5m behind Unit 2/43 Parsonage Street to 1.8m behind Unit 3/43 Parsonage Street.</p> <p>In consideration of the topography of the land, and the proposal to fill the southern side of Unit 1, Unit 1 is considered to be a visually large building that will be high (5.8m) and long. The wall length will be 21.27m in length. This wall length extends the full length of the private open space area for Unit 2/43 Parsonage Street. The wall will have minimal articulation, being three windows all of which are required to be obscured and located towards the middle of the Unit. The unit is considered visually obtrusive when viewed from this adjoining property through its scale and bulk. The scale and bulk of the unit is considered to contribute to an unreasonable loss of amenity to Unit 2/43 Parsonage Street.</p> <p>Figure 10 demonstrates the length of Unit 1 along the boundary of 43 Parsonage Street.</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<div data-bbox="443 342 1449 1088"></div> <p data-bbox="443 1088 1449 1126"><i>Figure 8: Photo of the private open space area for Unit 3/43 Parsonage Street, Deloraine.</i></p> <div data-bbox="443 1151 1449 1897"></div> <p data-bbox="443 1897 1449 1935"><i>Figure 9: Photo of the private open space area for Unit 3/43 Parsonage Street, Deloraine.</i></p>

Scheme Provision	Planner's Assessment
	 <p>Figure 10: Site plan of the proposed development overlaying the aerial photo including half metre contours of the area.</p>
<p>8.4.2 Performance Criteria P3 (b)</p>	<p>An analysis of the separation between dwellings on adjoining properties has been undertaken. It has demonstrated that there are a range of single and multiple dwelling within the area constructed on both lots with a full frontage or internal lots. Whilst there are many units constructed around the subject site, the development pattern is predominately single dwellings interspersed with multiple dwellings. The single dwellings are generally constructed towards the front boundary with outbuildings constructed to the rear. However, there is generally a backyard to provide separation in excess of 4m between dwellings.</p> <p>As such the separation distances of dwellings from internal lots has been considered. This has demonstrated that where a single dwelling is constructed on an internal lot, a separation distance ranges from 3m to 10m. The internal lots that are constructed with multiple dwellings has a separation distance ranging from 1m to 4.86m. This provides an average separation distance of approximately 2.5m for the multiple dwellings considered. As such, it is considered that the proposal does not provide a separation distance between dwellings on adjoining sites that is consistent with that existing on established</p>

12.1.13 Planner's Advice - Performance Criteria

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properties in the area. Figure 11 and Figure 12 show the properties that were considered.

An aerial photograph of a residential neighborhood. Several properties are highlighted with red rectangular overlays. One property, located near the intersection of Moriarty Street and Parsonage Street, is highlighted with a yellow rectangular overlay. The map shows a network of streets, including Moriarty Street, Parsonage Street, West Barrack Street, Tower Hill Street, and Emu Bay Road. The surrounding area includes green fields and some commercial buildings.

Figure 11: the sites that were considered in the separation analysis are shown in red. The subject site is highlighted yellow.

Address	Setback	Type
51 Moriarty Street	6.56m	Single Dwelling
9 Parsonage Street	9.5m	Single Dwelling
52A Parsonage Street	10.75m	Single Dwelling
53A West Barrack Street	3m	Single Dwelling
18A Tower Hill Street	26m	Single Dwelling
25 Parsonage Street	28.14m	Single Dwelling

Unit 1/30A West Goderich Street	1.575m	Multiple Dwellings
Unit 2/30A West Goderich St	1.5m	Multiple Dwellings
Unit 3/30A West Goderich Street	1.95m	Multiple Dwellings
45A Parsonage Street	3m	Multiple Dwellings
Unit 1/50 Parsonage Street	3m	Multiple dwellings
Unit 5/53 West Parade	1.51m	Multiple Dwellings
Unit 1/53 West Parade	4.86m	Multiple Dwellings
Unit 1/151 Emu Bay Road	1m	Multiple Dwellings

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment																				
	<table><tr><td>Unit 2/151 Emu Bay Road</td><td>1m</td><td>Multiple Dwellings</td></tr><tr><td>Unit 1/66 West Goderich Street</td><td>3m</td><td>Multiple Dwellings</td></tr><tr><td>Unit 2/66 West Goderich Street</td><td>3m</td><td>Multiple Dwellings</td></tr><tr><td>Unit 3/9 Tower Hill Street</td><td>2.54m</td><td>Multiple Dwellings</td></tr><tr><td>Unit 2/9 Tower Hill Street</td><td>3.01m</td><td>Multiple Dwellings</td></tr><tr><td>Unit 1/9 Tower Hill Street</td><td>3.29m</td><td>Multiple Dwellings</td></tr></table> <p>Figure 12: Analysis of setback to boundaries for internal lots within Deloraine.</p>	Unit 2/151 Emu Bay Road	1m	Multiple Dwellings	Unit 1/66 West Goderich Street	3m	Multiple Dwellings	Unit 2/66 West Goderich Street	3m	Multiple Dwellings	Unit 3/9 Tower Hill Street	2.54m	Multiple Dwellings	Unit 2/9 Tower Hill Street	3.01m	Multiple Dwellings	Unit 1/9 Tower Hill Street	3.29m	Multiple Dwellings		
Unit 2/151 Emu Bay Road	1m	Multiple Dwellings																			
Unit 1/66 West Goderich Street	3m	Multiple Dwellings																			
Unit 2/66 West Goderich Street	3m	Multiple Dwellings																			
Unit 3/9 Tower Hill Street	2.54m	Multiple Dwellings																			
Unit 2/9 Tower Hill Street	3.01m	Multiple Dwellings																			
Unit 1/9 Tower Hill Street	3.29m	Multiple Dwellings																			
8.4.2 Performance Criteria P3 (c)	No existing solar energy installations were observed on the adjoining properties that will be overshadowed. Whilst there is a solar installation on the existing dwelling on the site, this is located to the north of the development and will not be overshadowed.																				
8.4.3 Performance Criteria P3 Conclusion	<p>Proposed Unit 1 will be setback 1.5m through to 1.94m from the boundary shared with 43 Parsonage Street. A retaining wall having a maximum height of 1m in the southern corner is proposed to be constructed approximately 23m along this shared boundary tapering to ground level. The construction materials for the multiple dwellings will be brick veneer for the walls and colorbond for the roof. There are three windows proposed for the south-east elevation of Unit 1. These windows are proposed to be obscured glass (required to comply with the privacy requirements of the Planning Scheme) and will be for the toilet, bathroom and dining room.</p> <p>Unit 1 will be built up to achieve a finished floor level that will be 1.7m from the existing ground level. This, along with a long wall of 21.27m broken by three obscure glass windows, being between 1.5 and 1.94m from the shared boundary with 43 Parsonage Street will increase the visual bulk and scale of the unit when viewed from the adjoining property.</p> <p>As the topography rises up from Parsonage Street, the proposed multiple dwellings will be on a higher elevation compared to the units at 43 Parsonage Street. However, the slope between Unit 1 and Unit 2/43 in the south-western corner of the lot is gently sloping. It is considered that Unit 1 could be cut into the slope on the northern side, and requiring less fill on the southern side which would reduce the overall height from existing ground level. This has the potential to reduce the bulk and form of the unit when viewed from the adjoining properties and could also reduce the extent of overshadowing from Unit 1 onto Unit 2/43 Parsonage Street. However, it is understood that the proposed Unit 1 is built up to achieve fall to connect into the existing services.</p>																				

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>It is noted that a drainage easement in favour of the subject site is provided for over 43 Parsonage Street along the western boundary which could be used to gain connection to services, reducing the need to build the unit up.</p> <p>The separation between the existing units and proposed Unit 1 is considered not compatible with the separation of the existing pattern of development. The pattern of development for internal lots in Deloraine averages a separation distance of approximately 2.5m.</p> <p>Unit 2/43 Parsonage Street Deloraine will receive overshadowing to both the sunroom (habitable room) and the private open space area from 10am through to 3pm on 21 June.</p> <p>The proposed development is considered to cause an unreasonable loss of amenity through the reduction of sunlight to habitable rooms and private open space and the visual impacts caused by the scale and bulk of the development being less than 2m from the boundary of 43 Parsonage Street.</p> <p>The extent of overshadowing received to Unit 2/43 Parsonage Street demonstrates that the separation between dwellings on adjoining properties is reduced to not allow reasonable opportunity for daylight and more importantly sunlight to enter habitable rooms and private open space. Therefore, an unreasonable loss of amenity will be created for Unit 2/43 Parsonage Street if this application is approved. As such the siting and scale of the proposed development is not considered to satisfy the Performance Criteria or objective of the standard and is recommended to be refused.</p>

Planning Scheme Provision	8.4.3 Site coverage and private open space for all dwellings
	Objective
	That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
	Performance Criteria P2
	A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P2, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
8.4.3 Performance Criteria P2	The private open space area for Unit 1 does not have a minimum horizontal dimension of 4m as required by the Acceptable Solution. It is shown on the submitted plans to be 3.950m and, therefore, relies on the assessment against the Performance Criteria.
8.4.3 Performance Criteria P2 (a)	The private open space area is accessed from the living room of the unit. This direct connection between the living areas of the unit and the private open space is conveniently located and central to the unit.
8.4.3 Performance Criteria P2 (b)	The private open space area is located to the northern side of Unit 1. The space will receive morning sunlight. The area will receive overshadowing from Unit 2 from the afternoon.
8.4.3 Performance	The private open space area serving Unit 1 is considered an appropriate width that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play. The area is located to take

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
Criteria P2 Conclusion	advantage of sunlight and provides direct connection with the living area of the unit. The area will provide opportunities for the planting of gardens and landscaping. The private open space area is consistent with the objective.

Planning Scheme Provision	8.4.6 Privacy for all dwellings
	Objective
	<i>To provide a reasonable opportunity for privacy for dwellings.</i>
	Performance Criteria P1 <i>A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</i> (a) <i>a dwelling on an adjoining property or its private open space; or</i> (b) <i>another dwelling on the same site or its private open space.</i>

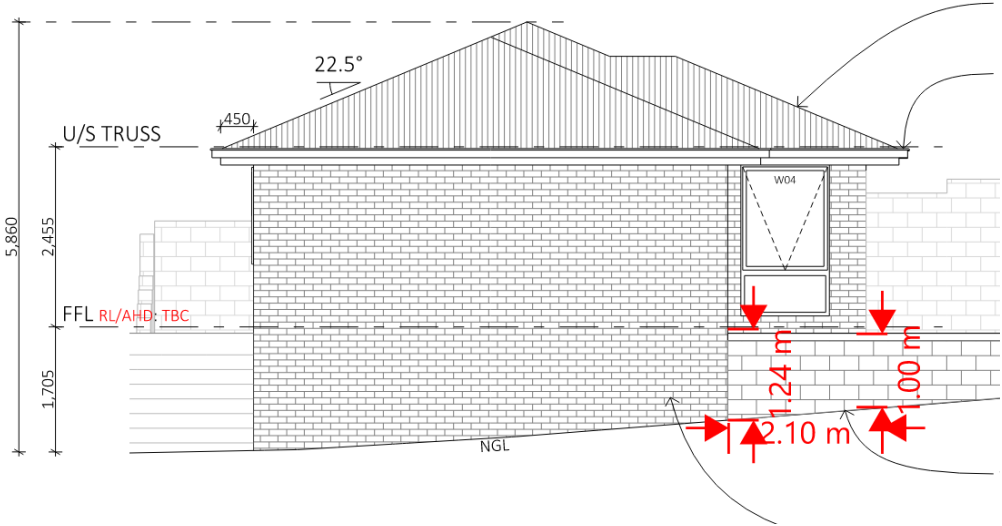
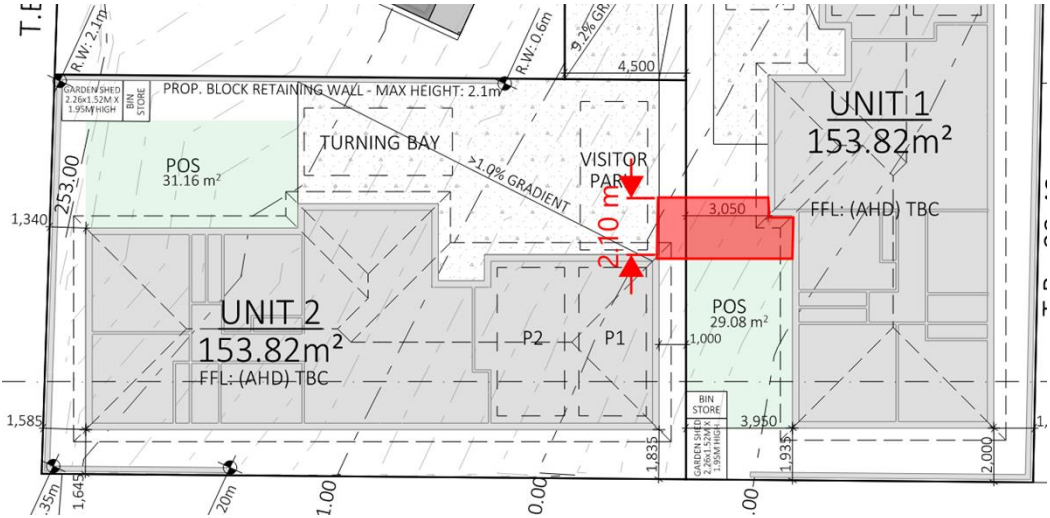
Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
8.4.6 Performance Criteria P1	The visitor car parking space located in front of the garage for Unit 2 will have a finished surface level that has been scaled at greater than 1m in height from existing ground level. A permanently fixed screen to a height of 1.7m above finished surface level with uniform transparency of not more than 25% along the side facing Unit 1 has not been proposed. This space is located 1m from the private open space of Unit 1 and less than 6m from the window to the living room of Unit 1. As such, the proposal relies on assessment against the Performance Criteria.
8.4.6 Performance Criteria P1 (a)	There will be no overlooking concerns from a balcony, deck, roof terrace, parking space or carport into a dwelling on an adjoining property or its private open space.
8.4.6 Performance Criteria P1 (b)	The proposed visitor car parking space for Unit 2 overlooks the dwelling on the same site and its private open space area. The finished surface level will reduce from the garage where the height is approximately 1.24m, to be 1m or less approximately 2.1m from the garage of Unit 2. This is represented in Figure 13 and 14 below.

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	 <p>Figure 13: Showing the section of the visitor car parking space that has a finished surface level more than 1m above existing ground level.</p>  <p>Figure 14: Showing the section of the visitor car parking space that has a finished surface level more than 1m above existing ground level which overlooks the private open space area of Unit 1.</p> <p>The Performance Criteria states that where the finished floor level is more than 1m above existing ground level, the parking space <i>must be screened, or otherwise designed, to minimise overlooking</i>. To satisfy this requirement, if approved, a condition of approval will require a screen, or the like, to be provided for along the southern edge of the visitor parking space for Unit 2 where the finished surface level is more than 1m above existing ground level.</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p><u>Recommended Condition:</u></p> <ul style="list-style-type: none"> • Amended plans must be submitted to the satisfaction of Council's Town Planner showing a screen, or the like, located along the southern edge of the visitor parking space for Unit 2 for that part which has a finished surface level more than 1m in height to minimise overlooking to Unit 1. • Prior to the commencement of use, the screen required along the southern side of the visitor car parking space to Unit 2 must be installed to the satisfaction of Council's Town Planner.
<p>8.4.6 Performance Criteria P1 Conclusion</p>	<p>With conditions to install screening, or the like, the overlooking generated from the visitor car parking space of Unit 2 into Unit 1, can be minimised to satisfy the performance criteria and is consistent with the objective.</p>

C2.0 Parking and Sustainable Transport Code

Planning Scheme Provision	C2.6.2 Design and layout of parking areas
	Objective
	<i>That parking areas are designed and laid out to provide convenient, safe and efficient parking.</i>
	Performance Criteria P1 <i>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</i> <ul style="list-style-type: none"> <i>(a) the characteristics of the site;</i> <i>(b) the proposed slope, dimensions and layout;</i> <i>(c) useability in all weather conditions;</i> <i>(d) vehicle and pedestrian traffic safety;</i> <i>(e) the nature and use of the development;</i> <i>(f) the expected number and type of vehicles;</i> <i>(g) the likely use of the parking areas by persons with a disability;</i> <i>(h) the nature of traffic in the surrounding area;</i> <i>(i) the proposed means of parking delineation; and</i> <i>(j) the provisions of Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Offstreet commercial vehicle facilities.</i>


Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
C2.6.2 Performance Criteria P1	The parking length of the two parking spaces dedicated to the existing dwelling scales less than 5.4m in length and does not comply with the required 5.4m of the Planning Scheme. As the second car parking space for the existing dwelling has been reduced in length, the location of the visitor car parking space will block the access and encroach into the space required for this car parking space. Whilst the car parking configuration for the existing dwelling can be amended, as proposed it does not comply with the Acceptable Solution and relies on assessment against the Performance Criteria.

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C2.6.2 Performance Criteria P1 (a)	<p>The site elevates towards the northern corner of the property. The access strip raises approximately 2m in elevation from Parsonage Street to where the access strip enters the bulk of the lot. This equates to a gradient of approximately 4.5%.</p> <p>From the southern corner of the lot to the northern corner, there is a rise of 6.5m over 55m. This equates to a gradient of 11.8%.</p> <p>There is an existing dwelling on the property. This has a garage to the side which is proposed to park one vehicle. The remaining site is vacant.</p>  <p><i>Figure 15: Location of parking for the existing dwelling.</i></p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<div data-bbox="454 342 1439 1075"></div> <p data-bbox="667 1077 1225 1113"><i>Figure 16: Looking south-west to proposed Unit 1.</i></p> <div data-bbox="454 1140 1439 1872"></div> <p data-bbox="667 1874 1225 1910"><i>Figure 17: Looking west towards proposed Unit 2.</i></p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>C2.6.2 Performance Criteria P1 (b)</p>	<p>The Planning Scheme requires car parking spaces to be 5.4m in length and in this instance 2.6m in width. It is noted that the <i>Australian Standard AS2890 – Parking facilities, Parts 1-6</i> (Australian Standard) does provide for car parking spaces to be 2.5m in width. The parking spaces provided for the two proposed units will have dimension that meet the requirements. However, the car parking spaces afforded to the existing dwelling have a length shorter than the required 5.4m in length. As such, if approved it is recommended that the parking configuration for the existing dwelling be amended to achieve compliance with the required length and width. It is considered that there is appropriate space on-site to achieve this.</p> <p><u>Recommended Condition:</u></p> <ul style="list-style-type: none"> • Prior to the commencement of use, an amended plan must be submitted to the satisfaction of Council's Town Planner demonstrating that car parking spaces serving the existing dwelling are 5.4m in length. <p>The amended plans that were submitted on 27 February 2023 included the gradients of these areas and demonstrated the following:</p> <ul style="list-style-type: none"> • The visitor parking space for Unit 1 will have a gradient of 5.9% and a crossfall of 8.9%. This parking area, however, is likely to be cut into the slope and made relatively flat. • There will be a gradient of less than 1% for the visitor car parking space and turning area for Unit 2. • The access to Unit 2 will have a gradient of 5.7% and 9.2% (assuming this is the crossfall). • The circulation and manoeuvring space will have a gradient of 12.3%.

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p><u>Recommended Condition</u></p> <ul style="list-style-type: none"> • Prior to the commencement of use, a 'Shared Zone' sign (R4-4) is to be erected at the entrance to the property, to identify that the driveway is used for both pedestrian and vehicles, to the satisfaction of Council's Town Planner. <p>The access and visitor parking space for Unit 2 will be built up, creating a drop off at approximately 1.2m at its highest point. It is noted that this area may require a barrier to be installed by a Building Surveyor to prevent fall. However, it is also noted that a screen is required to be installed for that part of the wall over 1m in height to minimise overlooking as recommended in 8.4.6 above. This screen could also be considered to act as a safety barrier for pedestrians.</p>
<p>C2.6.2 Performance Criteria P1 (e)</p>	<p>The proposal is for a residential use and will result in three multiple dwellings within the site.</p>
<p>C2.6.2 Performance Criteria P1 (f)</p>	<p>The proposed development will result in three residential multiple dwellings. The use will generate 18 vehicle movements per day. The type of vehicles likely to be used by the residents of the dwelling are considered to be non-commercial in nature, such as cars, SUV and smaller four-wheel drives.</p>
<p>C2.6.2 Performance Criteria P1 (g)</p>	<p>Being a multiple dwelling development, disability parking is not required to be provided and hasn't been demonstrated on the plans.</p>
<p>C2.6.2 Performance Criteria P1 (h)</p>	<p>Parsonage Street has a carriageway width of approximately 10m. Parsonage Street provides access to Woolworths, the Deloraine Catholic Church and Our Lady of Mercy Primary School. As such, the road is used by both residents and people who are accessing these, and other services, located within the area. Council's Road Authority considers the additional volume of traffic (12 additional vehicle movements per day) will have a negligible impact on the safety and efficiency of the immediate and boarder road network.</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>C2.6.2 Performance Criteria P1 (i)</p>	<p>As the site is proposed to be strata titled, each strata lot will include three car parking spaces. As such, delineation of the car parking spaces for Unit's 1 and 2 will not be required. It is noted that the visitor car parking space for the existing dwelling is located over the proposed strata boundary. It is recommended that the strata boundary be amended to incorporate the visitor car parking space with the existing dwelling or wholly located within the common property. Noting this, it is also recommended that this space be delineated with either line marking or signage to demonstrate that this parking space is either dedicated for visitor car parking to the existing dwelling or for visitor car parking for all dwellings.</p> <p><u>Recommended Condition</u></p> <ul style="list-style-type: none"> • Prior to the commencement of work, amended plans are to be submitted showing the visitor car parking space for the existing dwelling wholly contained within the proposed strata boundary for the lot, or wholly located within the common property, and delineated as visitor car parking. If located on the common property, this space can be used by visitors to all units. • Prior to the commencement of use, the visitor car parking space referred to in condition X, must be delineated with signage or line marking to the satisfaction of Council's Town Planner.
<p>C2.6.2 Performance Criteria P1 (j)</p>	<p>The Australian Standard allows a gradient of 25% for domestic properties. The gradient of the driveway will be less than 25%. The proposed car parking spaces and manoeuvring areas comply with the Australian Standard dimensions, noting the recommended condition above, to increase the length of the car parking spaces afforded to the existing dwelling to 5.4m. The visitor car parking space for the exiting dwelling will need to be 300mm wider to provide for the boundary fence obstruction to comply with the Australian Standard.</p> <p><u>Recommended Condition:</u></p> <p>Prior to the commencement of use, an amended plan must be submitted to the satisfaction of Council's Town Planner showing:</p> <p>a) The car parking spaces to the existing dwelling being 5.4m in length;</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>b) The visitor car parking space dedicated to the existing dwelling is to be 300mm wider to provide for the obstruction from the adjoining boundary fence.</p> <p>All vehicles to the site will be able to enter and exit the property in a forward direction. It is noted that from some spaces, a 5-point turn may be required which is consistent with the Australian Standard.</p>
<p>C2.6.2 Performance Criteria P1 Conclusion</p>	<p>With conditions, as recommended above, the parking, access ways, manoeuvring and circulation spaces are considered to provide convenient, safe and efficient parking. The proposal is consistent with the objective.</p>

C9.0 Attenuation Code

Planning Scheme Provision	C9.5.2 Sensitive use within an Attenuation Area
	Objective
	<i>That sensitive use located within an attenuation area does not interfere with or constrain the operation of an existing activity listed in Tables C9.1 or C9.2.</i>
	Performance Criteria P1 <i>Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to:</i> <ul style="list-style-type: none"> <i>(a) the nature of the activity with potential to cause emissions including:</i> <ul style="list-style-type: none"> <i>(i) operational characteristics of the activity;</i> <i>(ii) scale and intensity of the activity; and</i> <i>(iii) degree of hazard or pollution that may be emitted from the activity;</i> <i>(b) the nature of the sensitive use;</i> <i>(c) the extent of encroachment by the sensitive use into the attenuation area;</i> <i>(d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity;</i> <i>(e) any advice from the Director, Environment Protection Authority; and</i> <i>(f) any advice from the Director of Mines.</i>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
C9.5.2 Performance Criteria P1	The proposed development is within then attenuation distance for attenuated activities. As such, the proposal relies on assessment against the Performance Criteria.

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment																				
C9.5.2 Performance Criteria P1 (a)	<p>The four attenuating activities are outlined in the following table.</p> <p>These activities are surrounded by residential dwellings. They operate mostly during business hours. The potential for emissions for metal fabrication are from noise and particles, whilst the motor bodyworks activity likely emissions are listed as odour and noise.</p> <table><tr><th>Name</th><th>Address</th><th>Activity & Attenuation Distance</th><th>Distance from Activity</th></tr><tr><td>Mike Yard Bodyworks</td><td>95 Emu Bay Road, Deloraine</td><td>Motor Bodyworks 100m</td><td>47m</td></tr><tr><td>Delquip</td><td>27 Tower Hill Street, Deloraine</td><td>Metal Fabrication 500m</td><td>178m</td></tr><tr><td>Sunrise Trailers</td><td>111 Emu Bay Road, Deloraine</td><td>Metal Fabrication 500m</td><td>366m</td></tr><tr><td>Graham Automotive & Fabrication</td><td>11 West Barrack Street, Deloraine</td><td>Metal Fabrication 500m</td><td>428m</td></tr></table>	Name	Address	Activity & Attenuation Distance	Distance from Activity	Mike Yard Bodyworks	95 Emu Bay Road, Deloraine	Motor Bodyworks 100m	47m	Delquip	27 Tower Hill Street, Deloraine	Metal Fabrication 500m	178m	Sunrise Trailers	111 Emu Bay Road, Deloraine	Metal Fabrication 500m	366m	Graham Automotive & Fabrication	11 West Barrack Street, Deloraine	Metal Fabrication 500m	428m
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Graham Automotive & Fabrication	11 West Barrack Street, Deloraine	Metal Fabrication 500m	428m																		
C9.5.2 Performance Criteria P1 (b)	<p>The development is for the construction of two residential multiple dwellings. There is an existing dwelling on the site which has an established residential use.</p>																				

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>C9.5.2 Performance Criteria P1 (c)</p>	<p>The proposed multiple dwellings are located greater than 178m from the metal fabrication activities and 47m from the motor bodyworks activity. There are many dwellings located between the subject site and the activities. It is noted that six units have been approved with 4 units already constructed and occupied between the motor bodyworks site and the subject property and there are single dwellings adjoining that property.</p>
<p>C9.5.2 Performance Criteria P1 (d)</p>	<p>No measures are considered necessary to include in the design, layout or construction of the development to mitigate emissions from the metal fabrication and motor bodywork businesses. This is because the distance and number of existing dwellings between the subject site and attenuated activities, and measures installed at the premises where the activities occur are considered appropriate to reduce the likelihood of impact. It is noted that the dwellings are proposed to be brick and will most likely have double glazed windows.</p> <p>Council's Environmental Health Officer has stated the following:</p> <p><i>It is noted that many hundreds of dwellings exist within the attenuation area for these businesses, including most residences on the western side of Deloraine, from the Meander River north to Winter Street. Council has record of receiving two complaints regarding noise emissions from these four premises combined in the past five years. As a result, it is deemed that the proposed sensitive use is unlikely to interfere with or constrain the existing activities, having regard to the nature, scale and operational characteristics of the businesses. Advice from the Director, Environment Protection Authority or Director of Mines was not required in this instance.</i></p>
<p>C9.5.2 Performance Criteria P1 (e)</p>	<p>Not Applicable.</p>
<p>C9.5.2 Performance Criteria P1 (f)</p>	<p>Not Applicable.</p>

12.1.13 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C9.5.1 Performance Criteria P1 Conclusion	<p>There are many existing residential uses, in the form of both single and multiple dwellings, located between the subject site and the attenuated activity. The attenuated activities are demonstrated to be able to operate in a manner that does not cause impact to these existing residential uses. Given the residential uses are able to co-exist with the attenuated activities, the proposed multiple dwellings are considered not to interfere with or constrain the four attenuated activities that operate within the Deloraine Township. The proposal is consistent with the objective.</p>

APPLICATION FORM

PLANNING PERMIT

Land Use Planning and Approvals Act 1993



- Application form & details **MUST** be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

OFFICE USE ONLY

Property No:	<input type="text"/>	Assessment No:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
DA\	<input type="text"/>	PA\	<input type="text"/>	PC\	<input type="text"/>		

- Is your application the result of an illegal building work? ☐ Yes ☒ No Indicate by ✓ box
- Have you already received a Planning Review for this proposal? ☐ Yes ☒ No
- Is a new vehicle access or crossover required? ☐ Yes ☒ No

PROPERTY DETAILS:

Address:	<input type="text" value="41 PARSONAGE ST"/>	Certificate of Title:	<input type="text" value="47826/2"/>
Suburb:	<input type="text" value="DELORAINÉ"/>	<input type="text" value="7304"/>	Lot No: <input type="text"/>
Land area:	<input type="text" value="1585m²"/>	m^2 / ha	
Present use of land/building:	<input type="text" value="RESIDENTIAL LOT WITH EXISTING DWELLING"/>		

(vacant, residential, rural, industrial, commercial or forestry)

- Does the application involve Crown Land or Private access via a Crown Access Licence: ☐ Yes ☒ No
- Heritage Listed Property: ☐ Yes ☒ No

DETAILS OF USE OR DEVELOPMENT:

Indicate by ✓ box

<input checked="" type="checkbox"/> Building work	<input type="checkbox"/> Change of use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Demolition
<input type="checkbox"/> Forestry	<input type="checkbox"/> Other		

Total cost of development (inclusive of GST): Includes total cost of building work, landscaping, road works and infrastructure

Description of work:

Use of building: (main use of proposed building – dwelling, garage, farm building, factory, office, shop)

New floor area: m² New building height: m

Materials:

External walls:	<input type="text" value="BRICK VENEER"/>	Colour:	<input type="text"/>
Roof cladding:	<input type="text" value="COLORBOND"/>	Colour:	<input type="text"/>

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 47826	FOLIO 2
EDITION 7	DATE OF ISSUE 20-Aug-2020

SEARCH DATE : 17-Jan-2023

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

Town of DELORAINÉ

Lot 2 on Sealed Plan 47826

Derivation : Part of Lots 2 & 3, 2 Acres Granted to J. Thomas

Prior CT 4743/65

SCHEDULE 1

M833515 TRANSFER to ALISTAIR WILLIAM RULE and SONJA ANNE RULE
Registered 20-Aug-2020 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 47826 EASEMENTS in Schedule of Easements

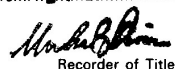
SP 47826 FENCING PROVISION in Schedule of Easements

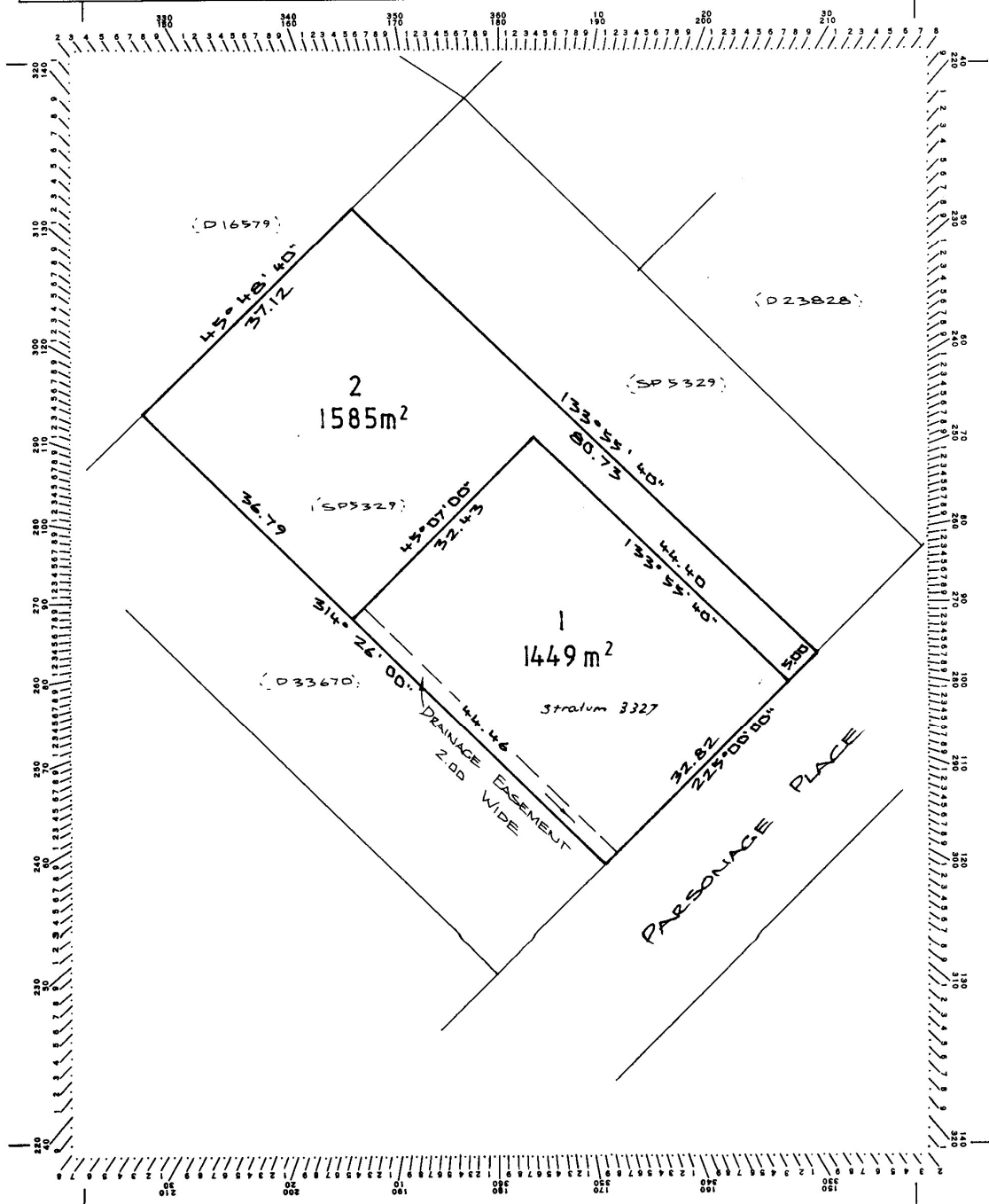
E229804 MORTGAGE to Commonwealth Bank of Australia

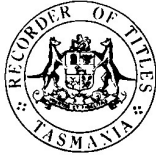
Registered 20-Aug-2020 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: FRANCES SARAH GLEESON	PLAN OF SURVEY by Surveyor... <u>M. G. JACK &</u> of land situated in the FISHER & JACK PTY LTD TOWN OF DELORAINE (SECTION R) SCALE 1: 500 MEASUREMENTS IN METRES	Registered Number: SP47826
Title Reference: <u>CT 3419-45, 44.</u>		Appointed Effective from: <u>24 JAN 1991</u>
Grantee: PART OF LOTS 2 & 3 2 ACRES GTD TO JOHN THOMAS		 Recorder of Titles





SCHEDULE OF EASEMENTS

PLAN NO.

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

SP47826

EASEMENTS AND PROFITS

~~Each lot on the plan is together with:—~~

- ~~(1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and~~
- ~~(2) any easements or profits à prendre described hereunder.~~

~~Each lot on the plan is subject to:—~~

- ~~(1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and~~
- ~~(2) any easements or profits à prendre described hereunder.~~

~~The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.~~

Lot 1 is subject to such rights of drainage over the drainage easement 2.00 wide shown on the plan as may be necessary to drain the stormwater and other surplus water from Lot 2.

Lot 2 is together with such rights of drainage over the drainage easement 2.00 wide shown on the plan as may be necessary to drain the stormwater and other surplus water from Lot 2.

FENCING ^{PROVISION} ~~COVENANTS~~

In respect to the lots shown on the plan the Vendor Frances Sarah Gleeson shall not be required to fence.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



47826

SIGNED by FRANCES SARAH GLEESON)

named as the registered proprie-)

tor in Folios of Register Volume)

3419 Folios 44 and 45 in the)

presence of:-)

*Stephen
Lawless
Deborah*

F. Gleeson

SIGNED BY THE HOBART

SAVINGS BANK by its

attorney KAREN ELIZABETH POTTER

and KERRY DONALD BOWERMAN

(under Power No. 62/0084

KAREN ELIZABETH POTTER

KERRY DONALD BOWERMAN

do hereby certify that I have received No

Notice of registration of the

said Power) in the presence of

Witness

BANK OFFICER
HOBART

Karen Potter

PRINCIPAL OFFICE

Kerry Bowerman

PRINCIPAL OFFICE



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980




47826

The Vendor hereby nominates:

(a) as solicitors Lewis Saunders & Co.

(b) as surveyors Fisher & Jack Pty. Ltd.

in connection with this survey.

_____

FRANCES SARAH GLEESON



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



47826

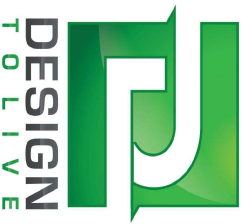
This is the schedule of easements attached to the plan of FRANCES SARAH GLEESON
(Insert Subdivider's Full Name)
affecting land in
Folios of Register Volume 3419 Folios 44 and 45

(Insert Title Reference)

Sealed by MUNICIPALITY OF DELORAINÉ on 17TH DECEMBER 1990

Solicitor's Reference L.S. & CO./CLS
[Signature]
Clerk/Town Clerk

OS-K 3134




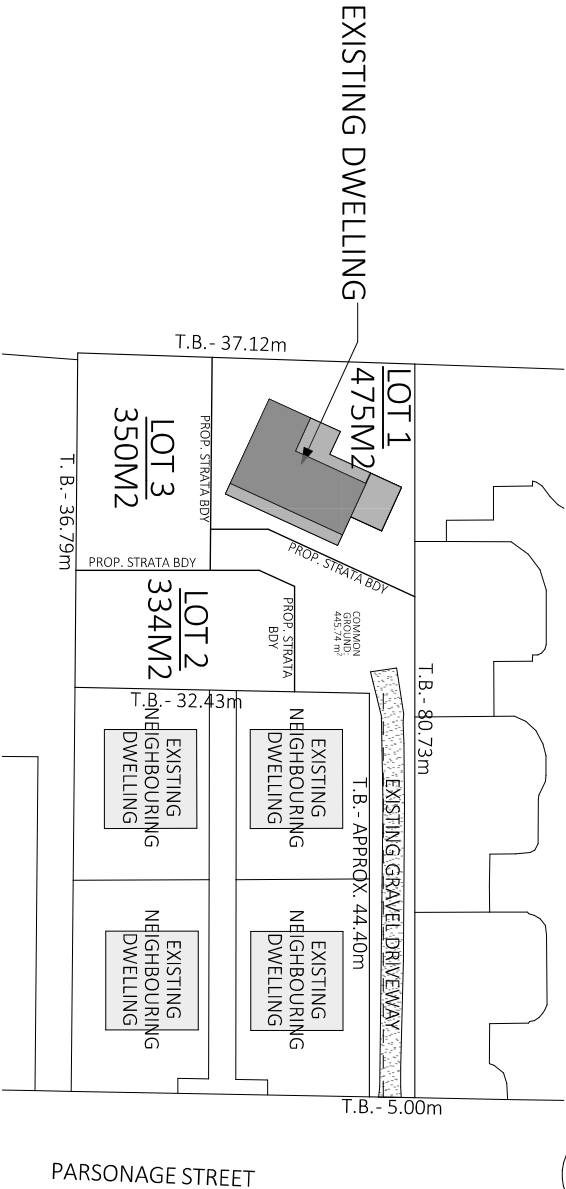
PROPOSED MULTIPLE DWELLINGS
41 PARSONAGE ST
DELORAINNE, 7304.


DRAWING #	DRAWING
PRSN41-1	COVER PAGE
PRSN41-2	SITE PLAN 1:500
PRSN41-3	SITE PLAN (SERVICES)
PRSN41-4	SITE PLAN (DWELLINGS)
PRSN41-5	PARKING & TURNING
PRSN41-6	EXISTING DWELLING FLOOR PLAN
PRSN41-7	EXISTING DWELLING ELEVATIONS
PRSN41-8	UNIT 1 & 2 - GROUND PLAN
PRSN41-9	UNIT 1 - ELEVATIONS NTH-STH
PRSN41-10	UNIT 1 - ELEVATIONS EST-WST
PRSN41-11	UNIT 2 - ELEVATIONS NTH-STH
PRSN41-12	UNIT 2 - ELEVATIONS EST-WST
PRSN41-13	SHADOW DIAGRAMS

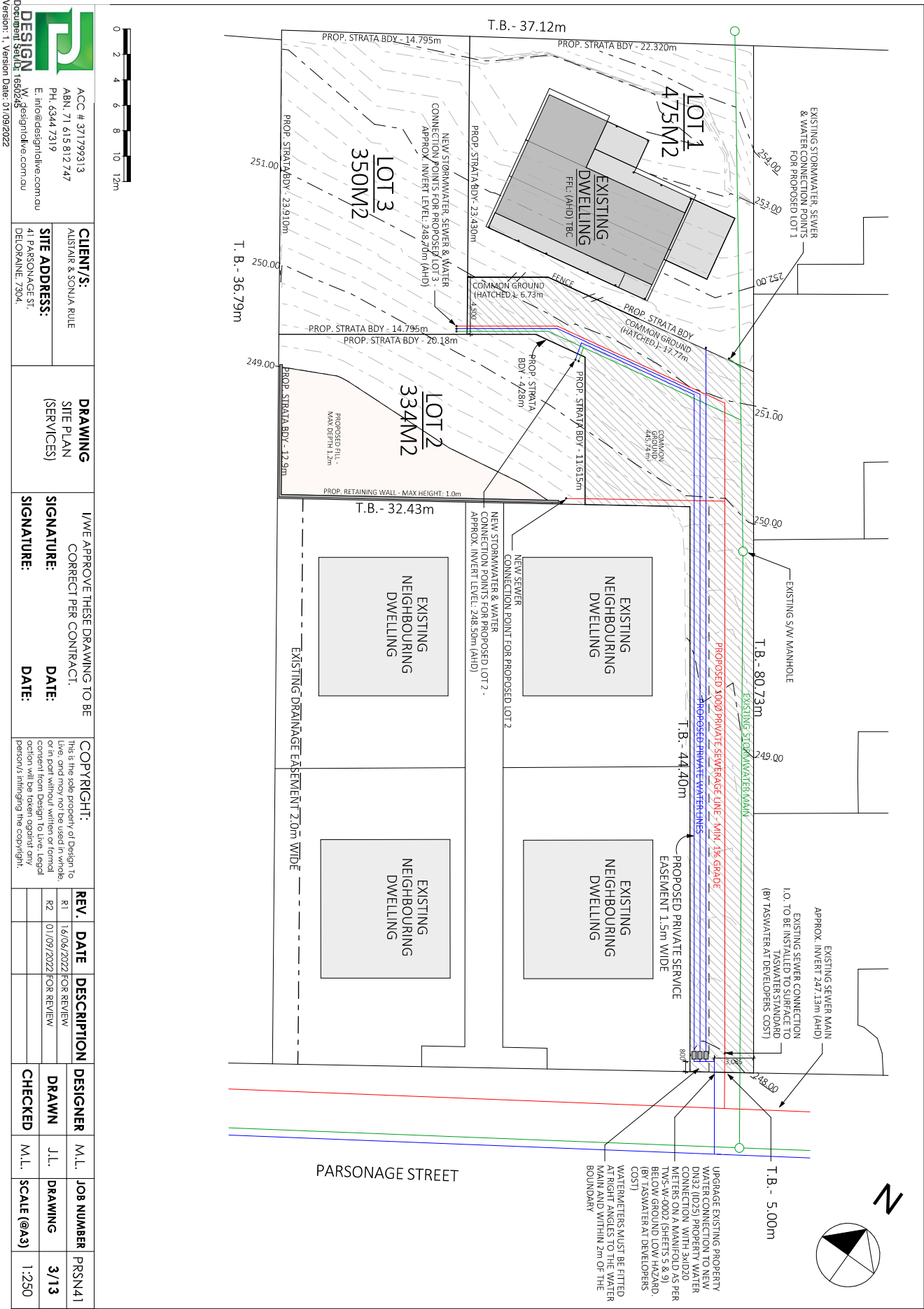
COUNCIL	ZONE	ENERGY STAR RATING	N/A
MEANDER VALLEY COUNCIL	GENERAL RESIDENTIAL ZONE	BAL RATING	LOW
EXISTING DWELLING	LAND TITLE REFERENCE	DESIGN WIND CLASS	N/A
PROPOSED UNIT 1	104.10m ²	PROPERTY ID	7759271
PROPOSED UNIT 2	153.82m ²	SOIL CLASSIFICATION	N/A
	LOT SIZE (M ²)	CLIMATE ZONE	7
	PLANNING OVERLAY	ALPINE AREA	N/A
	SITE HAZARDS	CORROSION ENV	N/A

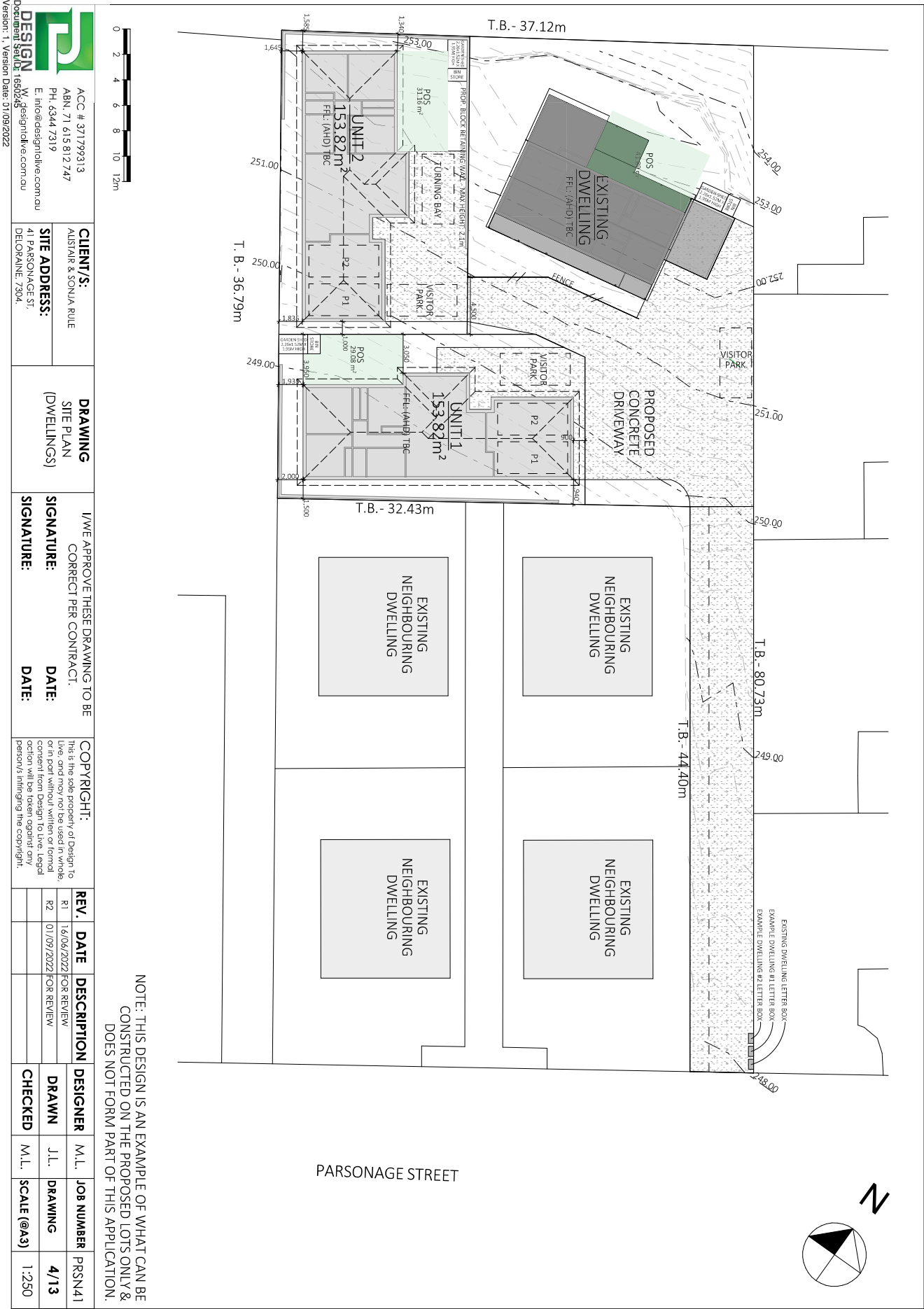
ATTACHMENTS

 DESIGN TO LIVE info@designolive.com.au www.designolive.com.au Document Status: 1650245	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designolive.com.au W: designolive.com.au	CLIENT/S: ALISTAIR & SONJA RULE	DRAWING COVER PAGE	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person/s infringing the copyright.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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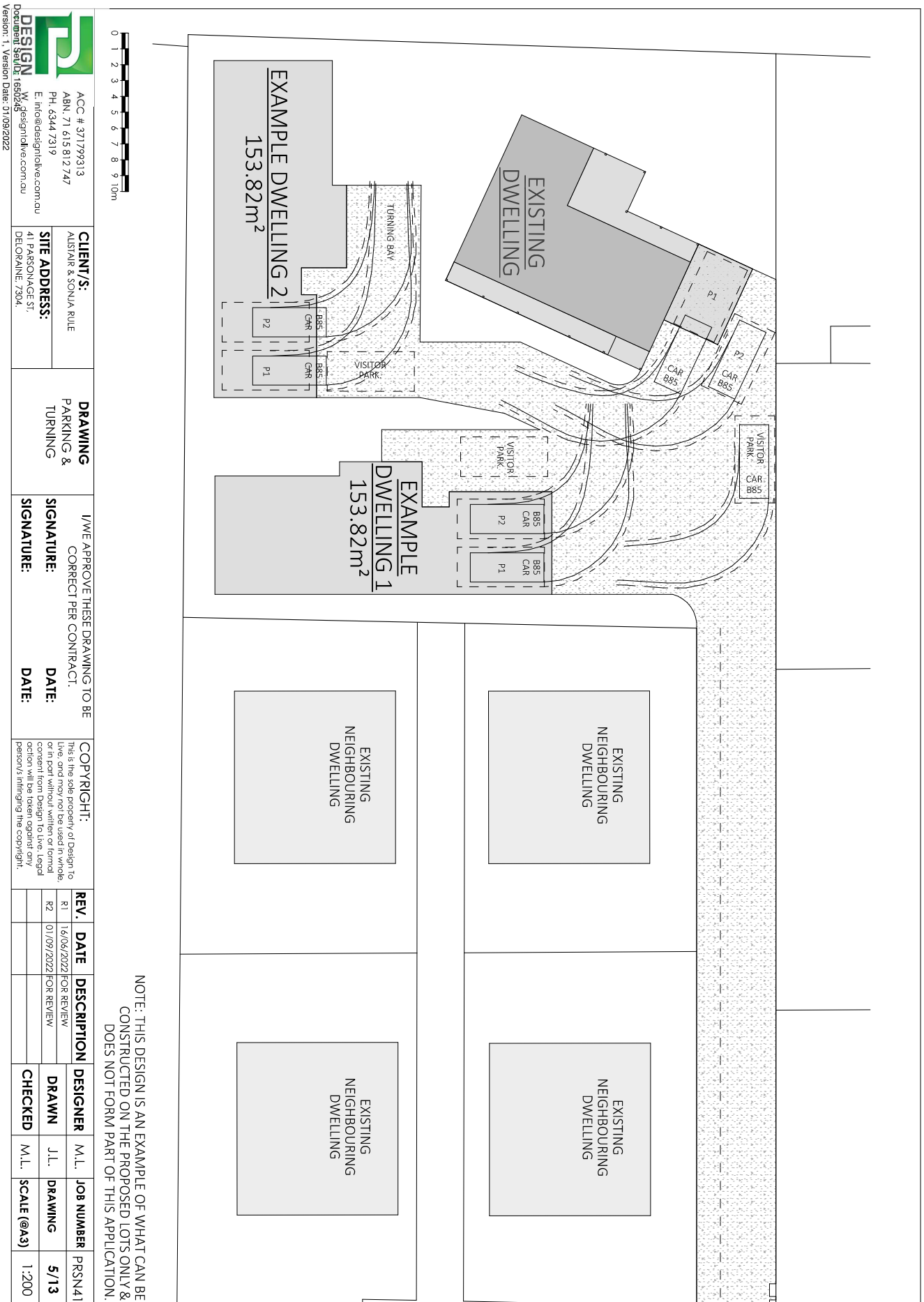


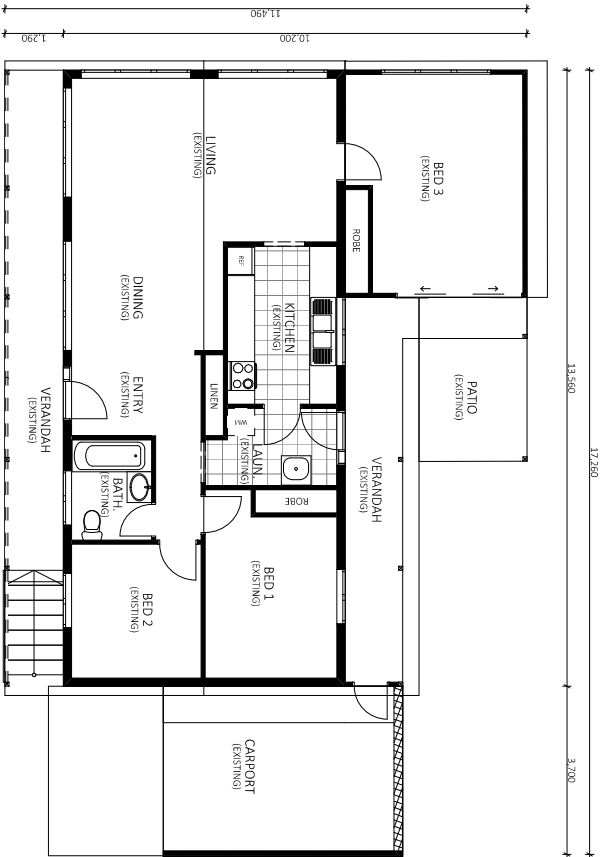
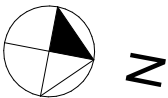
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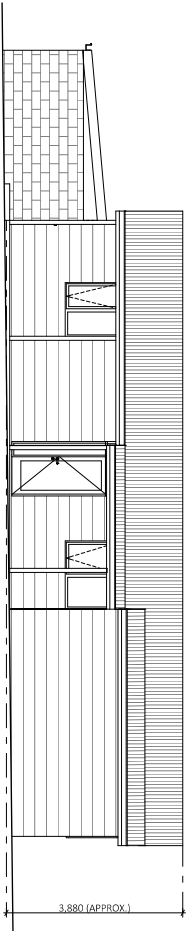
12.1.14 Application Documents



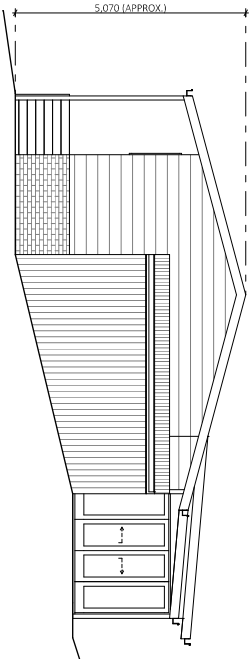


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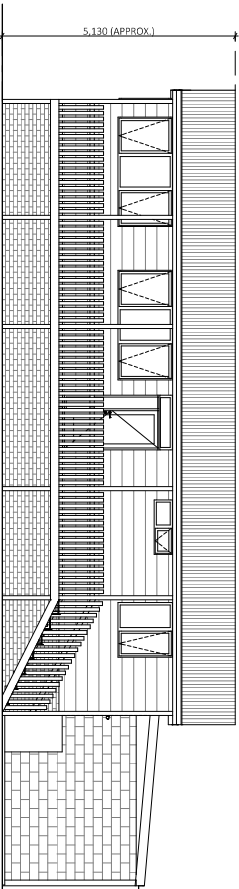
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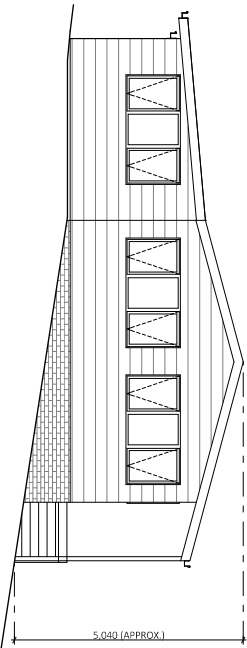
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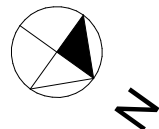
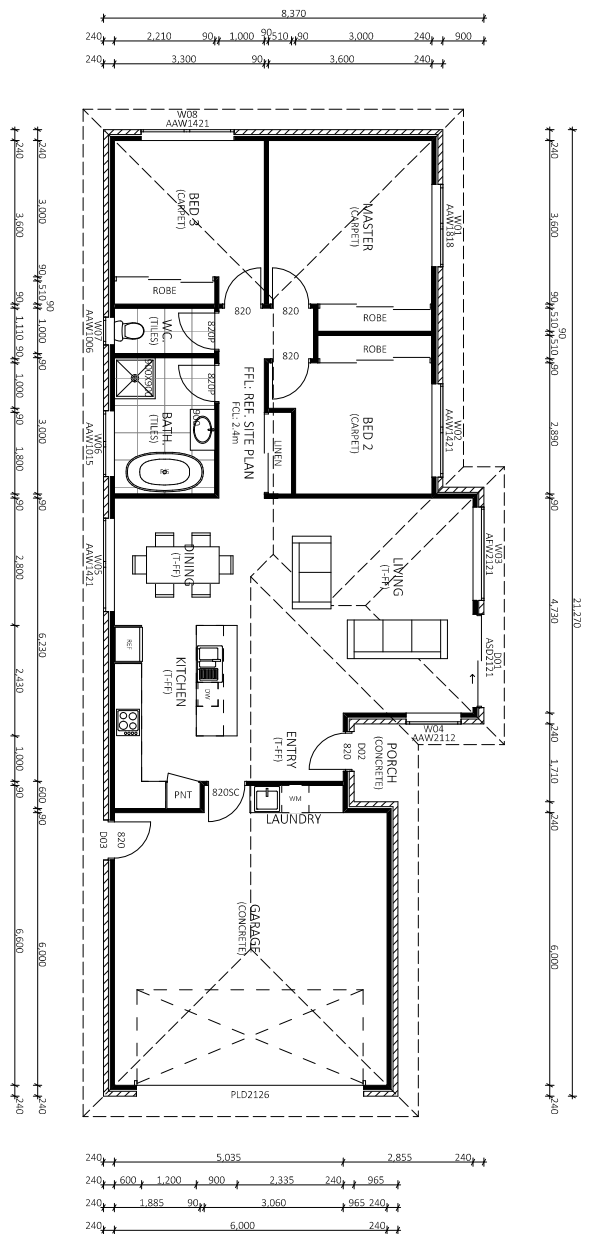


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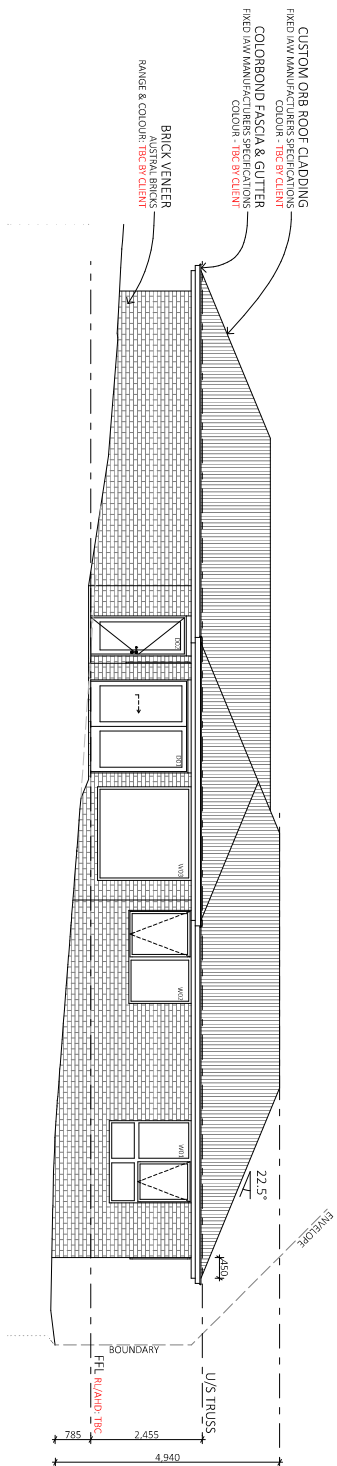


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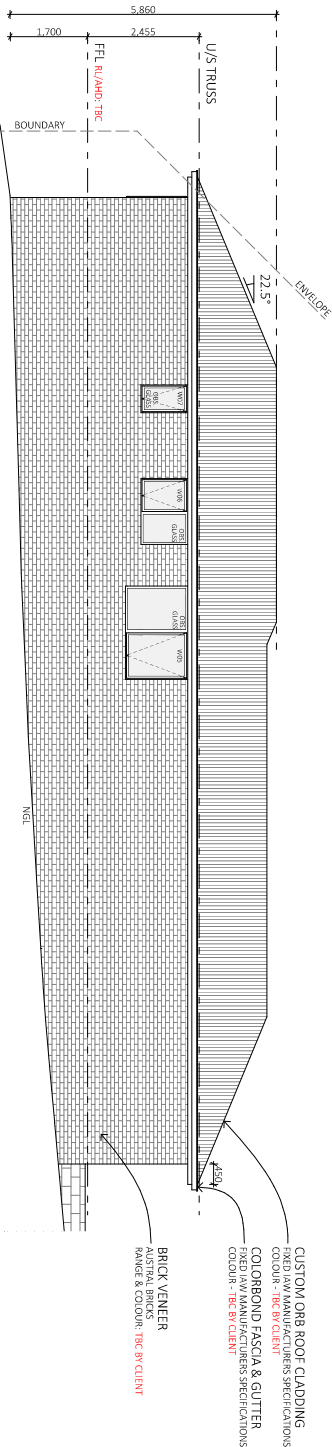
12.1.14 Application Documents



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								M.L.	1:100



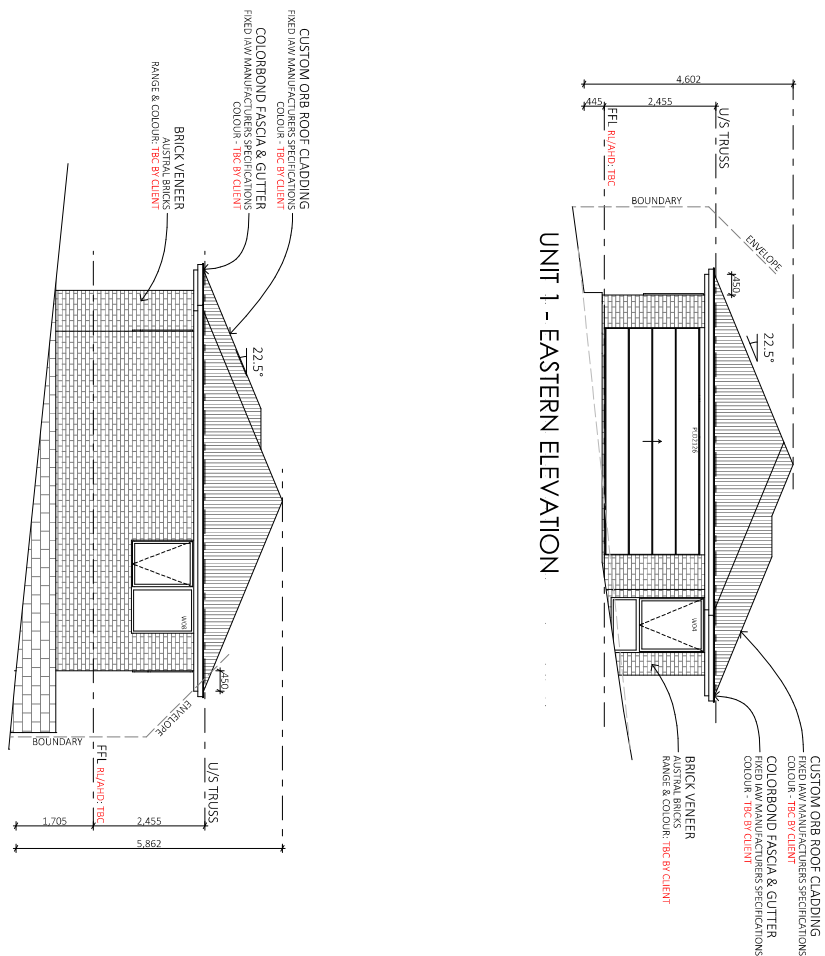
UNIT 1 - NORTHERN ELEVATION



UNIT 1 - SOUTHERN ELEVATION



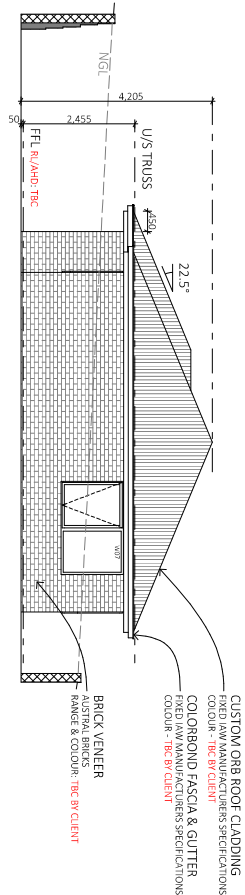
 DESIGN STUDIO 1650245 Version: 1, Version Date: 01/09/2022	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designstudio.com.au W: designstudio.com.au	CLIENT/S: ALSTAIR & SONIA RULE		DRAWING: UNIT 1 - ELEVATIONS NTH-STH		I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT.				COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person infringing the copyright.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
	SITE ADDRESS: 41 PARSONAGE ST. DELOIRANE, 7304.	SIGNATURE:		SIGNATURE:		DATE:		DATE:		REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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	R2									01/09/2022	FOR REVIEW	CHECKED	SCALE (@A3)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		



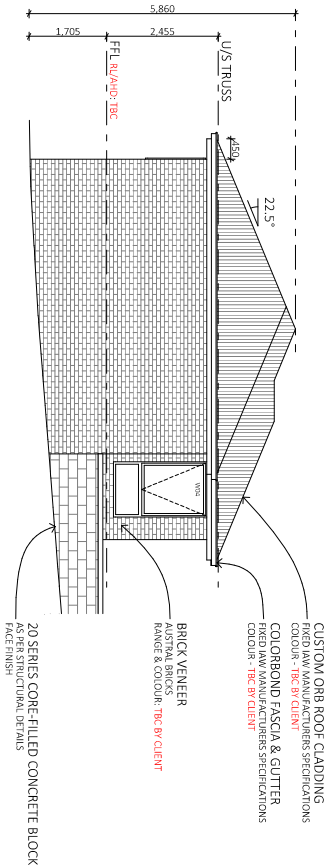
UNIT 1 - WESTERN ELEVATION



 DESIGN W Document Serial#: 1650206 Version: 1, Version Date: 01/09/2022	ACC # 371799313 A8# 71 615 812 747 PH: 6344 7319 E: info@designw.com.au W: designw.com.au	CLIENT/S: ALISTAIR & SONJA RULE	DRAWING UNIT 1 - ELEVATIONS EST-WST	I/W APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.	COPYRIGHT: This is the sole property of Design W. No part of this drawing may be reproduced or in part without written or formal consent from Design To Live. Legal action will be taken against any person/s infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER	PRSN#1
	SITE ADDRESS: 41 PARSONAGE ST, DELRORANE, 7304.	SIGNATURE:		DATE:		R1	16/06/2022	FOR REVIEW	M.L.	DRAWING	10/13
		DATE:				R2	01/09/2022	FOR REVIEW	J.L.	SCALE (@A3)	1 : 100

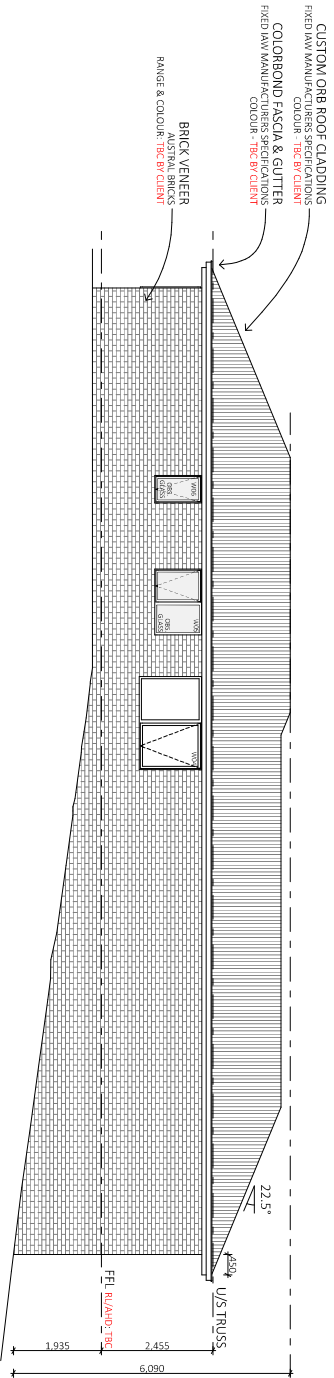


UNIT 2 - NORTHERN ELEVATION

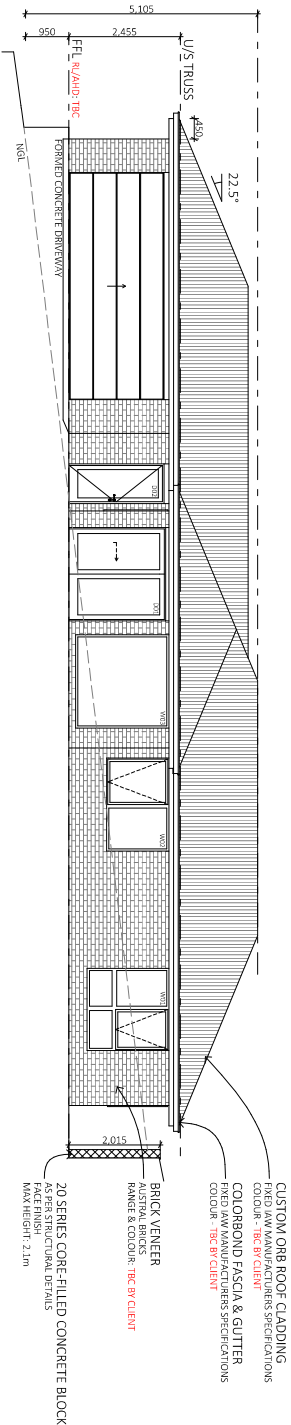


UNIT 2 - SOUTHERN ELEVATION

 <div>DESIGN STUDIO 1650245</div>		ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designstudio.com.au	CUSTOMER: ALISTAIR & SONIA RULE	DRAWING: UNIT 2 - ELEVATIONS NTH-STH	I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT. SIGNATURE: DATE: DATE:	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person infringing the copyright.	REV. DATE DESCRIPTION	DESIGNER	JOB NUMBER
Version: 1, Version Date: 01/09/2022			SITE ADDRESS: 41 PARSONAGE ST, DELOIRANE, 7304.				R1 16/06/2022 FOR REVIEW	M.L.	PRSN41
							R2 01/09/2022 FOR REVIEW	J.L.	11/13
								CHECKED	SCALE (@A3)
								M.L.	1:100

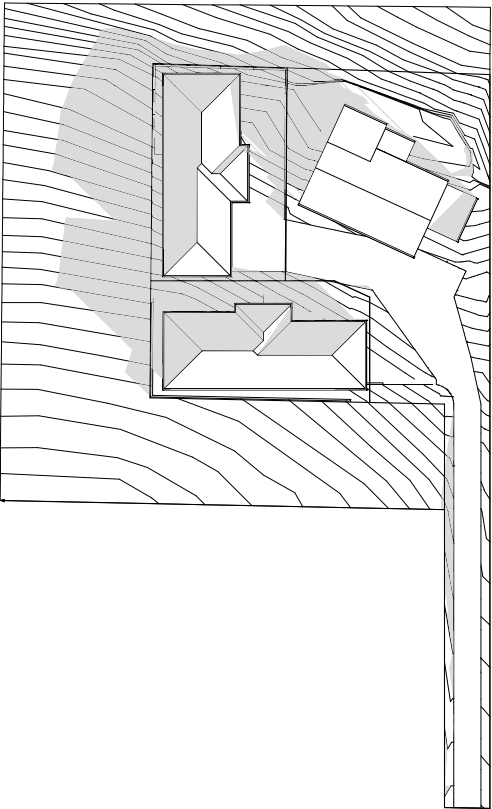


UNIT 2 - EASTERN ELEVATION

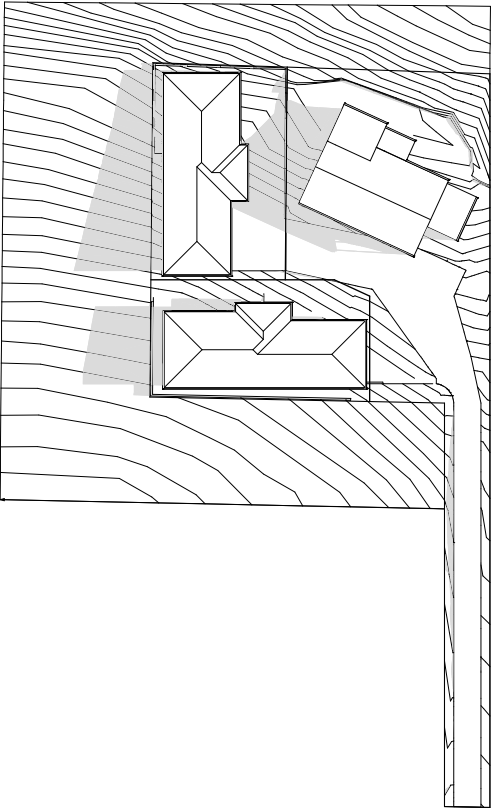


UNIT 2 - WESTERN ELEVATION

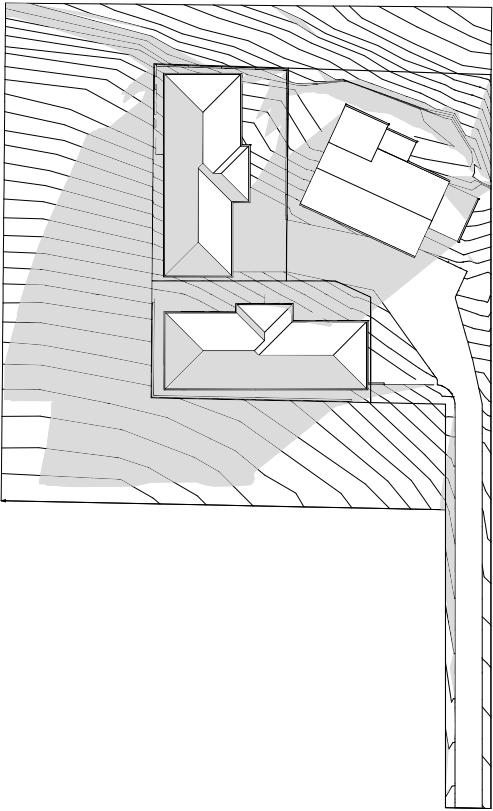
<div>DESIGN STUDIO</div> <div>ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designstudio.com.au W: designstudio.com.au Document Serial: 1650226 Version: 1, Version Date: 01/09/2022</div>		<div>CLIENT/S: ALSTAIR & SONIA RULE</div> <div>SITE ADDRESS: 41 PARSONAGE ST, DELOIRANE, 7304.</div>	<div>DRAWING UNIT 2 - ELEVATIONS EST-WST</div> <div>I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT. SIGNATURE: DATE: DATE: SIGNATURE: DATE:</div> <div>COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person infringing the copyright.</div> <table><tr><th>REV.</th><th>DATE</th><th>DESCRIPTION</th><th>DESIGNER</th><th>CHECKED</th></tr><tr><td>R1</td><td>16/06/2022</td><td>FOR REVIEW</td><td>M.L.</td><td></td></tr><tr><td>R2</td><td>01/09/2022</td><td>FOR REVIEW</td><td>J.L.</td><td></td></tr><tr><td></td><td></td><td></td><td>M.L.</td><td></td></tr></table> <table><tr><th>JOB NUMBER</th><th>DRAWING</th><th>SCALE (@A3)</th></tr><tr><td>PRSN41</td><td>12/13</td><td>1:100</td></tr></table>	REV.	DATE	DESCRIPTION	DESIGNER	CHECKED	R1	16/06/2022	FOR REVIEW	M.L.		R2	01/09/2022	FOR REVIEW	J.L.					M.L.		JOB NUMBER	DRAWING	SCALE (@A3)	PRSN41	12/13	1:100
REV.	DATE	DESCRIPTION	DESIGNER	CHECKED																									
R1	16/06/2022	FOR REVIEW	M.L.																										
R2	01/09/2022	FOR REVIEW	J.L.																										
			M.L.																										
JOB NUMBER	DRAWING	SCALE (@A3)																											
PRSN41	12/13	1:100																											



SHADOW DIAGRAM - 9AM - 21/06



SHADOW DIAGRAM - 12PM - 21/06



SHADOW DIAGRAM - 3PM - 21/06



 DESIGN Document No: 1650245 Version: 1, Version Date: 01/09/2022	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designolative.com.au W: designolative.com.au	CLIENT/S: ALISTAIR & SONJA RULE	DRAWING SHADOW DIAGRAMS	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT. SIGNATURE: DATE:	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person/s infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER
	SITE ADDRESS: 41 PARSONAGE ST, DELOIRANE, 7304.					R1	16/06/2022	FOR REVIEW	DRAWN	PRSN41
			SIGNATURE:	DATE:		R2	01/09/2022	FOR REVIEW	CHECKED	13/13
									M.L.	1:500
									M.L.	



PROPOSED MULTIPLE DWELLINGS
41 PARSONAGE ST
DELORAINNE, 7304.

DRAWING # DRAWING

PRSN41-1	COVER PAGE
PRSN41-2	SITE PLAN 1:500
PRSN41-3	SITE PLAN (SERVICES)
PRSN41-4	SITE PLAN (DWELLINGS)
PRSN41-5	PARKING & TURNING
PRSN41-6	EXISTING DWELLING FLOOR PLAN
PRSN41-7	EXISTING DWELLING ELEVATIONS
PRSN41-8	UNIT 1 & 2 - GROUND PLAN
PRSN41-9	UNIT 1 - ELEVATIONS N/W-S/E
PRSN41-10	UNIT 1 - ELEVATIONS N/E-S/W
PRSN41-11	UNIT 2 - ELEVATIONS N/W-S/E
PRSN41-12	UNIT 2 - ELEVATIONS N/E-S/W
PRSN41-13	SHADOW DIAGRAMS - WINTER SOLSTICE
PRSN41-14	SHADOW DIAGRAMS - WINTER SOLSTICE
PRSN41-15	SHADOW DIAGRAMS - SUMMER SOLSTICE
PRSN41-16	SHADOW DIAGRAMS - SUMMER SOLSTICE
PRSN41-17	LONGITUDINAL SECTION

ATTACHMENTS

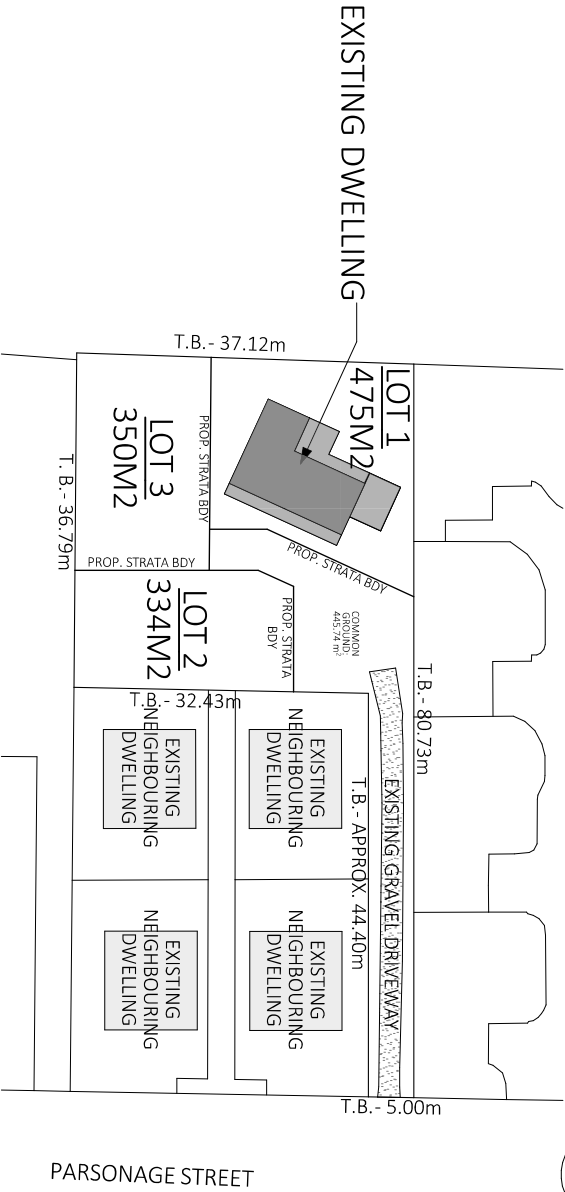
COUNCIL	MEANDER VALLEY COUNCIL	ZONE	GENERAL RESIDENTIAL ZONE	ENERGY STAR RATING	N/A
EXISTING DWELLING	104.10m ²	LAND TITLE REFERENCE	47826/2	BAL RATING	LOW
PROPOSED UNIT 1	153.82m ²	PROPERTY ID	7759271	DESIGN WIND CLASS	N/A
PROPOSED UNIT 2	153.82m ²	LOT SIZE (M ²)	1580m ²	SOIL CLASSIFICATION	N/A
		CLIMATE ZONE	7		
		PLANNING OVERLAY	N/A	ALPINE AREA	N/A
		SITE HAZARDS	N/A	CORROSION ENV	N/A
		CLIENT/S:	ALSTAIR & SONJA RULE	I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT.	
		SITE ADDRESS:	41 PARSONAGE ST, DELORAINNE, 7304.	SIGNATURE:	DATE:

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REV.	DATE	DESCRIPTION	DESIGNER
R1	16/06/2022	FOR REVIEW	M.L.
R2	01/09/2022	FOR REVIEW	J.L.

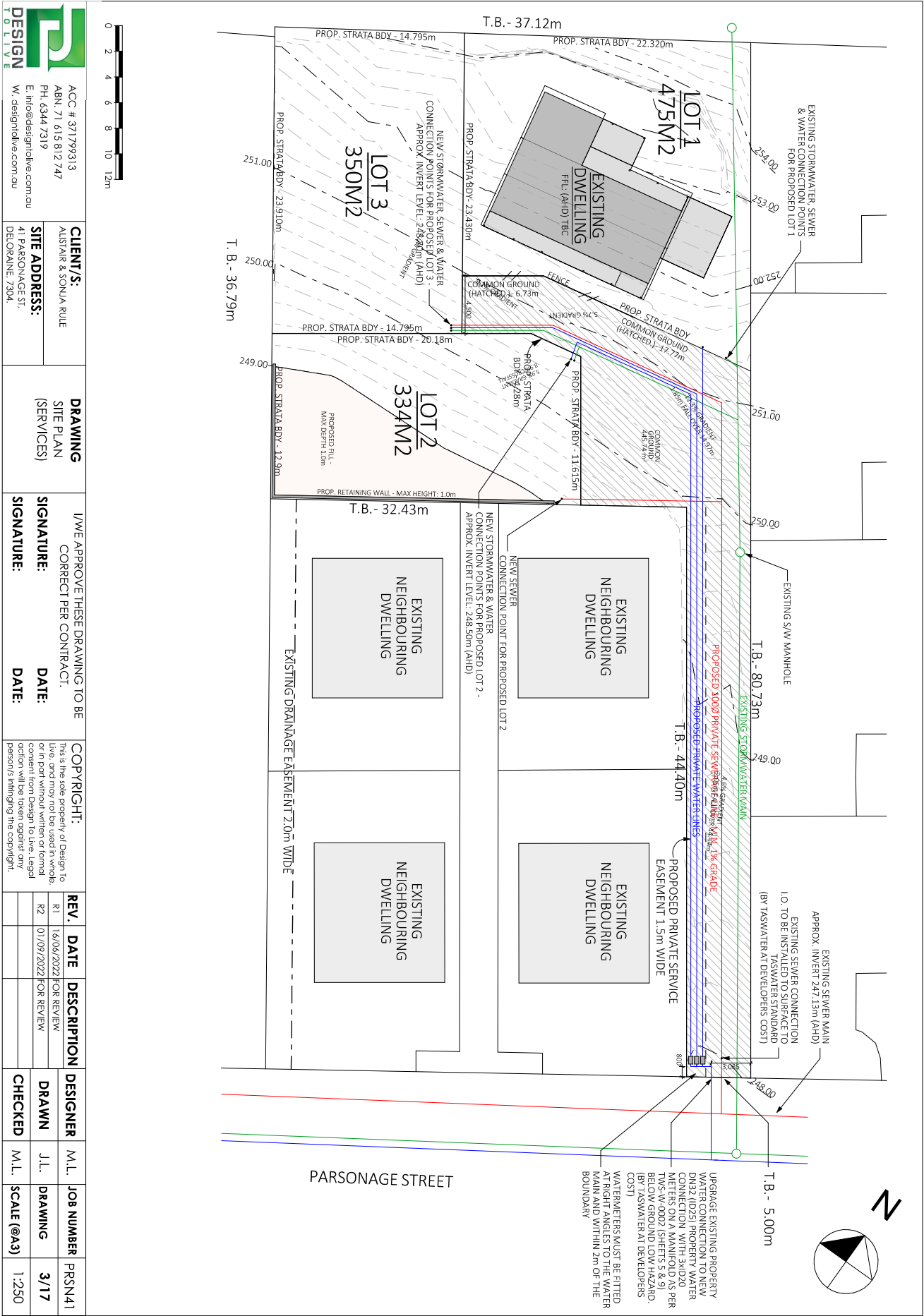
CHECKED	DRAWN	JOB NUMBER	PRSN41
M.L.	J.L.	DRAWING	1/17
SCALE (@A3)	NTS		

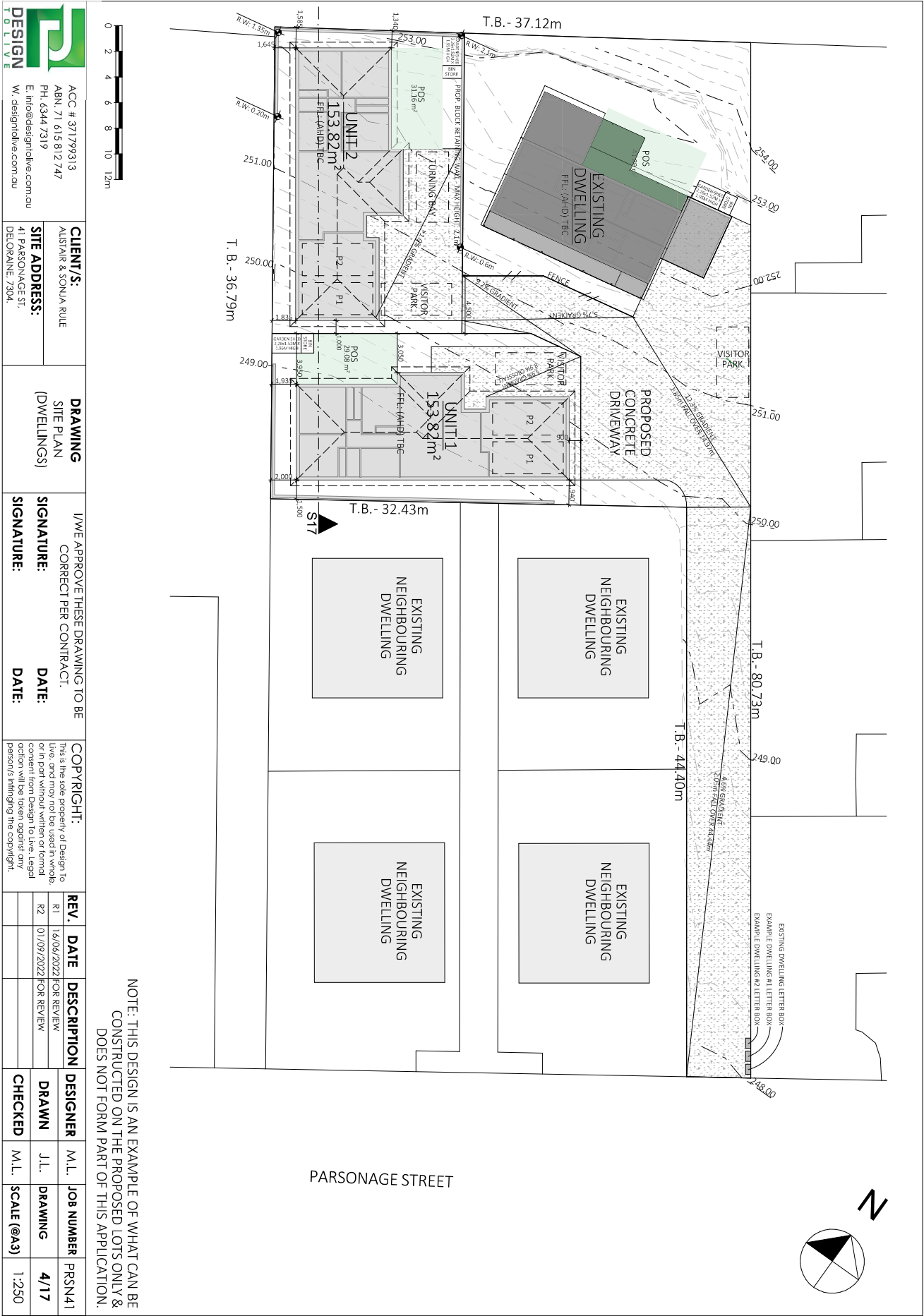


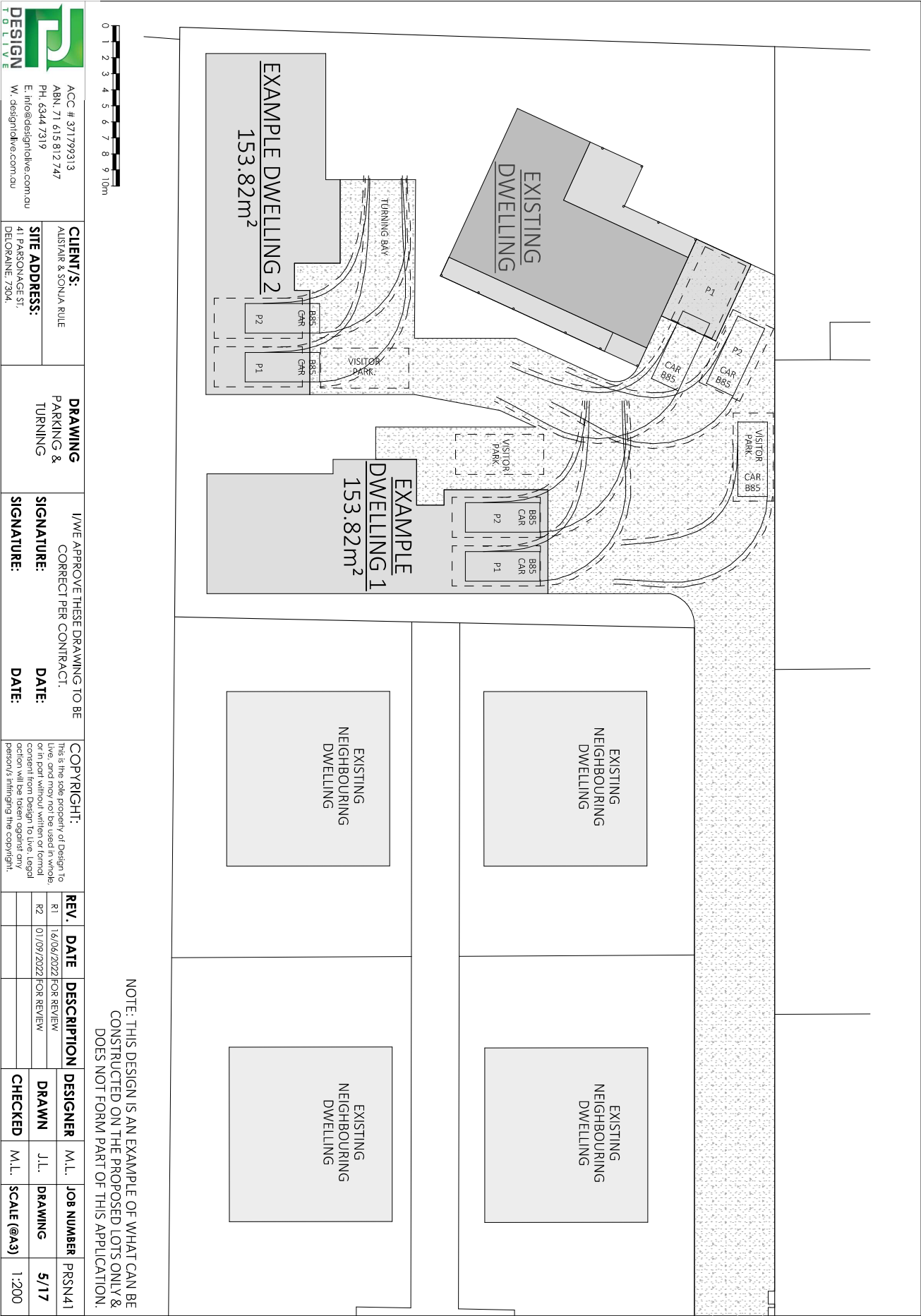
LOCALITY PLAN
NOT TO SCALE

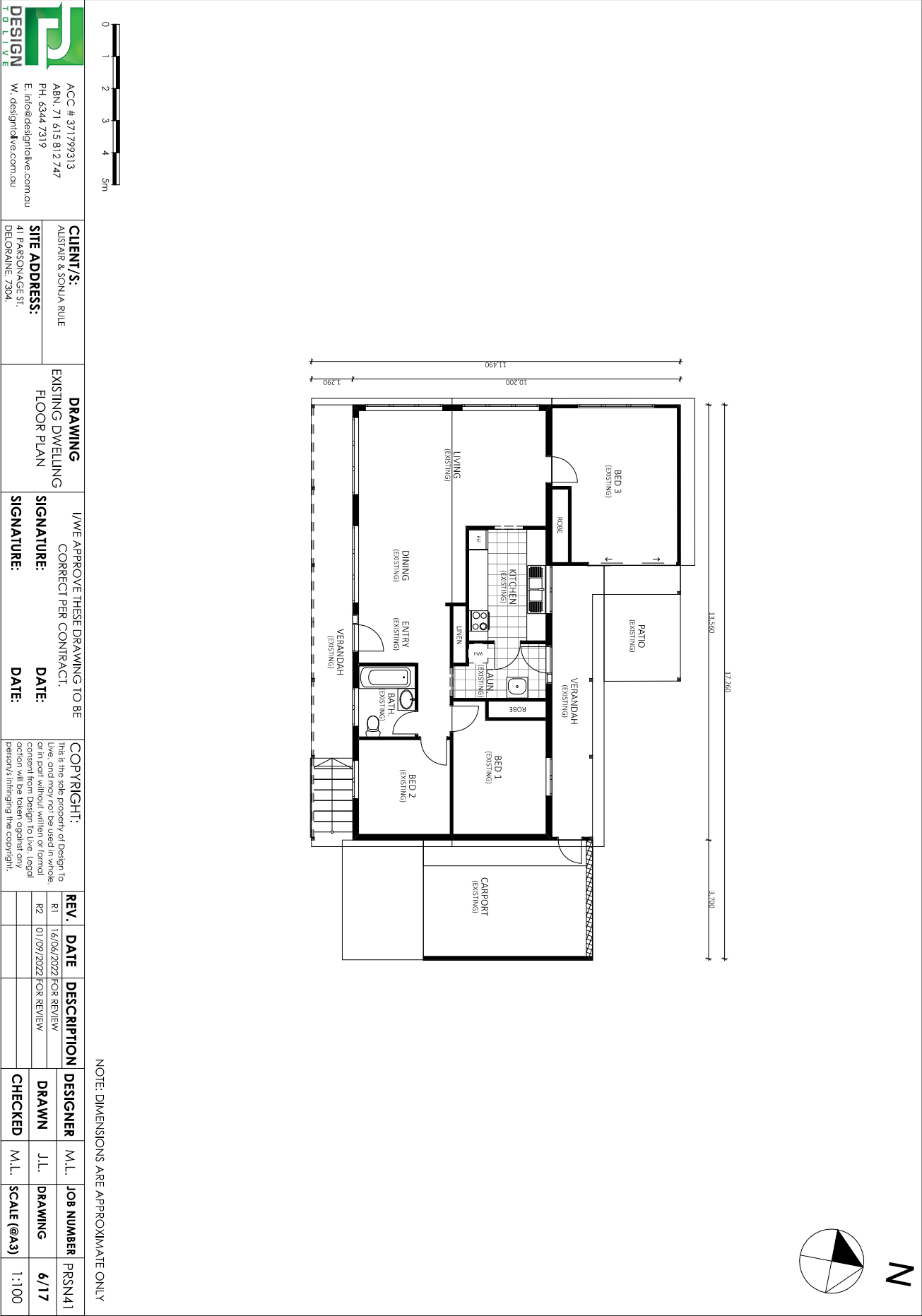


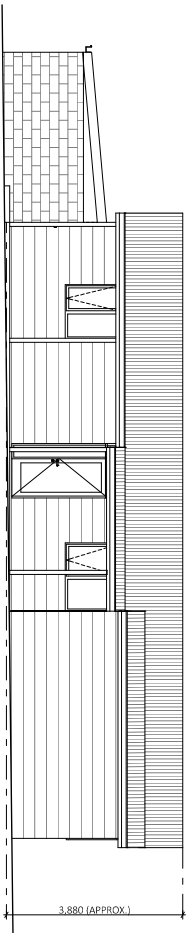
	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designolive.com.au W: designolive.com.au	CUSTOMER: ALISTAIR & SONIA RULE	DRAWING SITE PLAN 1:500	I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT.	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER
		SITE ADDRESS: 41 PARSONAGE ST, DELOIR, 7304.		SIGNATURE: DATE:		R1	16/06/2022	FOR REVIEW	M.L.	PRSN41
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										1:500



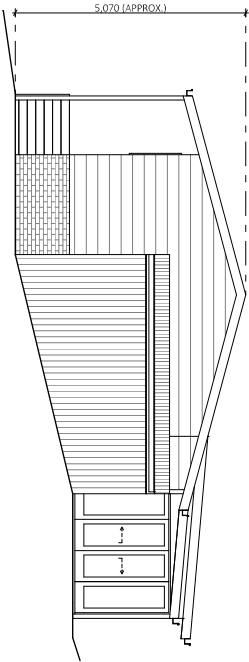




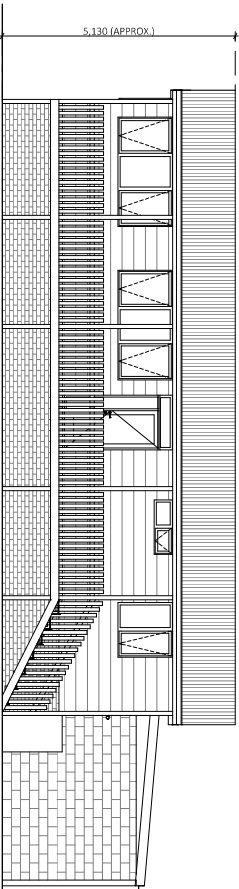




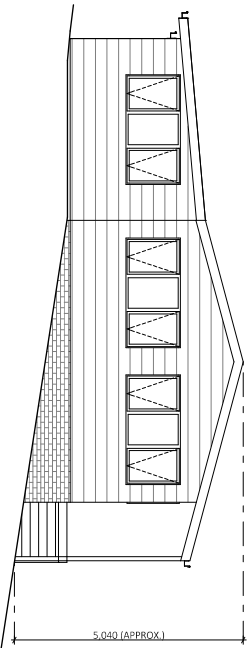
EXISTING DWELLING - NORTHERN ELEVATION



EXISTING DWELLING - EASTERN ELEVATION



EXISTING DWELLING - SOUTHERN ELEVATION

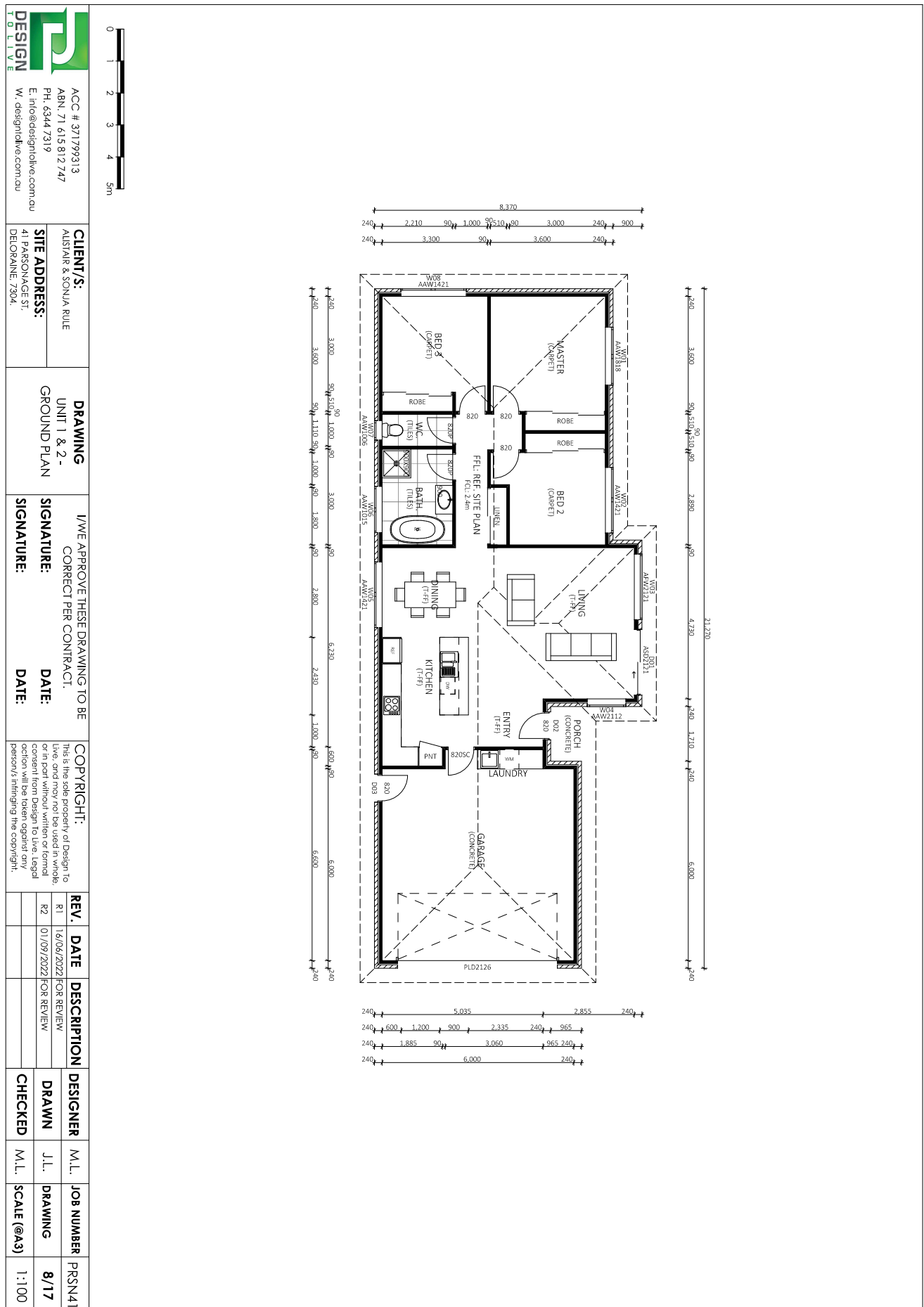


EXISTING DWELLING - WESTERN ELEVATION

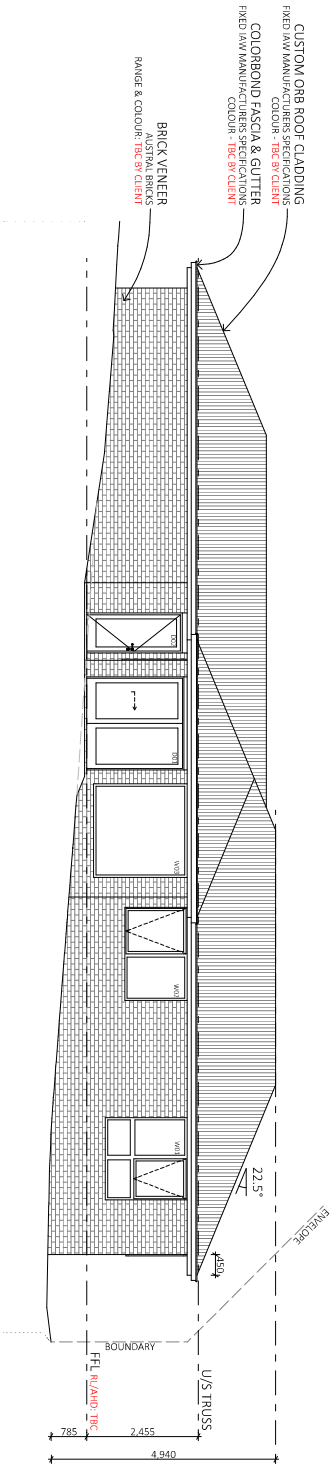


 DESIGN TO LIVE	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designolive.com.au W: designolive.com.au	CLIENT/S: ALISTAIR & SONJA RULE	DRAWING EXISTING DWELLING ELEVATIONS	I/WE APPROVE THESE DRAWINGS TO BE CORRECT PER CONTRACT. SIGNATURE: DATE:	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person's infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER
	SITE ADDRESS: 41 PARSONAGE ST, DELOIRANE, 7304.					R1	16/06/2022	FOR REVIEW	DRAWN	PRSN41
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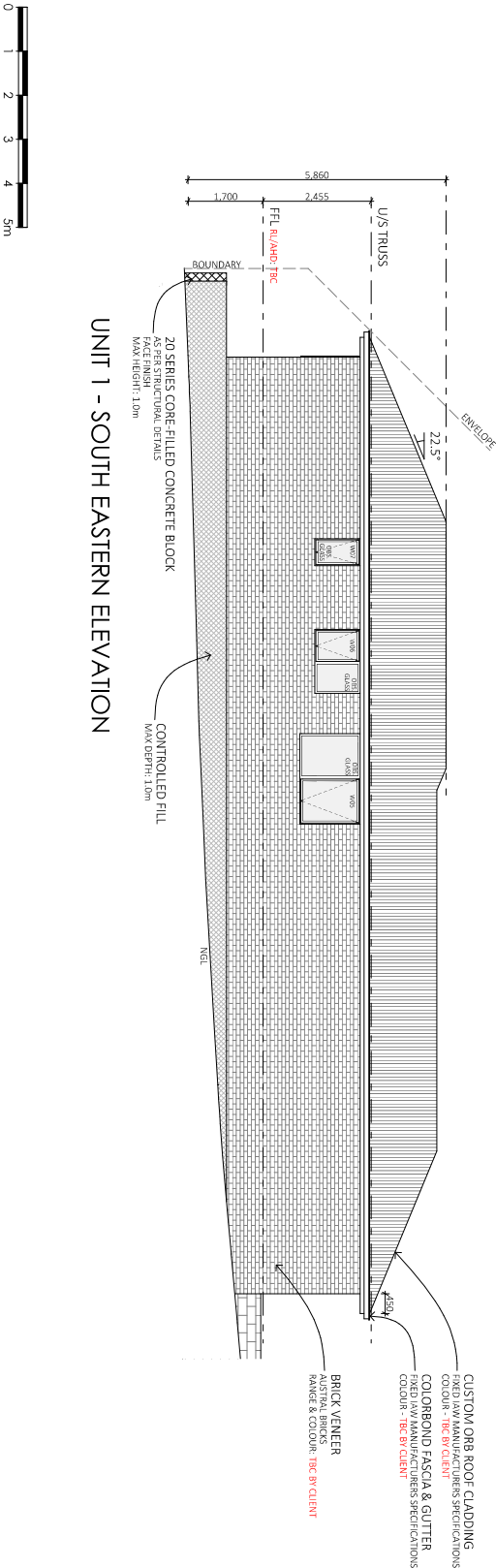
12.1.15 Amended Plans Received 27 February 2023



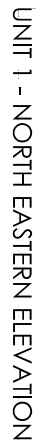
UNIT 1 - NORTH WESTERN ELEVATION



UNIT 1 - SOUTH EASTERN ELEVATION



 DESIGN TO LIVE	ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designtolive.com.au W: designtolive.com.au	CLIENT/S: ALISTAIR & SONIA RULE	DRAWING UNIT 1 - ELEVATIONS N/W-S/E	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any persons infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER
	SITE ADDRESS: 41 PARSONAGE ST, DELOIRANE, 7304	SIGNATURE: DATE:		R1 16/06/2022		FOR REVIEW	M.L.	PRSN41		
				R2 01/09/2022		FOR REVIEW	J.L.	9/17		
						CHECKED	M.L.	SCALE (@A3)		



Architectural elevation drawing of a building facade. The drawing shows a gabled roof with a 22.5-degree pitch, labeled "U/S TRUSS" and "22.5°". The main wall is labeled "BRICK VENEER" and "ALUSTA BRICKS". A window is shown on the left. The drawing includes dimensions: 4.205 for the roof width, 2.455 for the wall width, and 50 for the height. A dashed line indicates the "FFL R/L AND T/R C". The drawing is labeled "NGI" and "FIXED IAW MANUFACTURERS SPECIFICATIONS".

5.860

1.705 2.455

U/S TRUSS

FFL R/LA/H2 1BC

22.5°

WGL

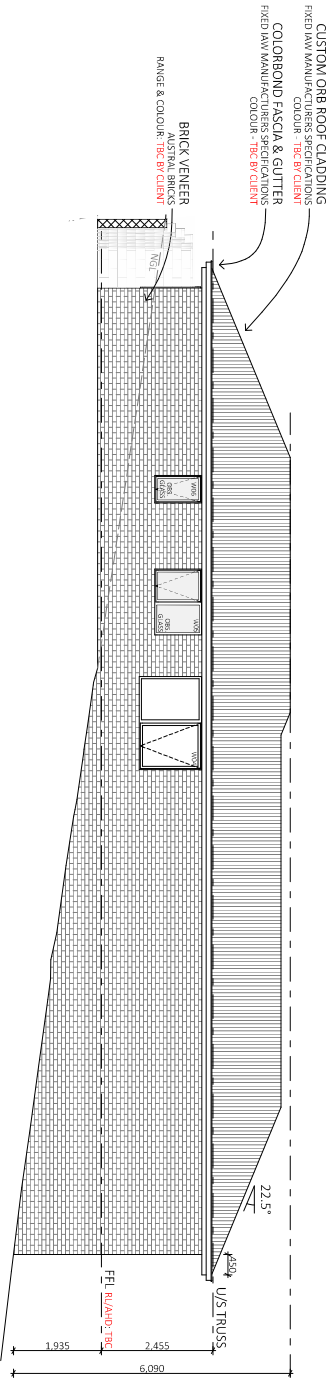
20 SERIES CORE-FILLED CONCRETE BLOCK

CUSTOM ORR ROOF CLADDING
FRED LAW MANUFACTURER'S SPECIFICATIONS
COLOUR - 1BC 50 CLEAN

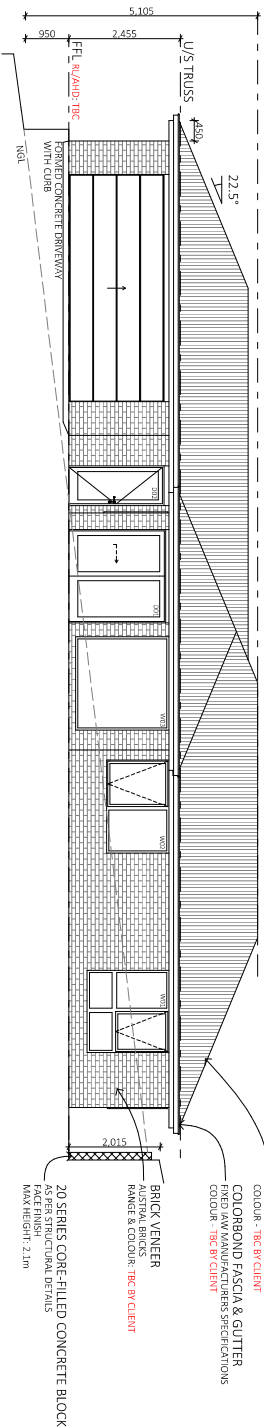
COLOROUND FASCIA & GUTTER
FRED LAW MANUFACTURER'S SPECIFICATIONS
COLOUR - 1BC 50 CLEAN

WGL

Meander Valley Council - Ordinary Meeting Agenda: 14 March 2023

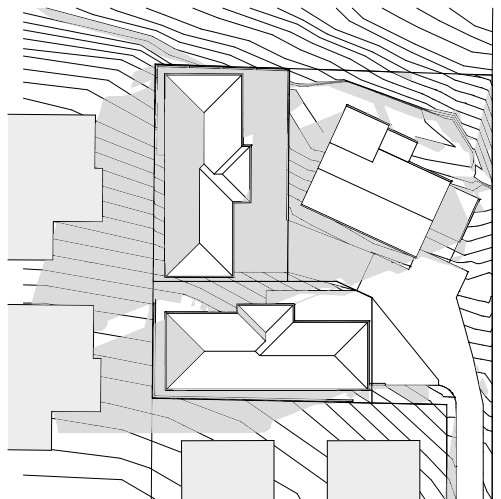


UNIT 2 - SOUTH WESTERN ELEVATION

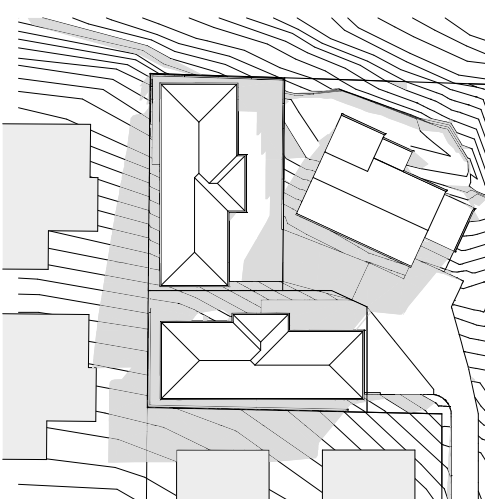


UNIT 2 - NORTH EASTERN ELEVATION

		ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designolive.com.au W: designolive.com.au	CLIENT/S: ALSTAIR & SONIA RULE		DRAWING UNIT 2 - ELEVATIONS N/E-S/W		I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT. SIGNATURE: _____ DATE: _____		COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person infringing the copyright.		REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER
SITE ADDRESS: 41 PARSONAGE ST, DEORAIN, 7304.											R1	16/06/2022	FOR REVIEW	M.L.	PRSN41
											R2	01/09/2022	FOR REVIEW	J.L.	12/17
														M.L.	1:100

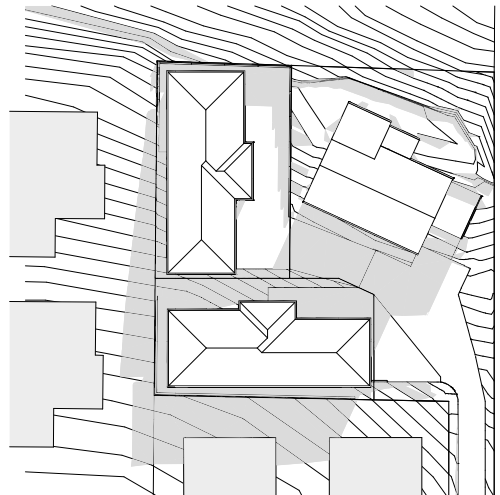


SHADOW DIAGRAM - 10AM - 21/06

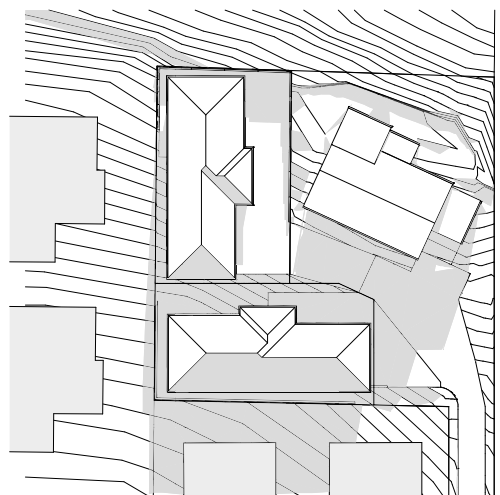


SHADOW DIAGRAM - 12PM - 21/06

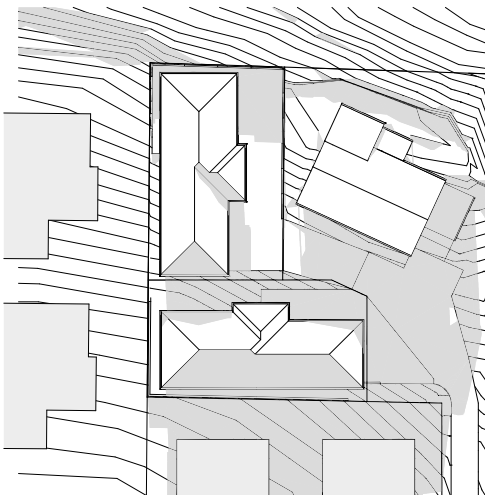
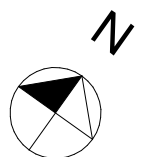
 DESIGN OLIVE	ACC # 3717993.13 ABN: 71 615 812 747 PH. 6344 7319 E. info@designolive.com.au W. designolive.com.au	CLIENT/S: ALSTAIR & SONJA RULE	DRAWING SHADOW	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.		COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole, or in part without written or formal consent from Design to Live. Legal action will be taken against any person's infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER	PRSNAL
	SITE ADDRESS: 41 PARSONAGE ST, DEORANNE, 7304.	DIAGRAMS - WINTER SOLSTICE		SIGNATURE: DATE: 	DRAWN J.L.		DRAWING 13/17					
				CHECKED M.L.	SCALE (@A3) 1:500							



SHADOW DIAGRAM - 1PM - 21/06




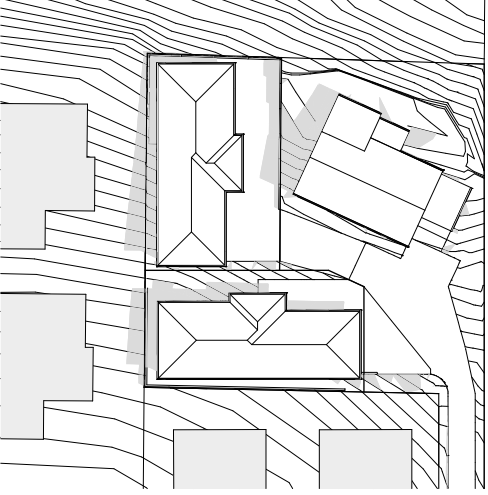
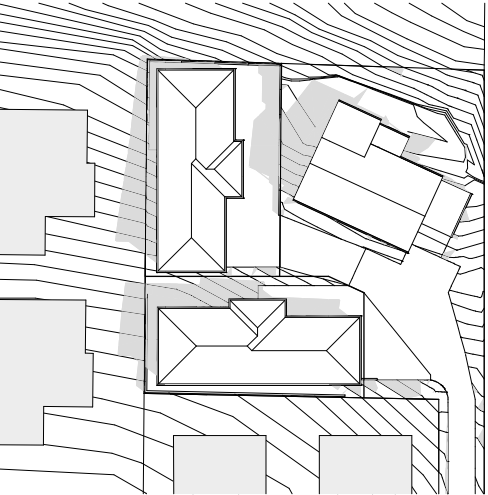
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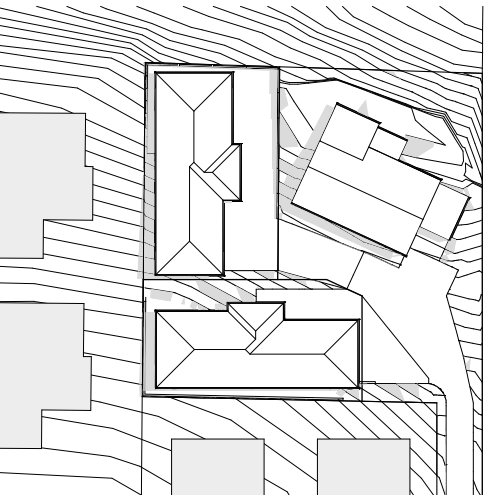
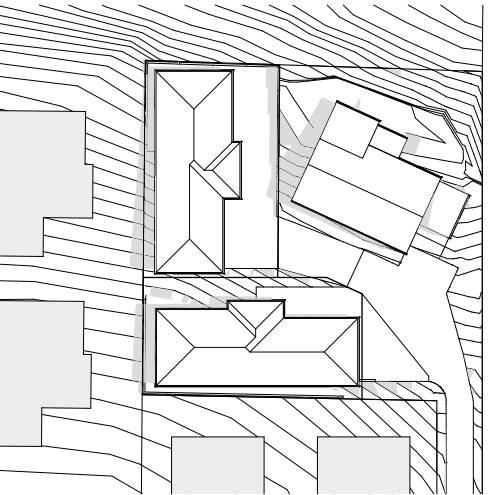



SHADOW DIAGRAM - 3PM - 21/06

[illegible]









ACC # 371799313
ABN: 71 615 812 747
PH: 6344 7319
E: info@designlive.com.au
W: designlive.com.au

CLIENT/S:
ALISTAIR & SONIA RULE

SITE ADDRESS:
41 PARSONAGE ST,
DELOURANE, 7304.

DRAWING
SHADOW
DIAGRAMS -
SUMMER SOLSTICE

SIGNATURE:

DATE:

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DATE:

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REV.	DATE	DESCRIPTION
R1	16/06/2022	FOR REVIEW
R2	01/09/2022	FOR REVIEW

DESIGNER
M.L.

DRAWN
J.L.

CHECKED
M.L.

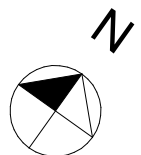
JOB NUMBER
PRSN41

DRAWING
15/17

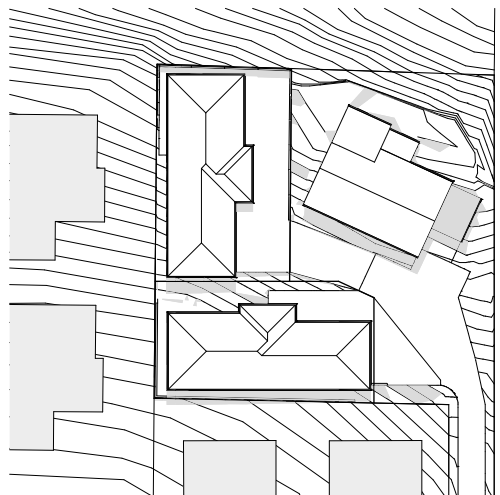
SCALE (@A3)
1:500

Meander Valley Council - Ordinary Meeting Agenda: 14 March 2023

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SHADOW DIAGRAM - 1PM - 21/12

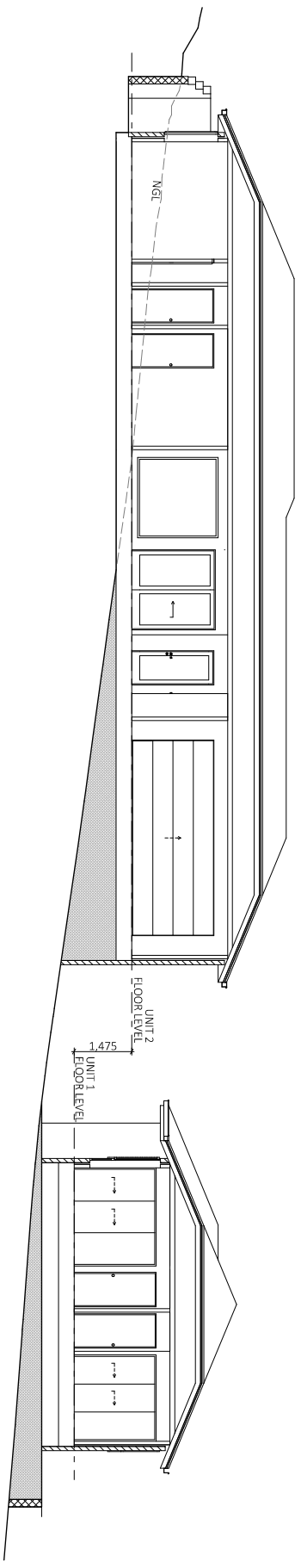


SHADOW DIAGRAM - 2PM - 21/12

A 3D architectural rendering of a building complex. The central structure is a tall, rectangular volume with a flat roof and a small, angled protrusion on its side. To its right, a section of the building is tilted at an angle, showing a sloped roof and a series of horizontal lines. The building is set against a background of wavy, horizontal lines. In the foreground, there are several rectangular blocks, some of which are shaded with a cross-hatch pattern. The overall style is minimalist and geometric.


SHADOW DIAGRAM - 3PM - 21/12

 DESIGN TO LIVE	ACC # 371799313 ABN. 71 615 812 747 PH. 6344 7319 E. info@designtolive.com.au W. designtolive.com.au	CLIENT/S: ALSTAIR & SONJA RULE	DRAWING SHADOW DIAGRAMS - SUMMER SOLSTICE	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole, or in part without written or formal consent from Design to Live. Legal action will be taken against any person/s infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	JOB NUMBER	
	SITE ADDRESS: 41 PARSONAGE ST, DEERAKINE, 7304.	SIGNATURE:		DATE:		R1	16/06/2022	FOR REVIEW	DRAWN J.L.	DRAWING 16/17	SCALE (@A3) 1:500
						R2	01/09/2022	FOR REVIEW			



Longitudinal section drawing of a building. The drawing shows a cross-section of the building with various rooms and structural elements. Key features include: a roofline with a gable end on the right; a series of rooms along the top, including a large room labeled 'NGT' (likely a garage or storage area); a central section with multiple windows and doors; and a lower section labeled 'UNIT 1 FLOOR LEVEL' and 'UNIT 2 FLOOR LEVEL' with a vertical dimension of 1.475. The drawing is oriented horizontally on the page.

LONGITUDINAL SECTION

 <div>ACC # 371799313 ABN: 71 615 812 747 PH: 6344 7319 E: info@designholive.com.au W: designholive.com.au</div>	CLIENT/S: ALISTAIR & SONJA RULE	DRAWING LONGITUDINAL SECTION	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT. SIGNATURE: DATE:	COPYRIGHT: This is the sole property of Design to Live, and may not be used in whole or in part without written or formal consent from Design to Live. Legal action will be taken against any person/s infringing the copyright.	<table><thead><tr><th>REV.</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>R1</td><td>16/06/2022</td><td>FOR REVIEW</td></tr><tr><td>R2</td><td>01/09/2022</td><td>FOR REVIEW</td></tr></tbody></table>	REV.	DATE	DESCRIPTION	R1	16/06/2022	FOR REVIEW	R2	01/09/2022	FOR REVIEW	DESIGNER M.L.	DRAWN J.L.	CHECKED M.L.	JOB NUMBER PRSN41	SCALE (@A3) 1:100
REV.	DATE	DESCRIPTION																	
R1	16/06/2022	FOR REVIEW																	
R2	01/09/2022	FOR REVIEW																	



Submission to Planning Authority Notice

Council Planning Permit No.	PA\23\0060	Council notice date	5/09/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01455-MVC	Date of response	06/09/2022
TasWater Contact	Paul Morgan	Phone No.	0499 584 139
Response issued to			
Council name	MEANDER VALLEY COUNCIL		
Contact details	planning@mvc.tas.gov.au		
Development details			
Address	41 PARSONAGE ST, DELORAINE	Property ID (PID)	7759271
Description of development	Multiple Dwellings x3		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Design to Live	Site Plan (Services)/ PRSN41 3/13	R2	01/09/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 4. The applicant or landowner as the case may be, must pay a development assessment fee of \$376.68 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			



Advice			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p> <p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater</p> <p>(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies</p> <p>(c) TasWater will locate residential water stop taps free of charge</p> <p>(d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.</p> <p>NOTE: In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –</p> <p>(a) a meter; and</p> <p>(b) installing a meter.</p> <p>Advice to Planning Authority (Council) and developer on fire coverage</p> <p>TasWater cannot provide a supply of water for the purposes of firefighting to the development on the plan.</p>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

12.1.17 Agency Consultation - Tas Networks

Natasha Whiteley

From: Council Referrals <Council.Referrals@tasnetworks.com.au>
Sent: Thursday, 2 March 2023 1:57 PM
To: Planning @ Meander Valley Council; 'Anita.Bourn@tasnetwork.com.au'
Cc: Council Referrals; Matthew Abell
Subject: RE: PA\23\0060 - 41 Parsonage Street Deloraine - Multiple Dwellings

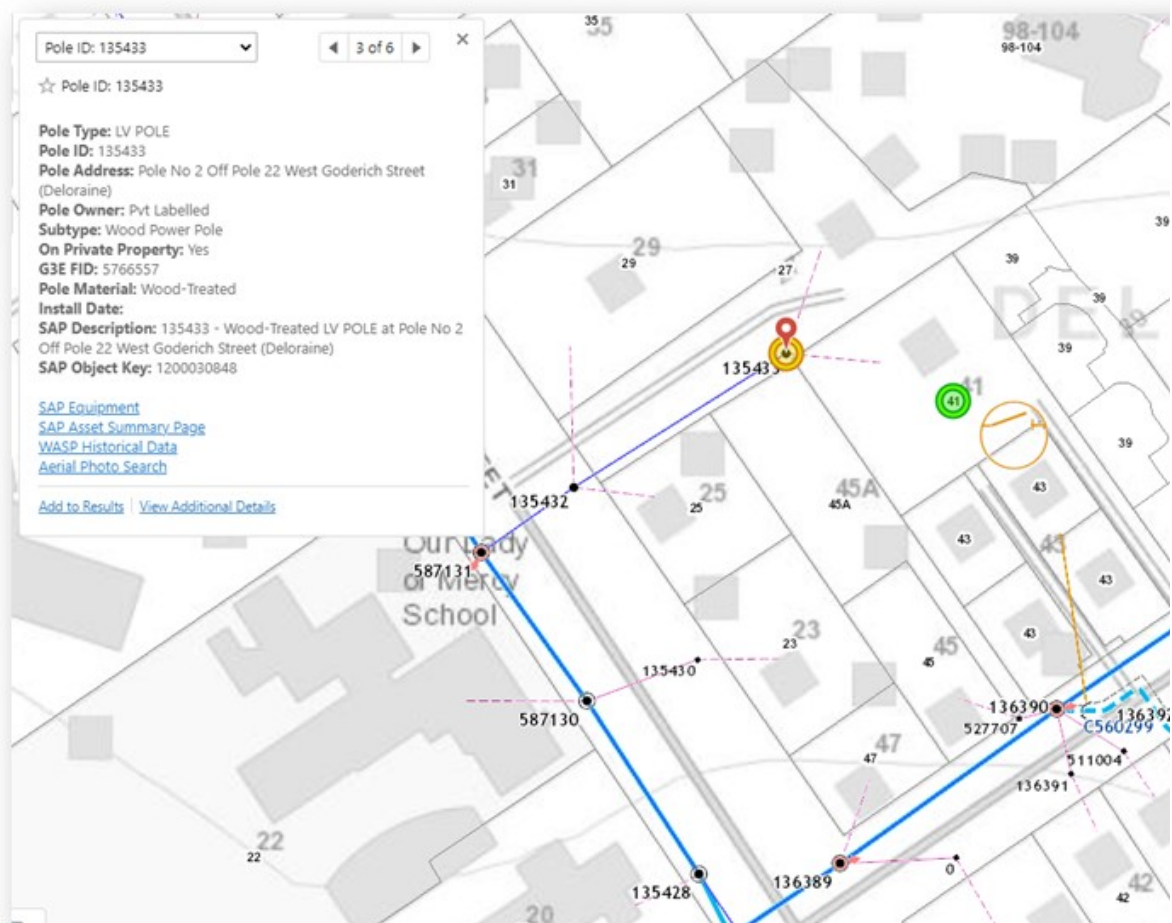
Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Hi Matthew,

Thank you for your email on 24/02/2023 referring the abovementioned development.

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

TasNetworks records show this pole as being privately owned and on private property and that the existing house at 41 Parsonage St is supplied via on OH service from this pole.



12.1.17 Agency Consultation - Tas Networks

TasNetworks provides one point of supply per title of land (strata developments are considered one title) so the applicant will need to make appropriate alterations to the current supply to accommodate the new units which will likely involve a main switchboard on common ground.

I would suggest they get in contact with an electrician in the first instance to determine the maximum demand required and query how supply can be made available to incorporate the new units in line with our current Service and Installation Rules Version 8.2. [service-and-installation-rules-v8-2-july-2022.pdf \(tasnetworks.com.au\)](#)

I note it may be complicated as they share this private pole with other surrounding titles which is no longer allowed. Technical Advice can be sought by their electrician on 1300 300 545.

Regards,
Belinda.

Belinda Lehner
Connections Team
PH: 03 6324 7583



1 Australis Drive, Rocherlea 7250
PO Box 419, Launceston TAS 7250
www.tasnetworks.com.au
[@TasNetworks](#)
[/TasNetworks](#)

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From: Planning @ Meander Valley Council <planning@mvc.tas.gov.au>
Sent: Friday, 24 February 2023 4:15 PM
To: 'Anita.Bourn@tasnetwork.com.au' <Anita.Bourn@tasnetwork.com.au>
Cc: Council Referrals <Council.Referrals@tasnetworks.com.au>; Matthew Abell <Matthew.Abell@mvc.tas.gov.au>
Subject: PA\23\0060 - 41 Parsonage Street Deloraine - Multiple Dwellings

Hi Anita,

I hope you are well.

We are currently assessing this development application for multiple dwellings at 41 Parsonage Street, Deloraine (CT: 47826/2) and we were wondering if you are able to provide any advice and recommendations.

From a site inspection, we have noticed a power pole (no number) that will be near one of the units. We are unsure if this is a TasNetworks or a private power pole. Would TasNetworks have any issues with this development application, or would it be simply with a note for the applicant to contact early engagement?

12.1.17 Agency Consultation - Tas Networks



If you have any questions, please let me know.

Kind Regards,
Matthew Abell



Planning @ Meander Valley Council,
P: 03 6393 5300 E: planning@mvc.tas.gov.au
26 Lyall Street Westbury, TAS 7303 | PO Box 102, Westbury Tasmania 7303
www.meander.tas.gov.au [meander.tas.gov.au]

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Planning Authority Report

4 Cook Street, Hadspen

Proposal	Multiple Dwellings (9 Units - 8 proposed & 1 existing)
Report Author	Brenton Josey Town Planner
Authorised by	Krista Palfreyman Director Development & Regulatory Services
Application reference	PA\23\0127
Decision due	15 March 2023
Decision sought	It is recommended that Council approves this application. <i>See section titled "Planner's Recommendation" for further details.</i>

Applicant's Proposal

Applicant	J Adams
Property	4 Cook Street Hadspen (CT: 102737/1)
Description	The applicant seeks planning permission for: <ol style="list-style-type: none">1. The change of use of a single dwelling to multiple dwellings; and2. The construction of eight multiple dwellings.

Documents submitted by the Applicant are attached, titled "Application Documents".



Figure 1: Aerial image identifying the subject site and surrounding land.

Planner's Report

Planning Scheme	Tasmanian Planning Scheme - Meander Valley ("the Planning Scheme")
Zoning	General Residential
Applicable Overlays	Nil
Existing Land Use	Residential - Single Dwelling
Summary of Planner's Assessment	Generally, Multiple dwellings is classed as permitted in this zone (General Residential).
Discretions	For this application, six discretions are triggered. This means Council has discretion to approve or refuse the application based on its assessment of: <ul style="list-style-type: none"> 8.4.2 – P3 Setbacks and building envelope for all dwellings

8.4.3 – P2 Site coverage and private open space for all dwellings

8.4.6 – P2 Privacy for all dwellings

C2.6.2- P1 Design and layout of parking areas

C2.6.5 – P1 Pedestrian access

C3.5.1 – P1 Traffic generation at a vehicle crossing, level crossing or new junction

Before exercising a discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

See attachment titled "Planner's Advice - Performance Criteria" for further discussion.

Performance Criteria & Applicable Standards

This proposal is assessed as satisfying the relevant Performance Criteria and compliant with all Applicable Standards of the Scheme.

See attachments titled "Planner's Advice – Performance Criteria" and "Planner's Advice – Applicable Standards" for further discussion.

Public Response

Five responses ("representations") received from the public. Of these, all five are objections.

See attachment titled "Public Response – Summary of Representations" for further information, including the planner's advice given in response.

Agency Consultation

TasWater

The application was referred to TasWater on 25/11/2022. A Submission to Planning Authority Notice (SPAN) was received on 30/11/2022. Amended plans were referred to TasWater on 19/01/2023. An amended SPAN was received on 23/01/2023. Amended plans were referred to TasWater on 07/02/2023. TasWater advised on 08/02/2023 that the previously amended SPAN dated 23/01/2023 did not require any amendments.

See attachment titled "Agency Consultation – TasWater – Amended Submission to Planning Authority Notice".

TasNetworks

The application was referred to TasNetworks on 25/11/2022. A response was received on 02/12/2022 stating the *development is not likely to adversely affect TasNetworks' operations.*

See attachment titled "Agency Consultation – TasNetworks - Response".

Internal Referrals *Infrastructure Services*

Risk to Council Infrastructure deemed minor. The following considerations have informed this outcome:

- Director consent provided for widening of vehicle crossover.
- Stormwater drained to Council's stormwater network via new stormwater connection point.
- Stormwater detention required, overland flow directed to Cook Street.
- Proposed internal waste collection by private waste contractor.
- Application supported by Traffic Impact Assessment.

Environmental Health

No referral required.

Planner's Recommendation to Council

The planner's recommendation, based on a professional assessment of the planning application and its compliance with the Planning Scheme, is set out below.

Council must note the qualified advice received before making any decision, then ensure that reasons for its decision are based on the Planning Scheme. Reasons for the decision are also published in the minutes.

For further information, see *Local Government Act 1993, s65, Local Government (Meeting Procedures) Regulations 2015, s25(2)* and *Land Use and Approvals Act 1993, s57.*

Recommendation

This application by J. Adams for Multiple Dwellings (1 existing, 8 proposed) on land located at 4 Cook Street, Hadspen (CT: 102737/1), is recommended for approval generally in accordance with the Endorsed Plans, and recommended Permit Conditions and Permit Notes.

Endorsed Plan

- a) Plans to Build; Dated: 9 November 2022; New Multi Residential at 4 Cook Street, Hadspen; Project Number: 22033; Sheets: A00-A18; and
- b) Traffic & Civil Services; Dated: 14 November 2022; Traffic Impact Assessment – 4 Cook Street, Hadspen; 51 pages.

Permit Conditions

- 1. Prior to the commencement of use:
 - a. The new stormwater lot connection must be constructed accordance with Tasmanian Standard Drawing TSD-SW25 to the satisfaction of Council's Director Infrastructure Services. Refer to Note 1.
 - b. The existing northern vehicle crossover must be widened in accordance with Tasmanian Standard Drawing TSD-R09 and TSD-R14 to the satisfaction of Council's Director Infrastructure Services. Refer to Note 1.
 - c. Shared zone signage to be installed in accordance with the recommendation of the endorsed Traffic Impact Assessment prepared by Traffic & Civil Services to the satisfaction of Council's Town Planner.
 - d. The visitor car parking spaces, motorcycle parking space, and external car parking spaces allocated to each dwelling must be clearly delineated, such as line marking or signage, to the satisfaction of Council's Town Planner.
- 2. The development must be in accordance with the Amended Submission to Planning Authority Notice issued by TasWater (TWDA 2022/01927-MVC attached).


Permit Notes

- 1. Works must be completed by a suitably qualified contractor. Prior to any construction being undertaken in the road reserve, separate consent is required by the Road Authority. An Application for Works in the Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Services Department on 6393 5312.

2. Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as Stormwater Authority, per *Urban Drainage Act 2013*.
3. Council's Infrastructure Services Department notes that the plans propose collection of bins from within the boundaries of the property. To facilitate this, a private contractor may be required at the cost of the property owner and/or body corporate. If you would like to discuss this matter further, please contact Council's Project Manager Waste Services on 6393 5329.
4. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact Council.
5. This permit takes effect after:
 - a. The 14-day appeal period expires; or
 - b. Any appeal to the Tasmanian Civil & Administrative Tribunal (TASCAT) is determined or abandoned; or
 - c. Any other required approvals under this or any other Act are granted.
6. Planning appeals can be lodged with TASCAT Registrar within 14 days of Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.
7. This permit is valid for two years only from the date of approval. It will lapse if the development is not substantially commenced. Council has discretion to grant an extension by request.
8. All permits issued by the permit authority are public documents. Members of the public may view this permit (including the endorsed documents) at the Council Office on request.
9. If any Aboriginal relics are uncovered during works:
 - a. All works to cease within delineated area, sufficient to protect unearthed or possible relics from destruction;
 - b. Presence of a relic must be reported to Aboriginal Heritage Tasmania; and
 - c. Relevant approval processes for state and federal government agencies will apply.

Attachments

1. Public Response - Summary of Representations [12.2.1 - 8 pages]
2. Public Response 1 - K & J Pitt [12.2.2 - 1 page]
3. Public Response 2 - R Wigmore & R Eaves [12.2.3 - 4 pages]

- 
4. Public Response 3 - S Medling [12.2.4 - 1 page]
 5. Public Response 4 - S Campton [12.2.5 - 2 pages]
 6. Public Response 5 - A Wynter [12.2.6 - 1 page]
 7. Planner's Advice - Applicable Standards [12.2.7 - 24 pages]
 8. Planner's Advice - Performance Criteria [12.2.8 - 31 pages]
 9. Application Documents [12.2.9 - 98 pages]
 10. Agency Consultation - TasWater - Amended Submission to Planning Authority Notice [12.2.10 - 5 pages]
 11. Agency Consultation - TasNetworks - Response [12.2.11 - 2 pages]

Public Response

Summary of Representations

A summary of concerns raised by the public about this planning application is provided below. Five responses ("representations") were received during the advertised period.

This summary is an overview only and should be read in conjunction with the full responses (see attached). In some instances, personal information may be redacted from individual responses.

Council offers any person who has submitted a formal representation the opportunity to speak about it before a decision is made at the Council Meeting.

Representation 1

Name *K & J Pitt*

- Concern**
- a) Concerns regarding a shadow plan not being provided.
 - b) Concerns regarding the stormwater detention and disposal, noting the sewerage requires a pump station.
 - Will stormwater after collection in an underground holding tank have enough natural fall to the disposal point at the kerb?
 - What is the size of the existing property connection?
 - Will the new stormwater disposal join the existing line (estimated to be 10mm diameter) or will a new bigger 150mm diameter line be required?

- Planner's Response**
- a) Shadow diagrams were not provided by the applicant. It was considered shadow diagrams were not required for the proposed development as:
 - Development complies with the required setbacks from adjoining properties.
 - The portions of development outside of the building envelope are minor and located on the northeastern side of the development. The adjoining property closest to where development is outside of the building envelope, is the access

12.2.1 Public Response - Summary Of Representations

strip for 2 Cook Street. Shadowing impacts from the portions of the building outside of the building envelope will primarily affect the subject site itself. Refer to the *Planner's Advice – Performance Criteria*.

- b) All roofed and hard surfaces are required to be connected to Council's stormwater network. The proposed development will require on-site stormwater detention. The proposed development will require a plumbing permit. Plumbing permit approvals are subsequent to any planning approval. The plumbing permit will be assessed against the requirements of the *Building Act 2016*.

Representation 2

Name *R Wigmore & R Eaves*

- Concern**
- a) Addition of eight dwellings is a huge increase in the density of 4 Cook Street and that of adjacent properties. Flow on effects of noise and traffic.
 - b) Two-storey units "... allowing for cramming of more units into that space". Upper floors will overlook adjacent properties.
 - c) *"The proposed dwellings have no architectural aesthetics are not in keeping with the design and appearance of other buildings in the area. The materials listed in the DA for the construction are the cheapest available and do nothing to improve the aesthetic of what appears to be a dwelling no more attractive than a shed."*
 - d) Large expanse of concrete, no landscaping or trees proposed. Water run-off will be significant adding to stormwater loads. Lack of green cover will contribute to heat island effect.
 - e) Expresses doubt that garbage collection will occur from within the property as proposed on the plans. Will lead to bins being placed on Cook Street kerb, *"... diminishing the visual amenity of that street"*.
 - f) Sewerage works commenced in December 2022 with sewer rises visible at the front of Cook Street (photos attached). Telecommunication cables and water pipe laid. Considers the applicant believes this application will succeed to have invested in those works.

12.2.1 Public Response - Summary Of Representations

- g) Considers that if this application is approved, a duplicate development will occur on the front portion of 4 Cook Street. Would lead to the removal of mature trees. Trees should be preserved in these times of climate change. Points to a new driveway crossing installed in 2022 *"...alludes to this"* (photo attached).
- h) *"... no objection to one single-storey dwelling (house) at the proposed site in keeping with the character of other dwellings in the area. Covering 4 Cook St with 8 additional dwellings and possibly more to come, detracts from the amenity of the area, will impinge on the peaceful enjoyment of existing neighbours, be an eyesore for the many visitors to the recreation area adjacent and become the slums of tomorrow."*

Planner's Response

- a) The proposed development complies with the Acceptable Solution for density of multiple dwellings. Each dwelling must have a site area not less than 325m². The site area is 8094m². There will be a total of 9 dwellings. The density will be 1/899m².
- b) The proposed development complies with the applicable Acceptable Solutions' requirements for setback of decks and windows to habitable rooms from the boundaries of adjoining properties.
- c) There are no standards in the planning scheme applicable for the proposed development which sets requirements for the architectural aesthetics or quality of materials to be used.
- d) There are no standards in the planning scheme applicable for the proposed development which limits the area of impervious surface for a development or requires the retainment of existing vegetation or planting of new vegetation.

All roofed and hard surfaces are required to be connected to Council's stormwater network. The proposed development will require on-site stormwater detention. The proposed development will require a plumbing permit. Plumbing permit approvals are subsequent to any planning approval. The plumbing permit will be assessed against the requirements of the *Building Act 2016*.

- e) The proposed development facilitates garbage collection from within the property. The parking and accessway provides the required manoeuvring space for garbage collection.

12.2.1 Public Response - Summary Of Representations

The arrangements for waste collection will be subject to final approval from Council's Infrastructure Services Department which is separate to planning approval.

Should kerbside collection be required, there is adequate frontage for the placement of 18 bins on the kerbside.

There are no applicable standards in the planning scheme for visual amenity of bins on the kerbside awaiting collection.

- f) On 23 February 2021 a planning permit application for a 2 lot subdivision was approved for 4 Cook Street. The conditions of this permit included the installation of services and a new vehicle crossover from 4 Cook Street. It is understood works have commenced to comply with the conditions of the permit for subdivision however have been put on hold as the applicant is pursuing this proposed unit development first. An approved subdivision planning permit does not prohibit the ability to apply for other forms of development on the subject site. This application was made based on the existing property Title.
- g) The applicable standards of the planning scheme assessment do not include consideration of the development potential of other parts of a site.
- h) Comment noted.

Representation 3

Name *S Medling*

- Concern**
- a) Concerned that eight two-storey units in an area of 3,300m² does not fit with the lifestyle that Hadspen offers.
 - Considers Hadspen offers a "... *semi-rural, quiet, private feel...*" and is a selling point for the area.
 - Makes adjoining properties less appealing to those looking for that semi-rural style family home.
 - b) Concerns about privacy, Unit 4 and Unit 5 will look directly into the backyard of 18 Tamika Terrace. Considers their yard to be a safe and private space and two-storey units will result in the loss of privacy.

12.2.1 Public Response - Summary Of Representations

- c) Not against people developing multiple dwellings in Hadspen, but is *"... against this if it affects existing residence privacy/lifestyle..."*.

Considers eight two-storey units does not fit in with what Hadspen offers to those looking to be just out of the city of Launceston.

Planner's Response

- a) The subject site is in the General Residential Zone. The proposed development complies with the Acceptable Solution for density of multiple dwellings.
- b) The proposed development complies with the applicable Acceptable Solutions' requirements for setback of decks and windows to habitable rooms from the boundaries of adjoining properties.
- c) The subject site is in the General Residential Zone. Two-storey multiple dwellings can be a permitted use and development in the Zone. In this instance the Performance Criteria has been relied upon for some parts of the proposed development. The assessment of the Performance Criteria has concluded the proposed use and development satisfies the Performance Criteria and is recommended for approval.

Representation 4

Name *S Campton*

Concern a) Identifies instances of conflicting address information in the Traffic Impact Assessment:

- Page 2 – Index – refers to "Traffic Impact on King Street";
- Page 10 – the development site is listed as 132 King Street Westbury;
- Page 21 – 6.1 – reference as "traffic flow on King Street"; and
- Page 30 – Recommendations and Conclusions – address is listed as 4 Cook Street.

Noting the discrepancies, how can the data, statistic and information contained within the report be deemed true and accurate.

12.2.1 Public Response - Summary Of Representations

- b) Traffic Impact Assessment does not provide the time of day it was conducted. It does not consider after hours and weekends when the Hadspen Recreation Ground, a multipurpose facility is being utilised, or when the Red Feather Inn is holding a function. At these peak times, cars are parked throughout Clare, Cook and various side streets making visibility and navigating the streets quite difficult.
- c) The driveway entry/exit for 4 Cook Street is at the same location as the Hadspen Recreation Ground driveway entry/exit. What measures will be put in place to alleviate traffic from travelling at speed when existing the 4 Cook Street driveway, noting plans show a driveway over 100m long? Will a speed hump be installed to ensure the safety of pedestrians walking along Cook Street?
- d) There is not sufficient area for vehicles travelling north on Clare Street to navigate around a vehicle waiting to turn across traffic into the 4 Cook Street driveway. Will lead to ramping in Clare Street.

Planner's Response

- a) Whilst the errors identified in the Traffic Impact Assessment (TIA) are unfortunate, they are typographical in nature and are not considered to affect the findings of the TIA. Images and maps provided relate to the subject site. The statistics quoted in the report with the incorrect address are repeated elsewhere in the report with the correct address, providing assurance that the data collected is applicable to the subject site.
- b) In consultation with Council's Department of Infrastructure Services, the method of traffic data collection is consistent with the requirements of the prescribed guideline. Council's Department of Infrastructure Services are in the process of organising yellow no-standing line-marking for an extent of both side of the road at the bend of Cook and Clare Street to improve vehicle maneuverability and driver visibility.
- c) The TIA did not identify the proposed vehicle access arrangement presented a risk to pedestrians using the footpath on Cook Street. Vehicles will be required to significantly slow and potentially stop on approach to the vehicle crossing to enable visual observation of traffic on the road network prior to entering the road network. Vehicles entering and exiting the site can do so in a forward direction, mitigating the risk to pedestrians using the footpath. A speed hump is not considered necessary to manage the risk.

12.2.1 Public Response - Summary Of Representations

- d) The TIA has not identified a need for a dedicated turning lane for vehicle turning right to enter the property. The driveway entry is of a width to allow two vehicles to pass one another. Therefore, vehicles wishing to enter the property will not be reliant on any vehicle waiting to exit the property to vacate the driveway. A turning lane for vehicles turning right to enter the property is not warranted.

Representation 5

Name *A Wynter*

- Concern**
- a) Concerned that allowing eight two-storey units in an area approximately 3300m² does not fit in with the lifestyle and low to medium density that Hadspen offers.
 - b) Concerned about the privacy of adjacent houses along Tamika Terrace and Kealey Court. A reason for purchasing in the area was the privacy and safety the area provides.
 - c) Does not believe two-storey units is in keeping with the Hadspen character and if wanting to live in an area with two-storey units would have purchased a home in Launceston and not Meander Valley.
 - d) Against two-storey units, supports single storey units, as they *".., would reduce density and still provide privacy to current residents at the same time building and growing our wonderful community of Hadspen."*

- Planner's Response**
- a) The subject site is in the General Residential Zone. The proposed development complies with the Acceptable Solution for density of multiple dwellings.
 - b) The proposed development complies with Acceptable Solutions required setback of decks and windows to habitable rooms from the boundaries of adjoining properties.
 - c) The subject site is in the General Residential Zone. Two-storey multiple dwellings can be a permitted use and development in the Zone. In this instance the Performance Criteria has been relied upon for some parts of the proposed development. The assessment of the Performance Criteria has concluded the proposed use and development satisfies the Performance Criteria and is recommended

12.2.1 Public Response - Summary Of Representations

for approval.

d) Noted.

Note: The planning application was advertised in a local newspaper and on Council's website for a statutory period of 14 days from 4 February 2023 to 20 February 2023. The property was also signposted.

12.2.2 Public Response 1 - K & J Pitt

From: [REDACTED]
Sent: Fri, 10 Feb 2023 11:48:51 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: PA\23\0127

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Dear Helen

As our property adjoins 4 Cook Street HADSPEN (CT: 102737/1) my concerns are that the Application for Planning Approval did not provide a Shadow Plan

In the Planning application.

I also have concerns with the Storm Water Retention and disposal. I note that the sewerage requires a pump station not natural fall to the Council Sewerage pickup.

Will the Storm water after collection in a holding underground tank have enough natural fall to the Council Stormwater pickup.

I note that it states on the Planning Application (ALL STORMWATER FROM NEW BUILDINGS TO BE COLLECTED VIA 90mm DIA UPVC DOWNPIPES FROM EAVES GUTTERS AND PIPES USING 100mm DWV SUB SURFACE DRAINAGE TO EXISTING PROPERTY CONNECTION IN ACCORDANCE WITH LOCAL COUNCIL & PLUMBING CODES & REGULATIONS. PROVIDE FOR STORMWATER DETENTION IN ACCORDANCE WITH MVC REQUIREMENTS)

What size is the existing property connection.as it shows a new line (Green) on the planning Application.

Will it join the existing line (probably 100mm Dia.) or will it be a new bigger 150mm Diameter line?

Yours Faithfully

Kevin and Janice Pitt

[REDACTED]

12.2.3 Public Response 2 - R Wigmore & R Eaves

From: "Rowan" [REDACTED]
Sent: Mon, 13 Feb 2023 14:17:10 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: DA_PA_23_0127 Objection.
Attachments: DA_PA_23_0127_Objection.pdf, SouthernDrivewayCrossover20230209 (Large).jpg, SewerRisers20230209 (Large).jpg, SewerWorks20230209 (Large).jpg

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Dear MVC Planning.

Please accept our submission objecting to the above DA.

Kind regards,

Rowan Wigmore
[REDACTED]



12.2.3 Public Response 2 - R Wigmore & R Eaves



12.2.3 Public Response 2 - R Wigmore & R Eaves



Monday, 13 February 2023

Re: Development Application PA\23\0127

Dear Meander Valley Council.

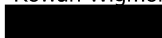
We would like to register our strong objection to the above development application for the following reasons.

1. Eight dwellings is a huge increase in the density of 4 Cook St and that of adjacent properties. The noise footprint to adjacent residences will be increased as will the noise and increased traffic from vehicles.
2. The proposed dwellings are not single storey. By using a second storey the footprint of the dwelling is reduced allowing for the cramming of more units into that space. The upper floors will overlook existing adjacent properties.
3. The proposed dwellings have no architectural aesthetics are not in keeping with the design and appearance of other buildings in the area. The materials listed in the DA for the construction are the cheapest available and do nothing to improve the aesthetic of what appears to be a dwelling no more attractive than a shed.
4. The proposal shows a large expanse of concrete and no landscaping or trees appear to be planned. Water run-off from this area will be significant and add to storm-water loads. Lack of green cover will contribute to the heat-island effect in summer.
5. Although the concrete area is marked "Garbage truck turning circle" I doubt whether the existing garbage collection service will actually traverse a narrow and private driveway. Residents will have to place their bins on Cook St further diminishing the visual amenity of that street.
6. Sewage works commenced in December 2022 and sewer risers are visible at the front of 4 Cook St. (See photograph) One assumes that the applicant believes that this DA will succeed to have invested in those works. Telecommunications cables have been laid on the south side and a water pipe has been laid above-ground on the fence line.
7. If this DA succeeds, we believe that a duplicate is planned for the front of the Cook St block which would entail the removal of mature trees which host wildlife. The presence of a driveway crossing, (See photograph) also installed last year, alludes to this. In this time of climate change we should be preserving as many trees as possible and planting many more.

We have no objection to one single-storey dwelling (house) at the proposed site in keeping with the character of other dwellings in the area. Covering 4 Cook St with 8 additional dwellings and possibly more to come, detracts from the amenity of the area, will impinge on the peaceful enjoyment of existing neighbours, be an eyesore for the many visitors to the recreation area adjacent and become the slums of tomorrow.

Yours faithfully,

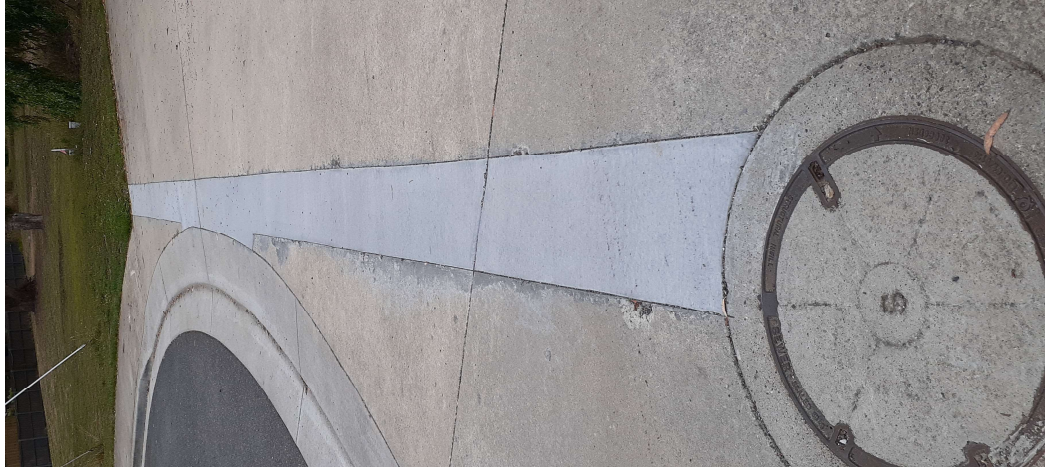
Rowan Wigmore and Richard Eaves



12.2.3 Public Response 2 - R Wigmore & R Eaves

Photos of sewer and driveway.

Sewer
Works.



Sewer
Risers.



Second driveway on south side of 4 Cook St.

12.2.4 Public Response 3 - S Medling

From: [REDACTED]
Sent: Mon, 20 Feb 2023 13:33:09 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: PA\23\0127

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

I am writing to voice my concerns regarding the application PA\23\0127 for the development of 8 units at 4 Cook st Hadspen.

My family lives at 18 Tamika terrace. We purchased the land and built our home in this area about 8 years ago. One of the main reasons for choosing Hadspen to build our family home was that semi-rural, quiet, private feel that hadspen had to offer. This is quite often a selling point for the area. I am concerned that allowing 8, 2 story units to be built in an area approximately 3,300m2 doesn't fit in with the life-style that hadspen offers. It certainly makes the adjoining properties less appealing to those looking for that semi-rural style family home.

I am also concerned for our privacy as the units namely (Type A - Unit 4 and Type B - unit 5) will look directly into our backyard on the north facing side of the units. Our yard is a safe and private area for our family, our Son and his friends can play without any concerns around their privacy. If the two units mentioned above are built as 2 story units we will lose that privacy that we sought after when we purchased and built our house some years ago.

I am not against people developing multiple dwellings in Hadspen, but i am against this if it affects existing residence privacy/lifestyle, especially when it is something that over the years you get use to and it is a large factor in living in Hadspen. 8 double story units seems like it doesn't fit in with what Hadspen offers to those looking to be just out of the city of Launceston.

Thankyou

Regards

Sam Medling

12.2.5 Public Response 4 - S Campton

From: "Sheree Campton" [REDACTED]
Sent: Mon, 20 Feb 2023 14:47:52 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: Planning Application PA\23\0127
Attachments: MVC - 4 Cook St, Hadspen.pdf

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Good Afternoon,
Attached please find my representation to the above planning application.
Kind regards,
Sheree Campton.
[REDACTED]

12.2.5 Public Response 4 - S Campton

20 February 2023

General Manager
PO Box 102
Westbury TAS 7303

Dear Sir,

Planning Application PA\23\0127

Referring to the above recently advertised Planning Application at 4 Cook Street, Hadspen, the following is noted:

Traffic Management Plan

This plan provides conflicting address information as referenced below:

Page 2 – Index – refers to “Traffic Impact on **King Street**”

Page 10 – the development site is listed as **132 King Street, Westbury**

Page 21 – 6.1 - reference as “traffic flow on **King Street**”

Page 30 – Recommendations and Conclusions - address is listed at **4 Cook Street, Westbury**

Noting the above address discrepancies, how can the data, statistics and information contained within the report be deemed true and accurate.

If the said data is accurate, the report concludes a survey has been conducted on 21st October (Appendix D). It does not provide a time of day. It does not take into account after hours and weekends when the Hadspen Recreation Ground, which is a multipurpose sports and function area is being utilised or when Red Feather is holding functions. The Tasmanian Walking Company is also operating a carpark at the back of the Red Feather (vehicular side access on Clare Street). At these peak times, cars are parked throughout Clare, Cook and various side streets making visibility and navigating the streets quite difficult.

4 Cook Street is directly at the Hadspen Recreational Ground Entrance. What measures will be put in place to alleviate the traffic from travelling at speed when exiting (given that the driveway is in excess of 100m long) ? Will a speed hump be installed to ensure the safety of pedestrians walking along Cook Street?

Should a vehicle be exiting 4 Cook Street, cars wanting to enter 4 Cook Street will have to wait on the street due to a single driveway being in place.

There is no provision for North bound (Clare Street) cars travelling behind to go around a turning vehicle into 4 Cook Street, essentially causing vehicles to remain stationary and ramping in Clare Street.

I look forward to your response regarding the above concerns.

Your sincerely,


Sheree Campton.

12.2.6 Public Response 5 - A Wynter

From: [REDACTED]
Sent: Mon, 20 Feb 2023 15:10:17 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: Development Application PA/23/0127 of 8 units at 4 Cook St, Hadspen.

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

To Whom it may Concern,

I am writing to dispute the proposed development application PA/23/0127 of 8 units at 4 Cook St Hadspen.

My family and I built in Hadspen (16 Tamika Terrace) 6 years ago. We choose to build and live at Hadspen due to its quiet, family lifestyle and low density living. I am concerned that allowing 8 x 2 story units to be built in an area approximately 3,300m2 doesn't fit in with the lifestyle and low to medium density that Hadspen offers. It certainly makes the adjoining properties less appealing to those looking for that family lifestyle home.

I am personal concerned about the privacy of the houses along Tamika Terrace and Kealy Court that are adjacent to the proposed development application. I, along with the other residents in this area brought here for the same private and safe reasons the areas provides. Building 2 storey units looking into our backyards is very concerning and I would think goes against what Hadspen is all about. If we wanted to live in an area like that we would have brought in Launceston not the Meander Valley.

I am against the 2 storey units being built as in development application PA/23/0127 for density and privacy reasons. I support single storey units going into this area as it would reduce the density and still provide privacy to current residents at the same time building and growing our wonderful community of Hadspen.

Regards,

Andrew Wynter

Planner's Advice: Applicable Standards

Background

The proposal is for the change of use of an existing single dwelling to multiple dwellings and the construction of eight new multiple dwellings at on land located at 4 Cook Street, Hadspen (CT: 102737/1)(the site – refer to figure 1). The site contains an existing single residential dwelling and residential outbuilding. The proposed development will result in nine multiple dwellings on the site.

The site is a rectangular lot and has an area of 8094m². The site has frontage to Cook Street, approximately 40m wide and extends approximately 200m from the frontage. The site is orientated on a Northwest – Southeast axis. The site is relatively flat featuring a gentle fall of approximately 1% from the rear of the lot to the frontage.

At the frontage there is an existing vehicle crossover. It is proposed this crossover, following modifications, will be utilised for access for all dwellings.

4 Cook Street is in the General Residential Zone. Adjoining lots are also in General Residential Zone. To the north is the Hadspen Recreation Ground which is zoned Recreation. Refer to Figure 2.

The surrounding development generally consists of single dwellings with some lots featuring multiple dwellings.



Figure 1: Aerial image identifying the subject site and surrounding land.

12.2.7 Planner's Advice - Applicable Standards



Figure 2: Zoning of site and surrounding properties.



Figure 3: Existing vehicle crossover from Cook Street to be widened, and internal driveway to be sealed.

12.2.7 Planner's Advice - Applicable Standards



Figure 4: Area of proposed development looking Northwest towards the rear boundary.



Figure 5: Area of proposed development looking west/southwest towards the boundaries shared with properties on Tamika Terrace.



Figure 6: View from the area of development towards the northeast and boundary shared with 2 Cook Street, Hadspen Recreation Grounds on the other side of the access strip.

Proposed development

The proposed new dwellings will be located at the rear of the lot, behind the existing dwelling and residential outbuilding. The existing driveway will be sealed and extended to provide access to the new dwellings.

The proposed dwellings will be two-storey and aligned in two rows of four with a driveway area between the dwellings. The new dwellings will have three bedrooms, two bathrooms, associated living areas, one car garage and an adjoining external car parking space.

ADJOINING PROPERTY ID - 1863545 CT - 130092/103

1.49m
0.73m

BOUNDARY 208.80m

NEW SEALED DRIVEWAY 2,324m²

EX. DRIVEWAY - TO BE SEALED

4 COOK STREET
HADSPEN TAS 7290

ID - 7020610
CT - 102737/1

ADJOINING PROPERTY ID - 3317660 CT - 168162/47

ADJOINING PROPERTY ID - 3315366 CT - 168133/35

ADJOINING PROPERTY ID - 3315382 CT - 168133/37

ADJOINING PROPERTY ID - 3315390 CT - 168133/38

ADJOINING PROPERTY ID - 3196985 CT - 164411/18

BOUNDARY 201.17m

144m
143.5m
143m
142.5m

EX. DWELLING

EX. TURNING CIRCLE

COOK STREET

8.78m

AS4

[illegible]

Meander Valley Council - Ordinary Meeting Agenda: 14 March 2023

12.2.7 Planner's Advice - Applicable Standards

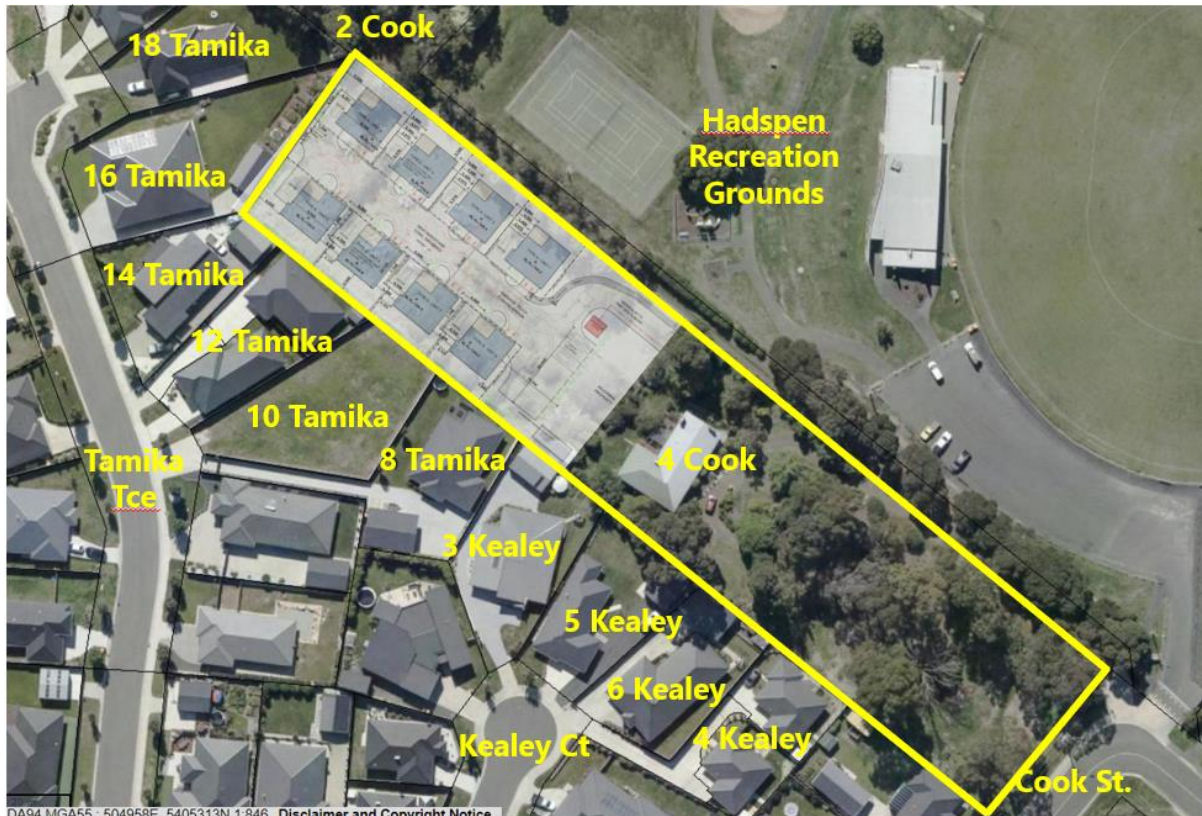


Figure 9: Site plan of new dwellings overlaid onto aerial image (source ListMap) identifying subject site and surrounding properties.

Historic Approval – PA\21\0208

On 23 February 2021 a planning permit (PA\21\0208) for a two-lot subdivision of 4 Cook Street was approved. It is understood the permit holder commenced the installation of some infrastructure required for the subdivision, including the additional driveway crossover. While the permit holder has sought the sealing of final plan, additional actions and information are required before the subdivision can be sealed and sent to the Titles Office for the issuing of the new Titles.

There is no prohibition under the planning scheme or the *Land Use Planning and Approvals Act 1993* from applying for development on a lot where a subdivision has been previously approved. There is no obligation on the permit holder to follow through with completion of the subdivision.

The nominated property title for the application is the existing title CT: 102737/1 therefore all assessment is completed on basis of this title configuration.

It is noted the proposed development would comply with the approved subdivision's lot configuration in relation to density, 1 unit per 395m², and setbacks to new boundaries.

Summary of Planner's Advice

This application was assessed against General Provisions Standards, as well as the Applicable Standards for this Zone, any relevant Codes and Specific Area Plans.

All Standards applied in this assessment are taken from the Planning Scheme.

This application is assessed as compliant with the relevant Acceptable Solutions, except where *"Relies on Performance Criteria"* is indicated (see tables below).

Council has discretion to approve or refuse the application based on its assessment of the Performance Criteria, where they apply. Before exercising discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

For a more detailed discussion of any aspects of this application reliant on Performance Criteria, see the attachment titled "Planner's Advice - Performance Criteria".

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
8.4.1	<i>Residential density for multiple dwellings</i>	
A1	The subject site has an area of 8094m ² . Total nine dwellings proposed. Therefore, the site area of each multiple dwelling is 899m ² . The Acceptable Solution requires a minimum of 325m ² .	Complies
8.4.2	<i>Setbacks and building envelope for all dwellings</i>	
A1	All new buildings are setback greater than 4.5m from Cook Street.	Complies
A2	All new garages are setback greater than 5.5m from Cook Street.	Complies
A3	<p>The applicable building envelope is shown as Figure 8.1 of the planning scheme. Note the building envelope allows protrusions of up to 0.9m outside of the building envelope. The definition of protrusions, in the planning scheme, includes, eaves, fascias and guttering. The protrusions on the proposed development extend 0.6m from the building.</p> <p>Existing surface level data has been provided. Plans also show the level of fill to be placed under each unit.</p> <p>Each unit has an apex height of 6.5m. With the proposed additional fill above existing surface level, Units 2-4 are outside of the building envelope. (Applicable height limit at the point of building closest to boundary is 6.5m [buildings setback 3.5m from northeast side</p>	Relies on Performance Criteria

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome

boundary)). Unit 1 is inside the building envelope.

Units 5-8 4.5m from southwest side boundary whereby the height limit becomes 7.5m at the point closest to the boundary and therefore are within the building envelope.

All development complies with setback requirements.

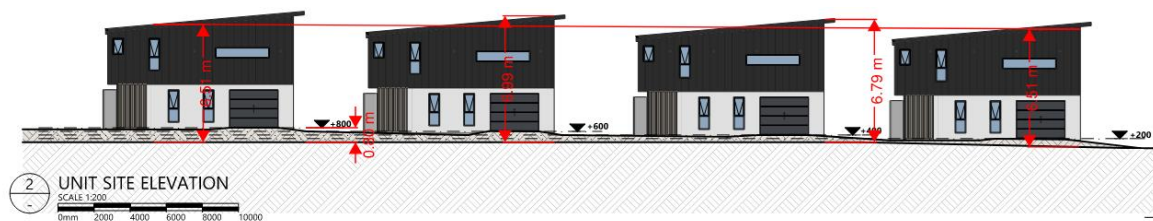
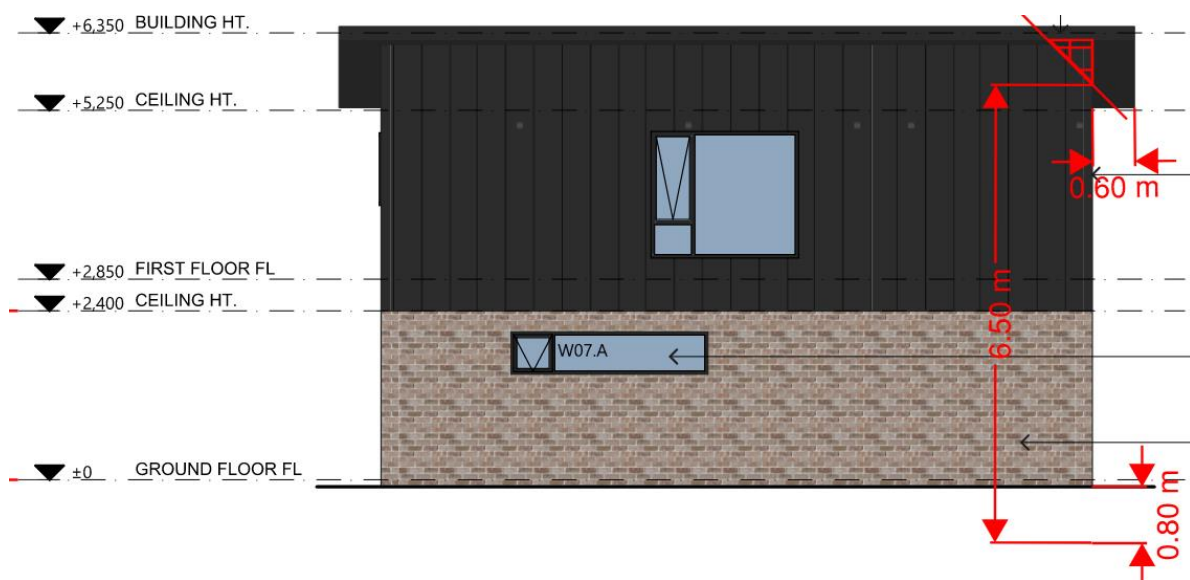


Figure 10: Red line represent effective building height limit for Units 1-4 (inc) at the point closest to the northeast side boundary.



2 UNIT A - EASTERN ELEVATION
SCALE 1:100
0m 1000 2000 3000 4000 5000

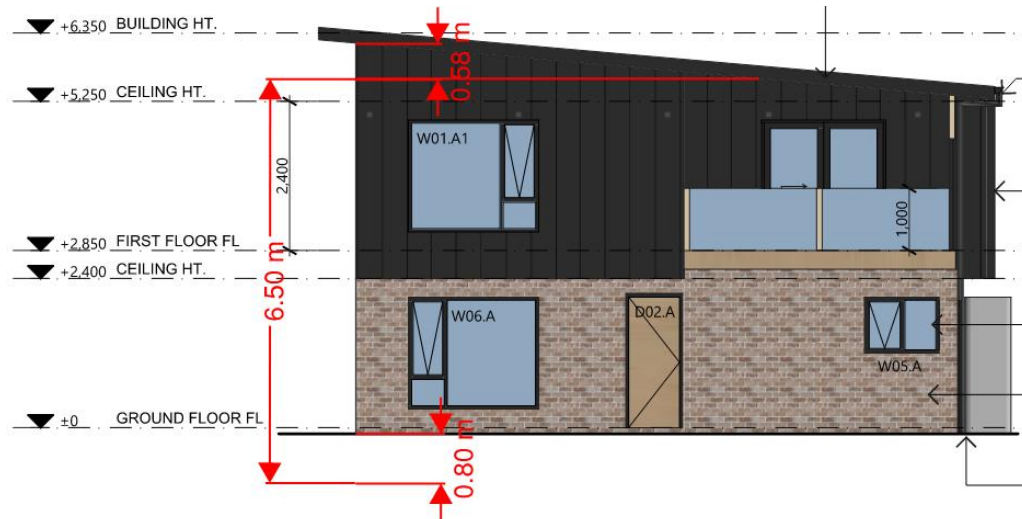
Figure 10: Elevation of Unit 4 (facing Unit 3) to show the portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope hatched. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the hatched portion. Calculation accounts for the 0.8m of proposed fill.

8.0 General Residential Zone

**Scheme
Standard**

Planner's Assessment

Assessed Outcome



1) UNIT A - NORTHERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

Figure 11: Unit 4 elevation facing boundary shared with 2 Cook Street. Note, building envelope rises from red line at an angle of 45°.



2) UNIT A - EASTERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

Figure 12: Elevation of Unit 3 (facing Unit 2) to show portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope solid red fill. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the filled portion. Calculation accounts for the 0.6m of proposed fill.

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome



Figure 13: Elevation of Unit 2 (facing Unit 1) to show portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope solid red fill. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the filled portion. Calculation accounts for the 0.4m of proposed fill.



Figure 14: Elevation of Unit 1 (facing to Cook Street) to show dwelling is inside of the building envelope. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed. Calculation accounts for the 0.2m of proposed fill.

8.0 General Residential Zone

**Scheme
Standard**

Planner's Assessment

Assessed Outcome

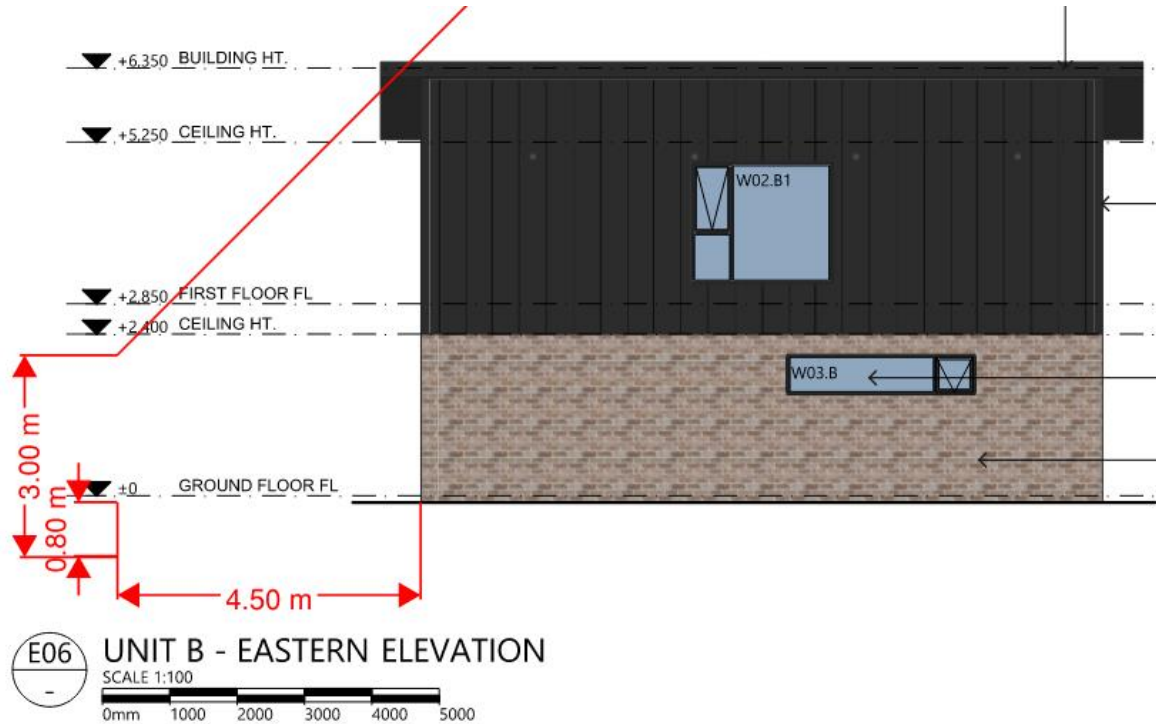


Figure 15: Elevation of Unit 5 (facing Unit 6) to show dwelling is inside of the building envelope. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed. Calculation accounts for the 0.8m of proposed fill.

8.0 General Residential Zone

*Scheme
Standard*

Planner's Assessment

Assessed Outcome

Unit No.	Maximum Wall Height	Minimum Boundary Setback							
		North (2 Cook)		East (frontage)		South		West (16 Tamika)	
		R ¹	P ²	R	P	R	P	R	P
1	6.35m	1.5m	3.5m	4.5m	148.4m	1.5m	27.4m	1.5m	51.8m
2	6.35m	1.5m	3.5m	4.5m	164m	1.5m	27.4m	1.5m	36.4m
3	6.35m	1.5m	3.5m	4.5m	176m	1.5m	27.4m	1.5m	20.7m
4	6.35m	1.5m	3.5m	4.5m	195m	1.5m	27.4m	1.5m	4.34m
5	6.35m	1.5m	26.3m	4.5m	191m	1.5m	4.5m	1.5m	6m
6	6.35m	1.5m	26.3m	4.5m	175m	1.5m	4.5m	1.5m	21.9m
7	6.35m	1.5m	26.3m	4.5m	159m	1.5m	4.5m	1.5m	37.7m
8	6.35m	1.5m	26.3m	4.5m	144m	1.5m	4.5m	1.5m	53.5m

¹ Required setback in accordance with clause 8.4.2 A3 (b).

² Proposed setback.

8.0 General Residential Zone

Scheme Standard	Planner's Assessment	Assessed Outcome																
8.4.3	Site coverage and private open space for all dwellings																	
A1	<p>(a) Complies</p> <p>Each dwelling has a ground floor area of 98m² and has an associated residential outbuilding 3.3m², for a total 101.3m².</p> <p>101.3 x 8 = 810.4m²</p> <p>Existing Dwelling and outbuilding = 260m².</p> <p>Total = 1070.4 m².</p> <p>Site area 8094m² coverage of 13.2%.</p> <p>(b) Complies</p> <table><tr><th>Unit</th><th>POS (m²)</th></tr><tr><td>1</td><td>67.4 + 12 = 79.4</td></tr><tr><td>2</td><td>67.27 + 12 = 79.27</td></tr><tr><td>3</td><td>68.18 + 12 = 80.18</td></tr><tr><td>4</td><td>67.99 + 12 = 79.99</td></tr><tr><td>5</td><td>83.75 + 12 = 95.75</td></tr><tr><td>6</td><td>68.92 + 12 = 80.92</td></tr><tr><td>7</td><td>69.08 + 12 = 81.08</td></tr></table>	Unit	POS (m ²)	1	67.4 + 12 = 79.4	2	67.27 + 12 = 79.27	3	68.18 + 12 = 80.18	4	67.99 + 12 = 79.99	5	83.75 + 12 = 95.75	6	68.92 + 12 = 80.92	7	69.08 + 12 = 81.08	Complies
Unit	POS (m ²)																	
1	67.4 + 12 = 79.4																	
2	67.27 + 12 = 79.27																	
3	68.18 + 12 = 80.18																	
4	67.99 + 12 = 79.99																	
5	83.75 + 12 = 95.75																	
6	68.92 + 12 = 80.92																	
7	69.08 + 12 = 81.08																	

8.0 General Residential Zone

Scheme
Standard

Planner's Assessment

Assessed Outcome

8	$62.91 + 12 = 74.91$
9	$>60\text{m}^2$

A2 Area which conforms with the Acceptable Solution not shown.

Relies on Performance Criteria

Nominated area of 12m^2 on each second storey deck shown on plan A03. Does not comply with requirement for 24m^2 with a gradient of less than 10%.

Note there is suitable area in the yard area to contain a 24m^2 area which meets the requirements regarding gradient, location and dimensions.

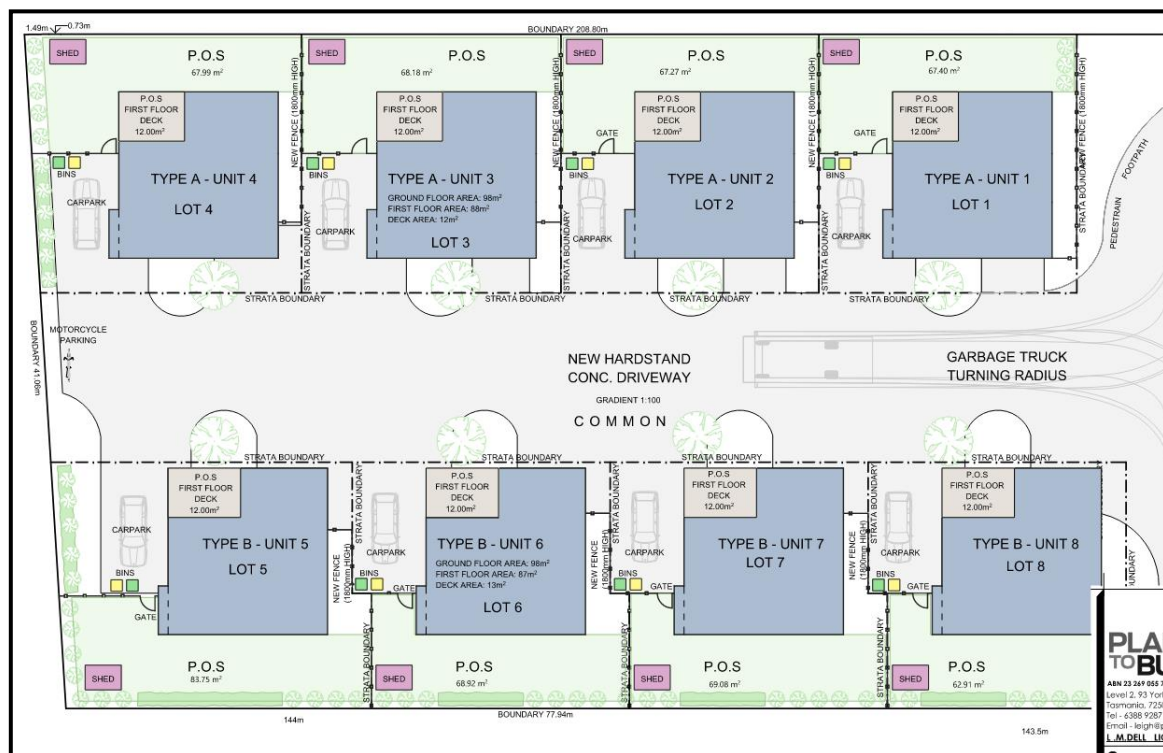


Figure 16: Proposed private open space configuration.

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
8.4.4	<i>Sunlight to private open space of multiple dwellings</i>	
A1	<p>The nominated private open space as per P2 of clause 8.4.3 is the 12m² on the second storey deck.</p> <p>All dwellings to the north of another dwelling on the site are contained within the projecting line as required by sub-clause (a).</p>	Complies
8.4.5	<i>Width of openings for garages and carports for all dwellings</i>	
A1	No new garages within 12m of the frontage.	Not Applicable
8.4.6	<i>Privacy for all dwellings</i>	
A1	<p>a) Complies - All decks are greater than 3m from side boundary to the northeast (2 Cook Street).</p> <p>b) Complies - All decks are greater than 4m from the rear boundaries on the northwest and southwest boundaries.</p> <p>c) Complies – All units have a distance of 6m between deck areas and other dwellings on the same site.</p>	Complies
A2	<p>a)</p> <p>i) Complies - All windows are setback greater than 3m from side boundary to the northeast (2 Cook Street).</p> <p>ii) Complies – All windows are setback greater than 4m from the rear</p>	Relies on Performance Criteria

8.0 General Residential Zone

Scheme Standard

Planner's Assessment

Assessed Outcome

boundaries on the northwest and southwest boundaries.

iii) Complies – 6m of separation between habitable room windows of dwellings on the site.

Where there is a 5.4m separation between dwellings on the same site, there are no windows on the wall of the portion protruding into the 6m setback.

iv) **Does not comply** – Within 6m of private open space of other dwellings on the same site. Note definition of private open space applies and not the dedicated space required by A2 of clause 8.4.3.

b) – No screening, glazing or other method proposed for obscuring views from the windows within 6m of the private open space of a dwelling on the same site.

Note utilisation of fence 1.8m high at ground level.

A3

2.5m distance maintained between dwellings and shared portion of driveway.

Complies

Where driveway passes within 2.5m of a window of a dwelling, it is on approach to parking space dedicated to that dwelling and is not shared driveway.

(a) – Does not comply, parking spaces of other dwellings within 2.5m of a window of a habitable room of another dwelling on the same property.

8.0 General Residential Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
	(b) – Complies the sill height of the window is 3m above the parking space.	
8.4.7	<i>Frontage fence for all dwellings</i>	
A1	Application does not propose frontage fence.	Not applicable
8.4.8	<i>Waste storage for multiple dwellings</i>	
A1	Dedicated area of waste storage shown for each new dwelling. Complies with requirements of (a).	Complies

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C2.5.1	<i>Car parking numbers</i>	
A1	<p>Property is in the General Residential Zone. Requirements set by Table C2.1.</p> <p>2 or more bedroom dwelling requires 2 car parking spaces.</p> <p>The existing dwelling will retain its existing car parking spaces. 2 spaces.</p> <p>Each dwelling has 3 bedrooms - 2 parking spaces required per dwelling – 2 provided, for a total of 16 car parking spaces</p> <p>Visitor spaces, 1 per 4 dwellings (9 dwellings total). 3 visitor parking spaces required and 3 spaces proposed.</p> <p>Total number of onsite car parking is 21.</p>	Complies
C2.5.2	<i>Bicycle parking numbers</i>	
A	For multiple dwellings in the General Residential Zone, Table C2.1 does not set a requirement for bicycle parking.	Not Applicable
C2.5.3	<i>Motorcycle parking numbers</i>	
A1	<p>Clause applies to the proposed use. The proposed development requires 21 car parking spaces.</p> <p>Motorcycle parking space requirements set by Table C2.4.</p>	Complies

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
	1 motorcycle parking space proposed	
C2.6.1	<i>Construction of parking areas</i>	
A1	<p>(a) New driveway and parking spaces will have a sealed surface.</p> <p>(b) Plans show driveway and parking areas draining to the public stormwater system.</p> <p>(c) Driveway surface sealed, concrete surface.</p>	Complies
C2.6.2	<i>Design and layout of parking areas</i>	
A1.1	<p>(a) (i) Complies – Gradient of finished driveway shown, less than 25%.</p> <p>(ii) Complies - Vehicles are able to enter and exit the site in a forward direction, in some instances a two or three point turn may be required which is acceptable under the Standard.</p> <p>(iii) Complies – Requirements set by Table C2.2. The portion of driveway to existing unit is 5.5m wide, servicing 22 parking spaces (21 car and 1 motorcycle).</p> <p>Driveway to existing dwelling, servicing 2 car parks, 3m wide.</p> <p>Driveway beyond turn off for existing dwelling, services 20 parking spaces. Maintains a minimum width of 5m, whereby meeting all requirements including passing bays.</p> <p>(iv) Complies - The minimum car parking space width is 2.6m. which satisfies the minimum width for 90° parking spaces.</p>	Relies on Performance Criteria

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
	<p>Each car park has a minimum length of 5.4m.</p> <p>(v) Complies - Each proposed car parking space will have a minimum combined access of manoeuvring width of 6.4m which satisfies the requirements of Table C2.3.</p> <p>(vi) Complies - All garages and parking spaces will have a minimum vertical clearance of 2.1m.</p> <p>(vii) Does not comply – Plans do not describe the means of delineation of parking spaces, both visitor parking spaces, motorcycle space and car spaces adjoining dwelling.</p>	
A1.2	Accessible parking spaces are not required for a residential multiple dwelling development. No proposed spaces are dedicated as Accessible parking spaces.	Not Applicable
<hr/>		
C2.6.3	<i>Number of accesses for vehicles</i>	
A1	Proposed that the existing vehicle crossover onto Cook Street will be widened and utilised for the new dwellings.	Complies
<hr/>		
C2.6.5	<i>Pedestrian Access</i>	
A1.1	<p>The proposal requires 21 car parking spaces.</p> <p>The proposal includes a 1m wide footpath along the northern side of the access driveway from the frontage to the area where the eight units are located. The footpath is raised and bollards proposed.</p> <p>There is no footpath or marked pedestrian</p>	Relies on Performance Criteria

C2.0 Parking and Sustainable Transport Code

*Scheme
Standard*

Planner's Assessment

Assessed Outcome

movement paths in the driveway area in front of the eight new dwellings.

A1.2

Accessible parking spaces are not required for a residential- multiple dwelling development. No proposed spaces are dedicated as Accessible parking spaces.

Not Applicable

C3.0 Road and Railway Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
3.5.1	<i>Traffic generation at a vehicle crossing, level crossing or new junction</i>	
A1.1	Cook Street is not a category 1 road or limited access road.	Not Applicable
A1.2	Meander Valley Council is relevant Road Authority for Cook Street. Consent has been provided for the proposed modifications to the vehicle crossover.	Complies
A1.3	Site not within proximity to the rail network.	Not Applicable
A1.4	The Traffic Impact Assessment submitted with the application calculates the traffic generation from the proposed development as per below: 3 bedroom dwelling 9 vehicles per day. 9 dwellings, total is 81 vehicles per day. Table C3.1, permits an increase of up to 40. Note, the numbers above are consistent with the Guideline – RTA – Guide to Traffic Generating Developments (2002) for a single dwelling (refer to section 3.3.1). Section 3.3.2 of the RTA Guideline provides numbers for Medium density residential flat building – larger unit and town houses (three or more bedrooms). Daily vehicle trips = 5.0-6.5 per dwelling It is noted that the numbers proposed in the TIA submitted, are based on a single dwelling and	Relies on Performance Criteria

12.2.7 Planner's Advice - Applicable Standards

C3.0 Road and Railway Assets Code

Scheme Standard

Planner's Assessment

Assessed Outcome

not a multiple dwelling.

A1.5

Cook Street is not a major road.

Not Applicable

8.0 General Residential Zone


8.4.2 Setbacks and building envelope for all dwellings	
Planning Scheme Provision	<p>Objective</p> <p><i>The siting and scale of dwellings:</i></p> <ul style="list-style-type: none"> (a) <i>provides reasonably consistent separation between dwellings and their frontage within a street;</i> (b) <i>provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> (c) <i>provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> (d) <i>provides reasonable access to sunlight for existing solar energy installations.</i>
	<p>Performance Criteria P3</p> <p><i>The siting and scale of a dwelling must:</i></p> <ul style="list-style-type: none"> (a) <i>not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i> <ul style="list-style-type: none"> (i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i> (ii) <i>overshadowing the private open space of a dwelling on an adjoining property;</i> (iii) <i>overshadowing of an adjoining vacant property; and</i> (iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i> (b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i> (c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i> <ul style="list-style-type: none"> (i) <i>an adjoining property; or</i> (ii) <i>another dwelling on the same site.</i>

Summary of Planner's Advice

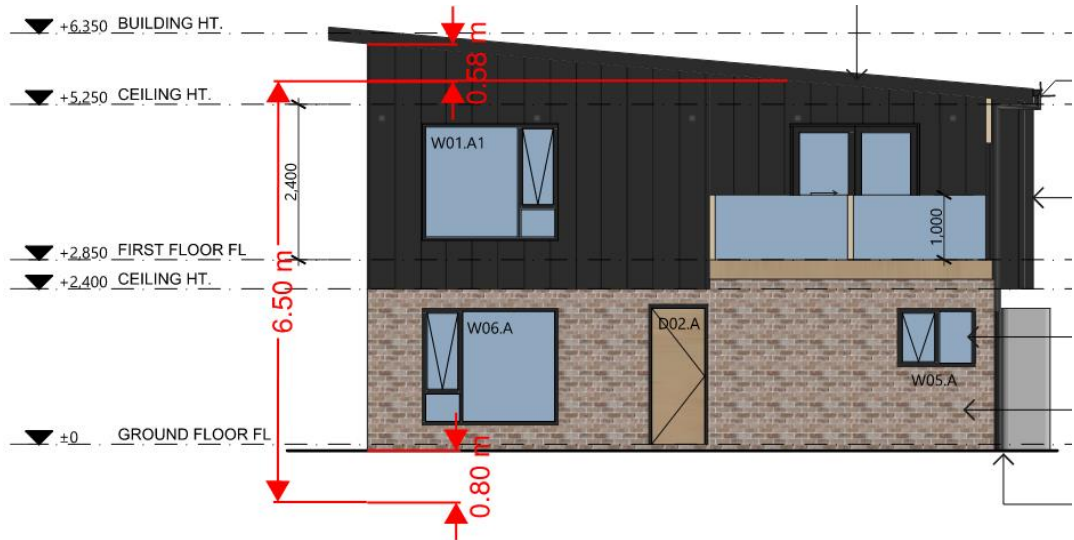

The development is assessed as satisfying Performance Criteria P3, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.


12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>8.4.2 Performance Criteria P3</p>	<p>Proposed dwellings, Units 2, 3 and 4, have part of the dwelling outside of the building envelope. The portion of building outside of the building envelope is shown in Figures 1-4 below.</p> <p>Note the building envelope excludes horizontal protrusions up to 0.9m. The planning scheme defines protrusion as:</p> <p><i>"...means a protrusion from a building such as awnings, steps, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services."</i></p> <p>The nearest boundary to which the building envelope is encroached is the northeast boundary, shared with 2 Cook Street.</p> <p>As such Units 2, 3 and 4 rely on the Performance Criteria for their approval. Units 1 and 5-8 inc. all comply with the building envelope and setback requirements and are therefore not subject to the Performance Criteria.</p>  <p>Figure 1: Elevation of Unit 4 (facing Unit 3) to show the portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope hatched. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the filled portion. Calculation accounts for the 0.8m of proposed fill.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<div><p>1) UNIT A - NORTHERN ELEVATION SCALE 1:100 0mm 1000 2000 3000 4000 5000</p><p><i>Figure 2: Unit 4 elevation facing boundary shared with 2 Cook Street. Note, building envelope rises from red line at an angle of 45°.</i></p><p>2) UNIT A - EASTERN ELEVATION SCALE 1:100 0mm 1000 2000 3000 4000 5000</p><p><i>Figure 3: Elevation of Unit 3 (facing Unit 2) to show portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope solid red fill. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the filled portion. Calculation accounts for the 0.6m of proposed fill.</i></p></div>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment						
	 <p>Figure 4: Elevation of Unit 2 (facing Unit 1) to show portion of dwelling outside of the building envelope. Portion of dwelling outside of building envelope solid red fill. Note horizontal protrusions up to 0.9m outside of the building envelope are allowed and are excluded from the filled portion. Calculation accounts for the 0.4m of proposed fill.</p>						
<p>8.4.2 Performance Criteria P3(a)</p>	<p>This assessment applies to the siting and scale of proposed dwellings Units 2, 3 and 4.</p> <p>The planning scheme defines adjoining as:</p> <p><i>"...means next to, or having a common boundary with."</i></p> <p>The adjoining properties are shown in Figure 5 below and listed in Table below.</p> <table border="1" data-bbox="406 1646 1500 1948"> <thead> <tr> <th>Address</th><th>Development</th></tr> </thead> <tbody> <tr> <td>2 Cook Street</td><td>Single dwelling</td></tr> <tr> <td>18 Tamika Terrace</td><td>Single dwelling</td></tr> </tbody> </table>	Address	Development	2 Cook Street	Single dwelling	18 Tamika Terrace	Single dwelling
Address	Development						
2 Cook Street	Single dwelling						
18 Tamika Terrace	Single dwelling						


12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment	
	16 Tamika Terrace	Single dwelling and residential outbuilding
	14 Tamika Terrace	Single dwelling and residential outbuilding
	12 Tamika Terrace	Multiple dwellings (x2)
	10 Tamika Terrace	Single dwelling and residential outbuilding
	8 Tamika Terrace	Single dwelling and residential outbuilding
	3 Kealey Court	Single dwelling and residential outbuilding
	5 Kealey Court	Single dwelling and residential outbuilding
	6 Kealey Court	Single dwelling and residential outbuilding
	4 Kealey Court	Multiple dwellings (x2)
	6 Cook Street	Single dwelling and residential outbuilding
	<p>The scheme requires an outcome that the siting and scale of Units 2, 3 and 4 does not cause an unreasonable loss of amenity to adjoining properties.</p> <p>The planning scheme defines amenity as:</p> <p><i>"...means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable."</i></p> <p>The planning scheme does not define unreasonable, nor does it define acceptable in regards to loss. In the absence of a Scheme definition, the term unreasonable is interpreted as being beyond the limits of acceptability or fairness. This interpretation has been applied to the assessment when</p>	

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	considering each Performance Criteria.
<p>8.4.2 Performance Criteria P3(a)(i)</p>	<p>Proposed dwellings, Units 2, 3 and 4, are located south of the adjoining 2 Cook Street and will therefore not cause a reduction in sunlight to the window of a dwelling's habitable rooms.</p> <p>Indicative shadow diagram modelling has been undertaken by the assessing officer and is shown in Figure 5 below. The assessment focussed on Unit 4, the unit with the greatest portion outside of the building envelope. As all units share the same orientation shadowing impacts of the other units can be inferred. The modelling shows the shadowing from the proposed Unit 4, occurring on 21 June, the time of year when shadowing impacts are at their greatest. This is standard practice for planning assessments.</p> <p>Based on the indicative modelling, it is considered shadowing from Units 2, 3, and 4 could reach the rear elevations of dwellings at 14 Tamika Terrace and Unit 2 12 Tamika Terrace. The location of habitable rooms in these dwelling is unknown. But any shadowing of the windows would be brief and in the early hours before 10am. After 10am shadowing is confined to the subject site.</p> <p>It is considered the shadowing of any windows of habitable rooms of adjoining properties does not lead to an unreasonable loss of amenity for the adjoining property.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	 <p>Figure 5: Proposed development overlaid onto an aerial image of the site and surrounding lots (source ListMap). Modelled shadowing at 9am, 12pm and 3pm at the winter solstice (21 June) undertaken by assessing officer.</p>
<p>8.4.2 Performance Criteria P3(a)(ii)</p>	<p>The planning scheme defines private open space as:</p> <p><i>"...means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling, excluding areas proposed or approved for vehicle access or vehicle parking."</i></p> <p>Proposed dwellings, Units 2, 3 and 4, are located south of the adjoining property at 2 Cook Street and will therefore not cause any overshadowing to the private open space on the property.</p> <p>Indicative shadow diagram modelling has been undertaken by the assessing officer and is shown in Figure 5 above. The assessment focussed on Unit 4, the unit with the greatest portion outside of the building envelope. As all units share the same orientation shadowing impacts of the other units can be inferred. The modelling shows the shadowing from the proposed Unit 4, occurring on 21 June, the time of year when shadowing impacts are at their greatest. This is standard practice for planning assessments.</p>

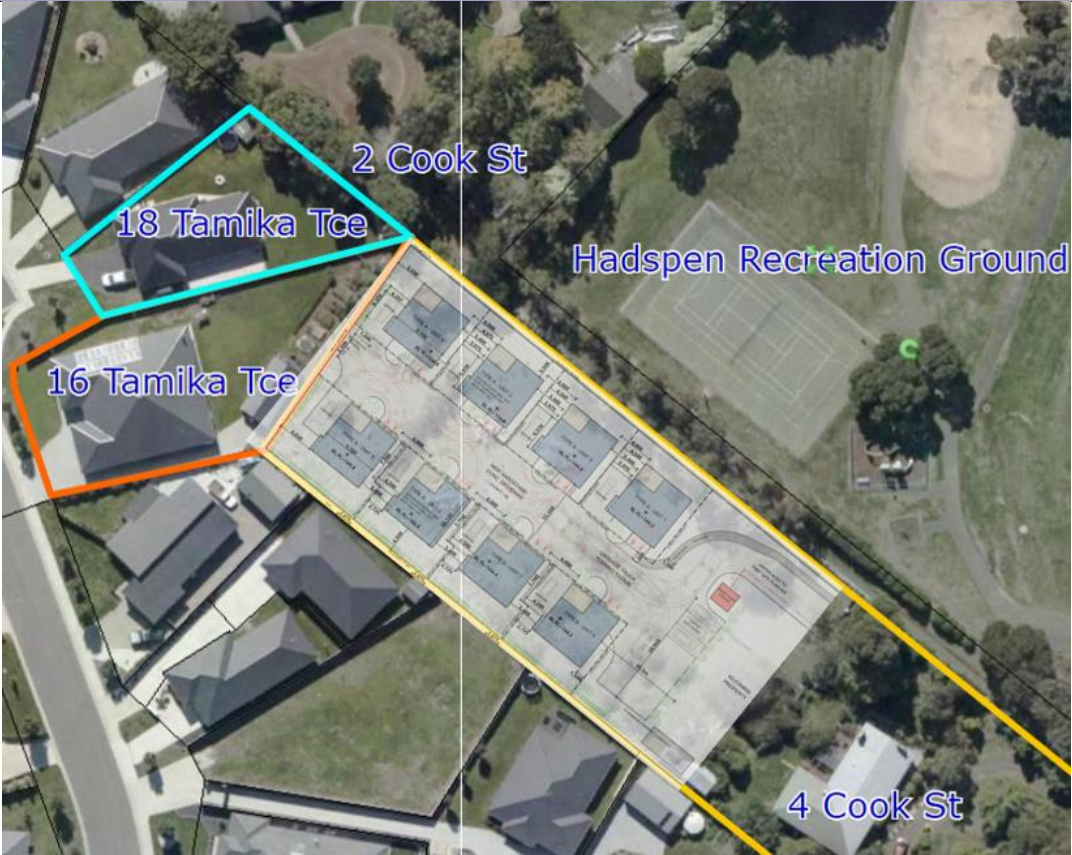
12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment															
	<p>Based on the indicative modelling, it is considered shadowing from Units 2, 3, and 4 could reach the private open space of:</p> <ul style="list-style-type: none">• 16 Tamika Terrace• Unit 2 12 Tamika Terrace• 10 Tamika Terrace• 8 Tamika Terrace <p>Any shadowing of the private open space would be brief and in the early hours before 10am. After 10am shadowing is confined to the subject site.</p> <p>It is considered the shadowing of any private open space on adjoining properties does not lead to an unreasonable loss of amenity for the adjoining property.</p>															
8.4.2 Performance Criteria P3(a)(iii)	No adjoining properties are vacant and therefore subclause P3(a)(iii) is not applicable. Note 10 Tamika Terrace while appearing vacant in aerial imagery, now contains a dwelling.															
8.4.2 Performance Criteria P3(a)(iv)	<p>An analysis of the distance from Units 2, 3 and 4 to the nearest adjoining boundary and associated dwelling is presented in the table below.</p> <table><tr><th>Address</th><th>Distance to boundary of adjoining property from nearest part of Unit 2, 3 or 4 (estimate).</th><th>Distance to dwelling of adjoining property from nearest part of Unit 2, 3 or 4.</th></tr><tr><td>2 Cook Street</td><td>3.5m</td><td>45m</td></tr><tr><td>18 Tamika Terrace</td><td>8.5m</td><td>24m</td></tr><tr><td>16 Tamika Terrace</td><td>4.31m</td><td>32m</td></tr><tr><td>14 Tamika Terrace</td><td>27m</td><td>38m</td></tr></table>	Address	Distance to boundary of adjoining property from nearest part of Unit 2, 3 or 4 (estimate).	Distance to dwelling of adjoining property from nearest part of Unit 2, 3 or 4.	2 Cook Street	3.5m	45m	18 Tamika Terrace	8.5m	24m	16 Tamika Terrace	4.31m	32m	14 Tamika Terrace	27m	38m
Address	Distance to boundary of adjoining property from nearest part of Unit 2, 3 or 4 (estimate).	Distance to dwelling of adjoining property from nearest part of Unit 2, 3 or 4.														
2 Cook Street	3.5m	45m														
18 Tamika Terrace	8.5m	24m														
16 Tamika Terrace	4.31m	32m														
14 Tamika Terrace	27m	38m														


12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment		
	12 Tamika Terrace	27m	30m
	10 Tamika Terrace	27m	39m
	8 Tamika Terrace	27m	30m
	3 Kealey Court	>40m	>40m
	5 Kealey Court	>40m	>40m
	6 Kealey Court	>40m	>40m
	4 Kealey Court	>40m	>40m
	6 Cook Street	>40m	>40m
<p>2 Cook Street is the nearest adjoining property closest to the dwellings Unit 2, 3 and 4. The area of 2 Cook Street closest to the subject site serves as the access strip for 2 Cook Street. The dwelling and living areas around the dwelling at 2 Cook Street are approximately 45m from Unit 4, the closest proposed dwelling at 4 Cook Street. This distance is considered an appropriate mitigation of the visual bulk of the dwellings at the subject site. Visual mitigation is aided by existing vegetation between the dwelling at 2 Cook Street and the subject site.</p> <p>16 and 18 Tamika Terrace (Tce) are the next closest adjoining properties to dwellings Unit 2, 3 and 4 at 4 Cook Street.</p>			

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	 <p><i>Figure 6: Aerial view of subject site and surrounding lots (source Listmap) overlaid with proposed development. Subject site and properties at 16 and 18 Tamika Terrace identified for focus of assessment of visual bulk.</i></p> <p>Unit 4 is the closest unit to 16 and 18 Tamika Tce properties. The development is positioned 4.31m at the closest to point to the boundary shared with 16 Tamika Tce, with the distance increasing to 5.53m when moving towards the northeast.</p> <p>For 18 Tamika Tce, the closest point of the shared boundary is 8.5m from the Unit 4 dwelling and is at the rear corner of 18 Tamika Tce. The distance between Unit 4 and 18 Tamika Tce's boundary increases to approximately 17m as one moves closer to the dwelling at 18 Tamika Tce.</p> <p>It is noted the portion of dwelling for Unit 4 not compliant with the building envelope is the corner of the building furthest from 16 and 18 Tamika Tce.</p> <p>The elevation of the Unit 4 dwelling predominantly facing the adjoining properties at 16 and 18 Tamika Tce is shown in Figure 7 below.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	 <p>Figure 7: Elevation of Unit 4 facing 16 and 18 Tamika Terrace.</p> <p>The visual impact of the bulk of the proposed dwelling in terms of its form when viewed from the adjoining properties at 16 and 18 Tamika Tce will be minimised by:</p> <ul style="list-style-type: none"> • The Unit 4 dwelling recedes from the boundary, increasing from 4.31m to 5.53m when moving towards the rear of the properties. • The use of a skillion roof which rises away from the shared boundary, meaning the lowest point of the dwelling is closest to the shared boundary. • The elevation of the dwelling is broken up by the inclusion of a deck and part of the building protruding from the remainder. • The proposed use of different finish materials for exterior of ground and second storeys and the roof. • The wall length orientated to the shared boundary is 9.9m of a total boundary length of 41m. <p>It is observed that at 16 Tamika Terrace there is an existing residential outbuilding with a floor area of 10m x 5m, wall height 2.4m with a gable roof to 3m height. The position of the outbuilding partially obscures visibility of dwellings at 4 Cook Street when viewed from the dwelling and parts of the private open space at 16 Tamika Terrace.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment																				
	It is considered the visual impacts caused by the apparent scale, bulk, or proportions of Units 2, 3 and 4 when viewed from an adjoining property does not lead to an unreasonable loss of amenity for the adjoining property.																				
8.4.2 Performance Criteria P3(b)	<p>Commensurate with being two-storey dwellings, the proposed dwellings Units 2, 3 and 4 will have greater separation from dwellings on adjoining properties than the separation between existing dwellings on established properties in the area.</p> <p>Accordingly, the proposed dwellings will provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #4f7942; color: black;"> <th>Address</th><th>Distance to dwelling of adjoining property from nearest part of Unit 2, 3 or 4.</th></tr> </thead> <tbody> <tr> <td>2 Cook Street</td><td>45m</td></tr> <tr> <td>18 Tamika Terrace</td><td>24m</td></tr> <tr> <td>16 Tamika Terrace</td><td>32m</td></tr> <tr> <td>14 Tamika Terrace</td><td>38m</td></tr> <tr> <td>12 Tamika Terrace</td><td>30m</td></tr> <tr> <td>10 Tamika Terrace</td><td>39m</td></tr> <tr> <td>8 Tamika Terrace</td><td>30m</td></tr> <tr> <td>3 Kealey Court</td><td>>40m</td></tr> <tr> <td>5 Kealey Court</td><td>>40m</td></tr> </tbody> </table>	Address	Distance to dwelling of adjoining property from nearest part of Unit 2, 3 or 4.	2 Cook Street	45m	18 Tamika Terrace	24m	16 Tamika Terrace	32m	14 Tamika Terrace	38m	12 Tamika Terrace	30m	10 Tamika Terrace	39m	8 Tamika Terrace	30m	3 Kealey Court	>40m	5 Kealey Court	>40m
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12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment	
	6 Kealey Court	>40m
	4 Kealey Court	>40m
	6 Cook Street	>40m
8.4.2 Performance Criteria P3(c)	<p>Visual observation of the area identified the only dwelling with solar energy installation is at 16 Tamika Terrace. The proposed dwellings will not have solar energy installations.</p> <p>The proposed dwellings, Units 2, 3 and 4, will not cause any reduction of sunlight to the existing solar energy installation.</p>	
8.4.2 Performance Criteria P3 Conclusion	<p>The proposed dwellings, Units 2, 3 and 4, satisfy Performance Criteria 8.4.2 P3. In this regard the siting and scale of the proposed dwellings Unit 2, 3 and 4 will not cause an unreasonable loss of amenity to the adjoining properties, the separation of proposed dwellings from dwellings on adjoining properties will be consistent with the pattern of separation distances between dwellings on established properties in the area, and there will be no overshadowing of known existing solar energy installations.</p>	

12.2.8 Planner's Advice - Performance Criteria

Planning Scheme Provision	8.4.3 Site coverage and private open space for all dwellings
	Objective
	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.
	Performance Criteria P2
	A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.



Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P2, and is consistent with the objective.


Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
8.4.3 Performance Criteria P2	<p>The proposed plans show the area of private open space nominated for A2 of clause 8.4.3 as 12m² on the second storey deck of each new dwelling.</p> <p>This does not comply with the Acceptable Solution as the area is not a minimum area of 24m². An area of 12m² does comply with the Acceptable Solution if the entire finished floor level of the dwelling is above 1.8m. This is not the case for this development.</p> <p>It is noted each dwelling has suitable area in the remaining area of private open space on the property to provide a 24m² area which complies with the requirements of the Acceptable Solution.</p> <p>The proposed development would be compliant with the Acceptable Solution if the applicant amended plans to show the 24m² in the private green space at ground level associated with each dwelling (this was requested but the applicant did not make the change).</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>8.4.3 Performance Criteria P2(a)</p>	<p>The proposed area of private open space on the second storey deck is located directly adjacent to the living areas of the dwellings.</p>  <p>Figure 8: Floor plan of second storey of Units 1-4.</p>  <p>Figure 9: Floor plan of second storey of Units 5-8.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>8.4.3 Performance Criteria P2(b)</p>	<p>The proposed area of private open space is on the second storey deck. The deck of each dwelling is located on the north corner of each dwelling and is therefore orientated to take advantage of sunlight.</p>
<p>8.4.3 Performance Criteria P2 Conclusion</p>	<p>Each dwelling has an area of private open space that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play. Whilst plans show only a 12m² space on the second storey there is suitable available space at ground level for each dwelling to satisfy the requirements of this clause of the planning scheme.</p> <p>It is considered the proposal satisfies the Performance Criteria for P2 of clause 8.4.3.</p>  <p>Figure 10: Plan showing available private open space for each dwelling.</p>

12.2.8 Planner's Advice - Performance Criteria

Planning Scheme Provision	8.4.6 Privacy for all dwellings
	Objective
	<i>To provide a reasonable opportunity for privacy for dwellings.</i>
	Performance Criteria P2 <i>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i> <ul style="list-style-type: none"> (a) <i>a window or glazed door, to a habitable room of another dwelling; and</i> (b) <i>the private open space of another dwelling.</i>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P2, and is consistent with the objective.

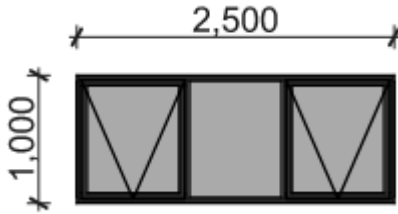
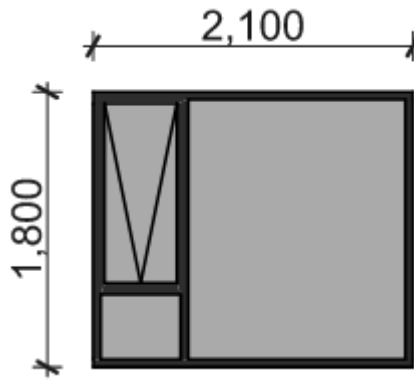
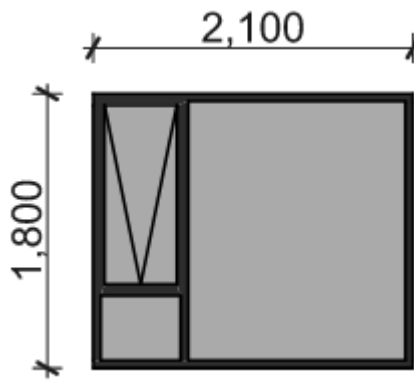
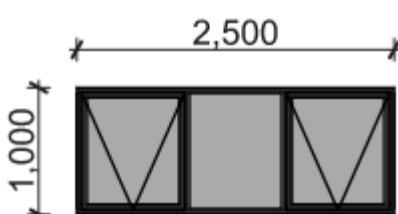
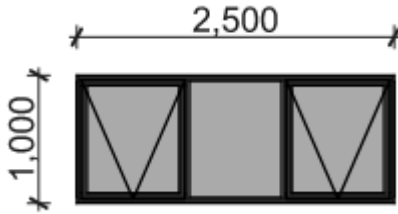
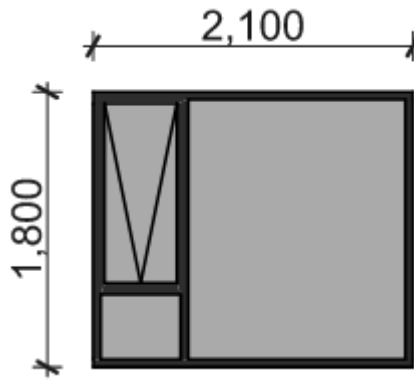
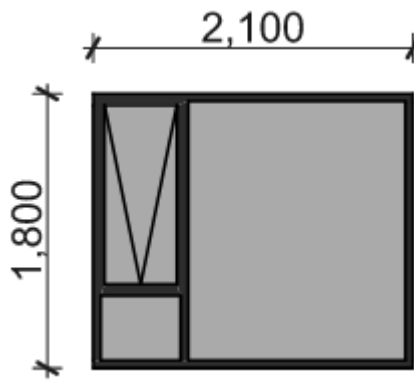
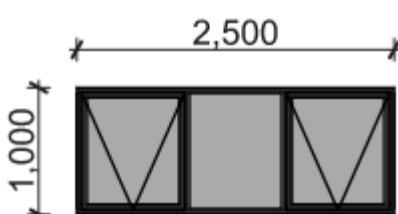
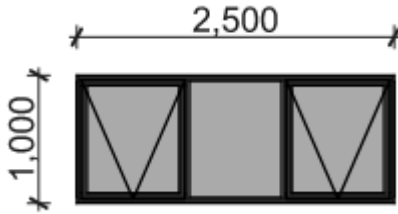
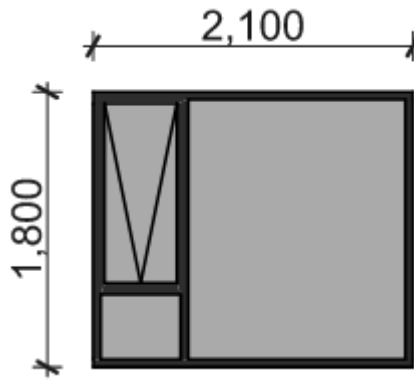
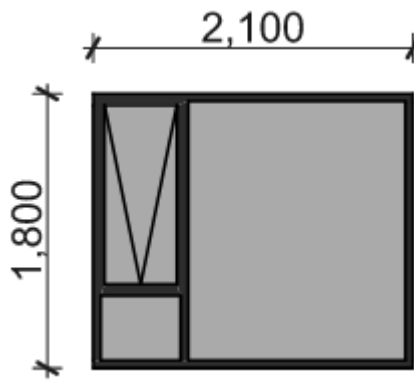
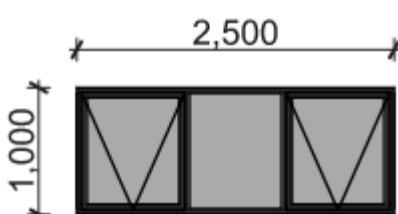
Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
8.4.6 Performance Criteria P2	<p>The proposed development does not comply with subclause (a)(iv) of the Acceptable Solution for clause 8.4.6. The relevant subclause is in relation to habitable windows greater than 1m above existing ground level overlooking the private open space of a dwelling on the same site.</p> <p>The proposal complies with requirement for windows and doors to habitable rooms greater than 1m above existing ground level to be setback:</p> <ul style="list-style-type: none"> • 3m from the side boundary (shared boundary with 2 & 6 Cook Street), subclause (a)(i). • 4m from the rear boundary (shared with 8-16 Tamika Terrace and 3-6 Kealey Court), subclause (a)(ii). • A window or door of a habitable room on the same site, subclause (a)(iii). <p>The planning scheme defines private open space as</p> <p><i>"... means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling, excluding areas proposed or approved for vehicle access or vehicle parking."</i></p> <p>The non-compliant windows are listed in the table below.</p>


12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment		
	Dwelling	Window	Reason for non-compliance
	Unit 1	W06.A1	Overlooks POS of Unit 2
	Unit 2	W02.A1	Overlooks POS of Unit 1
		W06.A1	Overlooks POS of unit 3
	Unit 3	W02.A1	Overlooks POS of Unit 2
		W06.A1	Overlooks POS of Unit 4
	Unit 4	W02.A1	Overlooks POS of Unit 3
	Unit 5	W02.B1	Overlooks POS of Unit 6
	Unit 6	W02.B1	Overlooks POS of Unit 7
		W06.B1	Overlooks POS of Unit 5
	Unit 7	W02.B1	Overlooks POS of Unit 8
		W06.B1	Overlooks POS of Unit 6
	Unit 8	W06.B1	Overlooks POS of Unit 7

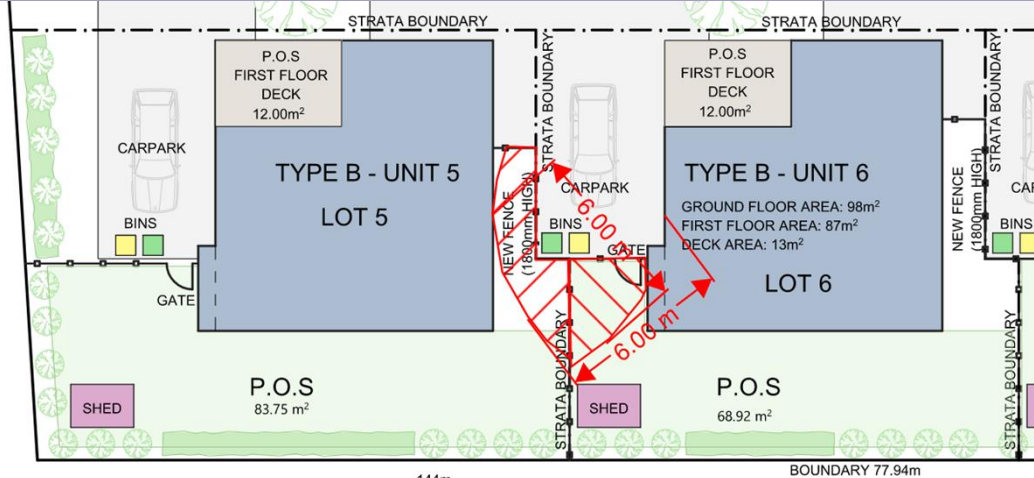
12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment																
	The specifications of window types are identified below.																
	<table border="1"> <thead> <tr style="background-color: #4F81BD; color: white;"> <th>Window</th><th>Specifications</th><th>Sill height</th></tr> </thead> <tbody> <tr> <td>W02.A1</td><td>  </td><td>1.1m</td></tr> <tr> <td>W06.A1</td><td>  </td><td>0.35m</td></tr> <tr> <td>W02.B1</td><td>  </td><td>0.35m</td></tr> <tr> <td>W06.B1</td><td>  </td><td>1.1m</td></tr> </tbody> </table>	Window	Specifications	Sill height	W02.A1		1.1m	W06.A1		0.35m	W02.B1		0.35m	W06.B1		1.1m	
Window	Specifications	Sill height															
W02.A1		1.1m															
W06.A1		0.35m															
W02.B1		0.35m															
W06.B1		1.1m															

12.2.8 Planner's Advice - Performance Criteria

<p>Scheme Provision</p>	<p>Planner's Assessment</p>
	 <p>Figure 11: Windows of habitable rooms which are not >6m from the private open space of a dwelling on the same site.</p>
<p>8.4.6 Performance Criteria P2 Conclusion</p>	<p>The subject windows identified as non-compliant with the Acceptable Solution are considered to have been located and designed to minimise direct views to the private open space of another dwelling.</p> <p>Figure 12 shows the portion of private open space within 6m of the window of a habitable room that is overlooked between Units 5 and 6. This is indicative of the area of private open space overlooked by each of the windows identified as non-compliant with the Acceptable Solution.</p>

12.2.8 Planner's Advice - Performance Criteria

<p>Scheme Provision</p>	<p>Planner's Assessment</p>
	 <p>The diagram is a site plan for two units, Unit 5 and Unit 6. Unit 5 is a 'TYPE B - UNIT 5 LOT 5' with a 'P.O.S FIRST FLOOR DECK' of 12.00m². Unit 6 is a 'TYPE B - UNIT 6' with a 'P.O.S FIRST FLOOR DECK' of 12.00m², a 'GROUND FLOOR AREA' of 98m², a 'FIRST FLOOR AREA' of 87m², and a 'DECK AREA' of 13m². Both units have a 'CARPARK' and 'BINS'. A 'NEW FENCE (1800mm HIGH)' is proposed between the units. A 'GATE' is shown between the units. A 'SHED' is located in the 'P.O.S' area. The 'P.O.S' area has a total area of 83.75 m² for Unit 5 and 68.92 m² for Unit 6. The 'STRATA BOUNDARY' is indicated. A 'BOUNDARY' of 77.94m is shown. A '144m' dimension is shown. A '6.00m' and '6.03m' dimension is shown. A hatched area indicates the portion of private open space overlooked by a window of another dwelling.</p> <p><i>Figure 12: Portion of private open space shown as hatched overlooked by a window of a habitable room of another dwelling on the same site for Units 5 and 6.</i></p> <p>Plans have proposed a 1.8m high fence between the dwellings. This is considered to further obscure views into the private open space within 6m of a habitable room's window.</p> <p>It is not considered the windows require screening or glazing to further obscure views.</p> <p>It is considered the proposal satisfies the Performance Criteria for P2 clause 8.4.6.</p>

C2.0 Parking and Sustainable Transport Code

Planning Scheme Provision	C2.6.2 Design and Layout of parking areas
	Objective
	<i>That parking areas are designed and laid out to provide convenient, safe and efficient parking.</i>
	Performance Criteria P1 <i>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</i> <ul style="list-style-type: none"> <i>(a) the characteristics of the site;</i> <i>(b) the proposed slope, dimensions and layout;</i> <i>(c) useability in all weather conditions;</i> <i>(d) vehicle and pedestrian traffic safety;</i> <i>(e) the nature and use of the development;</i> <i>(f) the expected number and type of vehicles;</i> <i>(g) the likely use of the parking areas by persons with a disability;</i> <i>(h) the nature of traffic in the surrounding area;</i> <i>(i) the proposed means of parking delineation; and</i> <i>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</i>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
C2.6.2 Performance Criteria P1	Plans do not show a means of delineation of parking spaces located outside of dwellings as required by subclause (a)(vii) of A1 of clause C2.6.2. All other aspects of the parking, access and manoeuvring space for vehicles complies with the Acceptable Solution.
C2.6.2 Performance Criteria P1(a)	The characteristics of the site do not prevent the proposed use and development from being provided with convenient, safe and efficient parking which is demonstrated by the proposed vehicle access, circulation and parking spaces complying with the majority of the corresponding

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	Acceptable Solution.
C2.6.2 Performance Criteria P1(b)	The site is not affected by significant topographical constraints. Accordingly, the dimensions and layout of the proposed accessway, parking areas and circulation is not affected by slope nor the configuration of the lot boundaries. Sight distances for vehicles and pedestrians are not inhibited by the slope or the shape of the lot.
C2.6.2 Performance Criteria P1(c)	The proposed accessway and circulation area will be sealed and drained to a discharge point to the public stormwater system. Accordingly, the proposed accessway, circulation area and parking spaces, will be usable in all weather conditions.
C2.6.2 Performance Criteria P1(d)	<p>The proposed accessway will have a minimum width of 5.5m where access is to 22 vehicle parking spaces and a minimum width of 5m where access is to 20 vehicle parking spaces. The width will allow for two-way traffic movements.</p> <p>Each parking space will have adjacent manoeuvring space which meets the requirements, allowing vehicles to enter and exit spaces. In some instances a two or three point manoeuvre may be required, however this is acceptable under the standard.</p> <p>A separate footpath will be provided along the driveway strip from the street frontage to the entry area of the eight new dwellings. The footpath will provide safe pedestrian access between the frontage and the area of dwellings.</p> <p>The area featuring no dedicated pedestrian pathways will generally feature vehicles travelling at low speed as they enter and exit parking spaces.</p>
C2.6.2 Performance Criteria P1(e)	The nature of the traffic generated by the proposed use will be predominately passenger vehicles associated with residential use which will be compatible with the surrounding land use and current vehicles using Cook Street and surrounding road network.

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C2.6.2 Performance Criteria P1(f)	The proposed use and development is expected to generate approximately 72 additional vehicle movements per day. The vehicles are expected to be predominately passenger vehicles.
C2.6.2 Performance Criteria P1(g)	Each dwelling and associated parking space will be capable of being used by a person with a disability.
C2.6.2 Performance Criteria P1(h)	The nature of traffic within the surrounding area is residential. The traffic generated by the proposed use and development will therefore be compatible with the surrounding land use and current vehicles using Cook Street and the surrounding road network.
C2.6.2 Performance Criteria P1(i)	Each dwelling is provided an additional parking space adjacent to the dwelling. Means of delineation was not shown on the plans. It is recommended a condition is imposed on the planning permit requiring prior to commencement of use, delineation of all parking spaces external to garages through either line marking, or signage to the satisfaction of Council. This includes the visitor and motorcycle parking spaces.
C2.6.2 Performance Criteria P1(j)	The proposed accessway, circulation area and parking spaces will generally accord with the provisions of the relevant Australian Standards for off-street parking.
C2.6.2 Performance Criteria P1 Conclusion	With the inclusion of the recommended condition described in criteria (i) above, it is considered the proposed development satisfies Performance Criteria C2.6.2. In this regard, the proposed parking, access ways, manoeuvring and circulation spaces are designed and readily identifiable to provide convenient, safe and efficient parking, for the proposed multiple dwelling development.

C2.6.5 Pedestrian access	
Planning Scheme Provision	Objective
	<i>That pedestrian access within parking areas is provided in a safe and convenient manner.</i>
	Performance Criteria P1 <i>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</i> <ul style="list-style-type: none"> <i>(a) the characteristics of the site;</i> <i>(b) the nature of the use;</i> <i>(c) the number of parking spaces;</i> <i>(d) the frequency of vehicle movements;</i> <i>(e) the needs of persons with a disability;</i> <i>(f) the location and number of footpath crossings;</i> <i>(g) vehicle and pedestrian traffic safety;</i> <i>(h) the location of any access ways or parking aisles; and</i> <i>(i) any protective devices proposed for pedestrian safety.</i>

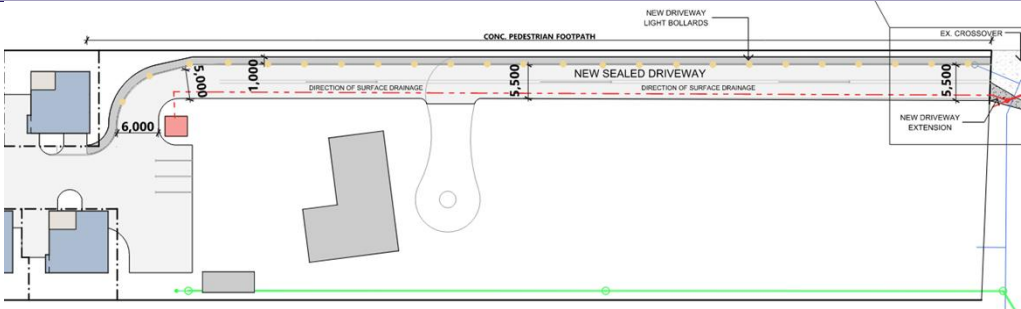
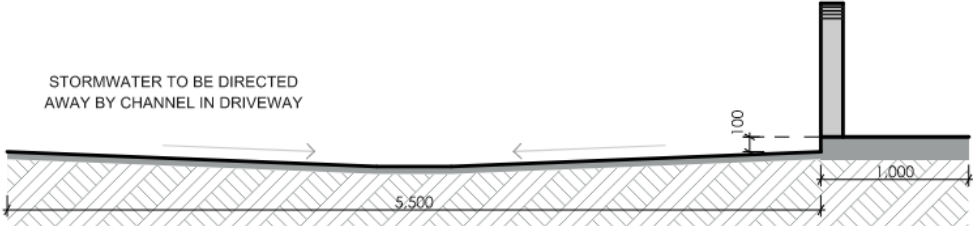
Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
C2.6.5 Performance Criteria P1	<p>The proposed development does not comply with the Acceptable Solution A1 of clause C2.6.5 of the planning scheme.</p> <p>A Traffic Impact Assessment (TIA) has been provided in support of the application. Regard has been had to this document in completion of the following assessment.</p> <p>The proposed development includes a dedicated pedestrian pathway which meets the requirements of the Acceptable Solution for the portion of access from the street frontage to the entrance of the area where the eight new dwellings are located. The path is 1m wide, on an elevated kerb and features bollards both of which separate the pedestrian pathway from the vehicle path.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	 <p><i>Figure 13: Plan showing the separate pedestrian path along the driveway.</i></p>  <p>2 DRIVEWAY ACCESS ELEVATION SCALE 1:50</p> <p>0mm 500 1000 1500 2000 2500</p> <p><i>Figure 14: Cross section of proposed driveway, showing kerbing and bollard for pedestrian pathway.</i></p> <p>Plans do not show dedicated pedestrian pathways or marked locations where pedestrians can cross the access way within the area of the eight new dwellings.</p>
<p>C2.6.5 Performance Criteria P1(a)</p>	<p>The characteristics of the site do not prevent the proposed use and development from being provided with safe and convenient pedestrian access within parking areas.</p> <p>The site itself is relatively flat providing good visibility for pedestrians and drivers. The configuration of lot boundaries does not inhibit sight distances on the site</p>
<p>C2.6.5 Performance Criteria P1(b)</p>	<p>The use is residential for the purposes of multiple dwellings. Accordingly, users of the site will be familiar with the nature of vehicle usage and other features associated with vehicle movements on the site. Pedestrian movements on site are likely to be made by those using active transport modes for leisure, to place of employment or to access public transport.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C2.6.5 Performance Criteria P1(c)	<p>The proposed dwellings will be provided with the number of car parking spaces required by the planning scheme (Clause C2.5.1, Table C2.1), which is two per dwelling (total 18), three visitor spaces, and one motorcycle parking space, total 22. All required vehicle parking is provided onsite.</p>
C2.6.5 Performance Criteria P1(d)	<p>Frequency of vehicle movement is expected to be structured around peak periods which are morning and evening periods. Other intermittent vehicle movements are expected to be low in volume during non-peak periods. The TIA states each dwelling will generate on average nine vehicle movements per day with peak vehicle movement as eight per hour.</p>
C2.6.5 Performance Criteria P1(e)	<p>Each dwelling will be capable of being used by a person with a disability. Parking spaces are located adjacent to each proposed dwelling.</p>
C2.6.5 Performance Criteria P1(f)	<p>There are no specific footpath crossings proposed within the site.</p>
C2.6.5 Performance Criteria P1(g)	<p>The TIA states:</p> <p><i>"Crash likelihood is low as Australian Standard off street parking is provided, sight lines are open and pedestrian activity and parking areas are reasonable separate and at low activity levels."</i></p> <p><i>"Formal signage of shared zones is a recognised pedestrian safety improvement where there is a mix of pedestrian, local access traffic only and situation where this is no kerb separation between pedestrians and vehicles. This is because Shared Zone signage includes provision of a regulator speed limit to keep speed to an appropriate level. In the case of the proposed driveway a 10 km/hr speed limit is considered normal."</i></p> <p><i>"Accordingly, TCS recommends acceptance of the proposal with provision of 10km/hr Shared and End Shared Zone signage at the entry and exit to the residential enclave to limit speeds to a safe level."</i></p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	It is recommended this requirement is conditioned in the planning permit.
C2.6.5 Performance Criteria P1(h)	From the frontage to the eight new dwellings, the vehicle accessway is adjacent to the pedestrian pathway, from this point onwards, the accessway is positioned between the eight new dwellings, with four dwellings on each side. Visitor parking is provided at one location at the entry to the eight new dwellings.
C2.6.5 Performance Criteria P1(i)	The pedestrian pathway will be raised from the driveway and features bollards at the edge of kerb. Refer to figure 14 above.
C2.6.5 Performance Criteria P1 Conclusion	With the inclusion of the recommended conditions relating to shared zone signage it is considered the pedestrian access satisfies Performance Criteria C2.6.5. In this regard, the proposed accessway, circulation area and parking spaces are designed and laid out to provide convenient, safe and efficient parking and pedestrian access for the proposed multiple dwelling development.

C3.0 Road and Railway Assets Code

Planning Scheme Provision	C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
	Objective
	<i>To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</i>
	Performance Criteria P1 <i>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i> <ul style="list-style-type: none"> <i>(a) any increase in traffic caused by the use;</i> <i>(b) the nature of the traffic generated by the use;</i> <i>(c) the nature of the road;</i> <i>(d) the speed limit and traffic flow of the road;</i> <i>(e) any alternative access to a road;</i> <i>(f) the need for the use;</i> <i>(g) any traffic impact assessment; and</i> <i>(h) any advice received from the rail or road authority.</i>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
C3.5.1 Performance Criteria P1	<p>The proposal will increase the vehicle movements at the existing vehicle crossover on Cook Street from an average of nine vehicles per day (vpd) to an average of 81 vpd, an increase of 72 vpd. The increase of vehicle movements at the vehicle crossover does not comply with applicable Acceptable Solution for Clause C3.5.1 and therefore the proposal relies on the Performance Criteria for its approval.</p> <p>A Traffic Impact Assessment (TIA) has been provided in support of the application. Regard has been had to the TIA in completion of the following assessment.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
<p>C3.5.1 Performance Criteria P1(a)</p>	<p>The proposed development will result in an increase of vehicle movements at the existing vehicle crossover of 72 vpd, to an average of 81 vpd.</p> <p>The TIA states the additional vehicle movements “...can easily be absorbed”. The TIA states the Cook Street access is estimated to operate at Level of Service Class A.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Level of service A</p> </div> <div style="width: 50%;"> <p>A condition of free-flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.</p> </div> </div> <p style="text-align: center; margin-top: 10px;"><i>Figure 15: Description of Level of service A.</i></p>
<p>C3.5.1 Performance Criteria P1(b)</p>	<p>It is considered that only light vehicle traffic will be generated by the use (ie car, utility and small four-wheel drives and associated service vehicles such as delivery vans and waste collection vehicles).</p>
<p>C3.5.1 Performance Criteria P1(c)</p>	<p>Cook Street and Clare Street are two-way residential streets which meet at 90 degrees at the vehicle crossover. As such suitable sight lines are readily achieved.</p> <p>The site's vehicle crossover will provide for two way access, allowing vehicles to enter the vehicle crossover from the road network without having to wait for any vehicle to exit the vehicle crossover.</p>
<p>C3.5.1 Performance Criteria P1(d)</p>	<p>A 50km/hr speed limit is applicable to Cook Street and the adjoining Clare Street. However due to the bend in the road, the achievable speed is likely to be in the order of 40km/hr.</p>
<p>C3.5.1 Performance Criteria P1(e)</p>	<p>The site only has frontage to Cook Street. There is no alternative access to the development site.</p>

12.2.8 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C3.5.1 Performance Criteria P1(f)	Multiple dwellings is a Permitted Use in the General Residential Zone. There is current socio-political focus at local, state and federal government levels on addressing a shortage of housing availability.
C3.5.1 Performance Criteria P1(g)	A TIA was submitted with the proposal. The TIA has not identified <i>"... any traffic safety or capacity issues with the proposal."</i>
C3.5.1 Performance Criteria P1(h)	Council's Road Authority has provided the following comment: <i>The TIA indicates that the road network is sufficient to accommodate the increase in traffic without impeding safety or efficiency of the road network.</i>
C3.5.1 Performance Criteria P1 Conclusion	It is considered the proposal satisfies the Performance Criteria for P1 of clause C3.5.1. Vehicle traffic to and from the site is not considered to generate any adverse effects on the safety of the vehicle crossing on to Cook Street nor adversely impacting the efficiency of the road network.

APPLICATION FORM

PLANNING PERMIT

Land Use Planning and Approvals Act 1993



Meander Valley Council
Working Together

- Application form & details MUST be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

OFFICE USE ONLY

Property No:	<input type="text"/>	Assessment No:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
DA\	<input type="text"/>	PA\	<input type="text"/>	PC\	<input type="text"/>		

- Is your application the result of an illegal building work? ☐ Yes ☒ No
 - Have you already received a Planning Review for this proposal? ☐ Yes ☒ No
 - Is a new vehicle access or crossover required? ☒ Yes ☐ No
- Indicate by ✓ box

PROPERTY DETAILS:

Address:	<input type="text" value="4 COOL STREET"/>	Certificate of Title:	<input type="text" value="102737"/>
Suburb:	<input type="text" value="HAOSPEN"/>	7290	Lot No: <input type="text" value="1"/>
Land area:	<input type="text" value="8094."/>	m ² / ha	
Present use of land/building:	<input type="text" value="RESIDENTIAL"/>	(vacant, residential, rural, industrial, commercial or forestry)	

- Does the application involve Crown Land or Private access via a Crown Access Licence: ☐ Yes ☒ No
- Heritage Listed Property: ☐ Yes ☒ No

DETAILS OF USE OR DEVELOPMENT:

Indicate by ✓ box	<input checked="" type="checkbox"/> Building work	<input type="checkbox"/> Change of use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Demolition
	<input type="checkbox"/> Forestry	<input type="checkbox"/> Other		
Total cost of development (inclusive of GST):	<input type="text" value="\$4 million"/>	Includes total cost of building work, landscaping, road works and infrastructure		
Description of work:	<input type="text" value="New MULTI RESIDENTIAL"/>			
Use of building:	<input type="text" value="DWELLING"/>	(main use of proposed building – dwelling, garage, farm building, factory, office, shop)		
New floor area:	<input type="text" value="1788"/> m ²	New building height:	<input type="text" value="6.35"/> m	
Materials:	External walls:	<input type="text" value="BRICK / COLORBOND"/>	Colour:	<input type="text" value="RED / BLACK"/>
	Roof cladding:	<input type="text" value="COLORBOND"/>	Colour:	<input type="text" value="MONUMENT / BLACK"/>

12.2.9 Application Documents

OWNER DETAILS:

Owner/s name: JUSTIN ADAMS Mobile No: 0447 666 647
 Email address: SABUILDINGANDCONSTRUCTION@GMAIL.COM Phone No:
 Postal address: 24 EMMA STREET, WEST LAUNCESTON, 7250

- Owners details **MUST** be completed **IN FULL** for the current owner as per the Certificate of Title.

APPLICANT DETAILS:

Applicant: JUSTIN ADAMS Mobile No: 0447 666 647
 Email address: SABUILDINGANDCONSTRUCTION@GMAIL.COM Phone No:
 Postal address: 24 EMMA STREET, WEST LAUNCESTON

Preferred means of correspondence, including notifications, requests for information and permits (Indicate by ✓ box):



If you do not select a box Council will use email as the primary method of contact

COPYRIGHT AUTHORITY:

I authorise the Council and the Crown in right of the state of Tasmania to provide to any person, for the purposes of assessment or public consultation, a partial or complete copy of documents relating to this application.

I acknowledge that a charge may be made to recover costs of copying. I do not require to be paid a fee or to be informed of any copies that are made under this authority.

I confirm that I am the copyright owner or have the authority to sign on behalf of any other person with copyright for documents relating to this application.

NOTE: This authority is intended to cover copies made by the Crown or Council under Sections 40, 43, 49, or 183 of the *Copyright Act 1968*.

ENTRY TO LAND:

I consent to the entry of the land by an Authorised Officer in accordance with Section 65J (1) (a), for any purpose connected with the administration and enforcement of the *Land Use Planning and Approvals Act 1993* and assessment of this application.

Where the applicant is NOT the owner, I hereby declare that the owner of the land to which this application relates has been notified of this application being made, has provided consent, and the information and details supplied by me in this application are a true and accurate description of the proposal.

Applicant:

Name: (Print)

JUSTIN ADAMS

Signed:



Date:

30/05/2022

Please Note: If the application involves Crown land you will need to provide a letter of consent and this form signed by the Minister, or a delegated officer of the Crown.

Crown Consent:
(if required)

Name: (Print)

Signed:

Date:

PRIVACY STATEMENT

The Meander Valley Council abides by the *Personal Information Protection Act 2004* and views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

Collection of Personal Information: The personal information being collected from you for the purposes of the *Personal Information Protection Act, 2004* and will be used solely by Council in accordance with its Privacy Policy. Council is collecting this information from you in order to process your planning application.

Disclosure of Personal Information: Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information. External organisations to whom this personal information will be disclosed as required under the *Land Use Planning and Approvals Act 1993*. This information will not be disclosed to any other external agencies unless required or authorised by law.

Correction of Personal Information: If you wish to alter any personal information you have supplied to Council please telephone the Meander Valley Council on (03)6393 5320. Please contact the Council's Privacy Officer on (03)6393 5300 if you have any other enquiries concerning Council's privacy procedures.

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 102737	FOLIO 1
EDITION 3	DATE OF ISSUE 16-Nov-2021

SEARCH DATE : 01-Feb-2023

SEARCH TIME : 12.10 PM

DESCRIPTION OF LAND

Town of HADSPEN
 Lot 1 on Diagram 102737
 Being the land described in Conveyance 41/1656
 Derivation : Part of 1000 Acres Gtd. to Alexander Clerk
 Derived from Application No. 11,401 C.T.

SCHEDULE 1

M922634 TRANSFER to J R ADAMS PTY LTD Registered
 16-Nov-2021 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 E279436 MORTGAGE to Commonwealth Bank of Australia
 Registered 16-Nov-2021 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

183516 Priority Sealed Plan Lodged by ZZIM CONVEYANCING on
 08-Jul-2022 BP: 183516

12.2.9 Application Documents



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

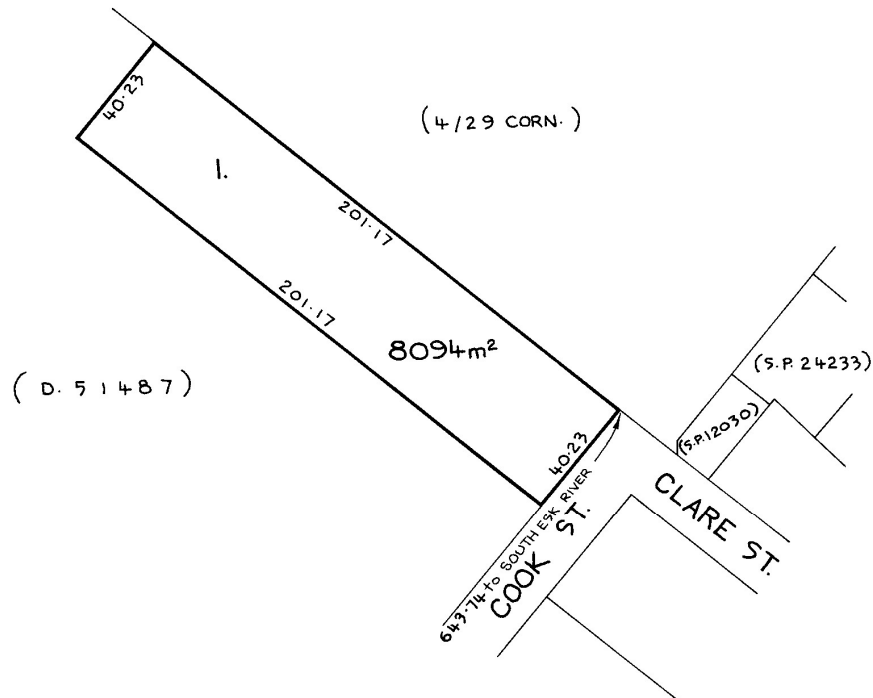


APPROVED 26 OCT 1992 <i>Michael Dine</i> RECORDER OF TITLES	CONVERSION PLAN CONVERTED FROM 41/1656	REGISTERED NUMBER D.102737
FILE NUMBER A. 11401	GRANTEE: PART OF 1000 ACRES GTD. TO ALEXANDER CLERK	DRAWN C. FRA 23-10-92

SKETCH BY WAY OF ILLUSTRATION ONLY

~~CITY/TOWN OF HADSPEN~~
~~LAND DISTRICT OF~~
~~PARISH OF~~
LENGTHS ARE IN METRES. NOT TO SCALE.
~~LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.~~

TASMAP MUNICIPAL CODE NO. 65	LAST TASMAP UPI NO. 1745	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



Search Date: 01 Feb 2023

Search Time: 12:10 PM

Volume Number: 102737

Revision Number: 01

Page 1 of 1

Department of Natural Resources and Environment Tasmania
Version: 1, Version Date: 08/02/2023

www.thelist.tas.gov.au

12.2.9 Application Documents

Brenton Josey

From: leigh@planstobuild.com.au
Sent: Tuesday, 31 January 2023 2:12 PM
To: Brenton Josey
Subject: RE: PA\23\0127 - S.54 Request for information - 4 Cook Street, Hadspen - Multiple Dwellings
Attachments: PtB_4 Cook Street, Hadspen TAS 7290.pdf

Good afternoon, Brenton.

Please see attached updated plans, we have now amended the unit locations to enable for the 6m separation, I think this works well and is a better outcome with the privacy and also the overlooking the required visual separation, also with 1.8m high fencing.

- We have used the above ground rainwater tanks as Stormwater detention on unit developments in Launceston, MVC have not provided any required outflows or system requirements other than just detention is required, we can also explore inground options once the civil design is underway.
- The existing crossover will stay as existing. The crossover has recently been installed to the end of the street; we will just widen the driveway apron to allow for the angle of turn in from the street.

Trusting this meets with your approval and we can proceed as a valid DA to advertising.

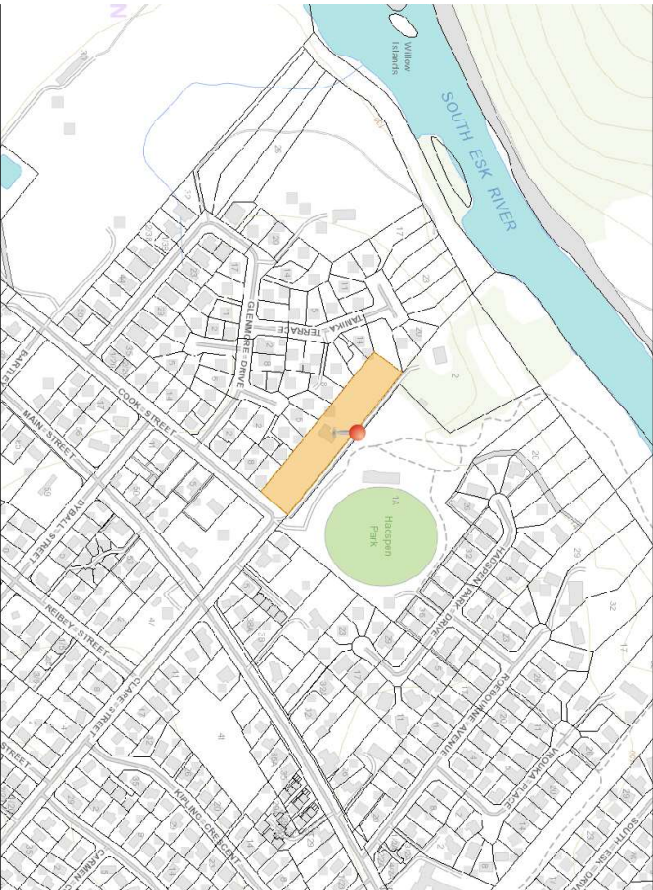
Regards,

Leigh Dell
Building Designer
Licensed Building Services Provider
M 0400 655 771 D (03) 63 889287



www.planstobuild.com.au

NEW MULTI RESIDENTIAL
at 4 COOK STREET, HADSPEN TAS 7290
for JUSTIN ADAMS



DRAWING SCHEDULE				
A00	COVER PAGE			
A01	OVERALL SITE PLAN			
A02	PART SITE PLAN			
A03	STRATA SITE PLAN			
A04	PART SITE CIVIL PLAN			
A05	SITE DRAINAGE PART PLAN			
A06	SITE GROUND FLOOR PLANS			
A07	SITE FIRST FLOOR PLANS			
A08	SITE ELEVATIONS			
A09	UNIT A - GROUND FLOOR PLAN			
A10	UNIT A - FIRST FLOOR PLAN			
A11	UNIT B - GROUND FLOOR PLAN			
A12	UNIT B - FIRST FLOOR PLAN			
A13	UNIT A - ELEVATIONS			
A14	UNIT A - ELEVATIONS			
A15	UNIT B - ELEVATIONS			
A16	UNIT B - ELEVATIONS			
A17	UNIT A - DOOR AND WINDOW SCHEDULE			
A18	UNIT B - DOOR AND WINDOW SCHEDULE			

PROJECT INFORMATION:				
FLOOR AREA: (Type Dwelling)	GROUND FLOOR AREA: 98m ² DECK AREA: 12m ²	SITE AREA: 8794m ²	WIND SPEED N2	LAND TITLE, VOLUME & FOLIO CT-102737/1
SITE OVERLAYS:	SITE CLASSIFICATION: S	CLIMATE ZONE: 7	ALPINE AREA: N/A	BUSHFIRE ATTACK LEVEL: EXEMPT
COUNCIL: MEANDER VALLEY	WIND REGION: A3	CORROSION ENVIRONMENT MODERATE	TERRAIN CLASSIFICATION: T2	
SCHEME / ZONE: 8.0 GENERAL RESIDENTIAL	SCALE: IF IN DOUBT / ASK SCALE @ A3	PRINT DATE: 09/11/22	PROJECT NUMBER: 22033	

**PLANS
TO BUILD**

ARN 23 249 055 701
Level 2, 93 York Street, Launceston
Tasmania, 7250.
Tel - 0388 9287 - Mob - 0400 455 771
Email - info@plansdobuild.com.au
L.M.DELL, LIC. No. CC5932 G

GENERAL NOTES:

IN ACCORDANCE WITH THE N.C.C.S BUILDING CODE OF AUSTRALIA VOLUME TWO, ALL BUILDING WORK SHALL BE IN STRICT COMPLIANCE WITH COUNCIL LAWS, REGULATIONS, STANDARDS, BUILDING LAWS & REGULATIONS. REFER ALSO TO THE GENERAL REQUIREMENTS PAGE.

THE BUILDER SHALL SECURE AND MAINTAIN SAFE THE WORKING IN ACCORDANCE WITH WORK SAFE TASMANIA & WHS GUIDELINES & REGULATIONS.

THE BUILDER SHALL CARRY OUT DIA BEFORE YOU DIG AND SHALL OBTAIN ALL NECESSARY PERMITS AND SERVICES PRIOR TO COMMENCING ANY EARTHWORKS.

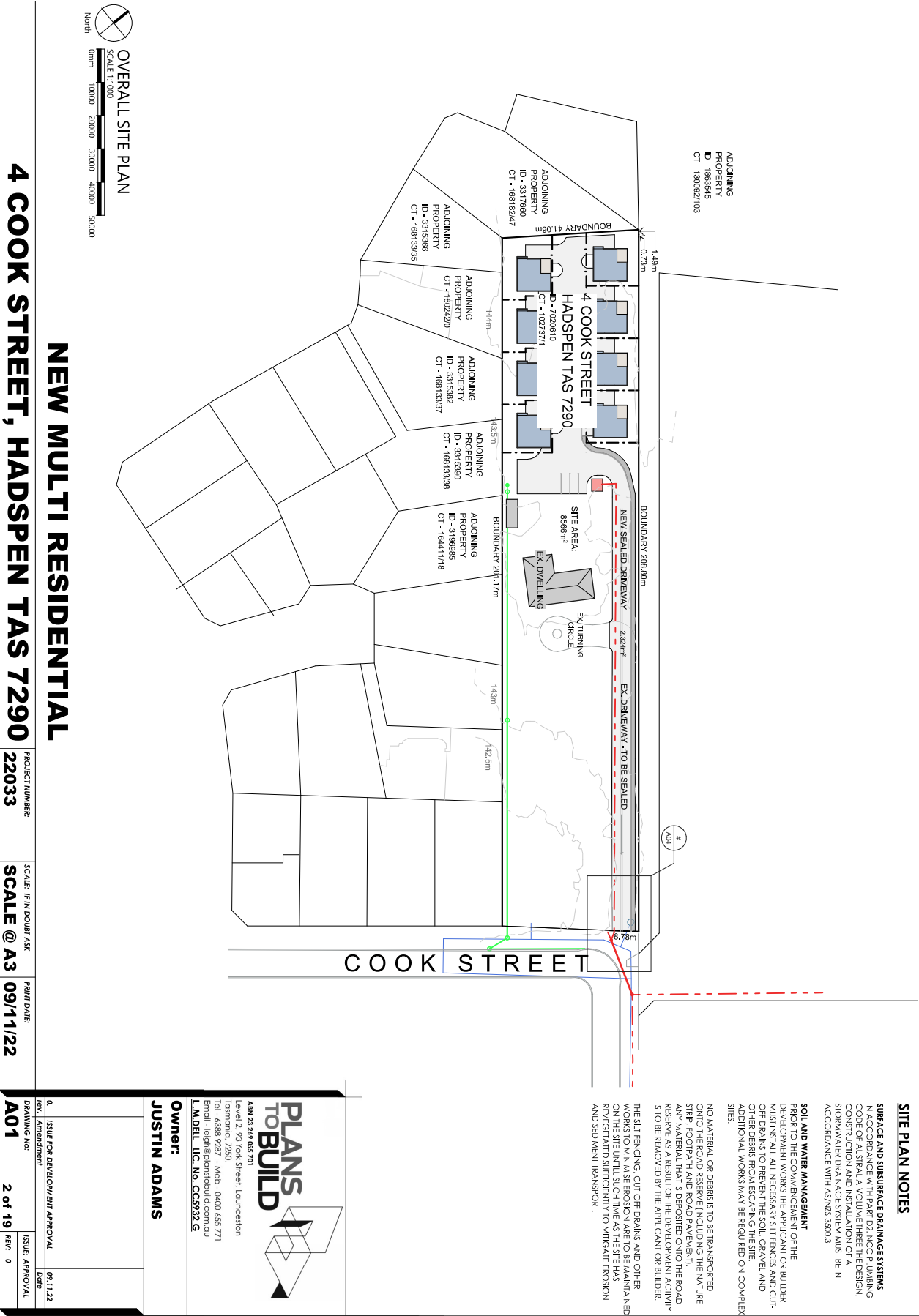
THE BUILDER SHALL INSTALL SUTTERS & SCREENS AT THE EXPOSED EDGES OF ALL EXCAVATIONS TO PREVENT THE COUNCIL MAIN SYSTEM FOR THE DURATION OF SITE WORKS.

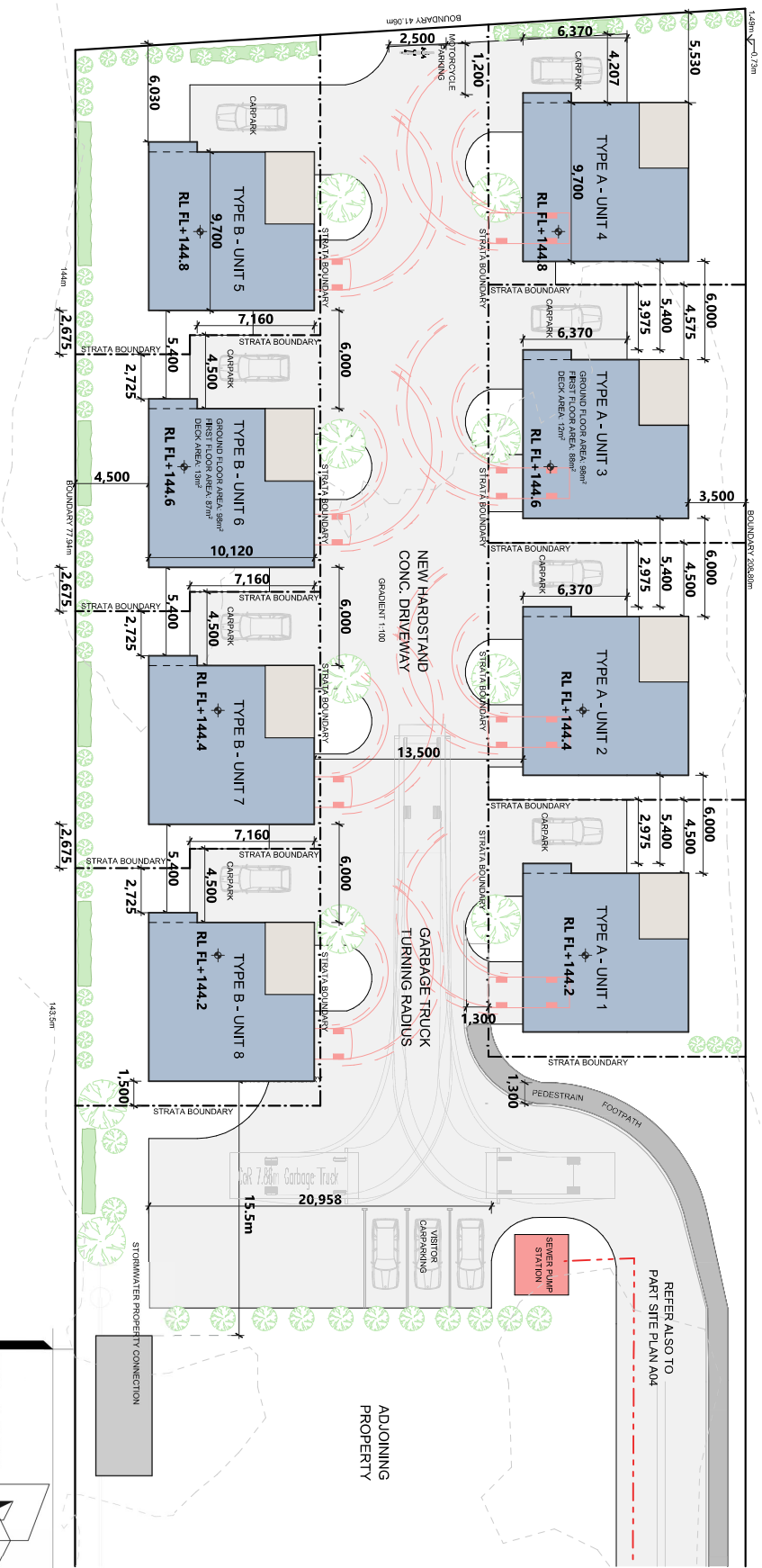
THE BUILDER SHALL BE RESPONSIBLE FOR THE CORRECT SETOUT OF ALL WORKS. A LAND SURVEYOR IS RECOMMENDED BY THE DESIGNER FOR ALL SETOUT. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALED DIMENSIONS.

ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERING DRAWINGS AND SPECIFICATIONS. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES WITH THE DRAWINGS.

ALL FITTINGS & FIXTURES INSTALLED SHALL BE PURCHASED AS NEW CONDITION & QUALITY & CARRY THE RELEVANT AUSTRALIAN STANDARD COMPLIANCES.

0.	ISSUE FOR DEVELOPMENT APPROVAL	09/11/22
REV.	Amendment	
DRAWING No:	ISSUE APPROVAL	Date
A00	1 of 19	REV. 0





4 COOK STREET, HADSPEN TAS 7290

NEW MULTI RESIDENTIAL

PROJECT NUMBER: 22033

SCALE: 1/16" DOUBLE A3

PRINT DATE: 09/11/22

0. ISSUE FOR DEVELOPMENT APPROVAL

1. ISSUE FOR DEVELOPMENT APPROVAL

2. ISSUE FOR DEVELOPMENT APPROVAL

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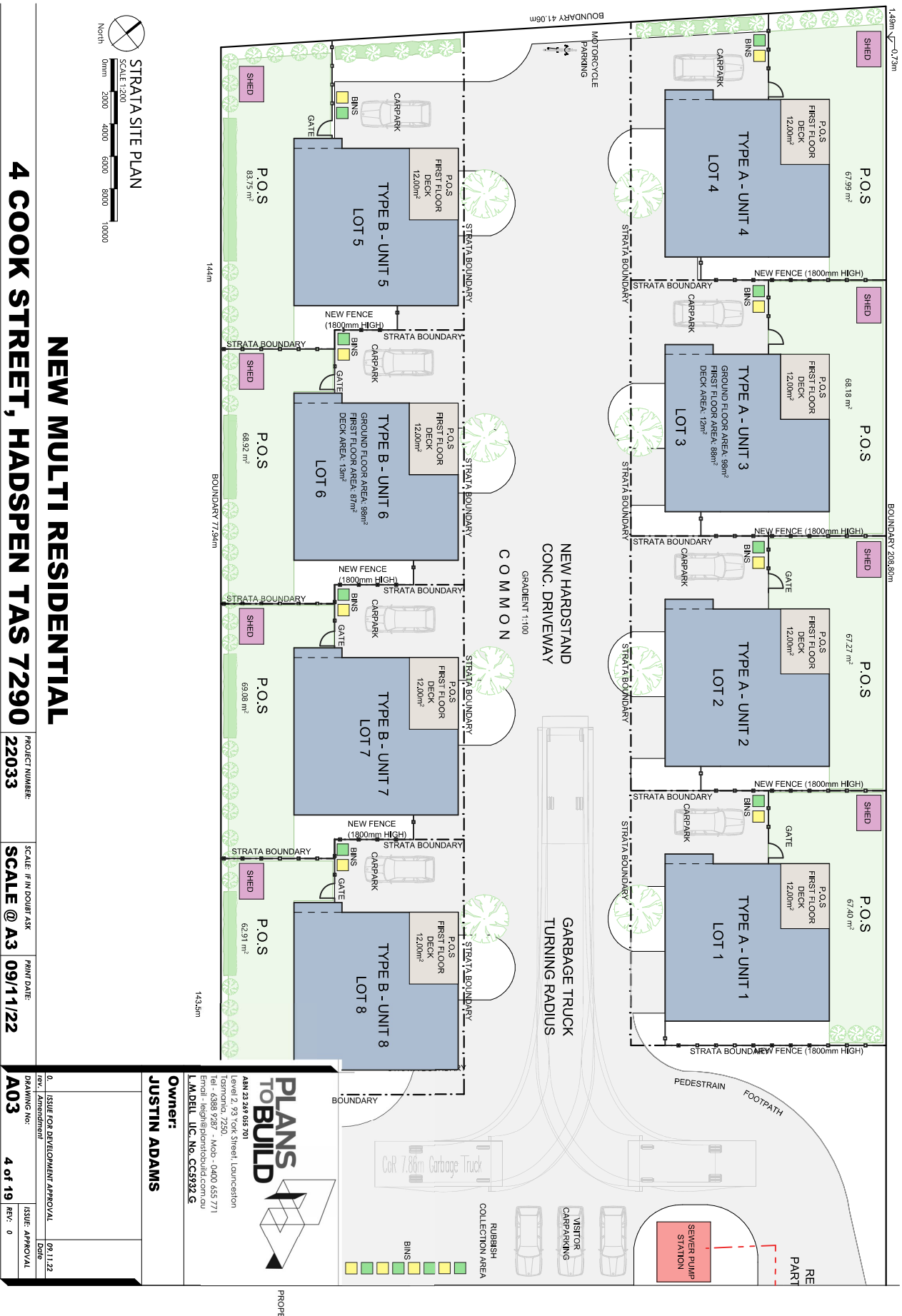
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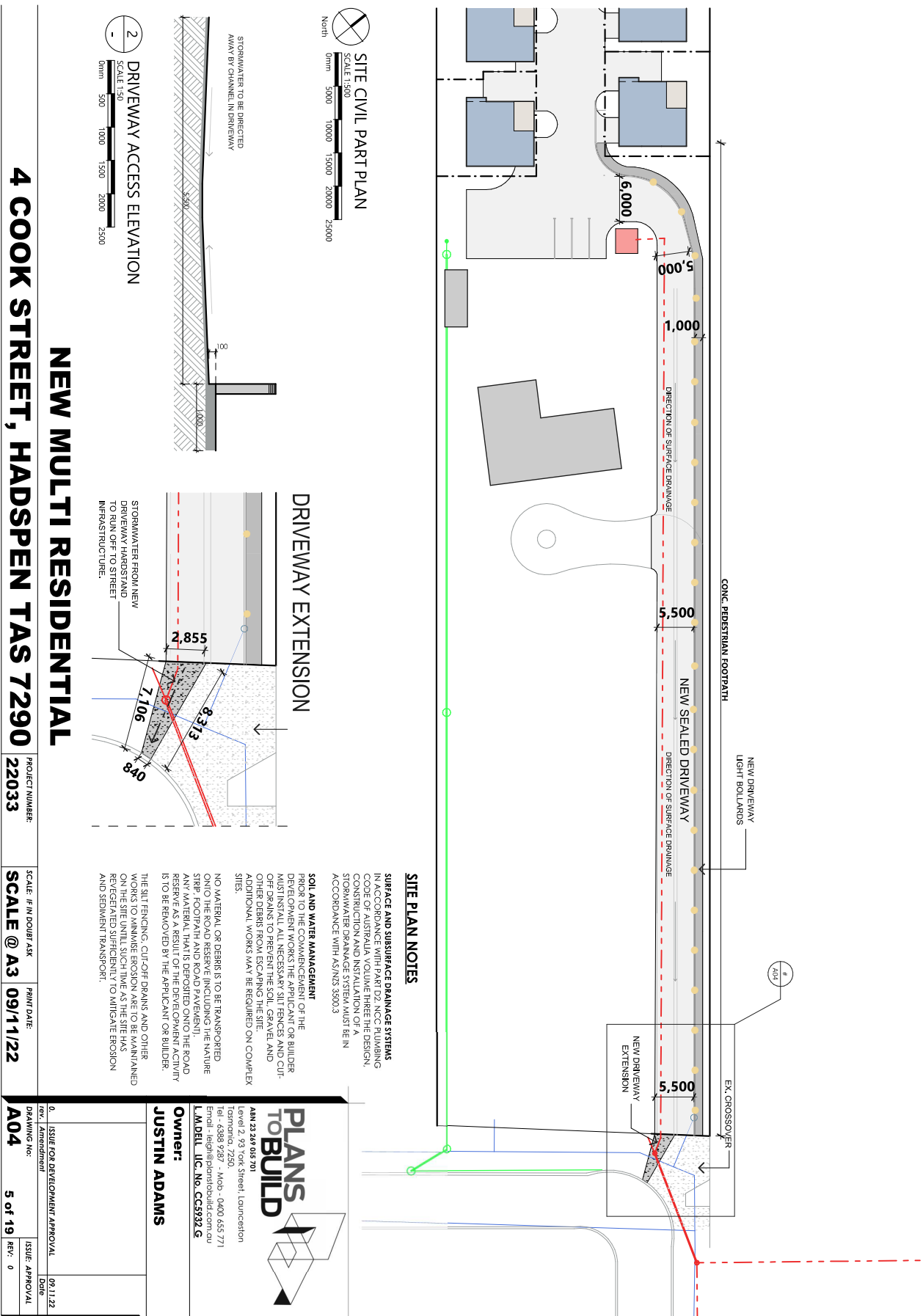
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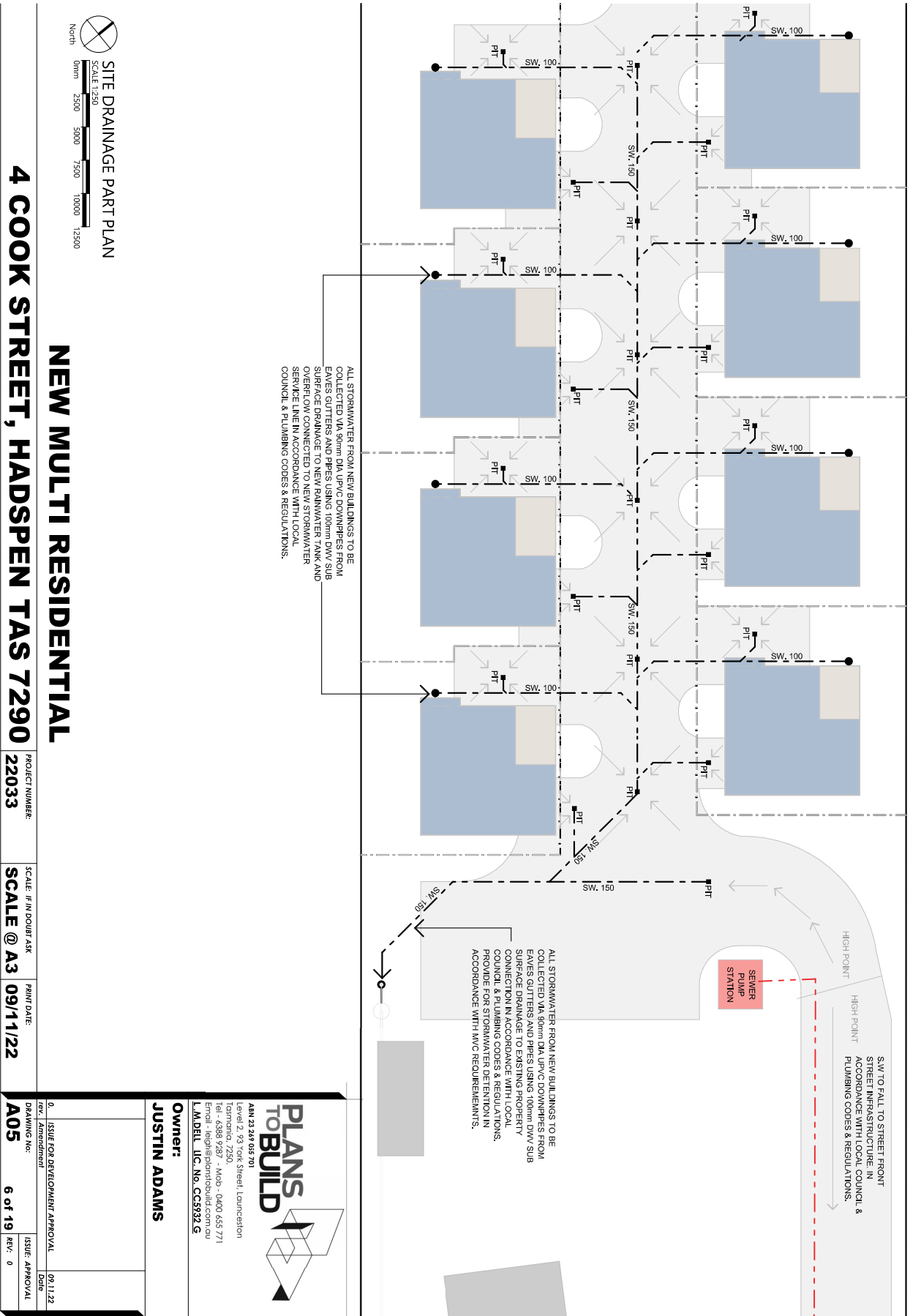
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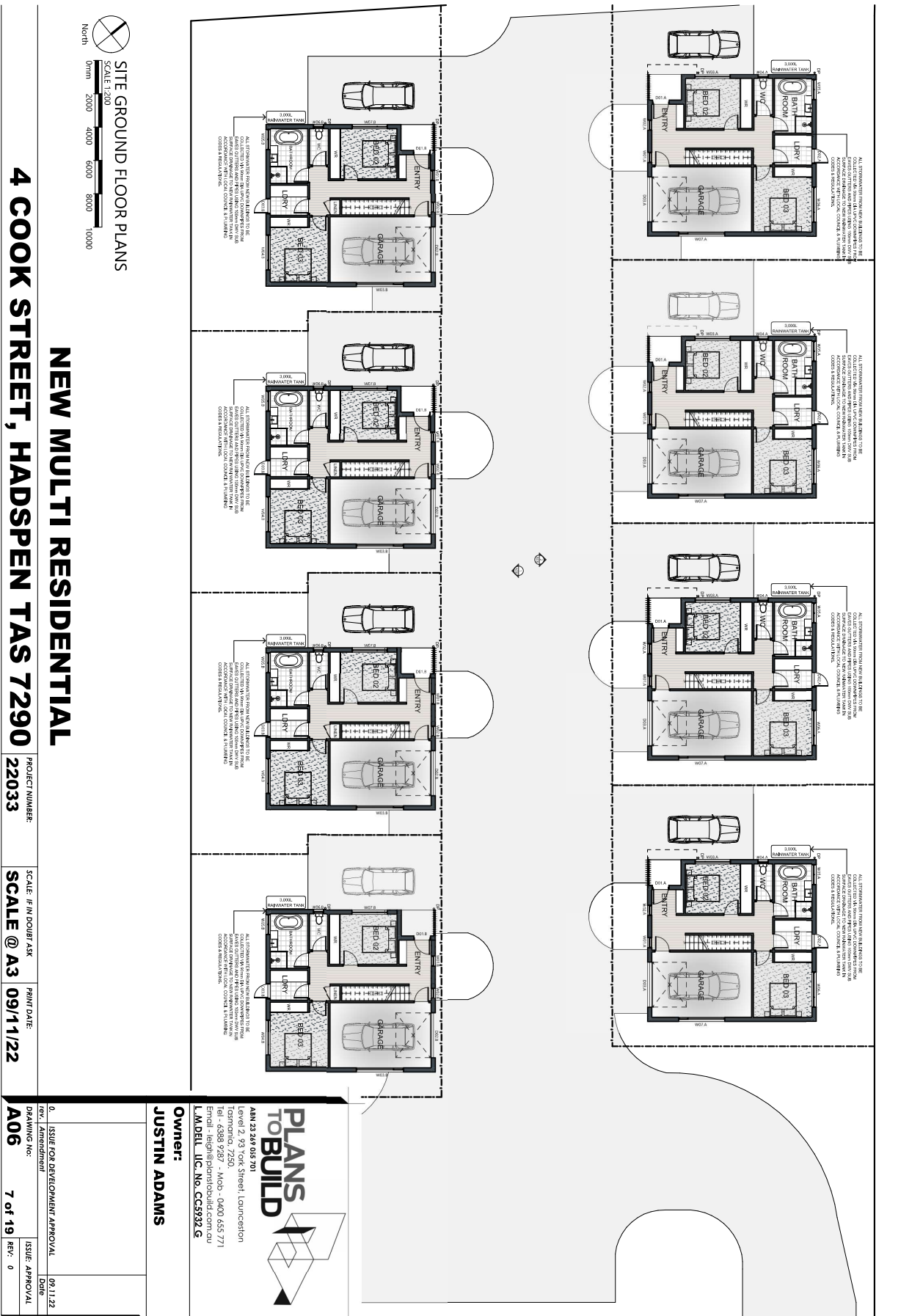
Owner: JUSTIN ADAMS

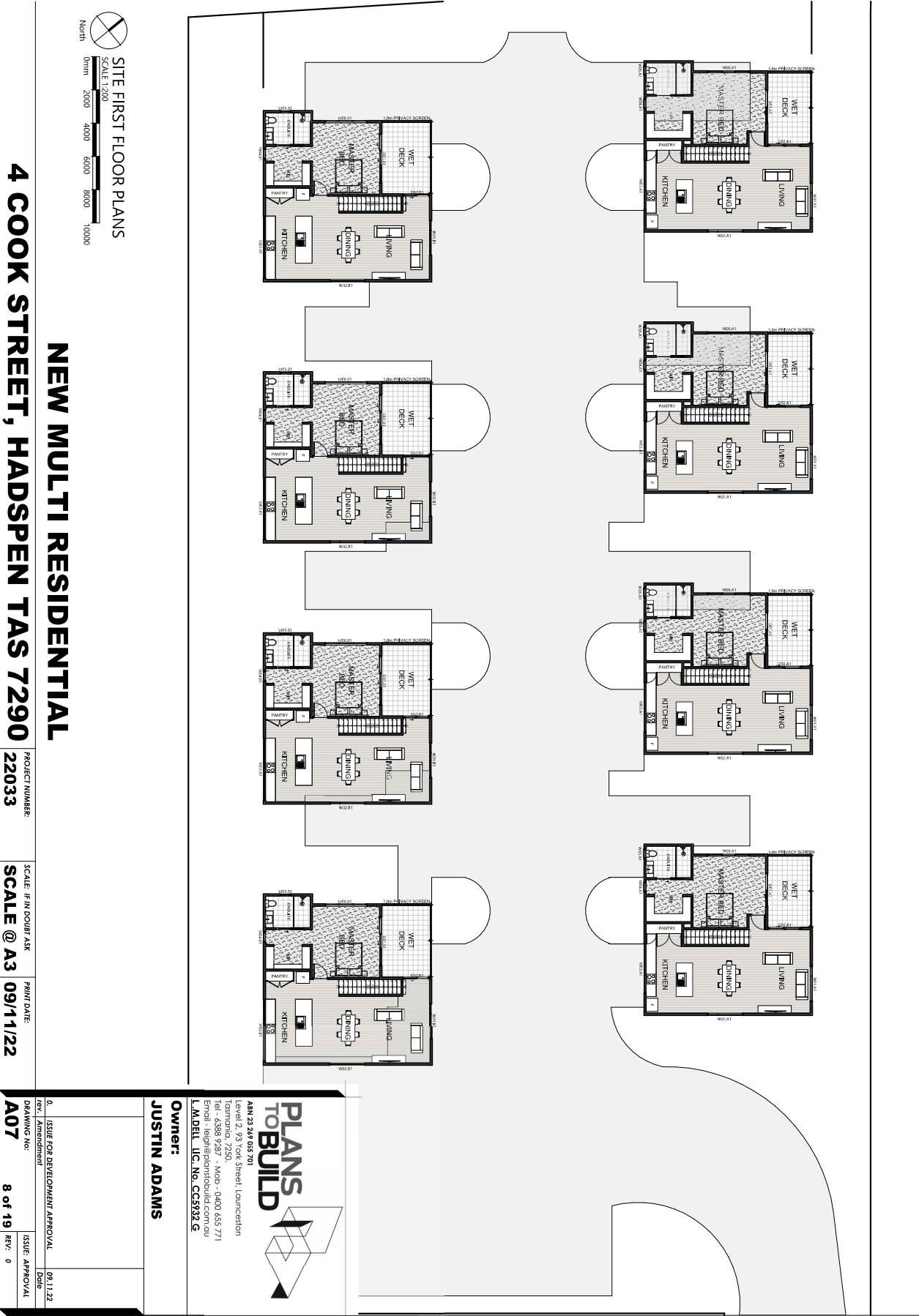
Plans To Build AN 23/01/08 TOL Tower 2, 73 Cook Street, Launceston Tasmania 7290 Tel - 0388 9287 ~ Mob - 0400 655 771 Email - info@plansbuild.com.au L.M.B.E.L. LLC No. CC5932.G

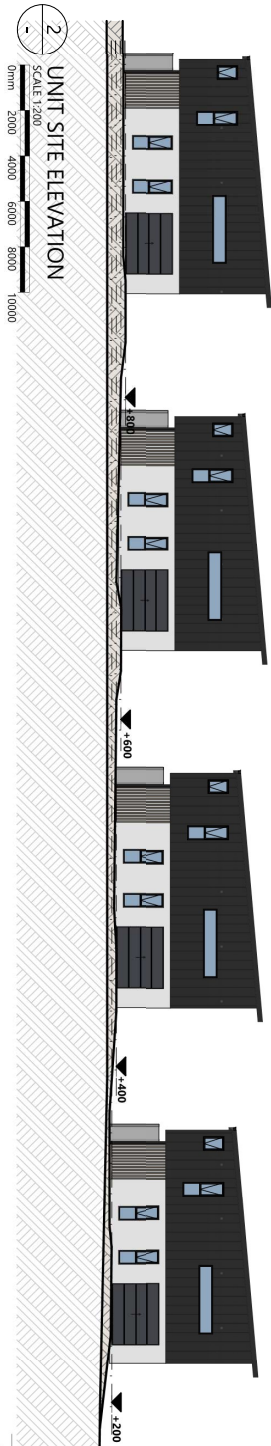






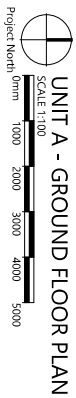




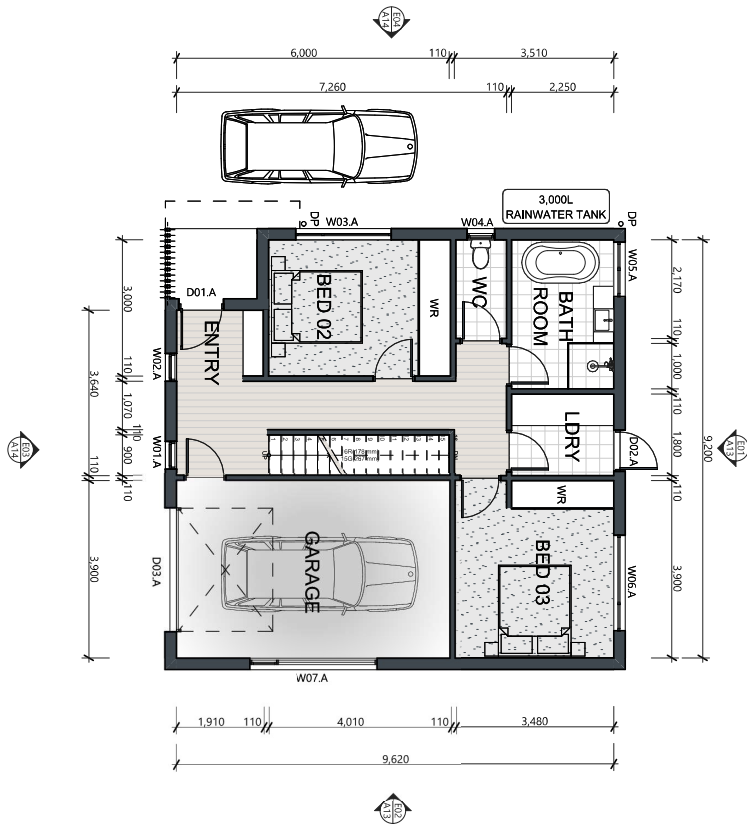


PROJECT NUMBER: 22033	SCALE: IF IN DOUBT ASK SCALE @ A3	PRINT DATE: 09/11/22
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A08	0.	ISSUE FOR DEVELOPMENT APPROVAL	09:11:27
	<u>Text / Amendment</u>		<u>Date</u>
	DRAWING NO:	ISSUE: APPROVAL	REV.: 0



**NEW MULTI RESIDENTIAL
4 COOK STREET, HADSPEN TAS 7290**



INSULATED 90x35mm MGP 10 OR .12
TIMBER STUD FRAMED WALLS, PD LINING
INTERIALLY, PAINT FINISH.
PROVIDE VAPOUR PERMEABLE BUILDING
WRAP, LAP AND TAPE ALL JOINTS.
REFER TO ELEVATIONS FOR EXTERNAL
CLADDING SELECTION.
REFER TO INSULATION SCHEDULE FOR
THERMAL REQUIREMENTS (R-VALUES)

INTERNAL 90x35mm MGP 10 OR .12 TIMBER
STUD WALL, PD LINING, PAINT FINISH




PAINT GRADE HOLLOW CORE INTERIOR
SWING DOOR WITH ARCHITRAVES,
JAMBS AND STOPS, PAINT FINISH

PAINT GRADE HOLLOW CORE (SOLID IN WET AREAS) INTERIOR CAVITY SLIDING DOOR WITH ARCHTRAVES AND JAMBS, PAINT FINISH

WET AREA

SD HARDWIRED SMOKE DETECTOR.
REFER TO DRAWING A-9% GENERAL
REQUIREMENTS



PLAN 23 240 055 701

Level 2, 73 York Street, Launceston
Tasmania, 7250.
Tel - 6388 9287 - Mob - 0400 655 771
Email - info@planstobuild.com.au
L.M.DELL LLC, No. CC5932.G

Owner:
JUSTIN ADAMS

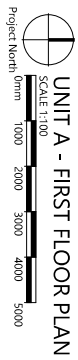
Rev.	Description	Date
0.	ISSUE FOR DEVELOPMENT APPROVAL	09.11.22
1	Rev. Amendment	

Drawing No:
A09

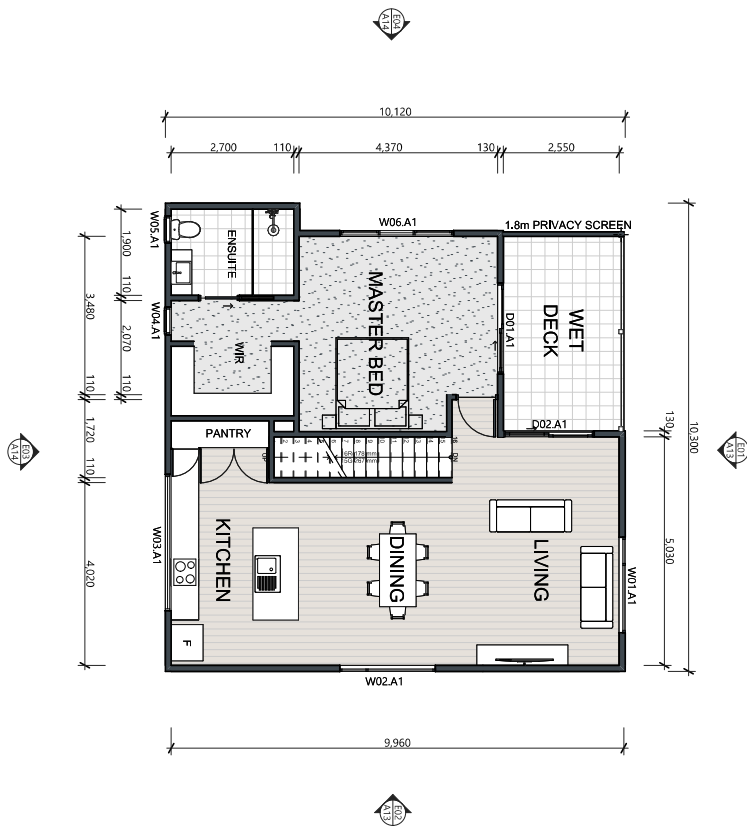
ISSUE APPROVAL

10 of 19

Rev. 0



**NEW MULTI RESIDENTIAL
4 COOK STREET, HADSPEN TAS 7290**



INSULATED 90x35mm MGP 10/08 . 12
TIMBER STUD FRAMED WALLS, Pb LINING
INTERNALITY , PAINT FINISH,
PROVIDE VAPOUR PERMEABLE BUILDING
WRAP, LAP AND TAPE ALL JOINTS,
REFER TO ELEVATIONS FOR EXTERNAL
CLADDING SELECTION,
REFER TO INSULATION SCHEDULE FOR
THERMAL REQUIREMENTS (R-VALUES)


PAINT GRADE HOLLOW CORE INTERIOR SWING DOOR WITH ARCHITRAVES, JAMB AND STOP, PAINT FINISH

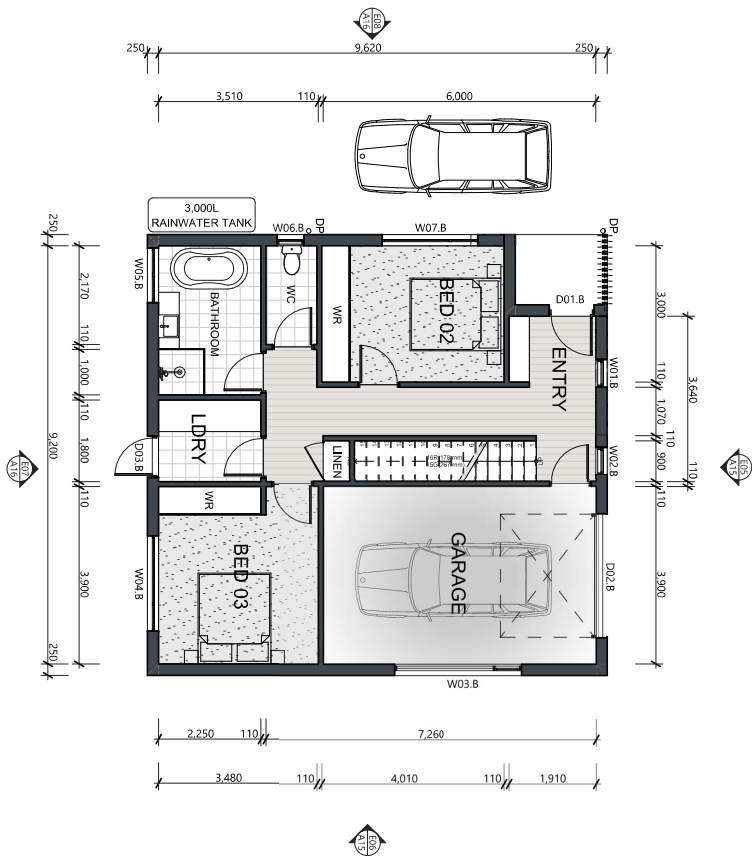
PAINT GRADE HOLLOW CORE (SOLID IN WEAREAS) INTERIOR CAVITY SLIDING DOOR WITH ARCHITRAVES AND JAMBS, PAINT FINISH

W##
POWERCOATED ALUMINUM,
FRAMED GLAZED WINDOWS REFER
TO DOOR AND WINDOW SCHEDULE

WET AREA
REFER TO HEALTH AND AMENITY
INGENERAL REQUIREMENTS ON
DRAWING A.8% & WATERPROOFING
TABLE ON DRAWING A.9%

SD HARDWIRED SMOKE DETECTOR, REFER TO DRAWING A-07 GENERAL REQUIREMENTS

		PLAN 249 055 701 Level 2, 93 York Street, Lonscetton Tarramunga, 7250. Tel: - 6388 9287 - Mob: - 0400 655 771 Email: - leigh@plantoobuild.com.au L.M.DELL UIC No. CG5932.G
Owner: JUSTIN ADAMS		
ISSUE FOR DEVELOPMENT APPROVAL 09/11/22	Date	
Rev. Amendment 1	Date	
DRAWING No: A10		ISSUE APPROVAL 11 of 19 REV: 0



- INSULATED 90x35mm MGP 100R 12
- THICKER STUD FRAMED WALLS PO LUNING
- INTERVALLY, PAINT FINISH.
- INTERNAL VAPOUR PERMEABLE BUILDING
- WRAP, LAP AND TAPE ALL JOINTS.
- REFER TO ELEVATIONS FOR EXTERNAL
- CLADDING SELECTION.
- REFER TO INSULATION SCHEDULE FOR
- CLADDING REQUIREMENTS (R-VALUES)
- INTERNAL 90x55mm MGP 10 TO 12 THICKER
- STUD WALL PO LUNING, PAINT FINISH
- PAINT GRADE HOLLOW CORE INTERIOR
- SWING DOOR WITH ARCHITRAVES,
- JAMBS AND STOPS, PAINT FINISH
- PAINT GRADE HOLLOW CORE **(SOLID**
- IN WEATHERS)** INTERIOR CAVITY
- STANDING DOOR WITH ARCHITRAVES
- AND JAMBS, PAINT FINISH
- POWDERCOATED ALUMINIUM
- FRAMED GLAZED WINDOWS REFER
- TO DOOR AND WINDOW SCHEDULE
- REFER TO HEALTH AND AMENITY
- INGENIERAL REQUIREMENTS ON
- DRAWING A-5% & WATERPROOFING
- TAKE ON DRAWING A-5%
- HARDWARE SMOKE DETECTOR,
- REFER TO DRAWING A-5% GENERAL
- REQUIREMENTS

**PLANS
TO BUILD**

AMN 23 269 065 701

Level 2, 93 York Street, Luncheon
Toronto, 7250

Tel: 4388 9287 • Mob: 0400 655 771

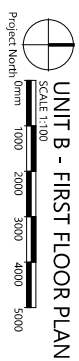
Email: regina@plans2obuild.com.au

L.M. DELL LLC No. CC5932 G

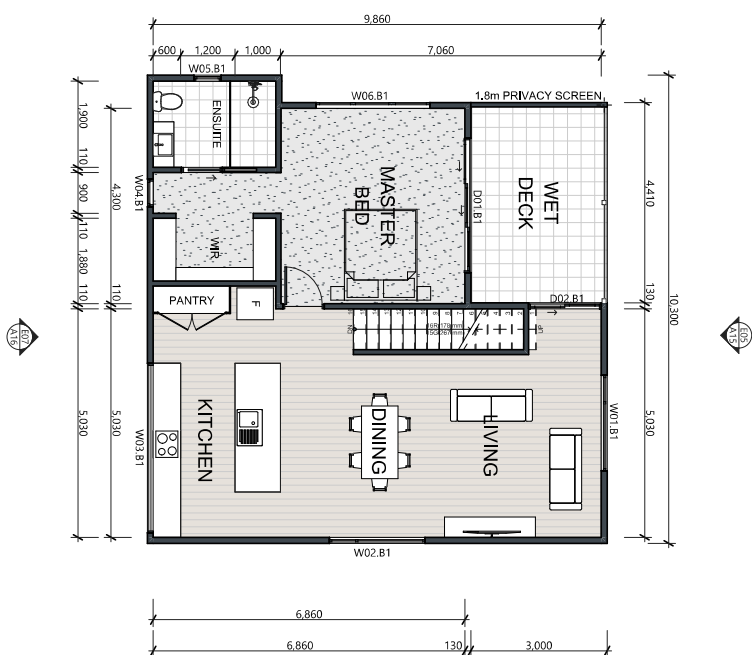
Owner:

JUSTIN ADAMS

0.	ISSUE FOR DEVELOPMENT APPROVAL	09.11.22
REV.	Amendment	Date
DRAWING NO:		ISSUE APPROVAL
A11		REV: 0
12 of 19		






NEW MULTI RESIDENTIAL
4 COOK STREET, HADSPEN TAS 7290



FLOOR PLAN LEGEND

- INSULATED 90x36mm MGP 10 OR 12
 - TIMBER STUD FRAMED WALLS, PO LING
 - INTERIALLY, PAINT FINISH.
 - PROVIDE VAPOUR PERMEABLE
 - WEAR LAY AND TAPE AT JOINTS.
 - REFER TO ELEVATIONS FOR EXTERNAL
 - CLADDING SELECTION.
 - REFER TO INSULATION SCHEDULE FOR
 - THERMAL REQUIREMENTS (R-VALUE)

INTERNAL 90x36mm MGP 10 OR 12 TIMBER STUD WALL PO LING. - PAINT FINISH


 - PAINT GRADE HOLLOW CORE INTERIOR
 - SWING DOOR WITH ARCHITRAVES,
 - JAMBS AND STOPS. PAINT FINISH
 - PAINT GRADE HOLLOW CORE (SOUND
 - IN WEATHER) INTERIOR CAVITY
 - STUDS TO COVER CLIMBWAYS
 - AND JAMBS. PAINT FINISH
 - POWERCOATED ALUMINIUM
 - FRAMED GLAZED WINDOWS REFER
 - TO DOOR AND WINDOW SCHEDULE

REFER TO HEALTH AND AMENITY

INGENIERAL REQUIREMENTS ON

DRAWING A.8% & WATERPROOFING

TABLE ON DRAWING A.8%


WET AREA

75

HARDWARE SMOKE DETECTOR,

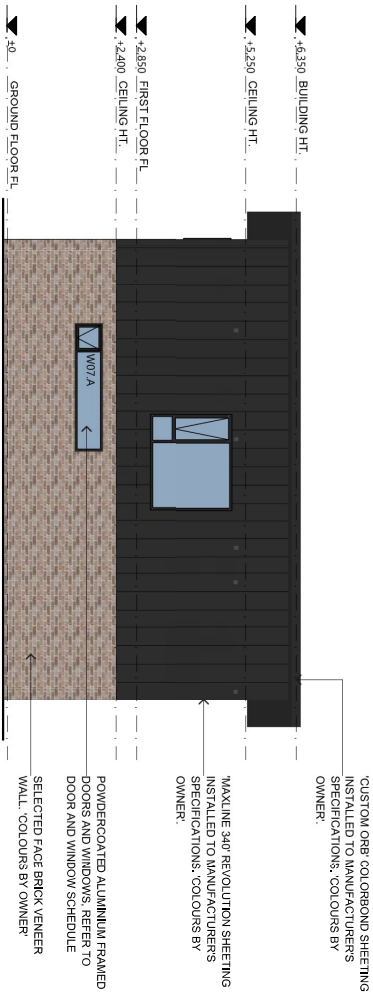
REFER TO DRAWING A.8% GENERAL

REQUIREMENTS

		AWB 23.049.005.701 Level 2, 73 York Street, Launceston Tasmania, 7250. Tel: +6581 9267 / Mob: 0400 655 771 Email: info@plans-to-build.com.au L.A.M. DEUT. LLC, No. CGC982 G	
Owner: JUSTIN ADAMS			
0.	ISSUE FOR DEVELOPMENT APPROVAL	09.11.22	
rev.	Amendment	Date	
DRAWING No: A12		ISSUE: APPROVAL Rev. 0	
13 of 19			



E01 UNIT A - NORTHERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



E02 UNIT A - EASTERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

NEW MULTI RESIDENTIAL

4 COOK STREET, HADSPEN TAS 7290

PROJECT NUMBER:	SCALE: IF IN DOUBT ASK	PRINT DATE:
22033	SCALE @ A3	09/11/22

ISSUE FOR DEVELOPMENT APPROVAL	09/11/22
ISSUE: APPROVAL	0
DRAWING No:	14 of 19
REV. A13	REV. 0

ELEVATION NOTES

WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS, INSTRUCTIONS & SPECIFICATIONS.

INSTALL THE WALL CLADDING SYSTEM COMPLETE WITH JOINTS, TRIMS, FLASHINGS, SEALS, FINISHES & FINISHES IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS TO ENSURE A WEATHER-PROOF AND WATER-TIGHT INSTALLATION.

REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAIL TYPE.

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Owner:
JUSTIN ADAMS

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09/11/22

ISSUE: APPROVAL

0



ELEVATION NOTES

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REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILTY.

E03 UNIT A - SOUTHERN ELEVATION



E04 UNIT A - WESTERN ELEVATION

NEW MULTI RESIDENTIAL

4 COOK STREET, HADSPEN TAS 7290

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SCALE: 1/16 DOUBT ASK	SCALE @ A3
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ISSUE: APPROVAL	REV: 0

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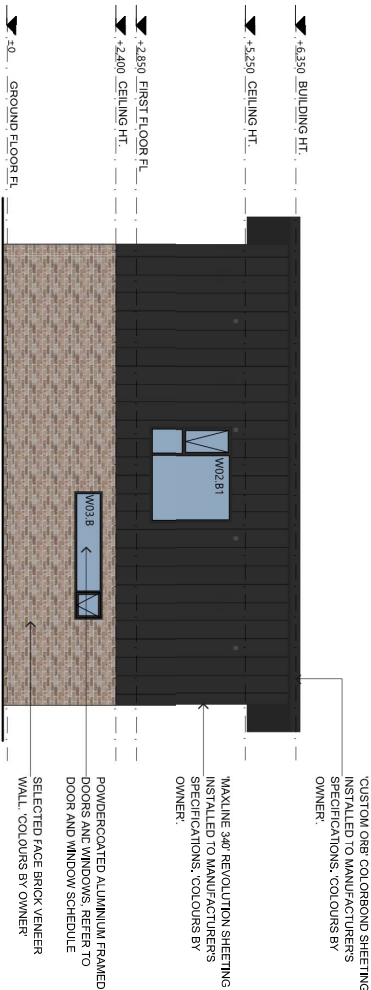
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REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAIL TYPE.

E05
UNIT B - NORTHERN ELEVATION



E06
UNIT B - EASTERN ELEVATION

NEW MULTI RESIDENTIAL
4 COOK STREET, HADSPEN TAS 7290

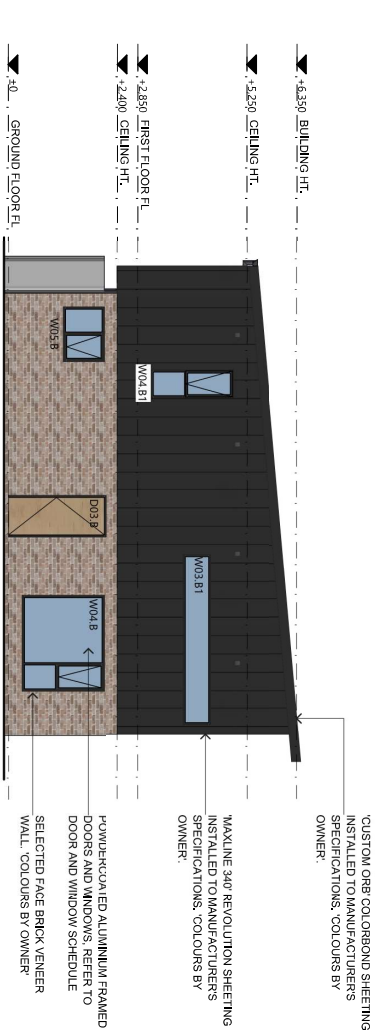
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22033	SCALE @ A3	09/11/22

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ELEVATION NOTES

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REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILSTYP.

E07 UNIT B - SOUTHERN ELEVATION



E08 UNIT B - WESTERN ELEVATION

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DOOR AND WINDOW LEGEND

ALL WINDOW AND DOOR SIZES SHOWN ON SCHEDULES ARE OVERALL INCLUDING TRIMMER RETAL SIZES

ALL EXTERNAL DOORS, AND WINDOWS TO BE IN ACCORDANCE WITH BUSHFIRE REPAIR REQUIREMENTS

ALL WINDOWS AND DOORS INTERNALLY TO HAVE ARCHITRAVES, REVEALS AND JAMBS INSTALLED TO MANUFACTURERS SPECIFICATIONS

BUILDER AND WINDOW MANUFACTURER TO ALLOW FOR PACKING AND TRIMMER STUD ADJUSTMENT FOR WINDOWS AND DOORS

**AI ALUMINIUM
PC POWDERCOATED**

COMMON DOOR OPENING TYPES

SLIDING

SLIDING

BI-FOLDING

COMMON WINDOW OPENING TYPES

PANNING

CASEMENT

HUNG

FIXED

SLIDING

LOUVERE

ALL EXTERNAL DOORS OR DOORS BETWEEN A CONDITIONED AND UNCONDITIONED ROOM, I.E. GARAGE AND BUILDINGS SHALL HAVE A DOOR OF THE FRAME TYPE AND THE OTHER DOOR EDGES SHALL BE SEALED WITH A FOAM OR COMPRESSIBLE RUBBER STRIP. EXTERNAL DOOR ARE TO BE TIGHT FITTING & WEATHER PROOF.

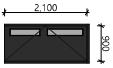
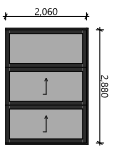
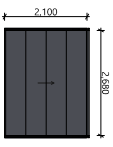
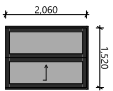
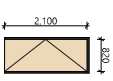

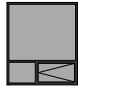

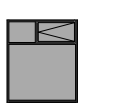
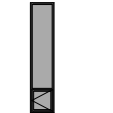
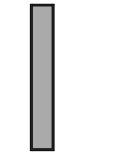





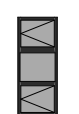

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4 COOK STREET, HADSPEN TAS 7290

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A17		REV: 0
18 of 19		

UNIT B - DOOR AND WINDOW SCHEDULE

DOOR NUMBER	D01.B	D01.B1	D02.B	D02.B1	D03.B	W01.B
ELEVATION (NOT TO SCALE)						
SIZE (W x H)	900x2100	2360x2100	2700x2100	1600x2100	820x2100	610x1800
DOOR LEAF	P.021 Paint 2	P.021 Paint 2	METAL Iron 01	P.021 Paint 2	FRAMED Timber	---
DOOR FINISH	REFER TO DOOR HARDWARE SCHEDULE	P.021 Paint 2	METAL Iron 01	P.021 Paint 2	FRAMED Timber	---
DOOR HARDWARE	REFER TO DOOR HARDWARE SCHEDULE				REFER TO DOOR HARDWARE SCHEDULE	
ACCESSORIES						
NOTES/REMARKS						
DOOR NUMBER	W01.B1	W02.B	W02.B1	W03.B	W03.B1	W04.B
ELEVATION (NOT TO SCALE)						
SIZE (W x H)	2100 x 1800	610 x 1800	2100 x 1800	2800 x 600	3730 x 600	2100 x 1800
DOOR LEAF	---	---	---	---	---	---
DOOR FINISH	---	---	---	---	---	---
DOOR HARDWARE						
ACCESSORIES						
NOTES/REMARKS						
DOOR NUMBER	W04.B1	W05.B	W05.B1	W06.B	W06.B1	W07.B
ELEVATION (NOT TO SCALE)						
SIZE (W x H)	610 x 1800	1200 x 900	600 x 1800	600 x 900	2500 x 1000	2100 x 1800
DOOR LEAF	---	---	---	---	---	---
DOOR FINISH	---	---	---	---	---	---
DOOR HARDWARE						
ACCESSORIES						
NOTES/REMARKS						

DOOR AND WINDOW LEGEND

ALL EXTERNAL DOORS AND WINDOWS TO BE IN ACCORDANCE WITH BUSHIRE REPORT REQUIREMENTS

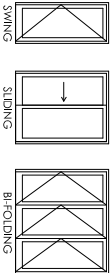
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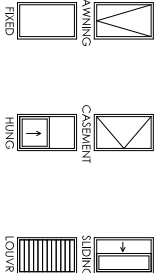
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AL ALUMINIUM
PC POWDERCOATED

COMMON DOOR OPENING TYPES



COMMON WINDOW OPENING TYPES



ALL DOORS AND WINDOWS ARE VIEWED FROM OUTSIDE. CONFIRM WITH FLOOR PLANS

ALL EXTERNAL DOORS OR DOORS BETWEEN A CONDITIONED AND UNCONDITIONED ROOM, I.E. GARAGE AND DWELLING SHALL HAVE A DRAFT PROTECTION DEVICE FITTED TO THE BOTTOM OF THE DOOR AND THE OTHER DOOR EDGES SHALL BE SEALED WITH A FOAM OR COMPRESSIBLE RUBBER STRIP. EXTERNAL DOOR ARE TO BE TIGHT FITTING & WEATHER PROOF.



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4 COOK STREET, HADSPEN

UNIT DEVELOPMENT

TRAFFIC IMPACT ASSESSMENT

NOVEMBER 2022



Traffic Impact Assessment



4 Cook Street, Hadspen Unit Development

TRAFFIC IMPACT ASSESSMENT

- Final
- November 2022

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Document history and status

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2	14 th Nov 2022	R Burk	R Burk	14 th Nov 2022	Final

Distribution of copies

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Document version:	Final
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Traffic Impact Assessment



1. Introduction

1.1 Background

This TIA reviews the proposed multiple dwelling development at 4 Cook Street, Hadspen. The review considers the adjacent road network, road safety, parking requirements and impact of traffic due to the proposal.

This Traffic Impact Assessment (TIA) should be submitted with the development application for the proposal and has been prepared based on Department of State Growth guidelines and provides details as follows:

- Anticipated additional traffic and pedestrian movements
- The significance of the impact of these movements on the existing road network
- Any changes required to accommodate the additional traffic

1.2 Objectives

A traffic impact assessment is a means for assisting in the planning and design of sustainable development proposals that consider:

- Safety and capacity
- Equity and social justice
- Economic efficiency and the environment and
- Future development with traffic projections for 10 years

1.3 Scope of Traffic Impact Assessment (TIA)

This TIA considers in detail the impact of the proposal on Cook and Clare Street at Hadspen.

1.4 References

- AS 1742.1 – 2014 – General introduction and index of signs
- AS /NZS 2890.1- 2004 – Off-street carparking
- RTA Guide to Traffic Generating Developments – 2002
- ITE Parking Generation Rates - 4th Edition 2010
- Tasmanian Planning Scheme 2021 - Meander Valley
- Austroads Guidelines
 - Road Design Part 4A: Unsignalised & Signalised Intersections 2021
 - Traffic Management Part 6: Intersections, Interchanges & Crossings 2020.

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Traffic Impact Assessment



1.5 Statement of Qualifications and Experience

This TIA has been prepared by Richard Burk, an experienced and qualified traffic engineer in accordance with the requirements of the Department of State Growth's guidelines and Council's requirements.

Richard Burk is an experienced and qualified traffic engineer with:

- 35 years professional experience in road and traffic engineering industry
 - Director Traffic and Civil Service Pty Ltd since May 2017.
 - Manager Traffic Engineering at the Department of State Growth until May 2017.
 - Previous National committee membership with Austroads Traffic Management Working Group and State Road Authorities Pavement Marking Working Group
- Certified Professional Engineer with Engineers Australia
- Master of Traffic, Monash University, 2004
- Post Graduate Diploma in Management, Deakin University, 1995
- Bachelor of Civil Engineering, University of Tasmania, 1987

A handwritten signature in blue ink, appearing to read 'R Burk'.

Richard Burk

BE (Civil) M Traffic Dip Man. MIE Aust CPEng

Director Traffic and Civil Services Pty Ltd

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1.6 Glossary of Terms

AADT	Annual Average Daily Traffic - The total number of vehicles travelling in both directions passing a point in a year divided by the number of days in a year.
Acceleration Lane	An auxiliary lane used to allow vehicles to increase speed without interfering with the main traffic stream. It is often used on the departure side of intersections.
Access	The driveway by which vehicles and/or pedestrians enter and/or leave the property adjacent to a road.
ADT	Average Daily Traffic – The average 24-hour volume being the total number of vehicles travelling in both directions passing a point in a stated period divided by the stated number of days in that period.
Austroroads	The Association of Australian and New Zealand road transport and traffic authorities and includes the Australian Local Government Association.
Delay	The additional travel time experienced by a vehicle or pedestrian with reference to a base travel time (e.g. the free flow travel time).
DSG	Department of State Growth – The Tasmanian Government Department which manages the State Road Network.
GFA	Gross Floor Area
Intersection Kerb	The place at which two or more roads meet or cross. A raised border of rigid material formed at the edge of a carriageway, pavement or bridge.
km/h	Kilometres per hour
Level of Service	An index of the operational performance of traffic on a given traffic lane, carriageway or road when accommodating various traffic volumes under different combinations of operating conditions. It is usually defined in terms of the convenience of travel and safety performance.
m	Metres
Median	A strip of road, not normally intended for use by traffic, which separates carriageways for traffic in opposite directions. Usually formed by painted lines, kerbed and paved areas, grassed areas, etc.
Movement	A stream of vehicles that enters from the same approach and departs from the same exit (i.e. with the same origin and destination).
Phase	The part of a signal cycle during which one or more movements receive right-of-way subject to resolution of any vehicle or pedestrian conflicts by priority rules. A phase is identified by at least one movement gaining right-of-way at the start of it and at least one movement losing right-of-way at the end of it.

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Traffic Impact Assessment



Sight Distance	The distance, measured along the road over which visibility occurs between a driver and an object or between two drivers at specific heights above the carriageway in their lane of travel.
Signal Phasing	Sequential arrangement of separately controlled groups of vehicle and pedestrian movements within a signal cycle to allow all vehicle and pedestrian movements to proceed.
SISD	Safe Intersection Sight Distance – The sight distance provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on a minor road approach moving into a collision situation and to decelerate to a stop before reaching the collision point.
Speed	Distance travelled per unit time.
85th Percentile	The speed at which 85% of car drivers will travel slower and 15% will travel faster. A control method that allows a variable sequence and variable duration of signal displays depending on vehicle and pedestrian traffic demands.
Traffic-actuated Control	A control method that allows a variable sequence and variable duration of signal displays depending on vehicle and pedestrian traffic demands.
Traffic Growth Factor	A factor used to estimate the percentage annual increase in traffic volume.
Trip	A one-way vehicular movement from one point to another excluding the return journey. Therefore, a vehicle entering and leaving a land use is counted as two trips. (RTA Guide to Traffic generating Developments).
Turning Movement	The number of vehicles observed to make a particular turning movement (left or right turn, or through movement) at an intersection over a specified period.
Turning Movement Count	A traffic count at an intersection during which all turning movements are recorded.
Vehicle Actuated Traffic Signals	Traffic signals in which the phasing varies in accordance with the detected presence of vehicles on the signal approaches.
vpd	vehicles per day – The number of vehicles travelling in both directions passing a point during a day from midnight to midnight.
vph	vehicles per hour – The number of vehicles travelling in both directions passing a point during an hour.

1.7 Site Specific Glossary of Terms

MVC	Meander Valley Council
SSA	Safe System Assessment
MVSR	Meander Valley Secondary Road

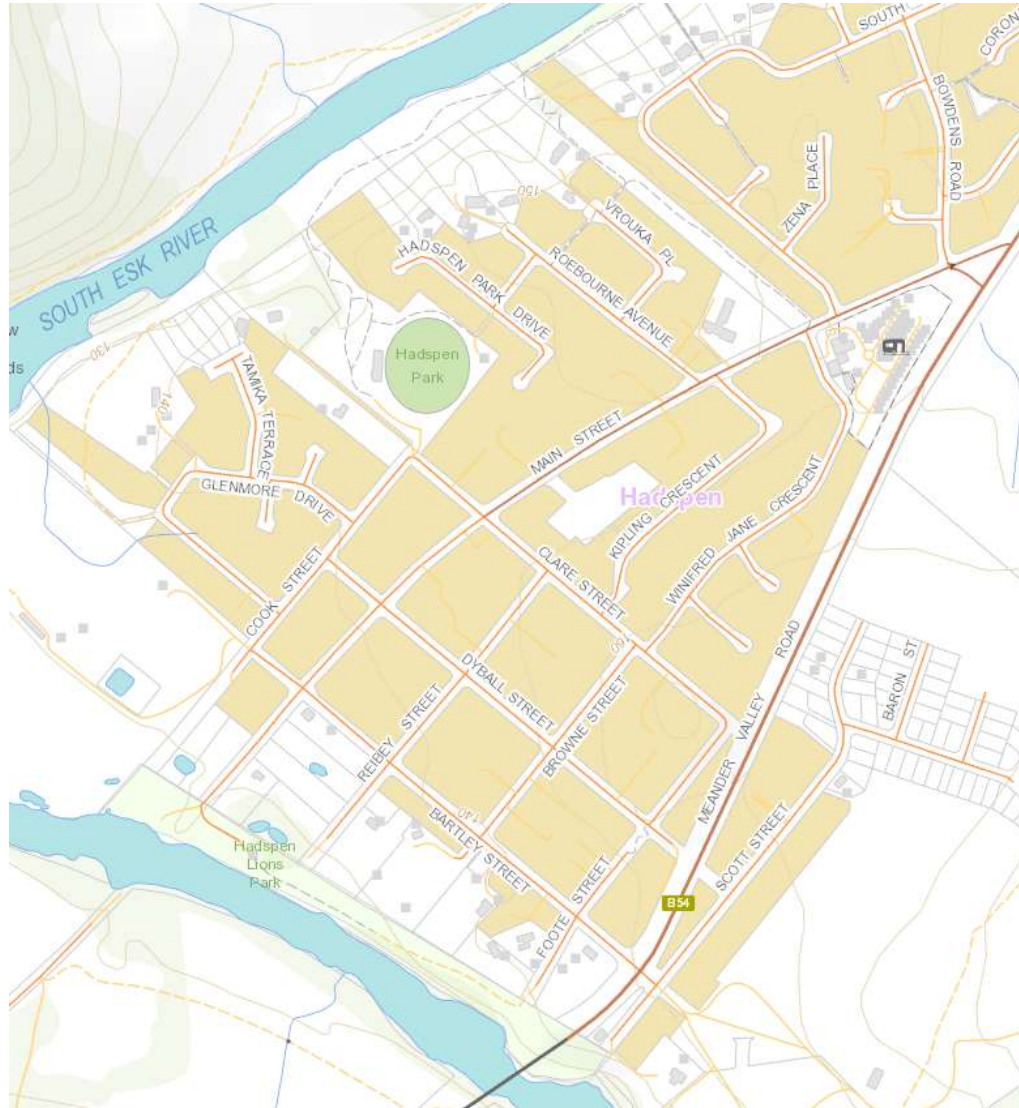
Traffic Impact Assessment



2. Site Description

The 4 Cook Street development site is on the Northwest side of Cook Street, see Figures 1 & 2. The topography is flat and within an urban residential setting.

Figure 1 - Location of proposed development



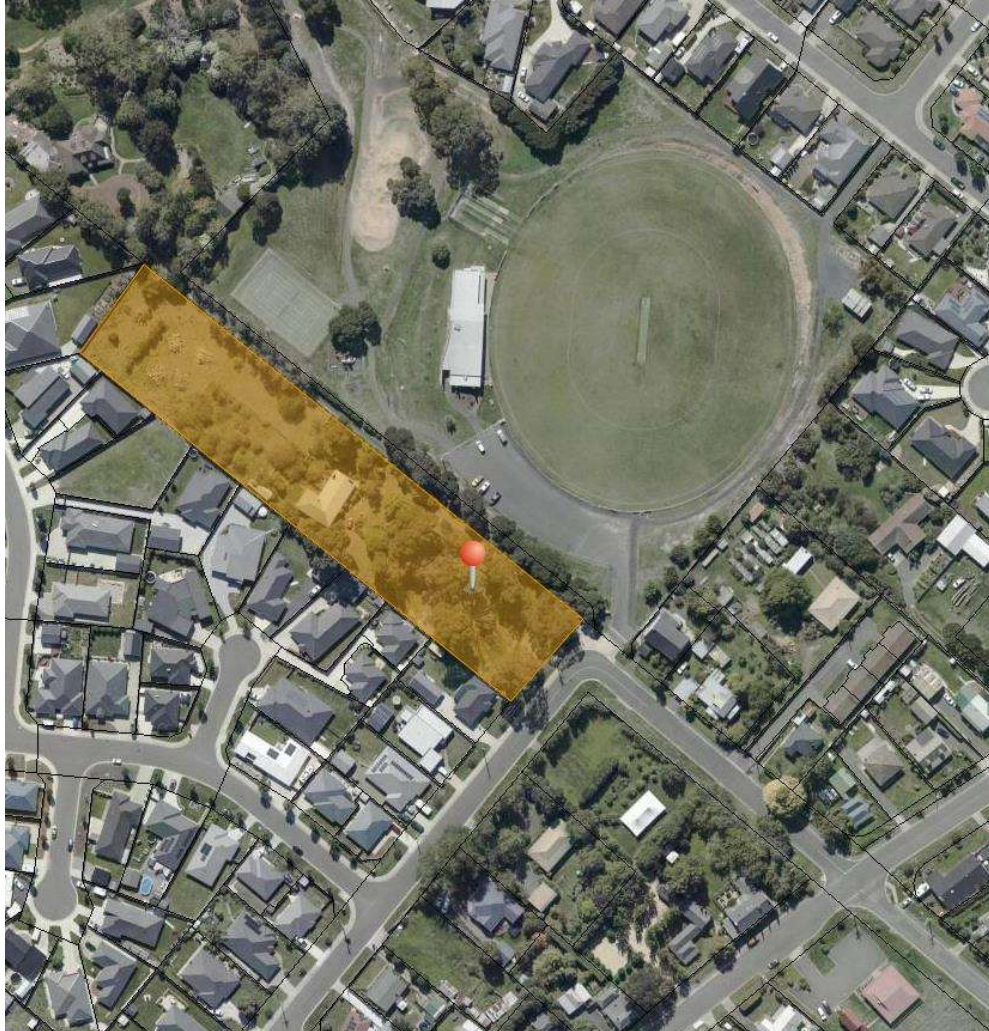
Source: LISTmap, DPIWWE

12.2.9 Application Documents

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Figure 2 – Development site – 132 King Street, Westbury



Source: LISTmap, DPIPWE

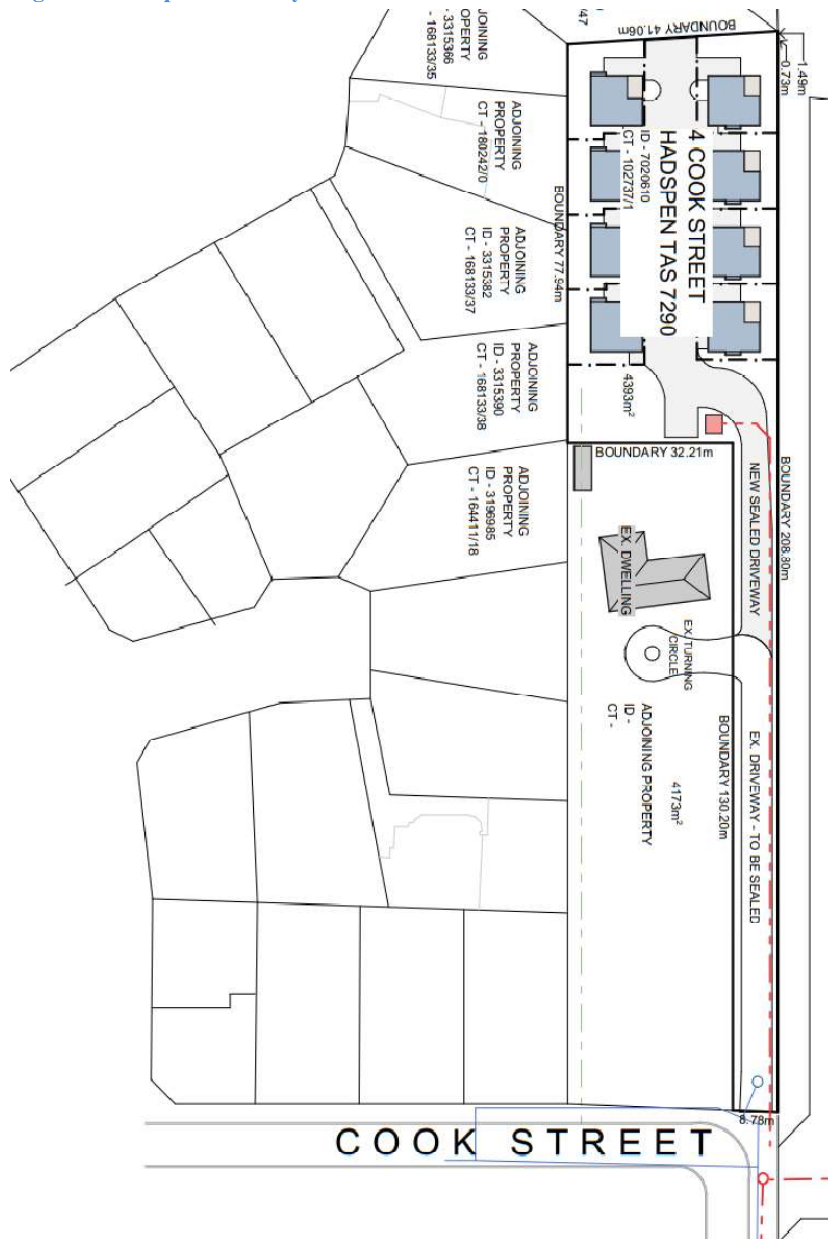


3. Proposal, Planning Scheme and Road Owner objectives

3.1 Description of Proposed Development

The proposal is to develop 4 Cook Street with 8* 3-bedroom residential units and retain the existing 3-bedroom house, see Figure 3. Floor plans are attached in Appendix A.

Figure 3 – Proposed site layout





3.2 Council Planning Scheme

The proposed development involves land currently zoned in accordance with the Tasmanian Planning Scheme 2021 – Meander Valley, see Figure 4.

Figure 4 – Zoning for 4 Cook Street is General Residential



Source: LISTmap, DPIPWE

3.3 Local Road Network Objectives

The Meander Valley Community Strategic Plan 2014-2024 is a ten-year plan that outlines the future strategic directions for the Meander Valley Council including future direction for planned infrastructure services. Strategic infrastructure and transport network outcomes contained in the plan include:

- The future of Meander Valley infrastructure assets is assured through affordable planned maintenance and renewal strategies.
- The Meander Valley transport network meets the present and future needs of the community and business.



4. Existing Conditions

4.1 Transport Network

The adjacent road network consists of Meander Valley Secondary Road , a State Road and Bartley Street, Cook and Clare Streets and Main Street which are Council Roads.

4.1.1 Meander Valley Secondary Road

Meander Valley Secondary Road (MVSR) is Category 5 Other Road in the State Road Hierarchy with some 6,434 (2021) 1km East of Hadspen, see Appendix B. The road has an 100km/h speed limit and is not part of the Tas. 26m B Double Network, see Appendix C.

4.1.2 Bartley Street

Bartley Street to the West of the proposed development is a two-way residential street that links Cook Street to MVSR with estimated AADT of 400vpd. The General Urban Speed Limit of 50km/h applies . The road has a seal width of 9m with footpath on the East side.

4.1.3 Cook and Clare Streets

Cook and Clare Streets are two-way residential streets, and the General Urban Speed Limit of 50km/h applies. The road has a seal width of 8.5m with footpath on the Northern side. The estimated AADT is 300vpd, see Appendix D.

4.1.4 Main Street

Main Street is a two-way residential street that links Cook and Clare Street to MVSR with estimated AADT of 400vpd. The General Urban Speed Limit of 50km/h applies . The road has a seal width of 9.2m with footpath on the North side. Figure 5 shows the Main Street intersection with Clare Street.

Figure 5 – Aerial view of Main Street / Clare Street intersection



Source: LISTmap, DPIIWE

12.2.9 Application Documents

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4.1.5 # 4 Cook Street

The existing access to #4 Cook Street is at the Eastern end of the property, see Figure 6. Figures 7 – 11 show the access approaches and road layout.

Figure 6 – Aerial view of the #4 Cook Street access



Source: LISTmap, DPIWWE

Figure 7 – Elevation view of access to 4 Cook Street



Figure 8 – Looking left along Clare Street from 4 Cook Street



Sight distance
left is 130m.

12.2.9 Application Documents

Traffic Impact Assessment



Figure 9 – Looking right along Cooks Street from 4 Cook Street



Sight distance
right is > 200m.

Figure 10 –Western approach to 4 Cook Street access

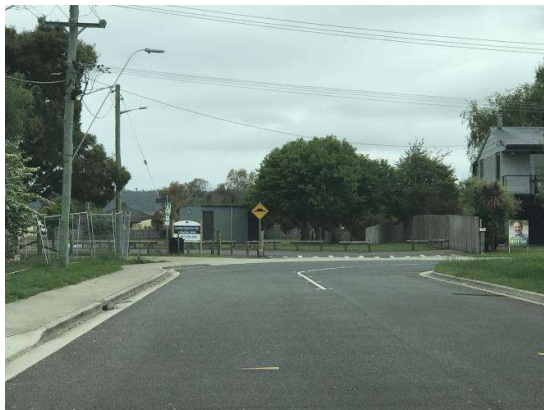


Figure 11 – Eastern approach to 4 Cook Street access



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Traffic Impact Assessment



4.2 Traffic Activity

Estimated traffic activity on the Council Roads is estimated as follows:

- Cook & Clare Street – 300vpd and 40vph at peak times, see Appendix D.
- Main Street – 400vpd and 40vph at peak times.
- Bartley Street – 400vpd and 40vph at peak times.

4.3 Crash History

The Department of State Growth is supplied with reported crashes by Tasmania Police. The Department maintains a crash database from the crash reports which is used to monitor road safety, identify problem areas and develop improvement schemes. As of the 21st October 2022 the 5-year reported crash history for Cook Street records no reported crashes in the vicinity of the proposal.

4.4 Services

There do not appear to be any services that would be disaffected by the proposed vehicular access to the development site. Additional street lighting or roadside furniture is not required.

4.5 Road Safety Review

From inspection of Cook & Clare Street no road safety deficiencies were detected in the vicinity of the proposal.

4.6 Sight Distance Review

Sight distance availability and requirements are summarised in Figure 14.

Figure 14 – Sight Distance Summary

Junction Major Rd - Minor Rd	Speed Limit (km/h)	Speed Environment (km/h)	Road frontage sight distance		
			Austroads SISD (m)	Available	
				Left(m)	Right(m)
#4 Cook Street access	50	50	97	130	> 200

Austroads Compliant

4.7 Access Standard

Cook Street is an urban road with kerb and channel and an existing driveway to #4 Cook Street. The driveway crossover is some 4.5m wide and widening to 6m is proposed.

12.2.9 Application Documents

Traffic Impact Assessment



4.8 Austroads Safe System Assessment

Cook and Clare Street have been assessed in accordance with the Austroads Safe System assessment framework. This framework involves consideration of exposure, likelihood and severity to yield a risk framework score. High risk crash types and vulnerable road user crash types are assessed for each site and aggregated to provide an overall crash risk. Crash risk is considered in terms of three components:

- Exposure (is low where low numbers of through and turning traffic) i.e. 1 out of 4
- Likelihood (is low where the infrastructure standard is high) i.e. 1 out of 4
- Severity (is low where the speed environment is low) i.e. 1 out of 4

The Austroads Safe System Assessment process enables the relative crash risk of an intersection or road link to be assessed. Vulnerable Road users are considered along with the most common crash types.

The crash risk score is an indication of how well the infrastructure satisfies the *safe system objective which is for a forgiving road system where crashes do not result in death or serious injury*.

Safe System Assessment demonstrates that Cook Street and Clare Street have good alignment with the Safe System Objective with crash risk scores of 13/448, see Figures 12 & 13.

Figure 12 – Austroads Safe System Assessment alignment between crash score and risk





Figure 13 – Cook Street Safe System Assessment

Safe System Assessment		Existing situation - Cook & Clare Street						
Exposure		Run-off-road	Head-on	Intersection	#4 Access	Pedestrian	Cyclist	Motorcyclist
	Justification (AADT 300vpd)	Low traffic, no reported crashes	Low traffic, no reported crashes	Main Street (400vpd) / Clare Street junction	Low traffic	Low pedestrian activity	Low cyclist activity	Low motorcyclist activity
Likelihood	Score / 4	1	1	1	1	1	1	1
	Justification	8.5m wide sealed road with 90 degree bend with compliant sight distance and curve delineation.	8.5m wide sealed road with 90 degree bend with compliant sight distance and curve delineation.	Cross intersection with Main Street priority line marked and signed.	Sealed urban residential driveway with good sight distance	Footpaths both sides of road and narrow road	No bicycle lanes	Consistent good condition road seal.
Severity	Score / 4	2	2	2	1	1	1	1
	Justification (50km/h speed limit)	low speed environment (50km/h)	low speed environment (50km/h)	low speed environment (50km/h)	low speed environment (50km/h)	Medium (50km/h)	Medium (50km/h)	Medium (50km/h)
Product	Score / 4	1	1	1	1	2	2	2
	Total Score /64	2	2	2	1	2	2	2
								Total /448
								13



5. Traffic Generation and Assignment

This section of the report describes how traffic generated by the proposal is distributed within the adjacent road network now and in ten years (2032).

5.1 Traffic Growth

Compound annual traffic growth on Cook and Clare Street for projection purposes is assumed to be 1% to allow for other infill development:

- AADT (2022) 300 vpd and 30 vph
- AADT (2032) 330 vpd and 33 vph

5.2 Trip Generation

The applicable traffic generation rates for the proposal are as follows for medium density residential buildings:

- 3-bedroom house : 9vpd and 0.85vph

The proposal involves 8 *3-bedroom units and an existing 3-bedroom house. Accordingly, once fully developed by 2032 the driveway is estimated to generate:

- 81 vpd & 8vph

This is consistent with Traffic Generation Rates for Key Land Uses sourced from the RTA Guide to Traffic Generating Developments under section 1.4 References.

5.3 Trip Assignment

Figure 15 shows the traffic assignment for 2032 at 4 Cook Street.

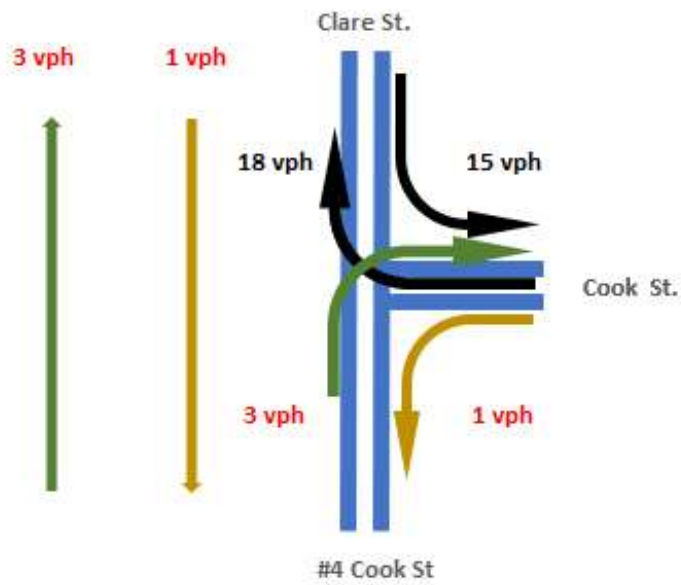
12.2.9 Application Documents

Traffic Impact Assessment

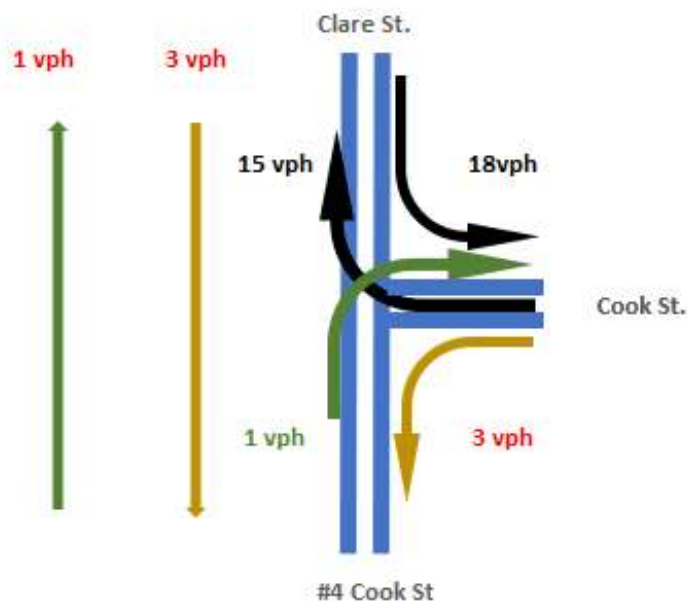


Figure 15 – Projected AM & PM traffic movements on Cook Street for 2032

AM Peak - 2032 with development



PM Peak - 2032 with development





6. Impact on Road Network

6.1 Traffic impact on Cook Street

2032 traffic flow on Cook Street are estimated at 330vpd without the proposal. The proposal will result in an additional 81 vpd to traffic flow on King Street which can easily be absorbed. These traffic activity levels are low at less than 10% of capacity so there are no capacity issues with this proposal. The Cook Street access is estimated to operate at LOS A by 2032. LOS descriptions are attached in Appendix E.

6.2 Proposed access and internal traffic management

The proposed access and driveway provide suitably for 2-way traffic, garbage truck access and delivery vehicles, see design plans in Appendix A.

6.3 Other impacts

6.3.1 Environmental

No environmental impacts were identified in relation to:

- Noise, Vibration and Visual Impact
- Community Severance and Pedestrian Amenity
- Hazardous Loads
- Air Pollution, Dust and Dirt and Ecological Impacts
- Heritage and Conservation values

6.3.2 Street Lighting and Furniture

The proposal does not require additional street lighting in Cook Street or justify further roadside furniture such as bus shelters, seats, direction signs, cycle racks, landscaping, street trees or fencing.



7. Tas. Plan. Scheme - Meander Valley 2021

7.1.1 Road and Railway Assets Code C3

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Acceptable Solution A1.1 – Not applicable as the roads considered are not Category 1.

Acceptable Solution A1.2 – *For a road, excluding a Category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.*

A1.2 is not satisfied. No written consent has been issued by the road authority, see response to Performance Criteria P1.

Acceptable Solution A1.3 – Not applicable as no rail network is involved.

Acceptable solution A1.4: *Vehicular traffic to and from the site, using and existing vehicle crossing or private level crossing will not increase by more than:*

- (a) *The amounts in Table C3.1*
- (b) *Allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road; and*

A1.4 is not satisfied from Table C3.1 as the proposed development is estimated to generate 81 vpd for vehicles up to 5.5m in length.

Acceptable solution A1.5: *Vehicular traffic must be able to enter and leave a major road in a forward direction. – A1.5 is satisfied,* see Appendix A.

Performance Criteria P1: *Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:*

- a) **any increase in traffic caused by the use;** Estimated traffic at the existing access is 81 vpd, a 72 vpd increase on current use level of 9 vpd.
- b) **the nature of the traffic generated by the use;** light traffic only

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Traffic Impact Assessment



- c) *the nature of the road*; Cook and Clare Street meet at a 90 degree bend at the access to #4 Cook Street however the access is positioned such that sight lines to the road in each direction are clear.
- d) *the speed limit and traffic flow of the road*, AADT is estimated at 480vpd (2023) with speed environment estimated at 40km/h due to the bend in the road.
- e) *any alternative access to a road*, there is no alternative access
- f) *the need for the use*, need is based on commercial decision making
- g) *any traffic impact assessment*, this TIA does not identify any traffic safety or capacity issues with the proposal.
- h) *any advice received from the rail or road authority*; No advice has been received from the road authority i.e Meander Valley Council.

In summary the existing access and proposed increase in use is considered safe and efficient.
P1 is satisfied.

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Not applicable as the proposal does not involve construction within a road or railway attenuation area.

C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area

Not applicable as the proposal does not involve construction within a road or railway attenuation area.



7.1.2 Parking and Sustainable Transport Code C2

C2.5.1 Car parking numbers

Acceptable Solution A1

The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:

- (a) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash in lieu) must be in accordance with that plan,*
- (b) The site is contained within a parking precinct plan and subject to Clause C2.7,*
- (c) The site is subject to Clause C2.5.5; or*
- (d) It relates to an intensification of an existing use or development or a change of use where:*
 - i. The number of onsite car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional onsite car parking is required; or*
 - ii. The number of onsite car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:*

From Table C2.1 Residential use:

- 2 spaces / dwelling for 2 or more-bedroom dwelling in General Residential Zone
- 1 visitor parking space / 3 dwellings in General Residential Zone

For 9 *3-bedroom dwellings this equates to a requirement for 18 resident car parking spaces and 3 visitor car parking spaces

Proposal is for:

- 2 spaces per dwelling i.e 18 resident car parking spaces.
- 3 visitor car parking spaces plus a motorcycle parking space.

A1 is satisfied.

C2.5.2 Bicycle parking numbers

No requirement.



C2.5.3 Motorcycle parking numbers

Acceptable Solution A1

The number of on-site motorcycle parking spaces for all uses must:

- (a) Be no less no less than the number specified in Table C2.4. and*
- (b) if an existing use or development is extended or intensified , the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle spaces is maintained.*

Table C2.5.3 requires 1 motorcycle parking space where the number of car parking spaces required is 21-40. 1 motorcycle parking space is required and provided. **A1 is satisfied.**

C2.5.4 Loading Bays

Acceptable Solution A1

A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.

Dwelling floor areas are less than 1000m². **A1 is not applicable.**

C2.6.1 Construction of parking areas

Acceptable Solution A1

All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all-weather pavement,*
- (b) be drained to the public stormwater system, or contain stormwater on the site; and*
- (c) excluding all uses in the Rural Zone, Agricultural Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Public Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.*

Sealed parking spaces and driveway is proposed, see Appendix A.

Developer to provide compliant stormwater drainage details.

A1 is satisfied.

C2.6.2 Design and layout of parking areas

Acceptable Solution A1.1

Parking, accessways, manoeuvring and circulation spaces must All parking, access ways, manoeuvring and circulation spaces must either:

12.2.9 Application Documents

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(a) *comply with the following:*

- i. *have a gradient in accordance with Australian Standard AS 2890 Parking facilities, Parts 1-6. Satisfied.*
- ii. *Provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces. Satisfied*
- iii. *Have an access width not less than the requirements in Table C2.2.*
Proposal provides an access width of 6m which satisfies Table C2.2 where 21 parking spaces are proposed. See Appendix A.
- iv. *Have car parking space dimensions which satisfy the requirements in Table C2.3.*
Proposed 90-degree car parking spaces:
 - Resident outdoor spaces for units 1-8 are 3.5m by 7.16m
 - Resident indoor spaces for units 1-8 are 2.7m by 5.9m
 - Visitor car parking spaces – East end (3 of) are 6.0m long by 3.33m wide.
 - Existing residence parking spaces apply
- v. *Have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces.*
Manoeuvre space of 17m is available satisfying Table C2.3. Internal vehicle movements have been assessed and are compliant with AS /NZS 2890.1:2004.
- vi. *Have a vertical clearance \geq 2.1 metres above the parking surface. Satisfied.*
- vii. *Excluding a single dwelling, be delineated by line marking or other clear physical means. Satisfied.*

(b) *Comply with Australian Standard AS 2890 Parking facilities, Parts 1-6. Satisfied.*

A1.1 is satisfied.

Acceptable Solution A1.2

Parking spaces provided for use by persons with a disability must satisfy the following:

- (a) *Be located as close as practical to the main entry point to the building. Satisfied.*
- (b) *be incorporated into the overall car park design. Satisfied.*
- (c) *be designed and constructed in accordance with Australian/ New Zealand Standard AS/NZS 2890.6-2009 Parking facilities - Off-street parking for people with disabilities.*

Not Applicable.



C2.6.3 Number of accesses for vehicles

Acceptable Solution A1

The number of accesses provided for each frontage must:

- (a) be no more than 1; or*
- (b) no more than the existing number of accesses whichever is greater.*

Existing upgraded two-way access is proposed. **A1 is satisfied.**

C2.6.5 Pedestrian access

Acceptable Solution A1.1

Applies to uses that require 10 or more car parking space must:

(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:

- i. a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or*
- ii. protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and*

(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.

The proposal involves 21 car parking spaces with footpath along the North side for the driveway between Unit 1 and the frontage to Cook Street. There is no footpath for residents within the residential enclave of units 1 to 8.

A1.1 is not satisfied.

Performance Criteria P1

Safe and convenient pedestrian access must be provided within parking areas, regarding:

- (a) the characteristics of the site.*
- (b) the nature of the use*
- (c) the number of parking spaces*
- (d) the frequency of vehicle movements*
- (e) the needs of persons with a disability*
- (f) the location and number of footpath crossings*
- (g) vehicle and pedestrian traffic safety*
- (h) the location of any access ways or parking aisles*
- (i) any protective devices proposed for pedestrian safety.*

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The use is residential in a low-speed environment < 30km/h.

Adequate off-street parking is proposed.

Vehicle activity is low with peak vehicle movements at some 8 vph.

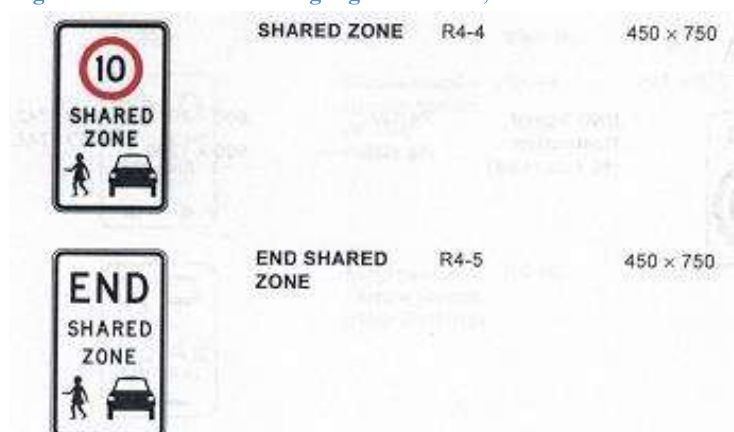
Sealed surfaces are provided in all areas conducive to safe pedestrian use.

From Austroads Safe System Assessment crash risk is considered very low:

- Crash exposure is low as traffic activity levels are low and pedestrian activity in the vicinity of vehicles is low i.e low crash exposure.
- Crash likelihood is low as Australian Standard off street parking is provided, sight lines are open and pedestrian activity and parking areas are reasonable separate and at low activity levels.
- Crash severity is low as the vehicle speed environment is low < 30km/h.

Formal signage of shared zones is a recognised pedestrian safety improvement where there is a mix of pedestrian, local access traffic only and situation where this is no kerb separation between pedestrians and vehicles. This is because Shared Zone signage includes provision of a regulator speed limit to keep speed to an appropriate level. In the case of the proposed driveway a 10 km/hr speed limit is considered normal. The proposed development is in keeping with this kind of situation. Figure 16 shows Shared Zone signage standards.

Figure 16 – Shared Zone signage standards, AS1742.1-2014



Accordingly, TCS recommends acceptance of the proposal with provision of 10km/hr Shared and End Shared Zone signage at the entry and exit to the residential enclave to limit speeds to a safe level. **P1 is satisfied.**

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Acceptable Solution A1.2

In parking areas containing accessible car parking spaces for uses by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.

A1.2 is not applicable.

C2.6.6 Loading bays

Acceptable Solution A1

The area and dimensions of loading bays and access way areas must be designed in accordance with Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.

A1 is not applicable.



8. Recommendations and Conclusions

This traffic impact assessment has been prepared to consider the proposed 8 residential units and existing dwelling at 4 Cook Street, Westbury.

2032 traffic flow on Cook Street is estimated at 330vpd without the proposal.

The proposal increases traffic flow by 81 vpd which can easily be absorbed by Cook Street.

These traffic activity levels are low at less than 10% of capacity so there are no capacity issues with this proposal. All the local streets are estimated to operate at LOS A by 2032 which is a high LOS.

The assessment has reviewed the existing road conditions, crash history and road safety including an Austroads Safe System assessment.

No traffic safety issues were apparent in the vicinity of the proposal and the five -year reported crash history reports provides no evidence of a crash propensity in the vicinity of the proposal. Safe System Assessment of Cook and Clare Street indicate the existing access has a very low crash risk.

Evidence is provided to demonstrate that the proposal satisfies the Road and Railway Assets Code C3 and Car Parking and Sustainable Transport Code C2 requirements of the Tasmanian Planning Scheme – Meander Valley 2021.

Recommendations:

- *Install 10km/h Shared Zoned signage for traffic entering and End Shared Zone signage for traffic exiting the 4 Cook Street residential enclave, see Figure 16.*

Overall, it has been concluded that the proposed development will not create any traffic issues and traffic will continue to operate safely and efficiently along Cook and Clare Streets.

Based on the findings of this report and subject to the recommendation above, the proposed development is supported on traffic grounds.

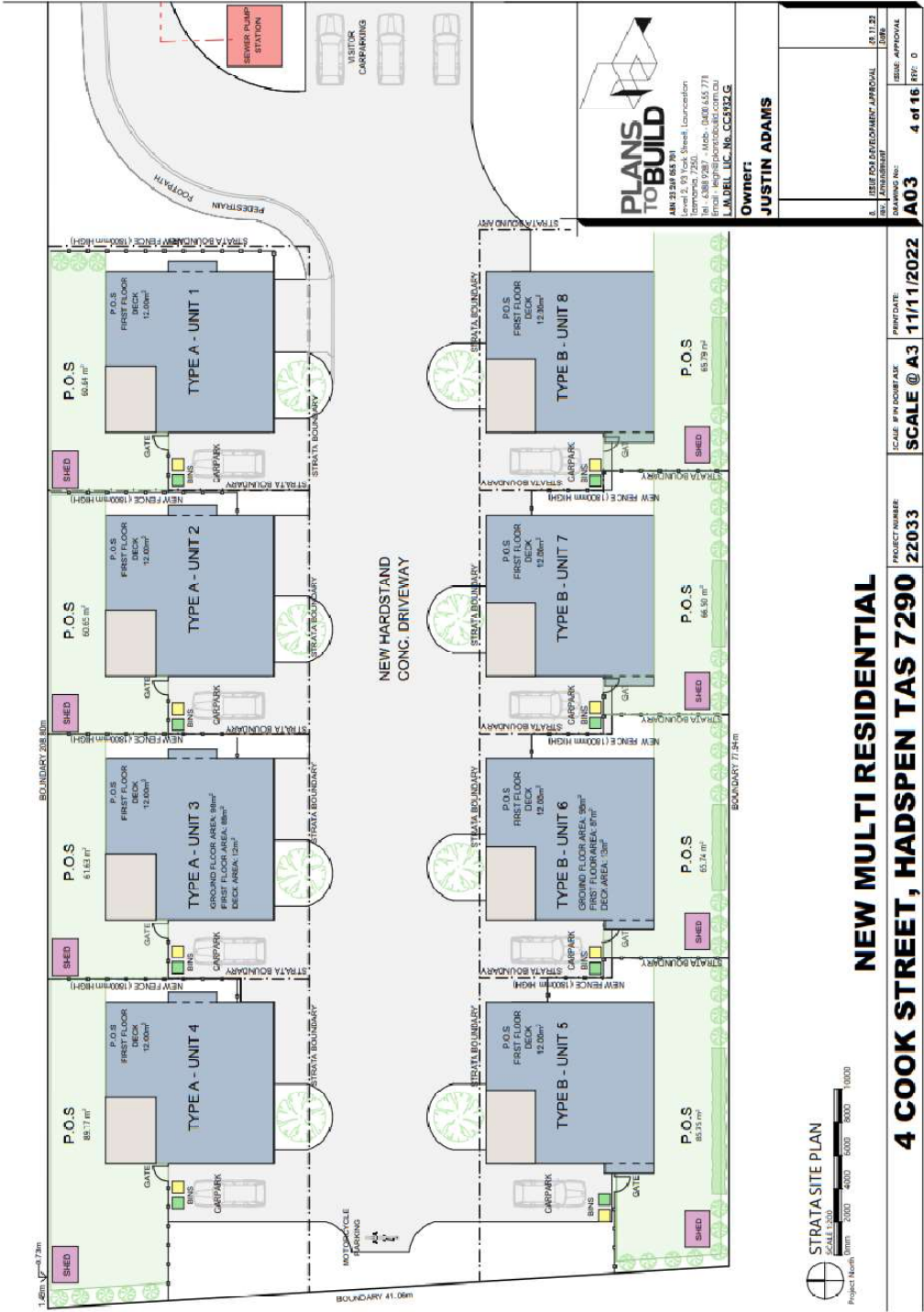
12.2.9 Application Documents

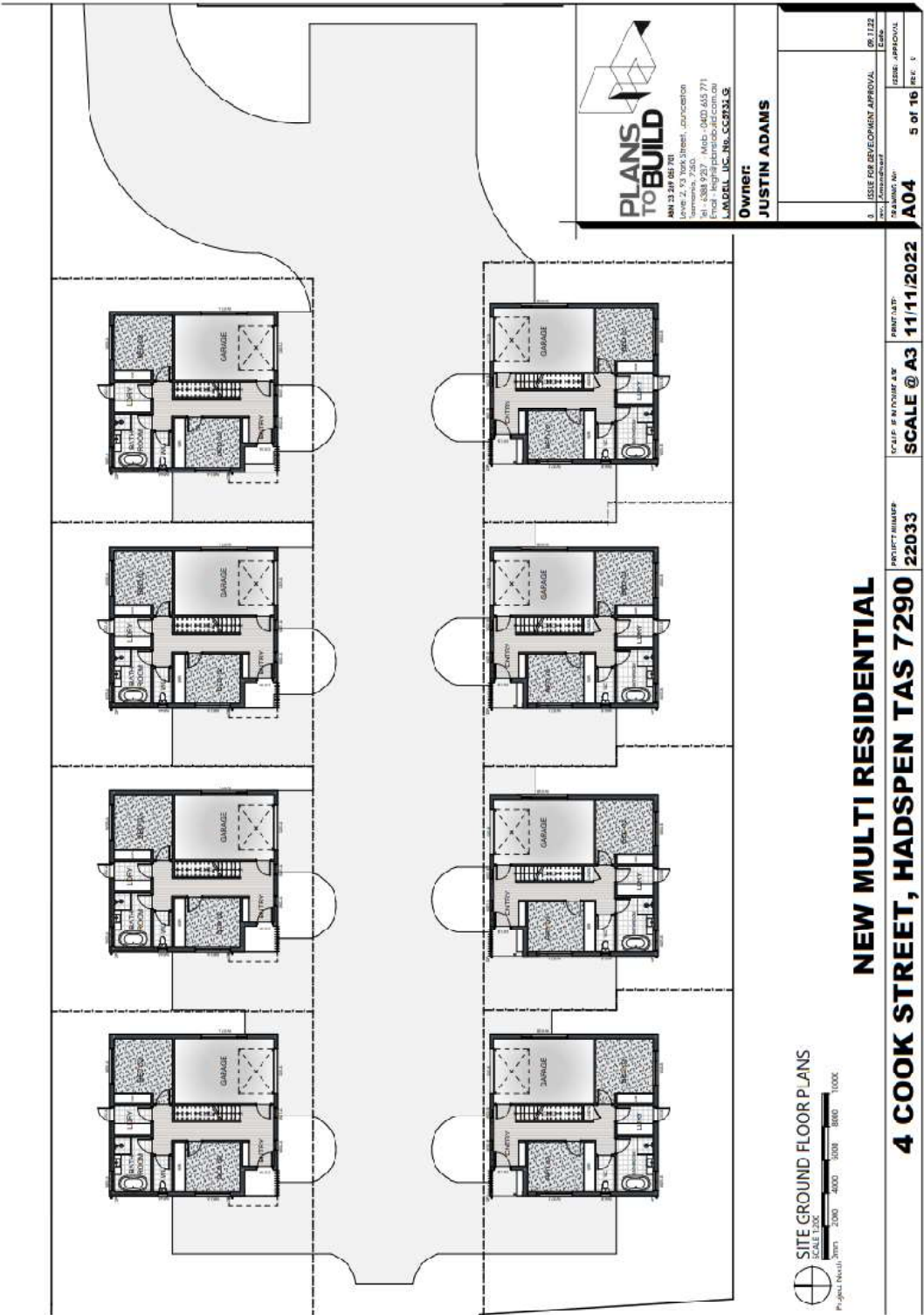
Traffic Impact Assessment



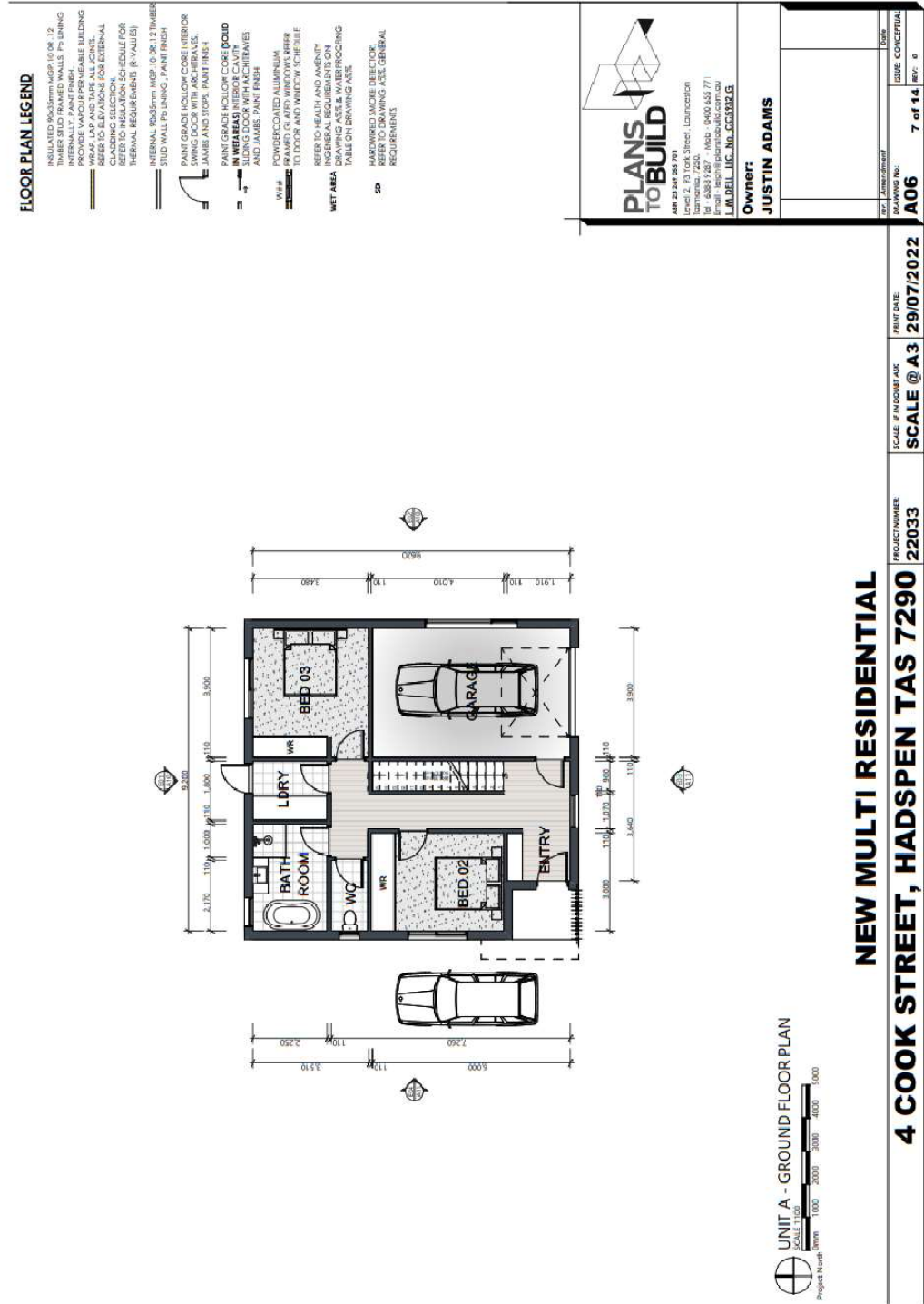
Appendices

Traffic Impact Assessment

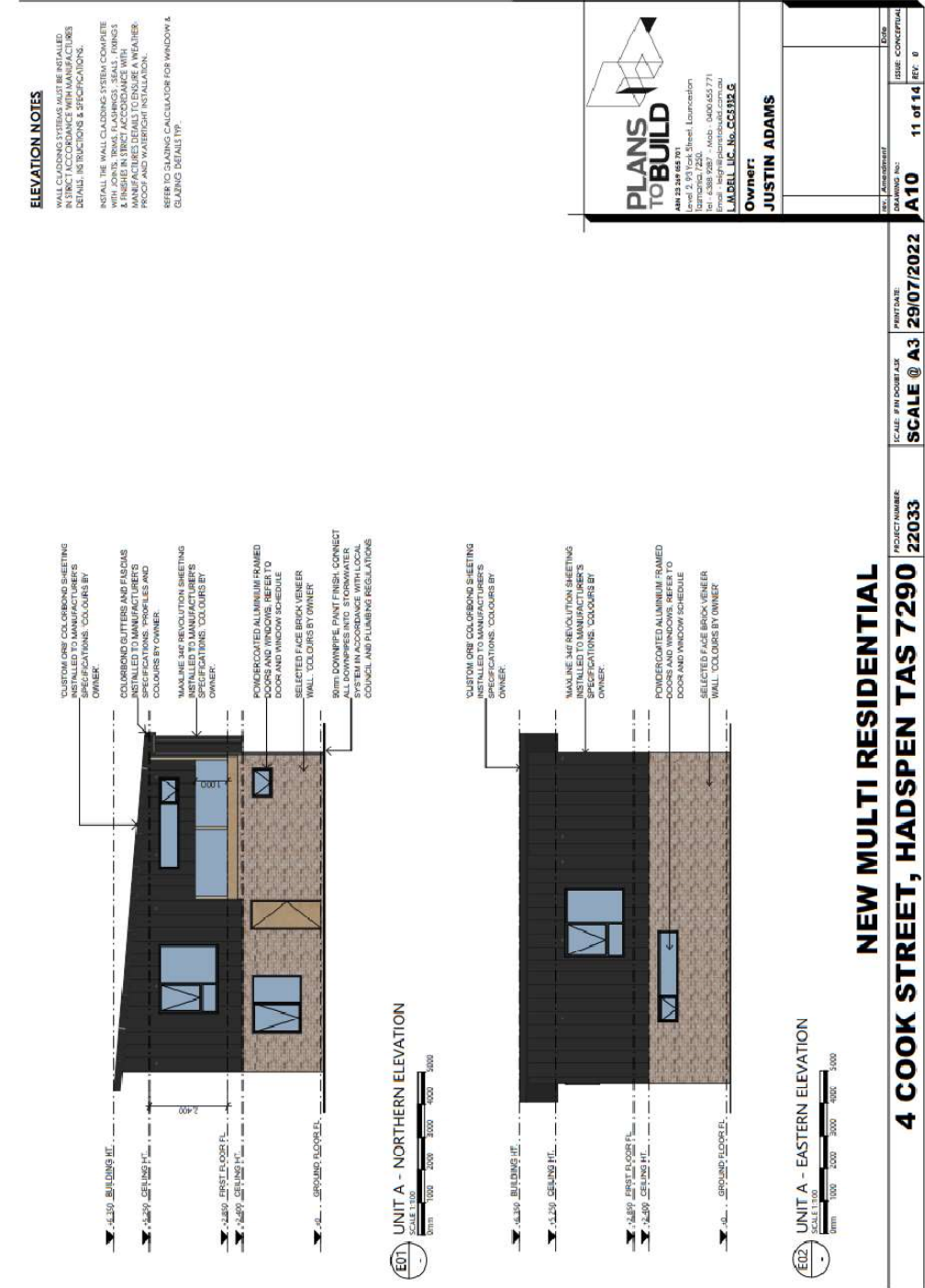




Traffic Impact Assessment



Traffic Impact Assessment



Traffic Impact Assessment



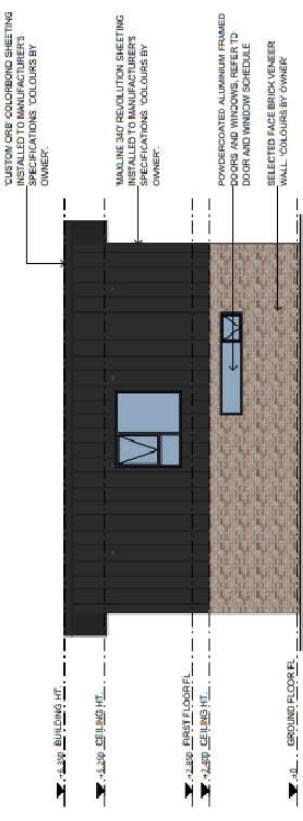


ELEVATION NOTES

WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S DETAILS, INSTRUCTIONS & SPECIFICATIONS.
INSTALL THE WALL CLADDING SYSTEM COURSE BY COURSE, TRIMMING TO FIT.
WITH JOINTS, TRIMS, FLASHINGS, SEALS, FINISHES & FINISHES IN STRICT ACCORDANCE WITH MANUFACTURER'S DETAILS TO ENSURE A WEATHER TIGHT & ATTRACTIVE INSTALLATION.
REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILS.



UNIT B - NORTHERN ELEVATION



UNIT B - EASTERN ELEVATION

Level 2, 93, Cook Street, Lonsdale
Phone: 08 8388 1287
Fax: 08 8388 1287
Email: info@plans2obuild.com.au
L.M.DEL. LIC. No. CC332.G

OWNER:
JUSTIN ADAMS

DEL. SHEET NO.	13 of 14
DEL. SHEET	13 of 14
DEL. SHEET	13 of 14
DEL. SHEET	13 of 14

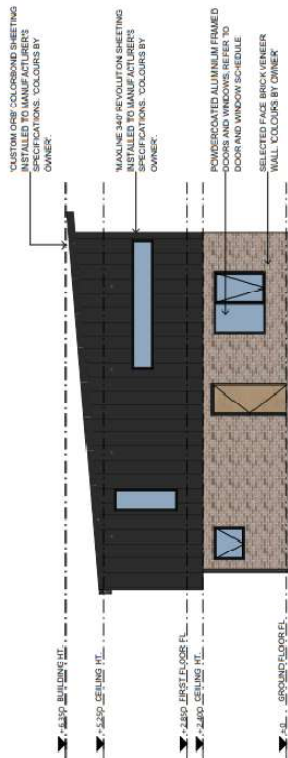
NEW MULTI RESIDENTIAL
4 COOK STREET, HADSPEN TAS 7290

SCALE: #1:1000 A3	DATE: 29/07/2022	PROJECT NUMBER	22033
SCALE @ A3	29/07/2022	PROJECT NUMBER	22033
SCALE @ A3	29/07/2022	PROJECT NUMBER	22033
SCALE @ A3	29/07/2022	PROJECT NUMBER	22033



ELEVATION NOTES

WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S DETAIL INSTRUCTIONS & SPECIFICATIONS.
INSTALL THE WALL CLADDING SYSTEM COMPLETE WITH JOINTS, TRIMS, FLASHINGS, SEALS, FINISHES, AND ACCESSORIES TO ENSURE A WEATHER-PROOF AND WATERTIGHT INSTALLATION.
REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILS.



E07 UNIT B - SOUTHERN ELEVATION
SCALE 1:100
0m 1000 2000 3000 4000 5000



E08 UNIT B - WESTERN ELEVATION
SCALE 1:100
0m 1000 2000 3000 4000 5000

NEW MULTI RESIDENTIAL

4 COOK STREET, HADSPEN TAS 7290

PROJECT NUMBER: 22033

SCALE: 1/16 DOBT A1X
SCALE @ A3 29/07/2022

PRINT DATE:

ISSUE: CONCEPTUAL

14 of 14

REV. 0

AN 331 (2019) Approved
Level 2 (3) Cook Street, Launceston
Tasmania 7250.
Phone: 08 6332 4433 (09:00-17:00)
Email: info@plans-tobuild.com.au
L.A.D.B.E.L. LIC. No. CC5332.G

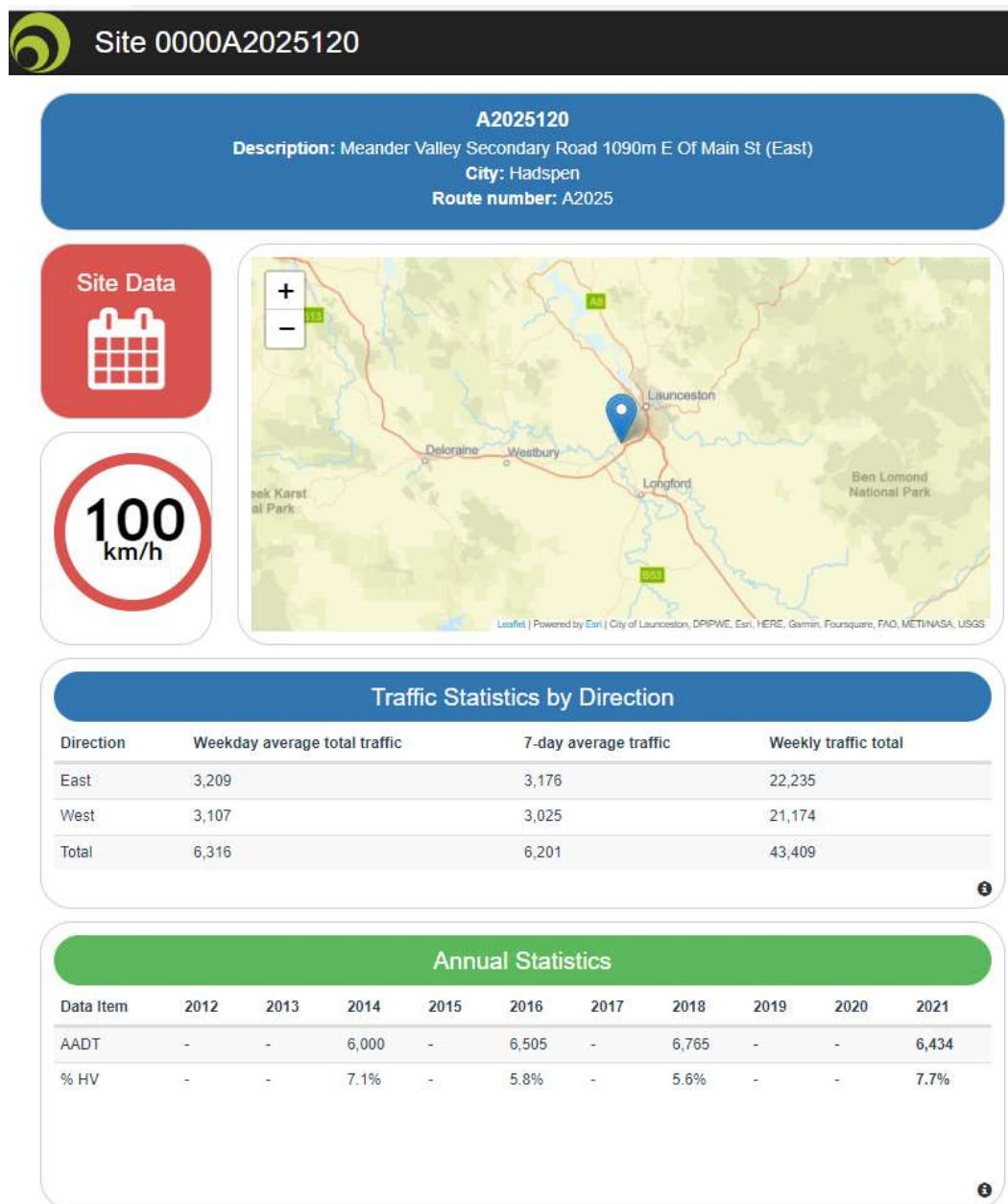
Owner:
JUSTIN ADAMS

REV.	DESCRIPTION	DATE
01	ISSUE: CONCEPTUAL	29/07/2022

Traffic Impact Assessment

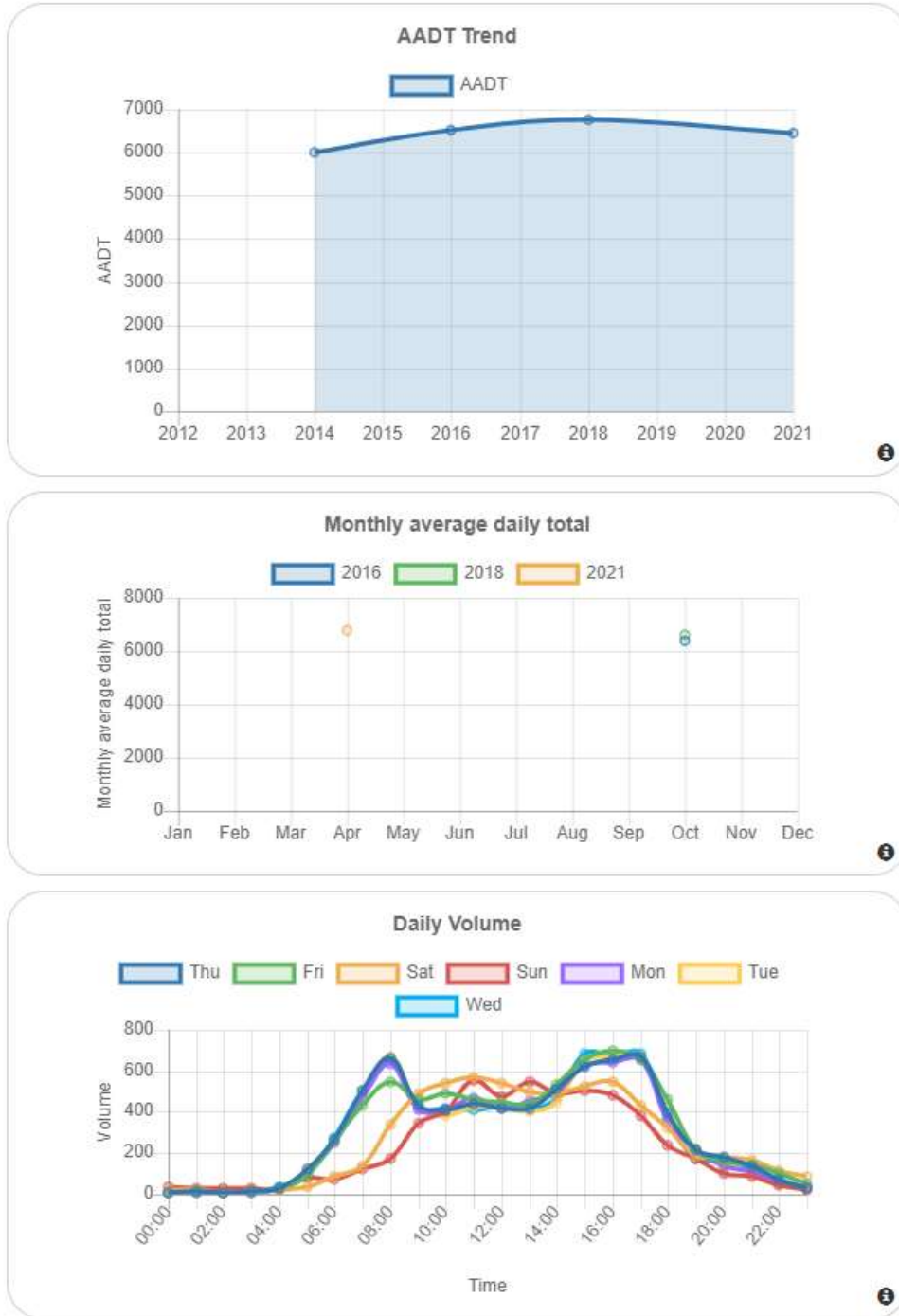


Appendix B – MVSR Count Data



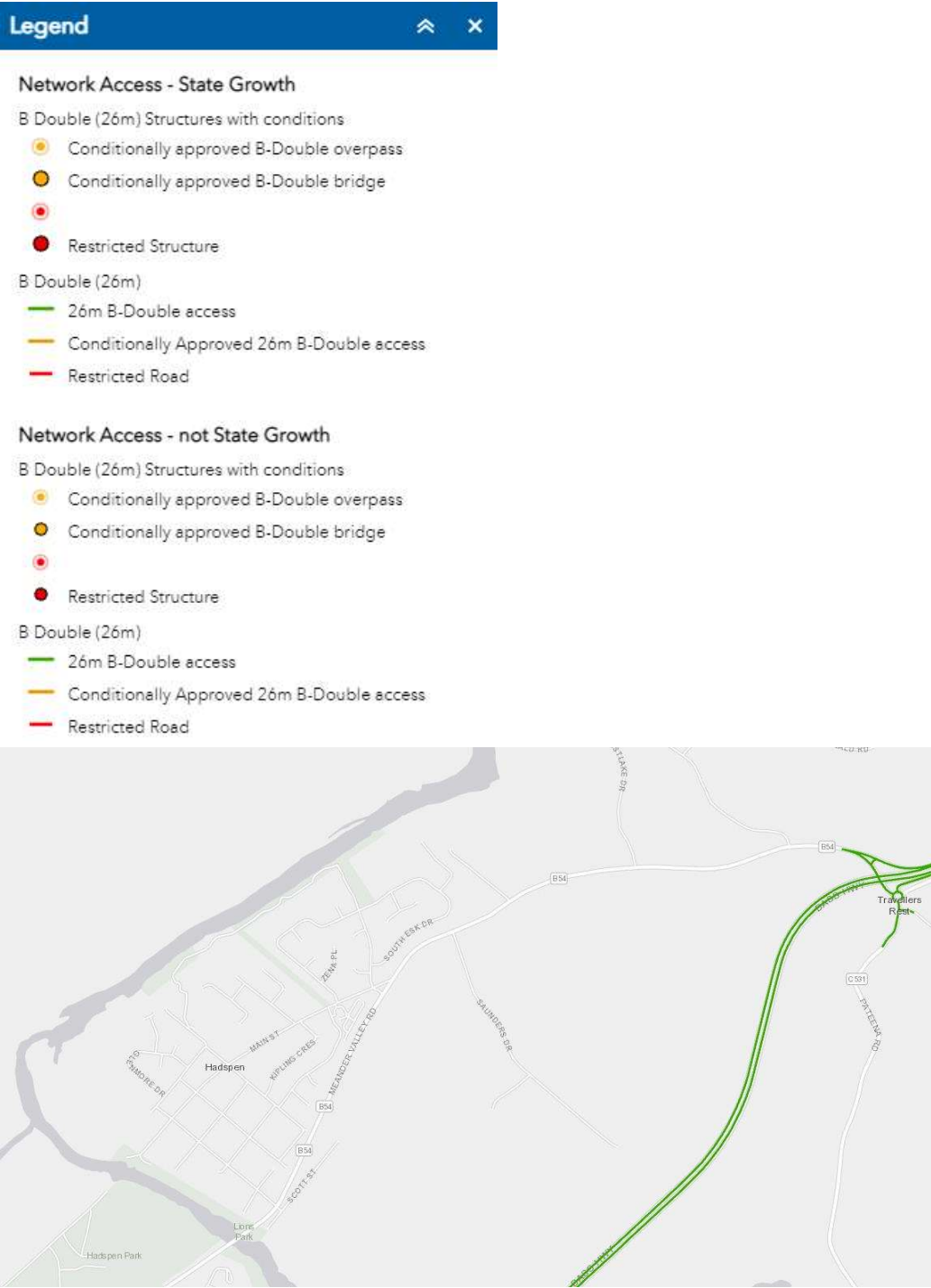
12.2.9 Application Documents

Traffic Impact Assessment





Appendix C – Tas 26m B Double Network



Traffic Impact Assessment



Appendix D – Cook Street Traffic Data

Cook Street:

- Peak traffic is estimated at 30 vph based on turning count survey 21st Oct 2022 when 15 vehicle movements were recorded over a 30-minute period.
- AADT estimated at 300vpd.



Appendix E – Level of Service Descriptions

Level of service A	A condition of free-flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.
Level of service B	In the zone of stable flow where drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is a little less than with level of service A.
Level of service C	Also in the zone of stable flow, but most drivers are restricted to some extent in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience declines noticeably at this level.
Level of service D	Close to the limit of stable flow and approaching unstable flow. All drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is poor, and small increases in traffic flow will generally cause operational problems.
Level of service E	Traffic volumes are at or close to capacity, and there is virtually no freedom to select desired speeds or to manoeuvre within the traffic stream. Flow is unstable and minor disturbances within the traffic stream will cause breakdown.
Level of service F	In the zone of forced flow, where the amount of traffic approaching the point under consideration exceeds that which can pass it. Flow breakdown occurs, and queuing and delays result.

12.2.9 Application Documents

GEOTON Pty Ltd
Geotechnical Consultants

Geoton Pty Ltd ABN 81 129 764 629
PO Box 522 Prospect TAS 7250
Unit 24, 16-18 Goodman Court
Invermay TAS 7248
Tel (+61) (3) 6326 5001
www.geoton.com.au

26 October 2022

Reference No. GL22641Ab

JA Building and Construction
24 Emma Street
WEST LAUNCESTON TAS 7250

Attention: Mr Justin Adams

Dear Sir,

**RE: Site Classification
4 Cook Street, Hadspen**

We have pleasure in submitting herein our report detailing the results of the geotechnical investigation conducted at the above site.

Should you require clarification of any aspect of this report, please contact Rajinder Singh Sidhu or the undersigned on 03 6326 5001.

For and on behalf of

Geoton Pty Ltd



Tony Barriera

Director – Principal Geotechnical Engineer

Site Classification

1 INTRODUCTION

A limited scope investigation has been conducted for JA Building and Construction at the site of a proposed residential development at 4 Cook Street, Hadsphen.

The investigation has been conducted to assess the following:

- The general subsurface conditions at the site and consequently assign a Site Classification in accordance with AS 2870 – 2011 “Residential Slabs and Footings”; and
- The surrounding topography and provide a Wind Classification in accordance with AS 4055 – 2021 “Wind Loads for Housing”.

Site plans for the proposed development were provided, prepared by Plans to Build, Project No. 22033, Sheet Nos. A00 to A15, dated 07/09/2022. We understand the proposed development comprises 8 units within the northwest of the site.

2 FIELD INVESTIGATION

The field investigation was conducted on 19 October 2022 and involved the drilling of 8 boreholes by 4WD mounted auger rig to the investigated depths of 2.0m.

Dynamic Cone Penetration (DCP) tests were conducted in the granular soils encountered in the investigation.

The results of the field tests are shown on the borehole logs.

The logs of the boreholes are included in Appendix A and their locations are shown on Figure 1 attached.

3 SITE CONDITIONS

The site is currently developed with a dwelling and a shed. The ground surface is near level with a cover of grass and weeds. Several fill mounds were observed during the field investigation within the northwest portion of the site (Figure 1).

Photographs of the site are attached as Plates 1 & 2.

The MRT Digital Geological Atlas 1:25,000 Series, indicates that the site is mapped on Quaternary Period aeolian deposits and locally derived sand, with this being generally confirmed by our field investigation.

Examination of the LIST Landslide Planning Map – Hazard Bands Overlay, indicates that the site is not within a mapped landslide hazard band.

The investigation indicated that the soil profile varies slightly across the site. Boreholes BH1, BH3 & BH6 to BH8 encountered silty sand topsoil to depths of 0.2m to 0.3m, underlain by fine to medium grained sand to the investigated depths of 2.0m. Borehole BH2 encountered silty sand topsoil to a depth of 0.2m, overlying silty sand to a depth of 0.4m, underlain by fine to medium grained sand to the investigated depth of 2.0m. Boreholes BH4 & BH5 encountered silty sand fill to depths of 0.2m, overlying silty sand

12.2.9 Application Documents

Site Classification

topsoil to depths of 0.4m to 0.5m, underlain by fine to medium grained sand to the investigated depth of 2.0m.

The boreholes did not encounter any signs of groundwater seepage over the investigated depths.

Full details of soil conditions encountered are presented on the borehole logs.

4 SITE CLASSIFICATION

After allowing due consideration of the site geology, drainage and soil conditions, the site has been classified as follows:

CLASS S (AS 2870)

Foundation designs in accordance with this Classification are to be subject to the overriding conditions of the Foundations section below.

This Classification is applicable only for ground conditions encountered at the time of this investigation. If cut or fill earthworks are carried out, then the Site Classification will need to be re-assessed, and possibly changed.

5 FOUNDATIONS

Particular attention should be paid to the design of footings as required by AS 2870 – 2011.

In addition to normal founding requirements arising from the above Classification, particular conditions at this site dictate that the founding medium for all footings would be as follows:

SAND/Silty SAND (SP/SM) – fine to medium grained , brown/orange etc.

encountered below 0.2m (BH1) to 0.4m (BH4) from the existing ground surface

Due to the underlying loose sand, an allowable bearing pressure of only **50 kPa** is available for edge beams, slab panels and support thickenings for slab construction founded as above, provided the site is prepared as follows:

Earthworks should be carried out in accordance with AS3798-2007, Earthworks for Residential and Commercial Development.

- All topsoil should be removed from the building footprint.
- The natural sand foundation should be proof rolled prior to slab on ground construction.
- All sands disturbed in the base of footing excavations should be compacted.
- If groundwater is encountered in site or footing excavations, it is recommended that subsoil drains are installed discharging to the stormwater system.

Alternatively, if footings are founded at least 0.8m below the existing ground surface these may be proportioned to an allowable bearing pressure of **100 kPa**.

12.2.9 Application Documents

Site Classification

No structure should be founded on fill without the footings extending through the loose silty sand to the natural medium dense soils.

The Site Classification presented assumes that the current natural drainage and infiltration conditions at the site will not be markedly affected by the proposed site development work. Care should therefore be taken to ensure that surface water is not permitted to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a result of service trench construction or tree root action.

Attention is drawn to Appendix B of AS 2870 and CSIRO Building Technical File BTF18 "Foundation Maintenance and Footing Performance: A Homeowner's Guide" as a guide to maintenance requirements for the proposed structure.

Although the borehole data provides an indication of subsurface conditions at the site, variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements referenced herein with respect to type and strength of founding material.

The boreholes were backfilled shortly after being drilled, not allowing time for groundwater seepage flows to develop. Groundwater seepages or higher groundwater levels can occur during and/or after a prolonged period of wet weather or a heavy rainfall event.

6 WIND CLASSIFICATION

After allowing due consideration of the region, terrain, shielding and topography, the site has been classified as follows:

WIND CLASSIFICATION N2 (AS 4055:2021)

REGION	TERRAIN CATEGORY	SHIELDING	TOPOGRAPHY
A	TC2	PS	T0

References:

AS 1726 - 2017 Geotechnical Site Investigations

AS 2870 - 2011 Residential Slabs and Footings Construction

AS 4055 - 2021 Wind Loads for Housing

Attachments:

Limitations of report

Figure 1 - Site Plan

Geoton Pty Ltd
GL22641Ab
26 October 2022

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12.2.9 Application Documents

Site Classification

Site Photographs

Appendix A: Borehole Logs & Explanation Sheets

Appendix B: Certificate Forms

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GL22641Ab
26 October 2022

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Geotechnical Consultants - Limitations of report

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

Report Recommendations

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

Interpretation by others

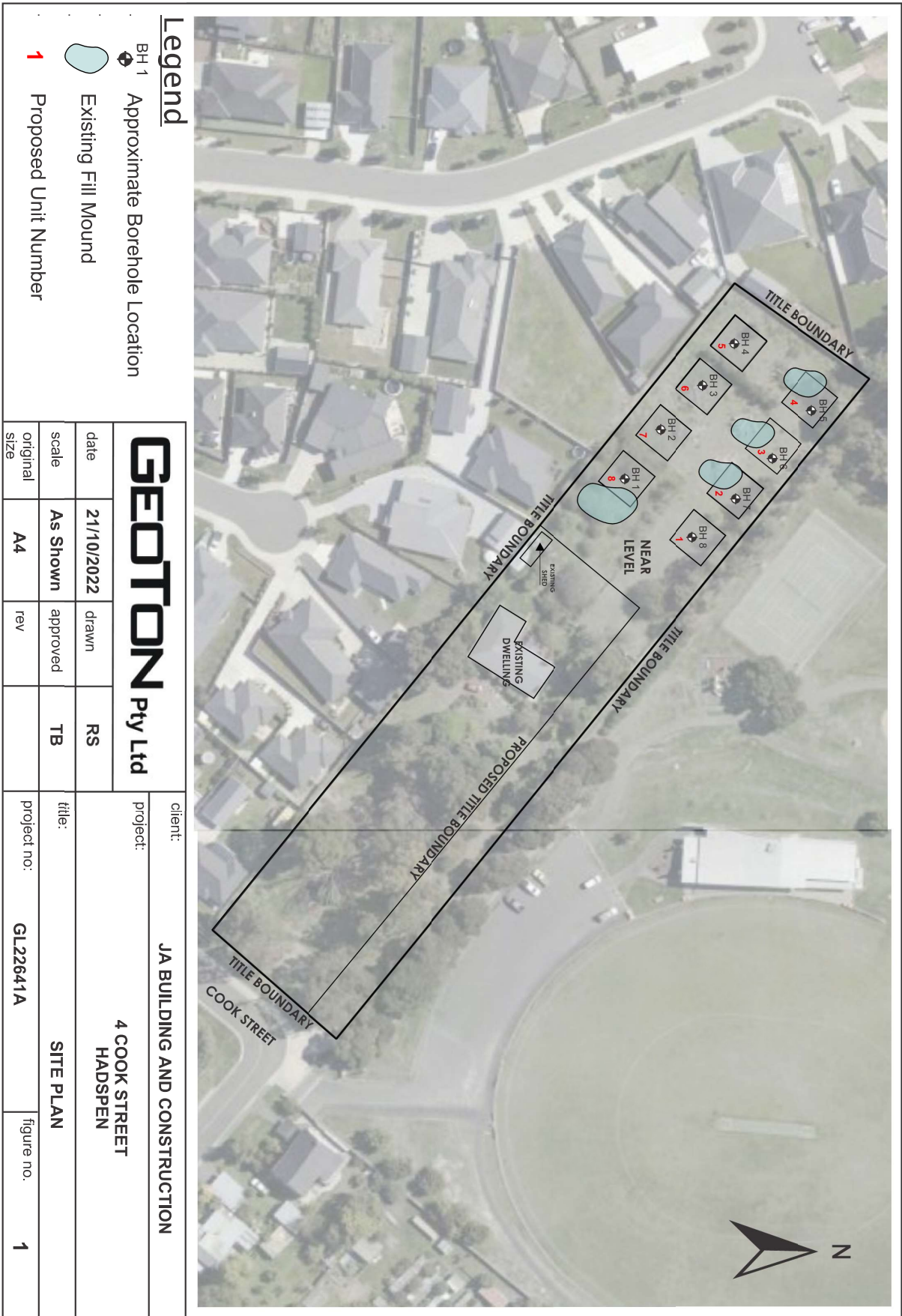
Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

Report integrity

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

Geoenvironmental issues

This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.



12.2.9 Application Documents



PLATE 1 - View of the site looking to the northwest



PLATE 2 - View of the site looking to the southeast

<div>GEOTON</div> <div>Pty Ltd</div>				client: JA BUILDING AND CONSTRUCTION	
				project: 4 COOK STREET HADSPEN	
title: PHOTOGRAPH					
date:	19/10/2022	original size	A4		
project no:		GL22641A		figure no.	PLATES 1 & 2

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Appendix A

Borehole Logs

12.2.9 Application Documents

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PO Box 522 Prospect TAS 7250

Unit 24, 16-18 Goodman Court, Invermay TAS

Tel (03) 6326 5001

ENGINEERING BOREHOLE LOG

Borehole no. BH1

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022	
Project :		Site Classification				Logged By : RS	
Location :		4 Cook Street, Hadspen					
Drill model :		Drilltech		Easting:		Slope: 90°	
Hole diameter :		150mm		Northing:		Bearing: -	
				RL Surface :		Datum :	

Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV N							TOPSOIL - Silty SAND, fine to medium grained, dark brown or black	M	L	
					0.25	SP	SAND - fine to medium grained, brown/orange	M	L	
					0.50					
					0.75				MD	
					1.00					
					1.25					
					1.50					
					1.75					
					2.00					
					2.25					
							Borehole BH1 terminated @ 2.0m			

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Geotechnical Consultants

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Unit 24, 16-18 Goodman Court, Invermay TAS

Tel (03) 6326 5001

ENGINEERING BOREHOLE LOG

Borehole no. BH2

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022				
Project :		Site Classification				Logged By : RS				
Location :		4 Cook Street, Hadspen								
Drill model :		Drilltech		Easting:		Slope: 90°				
Hole diameter :		150mm		Northing:		Bearing: -				
				RL Surface :		Datum :				
Method	Support	Penetration	Water	DCP (Blows/ 100mm)	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV	N			1			TOPSOIL - Silty SAND, fine to medium grained, dark brown	M	L	
				1						
				1	0.25	SM	Silty SAND - fine to medium grained dark brown	M	L	
				1						
				1	0.50	SP	SAND - fine to medium grained, brown/orange	M	L	
				2						
				2						
				3	0.75				MD	
				3						
				3	1.00					
				4						
					1.25					
					1.50					
					1.75					
					2.00					
						Borehole BH2 terminated @ 2.0m				
					2.25					

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ENGINEERING BOREHOLE LOG

Borehole no. BH3

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022	
Project :		Site Classification				Logged By : RS	
Location :		4 Cook Street, Hadspen					
Drill model :		Drilltech		Easting:		Slope: 90°	
Hole diameter :		150mm		Northing:		Bearing: -	
				RL Surface :		Datum :	

Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations				
ADV N					0.25		TOPSOIL - Silty SAND, fine to medium grained, dark brown or black	M	L					
					0.50	SP	SAND - fine to medium grained, brown/orange	M	L					
					0.75				MD					
					1.00		trace clay							
					1.25									
					1.50									
					1.75									
					2.00									
					Borehole BH3 terminated @ 2.0m									
					2.25									

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ENGINEERING BOREHOLE LOG

Borehole no. BH4

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022				
Project :		Site Classification				Logged By : RS				
Location :		4 Cook Street, Hadspen								
Drill model :		Drilltech		Easting:		Slope: 90°				
Hole diameter :		150mm		Northing:		Bearing: -				
						RL Surface :				
						Datum :				
Method	Support	Penetration	Water	DCP (Blows/ 100mm)	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV	N			1			FILL - Silty SAND, fine to medium grained, dark brown, trace roots, trace glass	M	L	FILL
				1						
				2	0.25		TOPSOIL - Silty SAND, fine to medium grained, dark brown or black	M	L	NATURAL
				2						
				2	0.50	SP	SAND - fine to medium grained, brown/orange	M	L	
				2						
				2						
				2	0.75					
				2						
				4	1.00					
				10						
							Becoming pale brown/yellow		MD	
					1.25					
					1.50					
					1.75					
					2.00					
						Borehole BH4 terminated @ 2.0m				
					2.25					

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ENGINEERING BOREHOLE LOG

Borehole no. BH6

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022				
Project :		Site Classification				Logged By : RS				
Location :		4 Cook Street, Hadspen								
Drill model :		Drilltech		Easting:		Slope: 90°				
Hole diameter :		150mm		Northing:		Bearing: -				
						RL Surface :				
						Datum :				
Method	Support	Penetration	Water	DCP (Blows/ 100mm)	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV	N			1			FILL - Silty SAND, fine to medium grained, dark brown, trace roots,	M	L	FILL
				1						
				1	0.25					
				1			SAND - fine to medium grained, brown/grey	M	L	NATURAL
				1	0.50					
				1						
				6					MD	
				10+	0.75		trace fine round gravel			
					1.00					
					1.25		trace clay			
					1.50					
					1.75		becoming grey/white no clay content			
					2.00					
							Borehole BH6 terminated @ 2.0m			
					2.25					

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12.2.9 Application Documents

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ENGINEERING BOREHOLE LOG

Borehole no. BH7

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022	
Project :		Site Classification				Logged By : RS	
Location :		4 Cook Street, Hadspen					
Drill model :		Drilltech		Easting:		Slope: 90°	
Hole diameter :		150mm		Northing:		Bearing: -	
				RL Surface :		Datum :	

Method	Support	Penetration	Water	Notes Samples Tests	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV N					0.25		TOPSOIL - Silty SAND, fine to medium grained, dark brown or black	M	L	
					0.50	SP	SAND - fine to medium grained, brown/orange	M	L	
					0.75				MD	
					1.00		trace clay			
					1.25					
					1.50					
					1.75					
					2.00					
							Borehole BH7 terminated @ 2.0m			
					2.25					

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Tel (03) 6326 5001

ENGINEERING BOREHOLE LOG

Borehole no. BH8

Sheet no. 1 of 1

Job no. GL22641A

Client :		JA Building and Construction				Date : 19/10/2022	
Project :		Site Classification				Logged By : RS	
Location :		4 Cook Street, Hadspen					
Drill model :		Drilltech		Easting:		Slope: 90°	
Hole diameter :		150mm		Northing:		Bearing: -	
				RL Surface :		Datum :	

Method	Support	Penetration	Water	DCP (Blows/ 100mm)	Depth (m)	Graphic log Classification Symbol	Material Description	Moisture condition	Consistency density, index	Structure, additional observations
ADV	N				0.25		FILL - Silty SAND, fine to medium grained, dark brown, trace roots,	M	L	FILL
		2		SP	SAND - fine to medium grained, brown/orange	M	L	NATURAL		
		1	0.50							
		2								
		2								
		3	0.75							
		5								
		10+	1.00							
			1.25							
			1.50							
			1.75							
			2.00							
			2.25				Borehole BH8 terminated @ 2.0m			

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Investigation Log Explanation Sheet

METHOD – BOREHOLE

TERM	Description
AS	Auger Screwing*
AD	Auger Drilling*
RR	Roller / Tricone
W	Washbore
CT	Cable Tool
HA	Hand Auger
DT	Diatube
B	Blank Bit
V	V Bit
T	TC Bit

* Bit shown by suffix e.g. ADT

METHOD – EXCAVATION

TERM	Description
N	Natural exposure
X	Existing excavation
H	Backhoe bucket
B	Bulldozer blade
R	Ripper
E	Excavator

SUPPORT

TERM	Description
M	Mud
N	Nil
C	Casing
S	Shoring

PENETRATION

1	2	3	4	
				No resistance ranging to Refusal

WATER

Symbol	Description
	Water inflow
	Water outflow
	17/3/08 water on date shown

NOTES, SAMPLES, TESTS

TERM	Description
U ₅₀	Undisturbed sample 50 mm diameter
U ₆₃	Undisturbed sample 63 mm diameter
D	Disturbed sample
N	Standard Penetration Test (SPT)
N*	SPT – sample recovered
N _c	SPT with solid cone
V	Vane Shear
PP	Pocket Penetrometer
P	Pressumeter
B _s	Bulk sample
E	Environmental Sample
R	Refusal
DCP	Dynamic Cone Penetrometer (blows/100mm)
PL	Plastic Limit
LL	Liquid Limit
LS	Linear Shrinkage

CLASSIFICATION SYMBOLS AND SOIL DESCRIPTION

Based on AS 1726:2017

MOISTURE

TERM	Description
D	Dry
M	Moist
W	Wet

CONSISTENCY/DENSITY INDEX

TERM	Description
VS	very soft
S	soft
F	firm
St	stiff
VSt	very stiff
H	hard
Fr	friable
VL	very loose
L	loose
MD	medium dense
D	dense
VD	Very dense



Soil Description Explanation Sheet (1 of 2)

DEFINITION

In engineering terms, soil includes every type of uncemented or partially cemented inorganic or organic material found in the ground. In practice, if the material can be remoulded or disintegrated by hand in its field condition or in water it is described as a soil. Other materials are described using rock description terms.

CLASSIFICATION SYMBOL AND SOIL NAME

Soils are described in accordance with the AS 1726: 2017 as shown in the table on Sheet 2.

PARTICLE SIZE DEFINITIONS

NAME	SUBDIVISION	SIZE (mm)
BOULDERS		>200
COBBLES		63 to 200
GRAVEL	Coarse	19 to 63
	Medium	6.7 to 19
	Fine	2.36 to 6.7
SAND	Coarse	0.6 to 2.36
	Medium	0.21 to 0.6
	Fine	0.075 to 0.21
SILT		0.002 to 0.075
CLAY		<0.002

MOISTURE CONDITION

Coarse Grained Soils

Dry Non-cohesive and free running.

Moist Soil feels cool, darkened in colour.
Soil tends to stick together.

Wet As for moist but with free water forming when handling.

Fine Grained Soils

Moist, dry of Plastic Limit – $w < PL$

Hard and friable or powdery.

Moist, near Plastic Limit – $w \approx PL$

Soils can be moulded at a moisture content approximately equal to the plastic limit.

Moist, wet of Plastic Limit – $w > PL$

Soils usually weakened and free water forms on hands when handling.

Wet, near Liquid Limit – $w \approx LL$

Wet, wet of Liquid Limit – $w > LL$

CONSISTENCY TERMS FOR COHESIVE SOILS

TERM	UNDRAINED STRENGTH s_u (kPa)	FIELD GUIDE
Very Soft	≤ 12	Exudes between the fingers when squeezed in hand
Soft	12 to 25	Can be moulded by light finger pressure
Firm	25 to 50	Can be moulded by strong finger pressure
Stiff	50 to 100	Cannot be moulded by fingers
Very Stiff	100 to 200	Can be indented by thumb nail
Hard	> 200	Can be indented with difficulty by thumb nail
Friable	–	Can be easily crumbled or broken into small pieces by hand

RELATIVE DENSITY OF NON-COHESIVE SOILS

TERM	DENSITY INDEX (%)
Very Loose	≤ 15
Loose	15 to 35
Medium Dense	35 to 65
Dense	65 to 85
Very Dense	> 85

DESCRIPTIVE TERMS FOR ACCESSORY SOIL COMPONENTS

DESIGNATION OF COMPONENT	IN COARSE GRAINED SOILS		IN FINE GRAINED SOILS	TERM
	% Fines	% Accessory coarse fraction	% Sand/ gravel	
Minor	≤ 5	≤ 15	≤ 15	Trace
	$> 5, \leq 12$	$> 15, \leq 30$	$> 15, \leq 30$	With
Secondary	> 12	> 30	> 30	Prefix

SOIL STRUCTURE

ZONING		CEMENTING	
Layer	Continuous across the exposure or sample.	Weakly cemented	Easily disaggregated by hand in air or water.
Lens	Discontinuous layer of different material, with lenticular shape.	Moderately cemented	Effort is required to disaggregate the soil by hand in air or water.
Pocket	An irregular inclusion of different material.		

GEOLOGICAL ORIGIN

WEATHERED IN PLACE SOILS

Extremely weathered material	Structure and/or fabric of parent rock material retained and visible.
Residual soil	Structure and/or fabric of parent rock material not retained and visible.

TRANSPORTED SOILS

Aeolian soil	Carried and deposited by wind.
Alluvial soil	Deposited by streams and rivers.
Colluvial soil	Soil and rock debris transported downslope by gravity.
Estuarine soil	Deposited in coastal estuaries, and including sediments carried by inflowing rivers and streams, and tidal currents.
Fill	Man-made deposit. Fill may be significantly more variable between tested locations than naturally occurring soils.
Lacustrine soil	Deposited in freshwater lakes.
Marine soil	Deposited in a marine environment.

Soil Description Explanation Sheet (2 of 2)
SOIL CLASSIFICATION INCLUDING IDENTIFICATION AND DESCRIPTION

FIELD IDENTIFICATION PROCEDURES (Excluding particles larger than 63 mm and basing fractions on estimated mass)				GROUP SYMBOL	PRIMARY NAME		
COARSE GRAINED SOIL More than 65% of soil excluding oversize fraction is larger than 0.075 mm	(A 0.075 mm particle is about the smallest particle visible to naked eyes)	GRAVEL More than half of coarse fraction is larger than 2.36 mm	CLEAN GRAVEL (Little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes	GW	GRAVEL	
				Predominantly one size or a range of sizes with some intermediate sizes missing	GP	GRAVEL	
			GRAVEL WITH FINES (Appreciable amount of fines)	Non-plastic fines (for identification procedures see ML and MH below)	GM	Silty GRAVEL	
				Plastic fines (for identification procedures see CL, CI and CH below)	GC	Clayey GRAVEL	
		SAND More than half of coarse fraction is smaller than 2.36 mm	CLEAN SAND (Little or no fines)	Wide range in grain size and substantial amounts of all intermediate sizes	SW	SAND	
				Predominantly one size or a range of sizes with some intermediate sizes missing	SP	SAND	
			SAND WITH FINES (Appreciable amount of fines)	Non-plastic fines (for identification procedures see ML and MH below)	SM	Silty SAND	
				Plastic fines (for identification procedures see CL, CI and CH below)	SC	Clayey SAND	
	FINE GRAINED SOIL More than 35% of soil excluding oversize fraction is smaller than 0.075 mm	(A 0.075 mm particle is about the smallest particle visible to naked eyes)	IDENTIFICATION PROCEDURES ON FRACTIONS <0.075 mm				
			SILT & CLAY (low to medium plasticity, LL ≤ 50)	DRY STRENGTH	DILATANCY	TOUGHNESS	
None to Low				Slow to Rapid	Low	ML	SILT
Medium to High				None to Slow	Medium	CL, CI	CLAY
SILT & CLAY (high plasticity, LL > 50)			Low to Medium	Slow	Low	OL	ORGANIC SILT
			Low to Medium	None to Slow	Low to Medium	MH	SILT
			High to Very High	None	High	CH	CLAY
			Medium to High	None to Very Slow	Low to Medium	OH	ORGANIC CLAY
Highly Organic Soil			Readily identified by colour, odour, spongy feel and frequently by fibrous texture.			Pt	PEAT

• LL – Liquid Limit.

• LL – Liquid Limit.

COMMON DEFECTS IN SOILS

TERM	DEFINITION	DIAGRAM	TERM	DEFINITION	DIAGRAM
PARTING	A surface or crack across which the soil has little or no tensile strength. Parallel or sub parallel to layering (e.g. bedding). May be open or closed.		SOFTENED ZONE	A zone in clayey soil, usually adjacent to a defect in which the soil has a higher moisture content than elsewhere.	
FISSURE	A surface or crack across which the soil has little or no tensile strength, but which is not parallel or sub parallel to layering. May be open or closed. May include desiccation cracks.		TUBE	Tubular cavity. May occur singly or as one of a large number of separate or inter-connected tubes. Walls often coated with clay or strengthened by denser packing of grains. May contain organic matter.	
SHEARED SEAM	Zone in clayey soil with roughly parallel near planar, curved or undulating boundaries containing closely spaced, smooth or slickensided, curved intersecting fissures which divide the mass into lenticular or wedge-shaped blocks.		TUBE CAST	An infilled tube. The infill may be uncemented or weakly cemented soil or have rock properties.	
SHEARED SURFACE	A near planar curved or undulating, smooth, polished or slickensided surface in clayey soil. The polished or slickensided surface indicates that movement (in many cases very little) has occurred along the defect.		INFILLED SEAM	Sheet or wall like body of soil substance or mass with roughly planar to irregular near parallel boundaries which cuts through a soil mass. Formed by infilling of open defects.	

Appendix B

Certificate Forms

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE
ITEM****Section 321**

To:	JA Building and Construction	Owner /Agent	Form 55
	24 Emma Street	Address	
	West Launceston Tas	Suburb/postcode	

Qualified person details:

Qualified person:	Tony Barrieria - Geoton Pty. Ltd.		
Address:	PO Box 522	Phone No:	03 6326 5001
	Prospect Tas	7250	Fax No:
Licence No:	CC6220 P	Email address:	tbarriera@geoton.com.au

Qualifications and Insurance details:	Tony Barrieria – BEng, MSc CPEng, NER – IEAust 471929 Civil, Geotechnical Certain Underwriters at Lloyd's- ENG 21 000330	(description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)
---------------------------------------	--	--

Speciality area of expertise:	Geotechnical Engineering	(description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)
-------------------------------	--------------------------	--

Details of work:

Address:	4 Cook Street	Lot No:	1
	Hadspen Tas	7290	Certificate of title No:
The assessable item related to this certificate:	Classification of foundation conditions according to AS2870 - 2011	(description of the assessable item being certified) Assessable item includes – - a material; - a design - a form of construction - a document - testing of a component, building system or plumbing system - an inspection, or assessment, performed	

Certificate details:

Certificate type:	Foundation Site Classification – AS2870	(description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)
-------------------	---	--

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work:

☐

or

a building, temporary structure or plumbing installation:

☒

12.2.9 Application Documents

In issuing this certificate the following matters are relevant –

Documents:	Geoton Pty Ltd, Report Reference No. GL22641Ab, dated 26/10/2022
Relevant calculations:	Refer to report
References:	AS 2870 – 2011 Residential Slabs and Footings Construction AS 4055 – 2021 Wind Loads for Housing CSIRO Building Technical File 18


Substance of Certificate: (what it is that is being certified)

Site Classification in accordance to AS2870 - 2011
Wind Loading in accordance to AS 4055 - 2021
Findings and recommendations of report

Scope and/or Limitations

The classification applies to the site as investigated at the time and does not account for any future alteration to foundation conditions resulting from earthworks, drainage condition changes or site maintenance variations.

I certify the matters described in this certificate.

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:		GL22641Ab	26/10/2022

12.2.10 Agency Consultation - Taswater - Amended Submission To Planning Authority Notice

From: "TasWater Development Mailbox" <Development@taswater.com.au>
Sent: Wed, 8 Feb 2023 16:38:15 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: RE: Attn Northern Region - Revised plans - SPAN TWDA 2022 01927-MVC, for Council permit PA\23\0127 - 4 Cook Street
Attachments: TasWater Submission to Planning Authority Notice TWDA 2022 01927-MVC.pdf

Dear Planning Authority,

The revision number and date are unchanged from the previous revised plans. The current SPAN can remain.

Kind regards,

Jake Walley
My working days are Monday to Thursday
Assessment Officer



F 1300 862 066
M 0467 625 805
A GPO Box 1393, Hobart TAS 7001
36-42 Charles Street, Launceston, TAS 7250
E jake.walley@taswater.com.au
W <http://www.taswater.com.au/>

Have I been helpful? Please provide feedback by clicking [here](#).



From: Planning @ Meander Valley Council <planning@mvc.tas.gov.au>
Sent: Tuesday, 7 February 2023 2:31 PM
To: TasWater Development Mailbox <Development@taswater.com.au>
Cc: Brenton Josey <Brenton.Josey@mvc.tas.gov.au>
Subject: Attn Northern Region - Revised plans - SPAN TWDA 2022 01927-MVC, for Council permit PA\23\0127 - 4 Cook Street

Hi,

Plans have again been updated for this application, PA\23\0127 – 4 Cook Street HADSPEN.

12.2.10 Agency Consultation - Taswater - Amended Submission To Planning Authority Notice

I can confirm that there will be no more revisions to plans from a planning scheme assessment perspective!

Many thanks
Brenton



Planning @ Meander Valley Council,
P: 03 6393 5300 E: planning@mvc.tas.gov.au
26 Lyall Street Westbury, TAS 7303 | PO Box 102, Westbury Tasmania 7303
www.meander.tas.gov.au

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From: TasWater Development Mailbox <Development@taswater.com.au>
Sent: Monday, January 23, 2023 11:25 AM
To: Planning @ Meander Valley Council <planning@mvc.tas.gov.au>
Subject: TasWater Submission to Planning Authority Notice, TWDA 2022 01927-MVC, for Council permit PA\23\0127

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Dear Sir/Madam

Please find attached TasWater Submission to Planning Authority Notice as mentioned above. A copy of the attached document(s) should be referenced in and appended to the council permit.

If you have any queries, please contact me.

Regards,

Jake Walley
My working days are Monday to Thursday
Assessment Officer



F 1300 862 066

12.2.10 Agency Consultation - Taswater - Amended Submission To Planning Authority Notice

M 0467 625 805
A GPO Box 1393, Hobart TAS 7001
36-42 Charles Street, Launceston, TAS 7250
E jake.walley@taswater.com.au
W <http://www.taswater.com.au/>

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Amended Submission to Planning Authority Notice

Council Planning Permit No.	PA\23\0127	Council notice date	25/11/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01927-MVC	Date of response	30/11/2022
		Amended date	23/01/2023
TasWater Contact	Jake Walley	Phone No.	0467 625 805
Response issued to			
Council name	MEANDER VALLEY COUNCIL		
Contact details	planning@mvc.tas.gov.au		
Development details			
Address	4 COOK ST, HADSPEN	Property ID (PID)	7020610
Description of development	Multiple dwellings x 8		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Plans to Build	22033 Sheets A01 & A05	0	09/11/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. <i>Advice: Due to the need for a private sewer pump station to service this development, the property water connecton must be fitted with an RPZD.</i> Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> The applicant or landowner as the case may be, must pay a development assessment fee of \$376.68, to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater. 			



Advice			
<p>Water Submetering</p> <p>As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.</p> <p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p> <p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.</p> <p>(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies.</p>			
Declaration			
<p>The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.</p>			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

12.2.11 Agency Consultation - Tasnetworks - Response

From: "Council Referrals" <Council.Referrals@tasnetworks.com.au>
Sent: Fri, 2 Dec 2022 10:29:11 +1100
To: "Planning @ Meander Valley Council" <planning@mvc.tas.gov.au>
Subject: RE: PA\23\0127 - TasNetworks Referral - 4 Cook Street Hadspen

Caution: This email came from outside of MVC - only open links and attachments you're expecting.

Hi,

Thank you for your email on 25/11/2022 referring the abovementioned development.

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

As with any multiple dwellings consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au at their earliest convenience.

Kind Regards,

Belinda Lehner
Connections Team
PH: 03 6324 7583



1 Australis Drive, Rocherlea 7250
PO Box 419, Launceston TAS 7250
www.tasnetworks.com.au

[@TasNetworks](https://twitter.com/TasNetworks)

[/TasNetworks](https://facebook.com/TasNetworks)

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From: Planning @ Meander Valley Council <planning@mvc.tas.gov.au>
Sent: Friday, 25 November 2022 3:39 PM
To: Council Referrals <Council.Referrals@tasnetworks.com.au>
Cc: Brenton Josey <Brenton.Josey@mvc.tas.gov.au>
Subject: PA\23\0127 - TasNetworks Referral - 4 Cook Street Hadspen

WARNING: This email originated from an **EXTERNAL** source. Please do not click links, open attachments or reply unless you recognise the sender and know the content is safe.

12.2.11 Agency Consultation - Tasnetworks - Response

Good afternoon,

We have received a planning application for 4 Cook Street Hadspen for multiple dwellings (8) in the General Residential Zone.

The application is referred to TasNetworks under section 44L of the ESI Act 1995.

This permit application has been made under S.57 of the *Land Use Planning and Approvals Act 1993* and Council has the discretion to grant a permit either unconditionally or subject to conditions, or refuse the application.

Could you please provide any comments and/or conditions you may have regarding the above application **within 10 business days**.

If you have any queries regarding this application please do not hesitate to contact Council's Planning Department on 6393 5320 quoting reference number PA\23\0127.

Thanking you,
Brenton



Planning @ Meander Valley Council

P: 6393 5300 E: planning@mvc.tas.gov.au

26 Lyall Street Westbury, TAS 7303 | PO Box 102, Westbury Tasmania 7303

meander.tas.gov.au www.meander.tas.gov.au meander.tas.gov.au

Community Wellbeing

Westbury Bicentennial Celebrations

Report Author John Jordan
General Manager

Decision Sought Approval of budget to deliver initiatives for the Westbury Bicentenary.

Vote Absolute majority

Recommendation to Council

That Council:

1. Approves funding of \$23,000 for 2022-23 for the Westbury Bicentenary for the:
 - a) Supply and installation of street banners along Meander Valley Road; and
 - b) Renewal of historic signs including signs on the Westbury Village Green, and the Town Common and approximately 30 historic sites.

Report

Westbury has several significant anniversary milestones occurring across the town in 2023, most notably the bicentenary of the town. Others include:

- Council: 160 years.
- Westbury Show: 180 years.
- Town Hall: 90 years.
- Historical Society: 30 years.
- Play Group: 25 years.

At the February Council Workshop, several options to acknowledge the bicentenary were canvassed. The following initiatives were supported and can be implemented immediately:

- Supply and installation of 14 power pole street banners to be installed on Meander Valley Road (estimated cost to supply and install is \$8,000); and

- Renewal of historic signs including the Westbury Village Green, Town Common and approximately 30 historic sites (estimated cost is \$15,000).

To implement the above items and allow design and procurement to proceed, Council approval of a budget allocation of \$23,000 as a variance to the 2022-23 budget is required.

In addition to the above, Council supported the following initiatives being further defined and costed:

- Design options for town entrance signage;
- Planters (with date /story stencil);
- Themed or backlit bollards, pavement treatment or avenue style tree plantings;
- Re-paint, lighting installation and minor refurbishment of restrooms to support use as regular exhibition and event venue; and
- Creation of a "community hive" (a co-working space to support meetings and administration of local clubs, organisations such as chamber of commerce.

Further consultation and work on the above items will be progressed and, subject to feasibility, presented to Council for approval at a future date.

Attachments Nil

Strategy Supports the objectives of Council's strategic future direction 3: vibrant and engaged communities.

See Meander Valley Community Strategic Plan 2014-24. [Click here](#) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy Not applicable to this submission.

Legislation *Local Government Act 1993.*

Consultation General consultation on the bicentenary event has occurred with the Westbury Historical Society.

Budget & Finance A budget allocation of \$23,000 from 2022-23 is required to deliver on the recommendation.

Risk Management Not applicable.

Alternative Motions Council may vary funding or not approve the recommended motion.

Infrastructure Services

Financial Support for the Disposal of Euthanised Animals

Report Author Dino De Paoli
Director Infrastructure Services

Decision Sought Council approval to enter into a funding arrangement to provide financial support to the Meander Valley Veterinary Service toward the care, euthanising and disposal of native animals.

Vote Absolute majority

Recommendation to Council

That Council:

1. Enters into a funding arrangement with the Meander Valley Veterinary Service to provide financial assistance towards the care, euthanising and disposal of native animals; and
2. Approves a new budget item for the 2022-23 financial year with an allocation of \$5,000 excluding GST.

Report

The Meander Valley Veterinary Service (MVVS) has approached Council seeking financial support toward the care and euthanising of injured wildlife and appropriate disposal of those animals.

Many members of the community engage with the MVVS to ask for help with injured native animals during the year and the Service has been happy to provide assistance at its own cost. This is an important community service and provides Council the opportunity to be involved through providing financial support.

The MVVS is the only veterinary practice in Meander Valley.

Information provided to Council by the MVVS indicates that the current costs to manage native wildlife is in the vicinity of \$4,500. Should Council approve financial support to the Service, detailed records will be prepared and maintained to reflect the actual work undertaken and the costs associated with drug and material costs, and burial or cremation charges, on a per animal and case by case basis.

The records will be provided to Council officers for review and processing on an annual basis. The MVVS would continue to provide the service free of charge to the members of the community who bring in sick or injured wildlife for care.

Council officers are recommending up to \$5,000 in support is provided this financial year. Funding support for future financial years will be subject to Council consideration as part of each budget cycle approval and the review of reported cost information provided to Council by the MVVS in the prior financial year.

While the financial contribution sought by the MVVS is not high, there is no specific budget approval for this contribution this year and Officers are therefore seeking Council approval to our operational budget estimate and to enter into a funding arrangement with the MVVS to confirm the funding conditions.

Attachments Nil

Strategy Not applicable

See Meander Valley Community Strategic Plan 2014-24. [Click here](#) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy Not applicable

Legislation *Local Government Act 1993: s82.*

Consultation Not applicable

Budget & Finance Proposed operational budget estimate variation up to \$5,000 excluding GST for 2022-23 financial year.

Risk Management Not applicable

**Alternative
Motions** Not applicable

Governance

Meander Valley Council Model Code of Conduct

Report Author John Jordan
General Manager

Decision Sought Review of the Model Code of Conduct for Councillors and confirmation of adoption post-election.

Vote Simple majority

Recommendation to Council

It is recommended that that Council:

1. In satisfaction of section 28T(7) of the *Local Government Act 1993* (the Act), reviews the attached Meander Valley Code of Conduct as previously adopted by Council on 11 February 2020; and
2. Endorses and confirms continuing adoption Meander Valley Code of Conduct as previously adopted by Council on 11 February 2020 (Minute Reference: 34/2020) in accordance with the requirements of section 28T(1) the Act.

Report

Section 28R of the *Local Government Act 1993* (the Act), states that the Minister is to make a model code of conduct relating to the conduct of Councillors.

The model Code of Conduct for Councillors was initially set out in Schedule 1 of the *Local Government (Model Code of Conduct) Order 2016* and amended by the *Local Government (Model Code of Conduct) Amendment Order 2018* (refer attached).

The Council previously adopted the model Code of Conduct, without amendment, on 11 February 2020.

Section 28T(7) of the Act requires councils to review its Code of Conduct within three months after an ordinary election. In doing so, the council is confirming its continuing adoption of the Model Code of Conduct as its code of conduct relating to the conduct of its councillors.

- Attachments**
1. Local Government (Model Code of Conduct) Order 2016 - version current from 26 December 2018 [15.1.1 - 11 pages]
 2. Model Code of Conduct 2020 [15.1.2 - 14 pages]
 3. Information-sheet- Local-government- Code-of- Conduct- Information-for-councils-28- July-2022 [15.1.3 - 3 pages]
 4. Letter from Do LG - Expectations of Behaviour - Meander Valley Council [15.1.4 - 3 pages]

Strategy Supports the objectives of Council's strategic future direction 5: innovative leadership and community governance.

See Meander Valley Community Strategic Plan 2014-24. [Click here](http://www.meander.tas.gov.au/plans-and-strategies) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy Not applicable

- Legislation**
1. *Local Government Act 1993: Division 3A*
 2. *Local Government (Code of Conduct) Order 2016*
 3. *Local Government (Model Code of Conduct) Amendment Order 2018.*

Consultation The Local Government Division provided advice to councils about the changes to the Local Government (Code of Conduct) Order 2016 and advised the Council that the amended Model Code must be adopted without changes.

Budget & Finance Not applicable

Risk Management Council is required to adopt a code of conduct under the provisions of the *Local Government Act 1993* if it does not it may face censure and potential intervention by the Minister for Local Government. This would have an impact on the reputation of Council.

Alternative Motions Not applicable

Contents (2016 - 23)

Local Government (Model Code of Conduct) Order 2016

Long Title

1. Short title
2. Commencement
3. Interpretation
4. Model code of conduct

Schedule 1 - Model Code of Conduct

- Part 1 - Decision making
- Part 2 - Conflict of interests that are not pecuniary
- Part 3 - Use of Office
- Part 4 - Use of resources
- Part 5 - Use of information
- Part 6 - Gifts and benefits
- Part 7 - Relationships with community, councillors and Council employees
- Part 8 - Representation
- Part 9 - Variation of Code of Conduct
-

Local Government (Model Code of Conduct) Order 2016

Version current from 26 December 2018 to date (accessed 20 February 2023 at 17:20)



Local Government (Model Code of Conduct) Order 2016

I make the following order under section 28R(1) of the Local Government Act 1993 .

4 April 2016

PETER GUTWEIN

Minister for Planning and Local Government

1. Short title

This order may be cited as the Local Government (Model Code of Conduct) Order 2016 .

2. Commencement

This order takes effect on 13 April 2016.

3. Interpretation

(1) In this order –

Act means the Local Government Act 1993 .

(2) The Acts Interpretation Act 1931 applies to the interpretation of this order as if this order were by-laws.

4. Model code of conduct

For the purposes section 28R(1) of the Act, the code of conduct set out in Schedule 1 is the model code of conduct relating to the conduct of councillors.

SCHEDULE 1 - Model Code of Conduct

Clause 4

PART 1 - Decision making

- 1.** A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
- 2.** A councillor must make decisions free from personal bias or prejudgement.
- 3.** In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
- 4.** A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 - Conflict of interests that are not pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. *[Part 2 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. *[Part 2 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* This Part does not apply in relation to a pecuniary interest.

PART 3 - Use of Office

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 - Use of resources

- 1. A councillor must use Council resources appropriately in the course of his or her public duties.
- 2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
- 3. A councillor must not allow the misuse of Council resources by any other person or body.
- 4. *[Part 4 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*

PART 5 - Use of information

- 1. *[Part 5 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 2. *[Part 5 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
- 3. *[Part 5 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 - Gifts and benefits

- 1. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
- 2. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
- 3. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 4. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 5. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 6. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 7. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
- 8. *[Part 6 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*

PART 7 - Relationships with community, councillors and Council employees

1. A councillor –
 - (a) *[Part 7 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]* must treat all persons fairly; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. *[Part 7 of Schedule 1 Amended by S.R. 2018, No. 88, Applied:26 Dec 2018]*
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 - Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. *[Part 8 of Schedule 1 Amended by S.R. 2018, No. 88, Applied: 26 Dec 2018]* A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

PART 9 - Variation of Code of Conduct

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 13 April 2016



Meander Valley Council
Working Together

MEANDER VALLEY COUNCIL

COUNCILLOR CODE OF CONDUCT

XXX 2023

Version 5
Adopted: XXX
Minute No. XX/2023

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Model Code of Conduct

PART 1 - Decision making

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudice.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 - Conflict of interests that are not pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 - Use of Office

- 1.** The actions of a councillor must not bring the Council or the office of councillor into disrepute.
- 2.** A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
- 3.** In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 - Use of resources

- 1.** A councillor must use Council resources appropriately in the course of his or her public duties.
- 2.** A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
- 3.** A councillor must not allow the misuse of Council resources by any other person or body.

PART 5 - Use of information

- 1.** A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
- 2.** A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 - Gifts and benefits

- 1.** A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not contravention of any relevant legislation.
- 2.** A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

PART 7 - Relationships with community, councillors and Council employees

1. A councillor –

- (c)** must treat all persons fairly; and
- (d)** must not cause any reasonable person offence or embarrassment; and
- (e)** must not bully or harass any person.

2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

3. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.

4. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 - Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.

2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.

3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.

4. A councillor must clearly indicate when he or she is putting forward his or her personal views.

5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.

6. A councillor must show respect when expressing personal views publicly.

7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.

8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

PART 9 - Variation of Code of Conduct

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

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Supplementary Information to Accompany to the Model Code of Conduct

1. Introduction

Purpose of code of conduct

This Code of Conduct sets out the standards of behaviour expected of the councillors of the Meander Valley Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.

Application of code of conduct

This Code of Conduct applies to a councillor whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of mayor, deputy mayor or councillor); or
- acts as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where the councillor fails to meet the standard of conduct specified in the Code of Conduct.

Standards of conduct prescribed under the Code of Conduct

The code of conduct provides for the following eight standards of conduct:

1. Decision making

A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.

2. Conflict of interest

A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.

3. Use of office

A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.

4. Use of resources

A councillor uses Council resources and assets strictly for the purpose of performing his or her role.

5. Use of information

A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.

6. Gifts and benefits

A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.

7. Relationships with community, councillors and council employees

A councillor is to be respectful in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.

8. Representation

A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.

Principles of good governance

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

Accountable – Explain, and be answerable for, the consequences of decisions made on behalf of the community.

Transparent – Ensure decision making processes can be clearly followed and understood by the community.

Law-abiding – Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.

Responsive – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

Equitable – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.

Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.

Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.

Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.

2. Legislation

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

Code of conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

Making a code of conduct complaint

A person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgment fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

Code of conduct complaint lodgment fee

The code of conduct complaint lodgment fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgment fee is 50 fee units (\$81 in 2019/20).

3. Further assistance

Councillor dispute resolution

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between councillors.

A councillor who is party to any disagreement should request the Mayor (or Lord Mayor) or the General Manager to assist that councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the Local Government Act 1993

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a council, councillor or general manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

Key contacts

Department of Premier and Cabinet's Local Government Division

Executive Building, 15 Murray Street, HOBART TAS 7000

GPO Box 123, HOBART TAS 7001

Phone: (03) 6232 7022 Fax: (03) 6232 5685

Email: lgd@dpac.tas.gov.au

Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania

326 Macquarie Street, HOBART TAS 7000

GPO Box 1521, HOBART TAS 7001

Phone: (03) 6233 5966

Email: admin@lgat.tas.gov.au

Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission

Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000

GPO Box 822, HOBART TAS 7001

Phone: 1300 720 289

Email: mper@integrity.tas.gov.au

Web: www.integrity.tas.gov.au

Ombudsman Tasmania

NAB House, Level 6, 86 Collins Street, HOBART TAS 7000

GPO Box 123, HOBART TAS 7001

Phone: 1800 001 170

Email: ombudsman@ombudsman.tas.gov.au

Web: www.ombudsman.tas.gov.au

LOCAL GOVERNMENT CODE OF CONDUCT COMPLAINT FORM	
INTRODUCTION	
<p>This form is designed to help you comply with section 28V (Making a code of conduct complaint against councillor) under the <i>Local Government Act 1993</i>.</p> <p>All complaints must be in writing and be lodged within 6 months after the councillor or councillors allegedly committed the contravention of the Council's Code of Conduct.</p>	
INSTRUCTIONS	
<p>If completing this form by hand, please use black or blue pen and print clearly.</p> <p>Send your completed form to the General Manager of the Council.</p> <p>A code of conduct complaint must be accompanied by the prescribed lodgement fee of 50 fee units (\$79.00 in 2018/19).</p>	
CONTACT DETAILS (of person making the complaint)	
Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	
SUMMARY OF COMPLAINT	
Name of each councillor who you believe has contravened the Council's Code of Conduct <i>(may include more than one councillor if complaint relates to the same behaviour and same code of conduct contravention):</i>	
Provisions of the Council's Code of Conduct that you believe each councillor has contravened:	
Date(s) of incident(s):	
Location(s) of incident(s):	

DETAILS OF THE BEHAVIOUR OF EACH COUNCILLOR THAT CONSTITUTES THE ALLEGED CONTRAVENTION (FURTHER INFORMATION MAY BE ATTACHED)
WITNESSES (INCLUDE ANYONE WITH KNOWLEDGE OF WHAT HAPPENED)
HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?
<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, when did you make the complaint?</p>
DESIRED OUTCOME OF COMPLAINT
<p>Please explain what you would like to happen as a result of lodging this complaint:</p>
PLEASE SIGN AND DATE
<p>SIGNATURE:</p>
<p>Date:</p>

LOCAL GOVERNMENT CODE OF CONDUCT – INFORMATION FOR COUNCILS

INFORMATION SHEET
28 July 2022

Local government Code of Conduct framework

The Model Code of Conduct framework was introduced into the *Local Government Act 1993* (the Act) in 2016 to provide a uniform set of behavioural and conduct standards for Tasmanian councillors. The framework was developed in consultation with the local government sector and approved by the Minister for Local Government. It provides a consistent, effective and enforceable means to address councillor misconduct.

The purpose of this information sheet is to provide guidance to councils on their responsibilities under the Code of Conduct framework.

How is the Model Code of Conduct made and what can be included in it?

Under the framework, the Minister can make an order containing a Model Code of Conduct for councillors. The Model Code of Conduct must be consistent with the Act and can provide for any of the following matters:

- What constitutes a conflict of interest for councillors and the procedures to be followed where conflict arises;
- The proper and improper use by a councillor of:
 - o the office of councillor;
 - o the use of council resources;
 - o information obtained in the course of a councillor's office;
- The right of a councillor to receive gifts and benefits and the procedure to be followed when doing so;
- Appropriate or inappropriate behaviours by councillors in their relationships with the community, other councillors and council staff;
- The proper and improper manner in which a councillor represents themselves as a councillor and represents the council to the community;
- Any other prescribed matter.

The Minister may amend, revoke or substitute a Model Code of Conduct by order.



The Minister must make a copy of the Model Code of Conduct available to each council as soon as practicable after making, amending or revoking and substituting it.

[Act reference: sections 28R & 28S]

How do councils implement the Model Code?

Each council must adopt the Model Code of Conduct as its councillor Code of Conduct within three months of an order making the Model Code coming into effect. Each council must adopt an amended or substituted Model Code within three months of the Minister making it available to councils.

A council is required to provide a copy of the Code of Conduct it adopts to the Director of Local Government within 14 days of doing so.

[Act reference: section 28T]

What steps does a council need to take to make its Code of Conduct available?

The general manager must make a copy of the council's code of conduct available for inspection at its public office during normal business hours free of charge and on its website and for purchase at a reasonable charge.

[Act reference: section 28T]

Can a council vary the Model Code?

Yes, but only in accordance with the process set out in the Act.

A council may vary the Model Code of Conduct as made, amended or substituted by the Minister. However, any variation must be:

- consistent with the Model Code made, amended or substituted by the Minister; and
- must be approved by the Minister.

Any variation must be set out in a schedule to the Model Code of Conduct.

This means that the Model Code of Conduct will remain consistent across councils, with any supplementary council policies/procedures included as attached schedules to the Model Code of Conduct. For example, a council may wish to attach a schedule providing for a councillor expenses policy or gifts and benefits policy.

Once a variation to the Model Code of Conduct is approved by the Minister, and adopted by the council, the relevant policies and procedures adopted under the variation form part of the council's code of conduct and are enforceable through the Code of Conduct framework contained in the Act.

A council wishing to make a variation to the Model Code should submit a written request to the Minister for Local Government.

[Act reference: section 28T]

How often is a council required to review its code of conduct?

A council must review its code of conduct within three months after each ordinary election.

[Act reference: section 28T]

What are the obligations on councillors?

A councillor must comply with the provisions of the council's code of conduct while performing the functions and exercising the powers of their office.

[Act reference: section 28U]

Disclaimer: Information on legislation contained in this document is intended for information and general guidance only. Such information is not professional legal opinion.

Office of Local Government
GPO Box 123 Hobart TAS 7001 Australia
Ph (03) 6232 7022
Email: localgovernment@dpac.tas.gov.au
Web www.dpac.tas.gov.au



Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpact.tas.gov.au



Councillor Wayne Johnson
Mayor
Meander Valley Council
PO Box 102
WESTBURY TAS 7303
Email: mail@mvc.tas.gov.au

Dear Mayor

Happy New Year. I trust that 2023 will be a productive and rewarding year for yourself, your fellow councillors/aldermen and for your Council.

As Director of Local Government, I have a statutory responsibility to promote good governance in local government. A key priority for the Office of Local Government in 2023 is to continue to support a positive culture across the sector. This includes striking an appropriate balance between supporting councillors and aldermen to perform their duties well and responding to concerns about behaviour that is impacting negatively on the sector.

Councillors are leaders in their local communities. The Model Code of Conduct adopted by all Councils provides that a councillor must treat all people fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person. A councillor must also listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Meeting the standard of behaviour prescribed in the Code is not optional. Section 28U of the *Local Government Act 1993* (the Act) provides that, in performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

A significant majority of councillors work within the boundaries of the Code of Conduct and act in the best interests of the council and the community. Unfortunately, however, there have been several examples since the 2022 Local Government elections of behaviour that falls short of the standards set in the Code of Conduct and is impacting negatively on the operation of Councils. This has included:

I. Outbursts of aggression

Councillors must not use anger or aggression when seeking to make or respond to an issue in debate (during or outside of Council meetings). This includes raising their voice aggressively or throwing or dropping meeting papers or other items in an aggressive manner.

Behaviour can be considered aggressive even when not specifically directed towards an individual. Aggressive behaviour can also include, for example, capitalisation of text in emails and online posts.

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2. Acts of intimidation

Councillors must not threaten others with adverse action when debating matters within or outside of Council meetings. Councillors should never use fear of reprisal as a tool to persuade others towards a particular position or view.

3. Bullying and harassment

Councillors must not engage repeatedly and forcefully with others in a way that could be considered bullying and harassment, either verbally, in emails or online. This includes frequent exchanges that involve low levels of aggression or intimidation.

4. Accusations of impropriety

Councillors must not accuse others of impropriety without pursuing their claims through appropriate formal channels.

Councillors must also avoid unreasonably inferring or attaching intent or meaning to the actions of others for the purposes of damaging their reputation or lessening the value of their contribution to a discussion or debate.

5. Disruptive behaviour

Councillors must allow others to speak freely and succinctly without interjection or interruption.

Acting respectfully does not mean always agreeing with others. Indeed, robust debate and inquiry is in the interest of democracy and the communities we serve. I encourage all councillors to hold both fellow councillors and the general manager to account for performing their functions well but reinforce that this must be done constructively and respectfully.

Page 36 of the Good Governance Guide for Local Government outlines the importance of building effective relationships. It encourages all councillors to treat others with respect, to clearly understand their role and the role of others and to follow communication protocols. A copy of the Guide is available on the Department of Premier and Cabinet's website and can be accessed here: [Good-Governance-Guide-4-August-2022](#). A new online module focussed on building respectful relationships is also being developed as part of the new Learning and Development Framework and will be available in February 2023.

Consistent with the recently agreed reforms to the Code of Conduct Framework for Local Government, it is expected that issues associated with behaviour are addressed locally wherever possible. This may include using local dispute resolution processes or, for example, using meeting procedures to address disruptive or unruly behaviour. Regulation 40 of the *Local Government (Meeting Procedures) Regulations 2015* authorises the chairperson to suspend a councillor for all or part of a meeting if a councillor:

- (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
- (b) interjects repeatedly; or
- (c) disrupts the meeting and disobeys a call to order by the chairperson.

The Code of Conduct process is available to address concerns about negative behaviour that cannot be resolved locally. Any person, elected or otherwise, can lodge a Code of Conduct complaint. A Bill is currently before Parliament to make agreed changes to the code of conduct process to ensure that it can effectively respond to concerns as they arise.

15.1.4 Letter From Do LG - Expectations Of Behaviour - Meander Valley Council

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As Director of Local Government, I have a statutory responsibility to use the tools available in the Act to support the efficient and effective operation of local government. I am committed to using these tools to address any ongoing behaviour that cannot be managed through local action. This may include lodging Code of Conduct complaints against offending councillors or alderman. It may also involve recommending to the Minister that a Performance Improvement Direction is issued under Part 12B of the Act. I do not expect to use these tools frequently but will intervene where I consider that negative behaviour is seriously undermining the ability of the Council to function effectively.

It would be greatly appreciated if you could circulate this letter to all councillors/aldermen in your Council for their information and consideration and table a copy of the letter at your next Council meeting.

Kind regards

A handwritten signature in black ink, appearing to read 'Mathew Healey', with a stylized flourish at the end.

Mathew Healey

Director

19 January 2023

CC: Mr John Jordan, General Manager

Governance

Northern Tasmania Development Corporation (NTDC) Ltd Constitutional Changes

Report Author John Jordan
General Manager

Decision Sought Council elects to support the proposed amendments to the Northern Tasmanian Development Corporation's Constitution and Member Agreement.

Vote Simple majority

Recommendation to Council

That Council endorse the following documents as attached:

1. The draft Northern Tasmanian Development Corporation (NTDC) Members' Letter of Expectations;
2. The revised NTDC Constitution; and
3. The draft NTDC Member Agreement 2023-2026.

Report

The Northern Tasmanian Development Corporation (NTDC) is funded by seven Council Members to facilitate significant improvement in prosperity in North and North-East Tasmania.

The member Councils are as follows: City of Launceston, Northern Midlands, Meander Valley, Flinders, Break O'Day, George Town and West Tamar.

The councils of the Northern Region engage in a significant level of regional collaboration, particularly in the areas of land use planning, waste management, natural resource management, tourism, community planning and economic development. NTDC provides an effective means of achieving regional collaboration in respect to economic development and there is little doubt that the region would be impacted economically if the Councils did not engage and collaborate in an effective manner, particularly in respect to the identification of regional priorities for election advocacy.

With the Federal Government's stated emphasis on Regional Development Australia (RDA) having a greater role in its engagement with regions such as Tasmania, the NTDC will have an important role in terms of engaging with Northern Councils and advocating for the region to RDA as well as the State and Federal Governments.

The member councils value the role that NTDC can play for the region and their expectations of the organisation are as follows:

- Be the single voice for the region (representing collaborations of council);
- To realise opportunities for financial and social prosperity;
- To drive success focused on northern Tasmania;
- To facilitate outcomes that benefit the region;
- To be the voice for local government in the region; and
- To tap into expertise.

In response to representation by members and a review of NTDC Board performance governance changes including the development of a member's letter of expectation as well as the amendment of the NTDC Constitution to incorporate a member's representatives' group to improve Council oversight and engagement with the organisation have been progressed.

Karina Dambergs, CEO of NTDC and Alison Anderson (Chair of NTDC Board) presented to Council Workshop on 28 February 2023. As part of the presentation Council was presented with the following documents (attached):

1. A Member's Letter of Expectation (to guide Board decision making and performance). This provides for issues such as (but not limited to) the appointment, setting of terms, remuneration, suspension and dismissal of directors; the establishment of requirements for reporting by the Board to the representatives; reporting to Member Councils and the approval of the guiding documents for the NTDC Board.
2. An amended NTDC Constitution which provisions for a Representatives Group; and
3. A draft Member Agreement 2023-2026 has been developed to incorporate the Members group as well as enhanced reporting obligations.

The above documents were reviewed by members at a Special General Meeting on 1 February 2023, with in principle support provided subject to member councils endorsement.

- Attachments**
1. NTDC Constitution - 2022 revision 1.3 (letter of expectation) [15.2.1 - 49 pages]
 2. Member Letter of Expectations draft 29-11-2022 [15.2.2 - 4 pages]

3. Proposed Members Agreement 2023 - 2026 [15.2.3 - 30 pages]

Strategy Supports the objectives of Council's strategic future direction 2: a thriving local economy.

See Meander Valley Community Strategic Plan 2014-24. [Click here](http://www.meander.tas.gov.au/plans-and-strategies) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy Not applicable

Legislation *Local Government Act 1993.*

Consultation Northern region mayors and general managers reviewed the attached documentation at a special meeting on 1 February 2023.

Budget & Finance The Council has included its contribution to the NTDC in forward budget planning. A decision to continue with NTDC beyond the current term of agreement will not have any material budget impacts with an increase in current funding in the order of \$10,000 per annum anticipated. There may be future pressures to increase Council contributions, however, this is not proposed at this time. The preference is that the NTDC leverage its local government contributions by sourcing grants and program funding from State and/or Federal Government sources.

Risk Management Not applicable

Alternative Motions 1. Council can elect not to support the proposed amendments and motion.

CONSTITUTION

NORTHERN TASMANIA DEVELOPMENT CORPORATION LIMITED

Corporations Act 2001

Company Limited by Guarantee

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1. DEFINITIONS AND INTERPRETATION

1.1 Defined Terms

In this Constitution:

- (a) "Act" means the *Corporations Act 2001 (Cth)*;
- (b) "Board" means the Board of the Company;
- (c) "Business Day" means a day on which banks are open for general business in the State other than Saturday or Sunday;
- (d) "Company" means the company to which this constitution relates;
- (e) "Company Secretary" means the person (if any) appointed to perform the duties of a company secretary of the Company;
- (f) "Constituent Documents" means:
 - (i) the Company Constitution of the Company;
 - (ii) any Members Agreement agreed by the Members of the Company;
 - (iii) any Board Charter;
 - (iv) any by-laws created by the Company under the Company Constitution; and
 - (v) any other document deemed to be a Constituent Document by the Company;
- (g) "Directors" means the director or directors of the Company acting as a body and where the Company only has only one director means that director;
- (h) "Effective Control" means the ability to exercise control over the decision-making of the relevant entity and, for a company, means holding at least 50% of the shares issued in the company or having 50% of the voting power for that company;
- (i) "Guarantee" means the obligation of the members to contribute to the assets of the Company on a winding up;
- (j) "Guarantee Amount" means the actual dollar amount of the Guarantee that each member agrees to pursuant to this Constitution, being the sum of ten dollars (\$10.00);

- (k) "Initial Member" means all of those persons or entities listed in the Schedule of Initial Members, who are the founding members of the Company;
- (l) "Member" means any person or entity recorded from time to time as a member in the Company's register of members;
- (m) "Member Representatives Group" means each Member's nominated representative from time to time;
- (n) "Related Corporation" means a company that is related to another company as related bodies corporate under the Act;
- (o) "Special Resolution" means:
 - (i) in respect of a resolution to be passed by the members, a resolution requiring 75% of votes from members entitled to vote on a motion in a general meeting
 - (ii) in respect of a resolution to be passed by the directors, a resolution requiring 75% of votes from directors voting on a motion in a directors meeting; and
- (p) "State" means the State or Territory in which the Company is incorporated.

1.2 Interpretation

- (a) Section 46 of the *Acts Interpretation Act 1901 (Cth)* applies as if it were an instrument made by an authority under a power conferred by the Act as in force the day on which this constitution becomes binding on the Company.
- (b) This constitution is to be interpreted subject to the Act. However, the rules that apply as replaceable rules to companies under the Act do not apply to the Company.
- (c) Unless the contrary intention appears, an expression in a provision of this constitution that deals with a matter dealt with by a particular provision of the Act has the same meaning as in that provision of the Act.
- (d) Subject to **clause 1.2(c)**, unless the contrary intention appears, an expression in a regulation, rule or other legislative instrument that is defined for the purposes of the Act has the same meaning as in that regulation, rule or other legislative instrument.
- (e) Clause headings are inserted for convenience only and are not to be used in the interpretation and construction of this constitution.

- (f) Words:
 - (i) importing the singular include the plural and vice versa; and
 - (ii) importing one gender include other genders.
- (g) A reference to:
 - (i) any party or other person includes that person's successors and permitted assigns;
 - (ii) a statute, ordinance or other legislation includes any amendment, replacement or re-enactment for the time being in force and includes all regulations, by-laws and statutory instruments made thereunder;
 - (iii) this or any other document includes a reference to that document as amended, supplemented, novated or replaced from time to time;
 - (iv) a clause is a reference to a clause of this constitution;
 - (v) writing includes all means of reproducing words in a tangible and permanently visible form; and
 - (vi) a person includes a natural person, corporation, partnership, trust, estate, joint venture, sole partnership, government or governmental subdivision or agency, association, cooperative and any other legal or commercial entity or undertaking.
- (h) Where a party comprises two or more persons any obligation to be performed or observed by that party binds those persons jointly and each of them severally, and a reference to that party is deemed to include a reference to any one or more of those persons.

1.3 Name of the Company

The name of the Company is Northern Tasmania Development Corporation Limited. The Company may also be referred to in the abbreviated form of "NTDC Limited".

1.4 Type of Company

The Company is a public company limited by guarantee.

1.5 Limited Liability of Members

The liability of the Members is limited to the Guarantee Amount.

1.6 Guarantee

Each Member must contribute the Guarantee Amount to the property of the Company if the Company is wound up whilst a Member is a member, or within twelve (12) months of a Member ceasing to be a Member, for the purposes of paying the debts and liabilities of the Company that have been incurred prior to the Member ceasing to be a Member and including the actual costs of the winding up.

1.7 Prospectuses

The Company must not engage in any activity that would require disclosure to investors under Chapter 6D of the Act except as permitted by the Act.

1.8 Objectives

The primary objectives of the Organisation are to:

- (a) provide pro-active, engaged and strategic regional economic leadership;
- (b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
- (c) implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
- (d) to provide effective representation and advocacy to State and Federal Government and other stakeholders.

2. MEMBERSHIP

2.1 Members

The Members of the Company are:

- (a) The Members set out in the Schedule of Initial Members, unless such a Member has resigned;
- (b) any other person or entity that the Directors allow to become a Member, in accordance with this Constitution.

2.2 Register of Members

- (a) The Company must establish and maintain a register of Members, which must contain all of the initial Members set out in the Schedule of Initial Members.
- (b) The register of Members must be kept by the Company Secretary, and must contain:

- (i) for each current Member:
 - A. full name of Member or joint-Members;
 - B. address of the Member, as last notified by the Member to the Company;
 - C. an alternative address, if any, nominated by the Member for the receiving of notices; and
 - D. the date that the Member was entered on to the register of Members; and
- (ii) for each person or entity who ceased being a Member within the previous seven (7) years:
 - A. full name of Member or joint-Members;
 - B. address of the Member, as last notified by the Member to the Company;
 - C. an alternative address, if any, nominated by the Member for the receiving of notices;
 - D. the date that the membership commenced; and
 - E. the date that the membership ceased.
- (c) The Company must give access to the register of Members to all current Members.
- (d) Information that is contained on the register of Members must only be used by the Company and, if accessed by any Member, by that Member, in a manner that is relevant to the interests or rights of the Members.

2.3 Eligibility to be a Member

A person or entity who:

- (a) supports the purposes and objectives of the Company;
- (b) is willing, by written deed, to become bound by this Constitution and any other written instrument or obligation purporting to bind the Members;
- (c) pays any application or subscription moneys for membership; and
- (d) is formally approved by the Board is eligible to become a member of the Company.

2.4 Application to Become a Member

A person or entity who desires to become a Member of the Company may apply to the Company Secretary in writing, stating that the person or entity:

- (a) wishes to become a Member of the Company; and
- (b) is willing and able to comply with all of the requirements of **clause 2.3**; and
- (c) expressly, will pay the Guarantee Amount if and when called upon to do so and paying any application money prescribed by the Company from time to time.

2.5 Consideration of Applications

- (a) The Board must consider an application for membership within a reasonable time of the application being received by the Company Secretary.
- (b) If the Board approves the application, the Company Secretary must, as soon as possible:
 - (i) enter the new Members onto the register of members;
 - (ii) notify the new Member in writing that the application has been successful, including notifying the Member of the date on which the Member's name was entered onto the register of Members; and
 - (iii) provide a receipt to the new Member for any application money paid by the new Member.
- (c) If the Board rejects the application, the Company Secretary must inform the applicant accordingly, but the Company is not required to give reasons for the rejection.
- (d) For the avoidance of doubt, any defect in the application or approval process does not invalidate the approval of a new member as a Member and if so approved, the Member agrees to each of the matters set out in **clause 2.3**.

2.6 When a Member Becomes a Member

Other than the Initial Members, a person or entity becomes a Member of the Company when that Member's name is entered onto the register of members.

2.7 When a Member Ceases to be a Member

- (a) An entity immediately ceases to be a Member of the Company if that entity:
 - (i) is wound up or dissolved (whether voluntarily or otherwise);
 - (ii) resigns as a Member;

- (iii) is expelled by the Board for any reason; or
 - (iv) does not respond within three (3) months to a written request by the Company Secretary to the Member to confirm the Member's intention to remain as a Member.
- (b) For the avoidance of doubt, resignation of membership does not invalidate any fees payable nor any agreement to pay fees by that Member.

2.8 **Dispute Resolution for Members**

- (a) The dispute resolution procedures set out in this **clause 2.8** apply to any dispute (disagreement) in relation to this Constitution or other written instrument to which Members are bound between a Member or a Director and:
 - (i) one or more Members;
 - (ii) one or more Directors; or
 - (iii) the Company
- unless any other dispute resolution procedure exists in a written instrument that binds the Members that purports to supersede or take priority to this clause 2.8, in which case that procedure must apply.
- (b) A Member must not commence any dispute resolution procedure in relation to any matter that is the subject of a disciplinary proceeding under **clause 2.9** unless and until that disciplinary proceeding is completed in full.
 - (c) Any party that has a dispute with another party that is subject to this dispute resolution procedure must give a written notice ("a Dispute Notice") of that dispute to the other party. A Dispute Notice must include:
 - (i) a general description of the dispute;
 - (ii) a statement as to how or why the notifying party believes the dispute to be a dispute;
 - (iii) a proposal or request to the other party about how the dispute can be satisfactorily resolved; and
 - (iv) notice of the party alleging the dispute, including preferred contact details and the signature of that party.

- (d) A party receiving a Dispute Notice must, in good faith, make all reasonable attempts to resolve the dispute directly with the notifying party within fourteen (14) days of receiving the Dispute Notice.
- (e) If the dispute is not resolved satisfactorily within the time period allowed under **subclause (d)**, either party may, within a further fourteen (14) days, refer the matter to the Board ("a Referral Notice") and if no referral is made by either party, the dispute is deemed to be resolved.**(f)** If the Board receives a Referral Notice, the Board may:
 - (i) appoint one or more of the Directors to act as mediators to the parties in dispute; or
 - (ii) in the case of a dispute with the Board, appoint an external mediator.

The appointed Directors, as mediators, or the independent mediator, must set a date for mediation within thirty (30) days of receiving a Referral Notice and the parties must, in good faith, attempt to settle the dispute by mediation. If for any reason a mediator cannot be appointed reasonably, either party may ask President of the Law Society of the state in which the Company is incorporated, to appoint an independent mediator. All costs of an independent mediator must be shared equally by the parties, but otherwise the parties must bear their own costs of and incidental to the mediation.

- (g) Any mediator, whether a Director or independent:
 - (i) may be a Member or former Member of the Company;
 - (ii) must not have a personal interest in the dispute or the outcome of the dispute;
 - (iii) must act impartially and fairly towards all parties to the dispute;
 - (iv) must ensure that the principles of due process and natural justice are strictly applied to the mediation process; and
 - (v) must not make a decision about the dispute but must, in good faith, assist the parties to come to a resolution.
- (h) if the parties in dispute have completed all of the steps set out in this **clause 2.8**, but no satisfactory resolution has been obtained, either party may then pursue whatever other remedies at law or in equity that the party may have.

2.9 Disciplinary Action for Members

- (a) The disciplinary procedures set out in this **clause 2.9** apply to all Members and the Board unless any other disciplinary procedure exists in a written instrument that binds the Members that purports to supersede or take priority to this **clause 2.9**, in which case that procedure must apply.
- (b) Any Member or Director may make a complaint to the Board about any other Member or Director in respect of conduct that:
 - (i) is in breach of this constitution or any other written instrument that is binding on the members;
 - (ii) is objectionable or unbecoming of a Member;
 - (iii) brings, or is likely to bring, the Company into disrepute;
 - (iv) causes, or is likely to cause, injury, loss or damage to the Company; or
 - (v) is illegal.

For the avoidance of doubt this **clause 2.9** does not apply to any private conduct of a Member or Director toward another Member or Director that is not related to the membership or directorship of the aggrieved or offending parties, regardless of whether the aggrieved party has any other private remedy at law or in equity.

- (c) Any party that wishes to make a complaint about another party must give a written notice ("a Complaint Notice") to the Board. A Complaint Notice must include:
 - (i) a general description of the complaint, including sufficient detail to make out the alleged facts;
 - (ii) a statement as to how or why the notifying party believes the complaint to comply with **subclause (b)**;
 - (iii) notice of the party making the complaint, including preferred contact details and the signature of that party.
- (d) Upon receipt of a Complaint Notice, the Board must:
 - (i) provide written confirmation to the party making the complaint, including providing a copy of this **clause 2.9**, that the complaint has

been received and will be considered under the terms of this **clause 2.9**; and

- (ii) consider the complaint at the next meeting of the Board.

If the complaint is made against one or more of the Directors, those Directors must be excused from the proceedings of the Board for that purpose, and the balance of the Directors of the Board may consider the complaint as a sub-committee of the Board, and no quorum provisions are deemed to apply. In the alternative, the Board may appoint an independent panel and may refer the complaint to that panel to be considered.

- (e) For the avoidance of doubt, any costs of appointing an independent panel, and the discharge of that panel's tasks are to be paid by the Company, but the Company is entitled to seek reimbursement from the party making the complaint if the complaint is found, objectively, to be frivolous or vexatious.
- (f) In considering any complaint, the Board, or the panel appointed:
 - (i) must act reasonably in all regards, and in a timely way;
 - (ii) may undertake whatever investigations and enquiries it thinks fit;
 - (iii) may hear from the complainant or any other person in support of the complaint;
 - (iv) is not required to follow the ordinary rules of evidence; and
 - (iv) must allow the person who is the subject of the complaint to be heard, along with any other witnesses that the person the subject of the complaint may reasonably seek to have heard.
- (g) The Board, either on its own consideration or on the recommendation of the panel, may elect to:
 - (i) dismiss the complaint as frivolous and vexatious, with or without seeking reimbursement from the party making the complaint;
 - (ii) dismiss the complaint as being not sufficiently made out;
 - (iii) make no finding of culpability;
 - (iv) take no action at all;
 - (v) resolve to issue a warning to the member;

- (vi) suspend the member's rights as a member for a defined period of time not exceeding twelve (12) months at the discretion of the Board;
- (vii) expel the member; or
- (vi) refer the matter to appropriate civil or criminal law enforcement agencies.

For the avoidance of doubt, the Board does not have any power to impose a pecuniary penalty on any Member or Director.

- (h) Upon completion of the disciplinary process, the Company secretary must notify the affected party in writing of the outcome.
- (i) Any Member or Director that is the subject of a disciplinary decision under this **clause 2.9** is entitled to appeal that decision, at that party's own cost, through normal legal channels.
- (j) For the expediency of all parties involved, including the party making the complaint, all details of the disciplinary proceedings must be kept confidential and no notification or publication of the outcome of the proceedings may be made by any party until the whole of the process is complete. If no adverse finding is made against a party, then no public notification of the fact of the proceedings is to be made.
- (k) No party making a complaint, nor the Board or independent panel, nor the Company itself is liable to any Member or Director for any injury, loss or damage suffered by that party in account of a complaint being made against that party that is made in good faith under this **clause 2.9**.

3. MEMBERSHIP FEES

3.1 Application Fee

The Board is entitled to set, and change from time to time, an application fee for applicants who apply to become Members, provided that:

- (a) the application fee must not be changed more than once in any 12-month period;
- (b) the application fee charged to all applicants within that 12-month period must be the same;
- (c) the application fee amount may be set at nil;
- (d) the current application fee must be published by the Company on any website maintained by the Company and the Company must advise the

amount of the application fee to any person or entity upon reasonable enquiry; and

- (e) an applicant for membership must pay the application fee at the time that an application is made for membership; and
- (f) any application fee charged to and paid by an applicant to become a Member of the Company is non-refundable to the applicant, regardless of the outcome of the application.

3.2 Subscription Fees

The Board is entitled to set, and change from time to time, annual subscription fees to be paid by the Members, provided that:

- (a) the method of calculation of subscription fees for each Member must not be changed more than once in any 12-month period;
- (b) the Board may, in its absolute discretion, prescribe different rates of subscription between Members, taking into account the varying benefits which Members may enjoy by reason of the operations of the Company along with any other matter that the Board considers relevant;
- (c) the Board may, in addition, make any by-law concerning the calculation of subscription fees, which by-law is binding on the Members; and
- (d) the method of calculation of subscription fees may be incorporated within a Members Agreement.

3.3 Due Date for Payment of Subscription Fees

All annual subscriptions fees are due and payable, in advance, on 1 July in each year and are deemed to apply for the period from 1 July of the year in which the fee is paid to 30 June of the following year.

3.4 Application of Income

The Company must apply:

- (a) all application fees;
- (b) all annual subscriptions fees from Members; and
- (c) income earned from all other sources

to accomplishing the objectives of the Company, but also including the expenses of administration and conducting the ordinary business of the Company.

3.5 Consequences of Late Payment

If any annual subscription fee amount (whether in whole or in part) of a Member remains unpaid for a period of one calendar month after it becomes due and payable then the Board may do any one or more of the following:

- (a) suspend or restrict all membership rights of that Member;
- (b) send a notice to the Member requiring immediate payment;
- (c) enter into any reasonably arrangement with that Member to secure payment of the amount required to be paid; or
- (d) terminate the membership of the Member.

4. GENERAL MEETINGS

4.1 Convening Meetings

- (a) Any Director may call a meeting of Members.
- (b) The Directors must call a meeting of Members if requested by a majority of the Members to do so.
- (c) The Directors must otherwise call a meeting of Members if required to do so by the Act.

4.2 Notice of Meeting

- (a) Subject to the provisions of the Act relating to agreements for shorter notice, at least 21 days' written notice (not including the day on which the notice is served or deemed to be served, but including the day of the meeting for which notice is given) must be given of any meeting of Members.
- (b) The notice must be given to all persons and entities that are entitled to receive notices from the Company and must:
 - (i) set out the place, date and time for the meeting (and, if the meeting is to be held in two or more places, the technology that will be used to facilitate this);
 - (ii) state the general nature of the meeting's business;
 - (iii) if any special resolution is to be proposed at the meeting, set out an intention to propose the special resolution and state the motion supporting the special resolution;
 - (iv) if a Member is entitled to appoint a proxy, contain a statement setting out the following information:

- A. that the Member has a right to appoint a proxy;
 - B. whether or not the proxy needs to be a Member of the Company;
 - C. that a Member who is entitled to cast two or more votes may appoint two proxies and may specify the proportion or number of votes each proxy is appointed to exercise; and
- (v) include a valid proxy form for a Member to appoint a proxy.

4.3 Place of Meeting

The Company may hold a meeting of Members at two or more venues using any technology that gives the Members, as a whole, a fair and reasonable opportunity to fully participate in the meeting.

4.4 Annual General Meeting

- (a) The Company must call and hold an annual general meeting within five (5) months of the end of each financial year, in accordance with the Act.
- (b) The Members may request that other matters be considered at an annual general meeting and provided appropriate notice has been given, including matters contained in a Members Agreement, the Board must ensure such matters are given proper consideration.

5. PROCEEDINGS AT GENERAL MEETINGS

5.1 Quorum

- (a) The quorum for a meeting of Members is fifty percent (50%) of the Members plus one (1), except where there is only one (1) Member and in those circumstances the quorum will consist of that one (1) Member.
- (b) The quorum must be present at all times during the meeting.
- (c) No business may be transacted at any general meeting except:
 - (i) the election of a chairperson; or
 - (ii) the adjournment of the meeting;

unless a quorum of Members is present when the meeting proceeds to business.

5.2 Proxies or Representatives in Quorum

In determining whether a quorum is present:

- (a) individuals attending as proxies or under power of attorney or as representatives of bodies corporate are counted;
- (b) if a Member has appointed more than one proxy, power of attorney or representative then only one of them is counted on behalf of the member;
- (c) if an individual is attending, both as a Member in their own right and as a proxy or attorney under power or body corporate representative, the individual may be counted once in respect of each separate capacity in which that individual is attending; and
- (d) if multiple individuals attend on behalf of an entity Member, only one of those individuals is counted on behalf of that entity Member.

5.3 Adjournment for Lack of Quorum

If a meeting of the Members of the Company does not have a quorum present within 30 minutes after the time for the meeting set out in the notice of meeting, the meeting is adjourned to the date, time and place the Directors may specify. If the Directors do not specify one or more of the following matters, then the meeting is adjourned to:

- (a) if the date is not specified – the same day in the next week;
- (b) if the time is not specified – the same time; and
- (c) if the place is not specified – the same place.

5.4 Lack of Quorum at Adjourned Meeting

If no quorum is present at a resumed meeting within 30 minutes after the time for meeting, then:

- (a) if the meeting was called by the Members, the meeting is dissolved; and
- (b) in all other cases, the Member or Members present are a quorum sufficient for the purposes of conducting that meeting.

5.5 Chair of General Meeting

- (a) The Chair, if any, of the Board will act as Chair at every general meeting of the Company (including the Annual General Meeting).
- (b) If:
 - (i) there is no Chair;

(ii) the Chair is not present within fifteen minutes after the time appointed for the holding of the meeting; or

(iii) the Chair is unwilling to act;

the Members present may elect one of their number to be chair of the meeting.

5.6 Adjournment Generally

- (a) At a meeting at which a quorum is present, the Chair may, with the consent of the meeting (and will if so directed by the meeting), adjourn the meeting to another time and, if the chair thinks fit, to another place.
- (b) No business will be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (c) When a meeting is adjourned for one (1) month or more, notice of the adjourned meeting must be given as in the case of an original meeting. Otherwise it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

5.7 Conduct of General Meetings

Any question arising at a general meeting relating to the order of business, procedure or conduct of the meeting must be referred to the Chair of the meeting, whose decision is final.

5.8 Resolutions

- (a) Except in the case of any resolution that, as a matter of law, requires a special resolution, motions arising at a general meeting are to be decided by a majority of votes cast by the Members present at the meeting and any decision is, for all purposes, a decision of the Members.
- (b) Before a vote is taken the Chair must inform the meeting whether proxies have been received and how those proxies are to be cast.
- (c) A motion put to the vote at a meeting of Members must be decided on a show of hands unless a poll is demanded.

5.9 Result on Show of Hands

On a show of hands, a declaration by the chair and entry in the minute book of the Company is conclusive evidence of the result. Neither the Chair nor the minutes need state the number or proportion of the votes recorded in favour or against the resolution.

5.10 Demand for Poll

- (a) A poll may be demanded on any resolution including the election of the Chair or the adjournment of a meeting.
- (b) A poll may be demanded by:
 - (i) at least three (3) Members entitled to vote on the motion;
 - (ii) Members with at least five (5) percent of the votes that may be cast on the demanding of a poll; or
 - (iii) the Chair.
- (c) A poll may be demanded:
 - (i) before a vote is taken;
 - (ii) before the voting results on a show of hands are declared; or
 - (iii) immediately after the voting results on a show of hands are declared.
- (d) If a poll is demanded on a matter other than the election of the chair or the question of adjournment:
 - (i) it must be taken when and in the manner the chair directs;
 - (ii) any other business of the meeting can be transacted before the poll demanded is carried out; and
 - (iii) if directed by the chair of the meeting, there may be an interval or adjournment prior to the poll.
- (e) A poll on the election of the Chair or on the question of an adjournment must be taken immediately.
- (f) A demand for a poll may be withdrawn.

5.11 Votes of Members

At a meeting of Members of the Company, each person present who is a Member or a representative of a Member has:

- (a) only one (1) vote on a show of hands in respect of that Member's membership; and in respect of each other Member for whom that Member holds a valid proxy.
- (b)

5.12 Entitlement to Vote

No Member is entitled to vote at any general meeting unless all annual subscription fees have been paid in full to the Company, except as the Board or as the Members voting unanimously may have previously determined in respect of a poll.

5.13 Disallowance of Vote

A challenge to a right to vote at a meeting of Members:

- (a) may only be made at the meeting; and
- (b) must be determined by the chair whose decision is final.

Every vote not disallowed by the chair under this clause is valid for all purposes.

5.14 No Casting Vote

In the case of an equality of votes, whether on a show of hands or on a poll, the Chair of the meeting at which the show of hands takes place or at which the poll is demanded does not have a second or casting vote, and in the case of equality of votes, the motion is deemed to fail.

6. REPRESENTATION OF MEMBERS

6.1 Appointment of Member Representative Group

Each Member that is itself a body corporate, or otherwise not a natural person, must nominate a natural person as that Member's authorised Member representative for the purposes of conducting and representing the interests of the Member to and with the Company. In this regard, the Member:

- (a) may nominate any person whom the Member chooses subject to the requirement that the Member representative must be approved by the Board, provided that if the Member has not made a nomination approved by the Board that the Member's representative is the Mayor of the Member;
- (b) may change the authorised representative from time to time as the Member may require;
- (c) must comply with any by-law or other directive set by the Company in respect of selecting and nominating representatives; and
- (d) must notify the Company as soon as practicable of the appointment of change of appointment of the authorised Member representative.

6.2 Role of Representative

For the avoidance of doubt, the Member's representative is a member of the Member Representative Group, and that appointment is to be distinguished from

the appointment of a proxy or attorney, in the sense that the duly appointed representative of a Member is a natural person representing the Member whereas a proxy or attorney is only to be used, as a proxy or attorney is ordinarily understood, when the Member or the appointed representative of the Member is not available.

6.3 Authority of Representative

Unless otherwise provided in the notice of appointment of a Member, the appointment is taken to confer authority on behalf of the Member to:

- (a) agree to a meeting being convened by shorter notice than is required by the Act or by this constitution;
- (b) speak on any proposed resolution on which the proxy, attorney or representative may vote;
- (c) demand or join in demanding a poll on any resolution on which the proxy, attorney or representative may vote;
- (d) even though the notice may refer to specific resolutions and may direct the representative how to vote on those resolutions:
 - (i) to vote on any amendment moved to the proposed resolutions and on any motion that the proposed resolutions not be put or any similar motion;
 - (ii) to vote on any procedural motion, including any motion to elect the chair, to vacate the chair or to adjourn the meeting;
 - (iii) to act generally at the meeting; and
- (e) even though the notice may refer to a specific meeting to be held at a specified time or venue, where the meeting is rescheduled or adjourned to another time or changed to another venue, to attend and vote at the re-scheduled or adjourned meeting or at the new venue.

6.4 Representation by Proxy or Attorney

- (a) Subject to this Constitution, each Member entitled to vote at a meeting of Members may vote:
 - (i) by proxy; or
 - (ii) by attorney.
- (b) A proxy or attorney may, but need not, be a member of the Company.

- (c) A proxy or attorney may be appointed for all general meetings, or for any number of general meetings, or for a particular general meeting.

6.5 Instruments Appointing Proxies or Attorneys

- (a) An instrument appointing a proxy or attorney may direct the manner in which the proxy or attorney is to vote in respect of a particular resolution and, where an instrument so provides, the proxy or attorney is not entitled to vote on the proposed resolution except as directed in the instrument. Alternatively, the instrument may not, and is not required to, direct how the proxy or attorney must vote on any motion.
- (b) An instrument appointing a proxy or attorney need not be in any particular form, provided it is in writing, legally valid and signed by the Member or the Member's Representative appointing the proxy or attorney.
- (c) Subject to **clause 6.5 (d)** A proxy or attorney may not vote at a general meeting or adjourned meeting or on a poll unless the instrument appointing the proxy or attorney, and the authority under which the instrument is signed, or a certified copy of the authority are:
 - (i) received at the registered office of the Company, a fax number at the Company's registered office or at such other place, fax number or electronic address specified for that purpose in the notice calling the meeting before the time for holding the meeting or adjourned meeting or taking the poll (as the case may be);
 - (ii) in the case of a meeting or an adjourned meeting, tabled at the meeting or adjourned meeting at which the person named in the instrument proposes to vote; or
 - (iii) in the case of a poll, produced when the poll is taken.
- (d) The directors may waive all or any of the requirements of **clauses 6.5 (c)** and in particular may, upon the production of such other evidence as the directors require to prove the validity of the appointment of a proxy or attorney, except:
 - (i) in an oral appointment of a proxy or attorney;
 - (ii) an appointment of a proxy or attorney which is not signed or executed in the prescribed manner; and
 - (iii) the deposit, tabling or production of a copy (including a copy sent by fax) of an instrument appointing a proxy or attorney or of the power of attorney or other authority under which the instrument is signed.

6.6 Validity of Representative's Votes

- (a) Unless the Company has received written notice of the matter before the start or resumption of the meeting at which a proxy or attorney votes, a vote cast by the proxy or attorney will be valid even if before the proxy or attorney votes:
 - (i) the appointing Member (if a natural person) dies;
 - (ii) the Member (if a natural person) subsequently becomes mentally incapacitated;
 - (iii) the Member revokes the proxy's or attorney's appointment; or
 - (iv) the Member revokes the authority under which the proxy or attorney was appointed by a third party.
- (b) The appointment of a proxy or attorney is not revoked by the appointor attending and taking part in the general meeting but, if the appointor votes on any resolution, the proxy or attorney is not entitled to vote, and must not vote, as the appointor's proxy or attorney on the resolution.

7. RESOLUTIONS WITHOUT MEETINGS

7.1 Written Resolutions

- (a) The Company may pass a resolution without a general meeting being held if all Members entitled to vote on the resolution sign a document containing a statement that the Members are in favour of the resolution set out in the document.
- (b) Separate counterpart copies of the document may be used for signing by Members if the wording of the resolution statement is identical on each counterpart copy.
- (c) The resolution is passed when the last Member signs, by reference to the date on which the counterpart copies are signed.
- (d) A Member may be deemed by the Board to have signed a document in accordance with this clause by e-mail (or other means) if that Member has at any time previously provided the Company with notice that the Member may use e-mail (or other means) to sign Company documents, and that notice contains the e-mail addresses and electronic signatures (if any) that the Member will use for this purpose, or any other information that the Company requires, as determined by the Board, to be able to identify the deemed signature as being that of the Member.

- (e) The receipt by the Company of a deemed signature of a Member which complies with the notice given by the Member in accordance with **clause 7.1 (d)** is conclusive evidence that the Member has assented to the relevant resolution.
- (f) The provisions of this clause do not apply to a resolution to remove the auditor.

7.2 Sole Member Resolutions

If the Company has only one Member then the Company may pass a resolution by the Member recording the resolution and signing the record.

8. DIRECTORS: APPOINTMENT, ETC.

8.1 Initial Directors

The initial Directors appointed are the persons specified with the consent of those Directors, as proposed Directors, in the application for the Company's registration. In accordance with the Act, there must be a minimum of three (3) Directors, including the Chair, who is also a Director of the Company.

8.2 Number of Directors

- (a) Unless otherwise determined by the Company in general meeting, the number of Directors will not be less than three (3) nor more than nine (9).
- (b) At least one (1) of the Directors must be an Australian resident and there must be an Australian resident Director of the Company at all times.
- (c) The Members may direct the Board as to the optimal number of Directors – currently the Members have directed the optimal number of Directors as 7.

8.3 Appointment of Directors

- (a) Subject to **clause 8.2**, the Board has power at any time, and from time to time, to appoint any person to be a director, either to fill a casual vacancy or as an addition to the existing Directors.
- (b) Directors and the Chair are appointed for a term:
 - (i) usually matching the term of the Members' Agreement, but in any case;
 - (ii) of not less than two (2) years; and
 - (ii) not more than six (6) years.

- (c) Subject to appointment of Directors pursuant to **clause 8.4**, the Board must not appoint any Director unless a Board Selection Committee recommends appointment of that Director and that Committee includes:
 - (i) at least the Chair of the Company and one other Director appointed by the Board, or if there isn't a Chair of the Company, at least two Directors appointed by the Board; and
 - (ii) one representative of and nominated by the Member Representative Group.
- (d) The Chair of the Company is the Chair of the Board Selection Committee, unless the Board Selection Committee unanimously appoints an alternative Chair.
- (e) Interim Directors may be appointed for a term of less than two (2) years if there is less than two (2) years remaining on a current Members Agreement at the time of appointment.

(f) **Directors may only be appointed for two (2) full terms, except that a Director who has already served two terms may be appointed as the Chair for a further term. 8.4**

Appointment of Directors by Sole Director

- (a) If, for any reason, the Company has only one Director at any given time, then that Director must appoint at least two (2) other Directors as soon as reasonably practicable, another director by recording the appointment and signing the record.
- (b) The Director must not act in any business of the Company except in exceptional or emergency circumstances.
- (c) All actions under this **clause 8.4** must be subsequently ratified by subsequent resolution of the Members in special general meeting.

8.5 Appointment and Removal of Directors by Company

- (a) Subject to **clause 8.2**, the Members of the Company may by resolution remove any Director and may by resolution appoint any person as a Director.
- (b) The Members may limit the term of Directors (including the Chair) on any reasonable condition, and can agree to proscribe criteria on which a Director's term automatically expires.

8.6 Vacation of Office of Director

In addition to the circumstances in which the office of a director becomes vacant by virtue of the Act, the office of a director is automatically vacated if the Director:

- (a) becomes bankrupt;
- (b) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (c) resigns by giving written notice to the Company at the Company's registered office;
- (d) has breached the attendance requirement in **clause 12.2 (b)**;
- (e) becomes prohibited from being, or otherwise ceases to be, a director by virtue of the Act; or
- (f) dies.

8.7 Skills-Based Board

- (a) The Company must appoint Directors and ensure that appointments are skills-based, including ensuring some of the Board have local government experience.
- (b) Selection criteria and the appointment process must be constructed to select potential Directors based on the skills required to implement the primary objectives of the Company, including and especially by reference to implementing the economic action plan based on the Regional Economic Development Strategy industry priorities of the Northern Region Futures Plan (or any document or plan that substantially replaces it).
- (c) Selection of Directors must consider diversity and the regional spread of geographic, social, cultural, thought and experience and moral influences.
- (d) The majority of Directors will ordinarily be highly experienced in the private and / or community sectors and will be independent of Members.
- (e) The selection and appointment of new Directors from time to time may create overlaps in skills and experience and the replacement of one outgoing Director does not necessarily have to be on a like for like basis.

8.8 Board Induction

- (a) The Board must ensure that newly appointed Directors are given an induction process that includes summary of the affairs of the Board and the Company.
- (b) Prior to newly appointed Directors attending their first Board meeting, the Board must ensure they receive:
 - (i) a copy of all of the Constituent Documents and other relevant legal governance documentation;
 - (ii) current and recent Board and committee minutes;

- (iii) contact details for other Directors and key staff;
- (iv) the current year's meeting schedule; and
- (v) access to meetings with the Chair, CEO and relevant committee chairs for a governance familiarisation (meetings may be held as a group session or with individuals).

9. DIRECTORS: REMUNERATION, ETC.

9.1 Remuneration of Directors

- (a) Each Director is entitled to be remunerated out of the funds of the Company as determined by the Company by resolution. Levels of remuneration are generally intended to reflect the extent of involvement in ensuring the success of the Company.
- (b) For the purposes of this constitution, the amount fixed by the Company as remuneration for a Director will not include any amount paid by the Company or related body corporate:
 - (i) to a superannuation, retirement or pension fund for a Director so that the Company is not liable to pay the superannuation guarantee charge or similar statutory charge; or
 - (ii) for any insurance premium paid or agreed to be paid for a Director under **clause 22.2**.
- (c) The remuneration of a Director:
 - (i) may be a stated salary or a fixed sum for attendance at each meeting of Board or both; or
 - (ii) may be a share of a fixed sum determined by the Company in general meeting to be the remuneration payable to all Directors, which is to be divided between the Directors in the proportions agreed between the Directors or, failing agreement, equally,and if it is a stated salary under **clause 9.1(c)(i)** or a share of a fixed sum under **clause 9.1(c)(ii)**, will be taken to accrue from day to day.
- (d) In addition to their remuneration under **clause 9.1(a)**, a Director is entitled to be paid all travelling and other reasonable expenses properly incurred by that Director in connection with undertaking the business and affairs of the Company, including attending and returning from general meetings of the

Company or meetings of the Directors or of committees of the Directors, accommodation and meal allowances.

- (e) If a Director renders or is called upon to perform extra services or to make any special exertions in connection with the affairs of the Company, the Directors may arrange for a special remuneration to be paid to that Director, either in addition to or in substitution for that Director's remuneration under **clause 9.1(a)**. For example, it is anticipated that the Chair and Company Secretary will be reimbursed at much higher rates than other Directors due to their extra commitment to the Company.
- (f) Nothing in **clause 9.1(a)** restricts the remuneration to which a Director may be entitled as an officer of the Company or of a related body corporate in a capacity other than director, which may be either in addition to or in substitution for that Director's remuneration under **clause 9.1(a)**.
- (g) The Directors may establish or support, or assist in the establishment or support of, funds and trusts to provide pension, retirement, superannuation or similar payments or benefits to or in respect of the Directors or former directors.
- (h) Unless otherwise resolved by the Company, the CEO will approve ordinary expenses of Directors, and the Chair will approve non-standard expenses (such as interstate travel and professional development). In the case of non-standard expenses of the Chair, the Board will approve any such expense.

10. POWERS AND DUTIES OF DIRECTORS

10.1 Management of the Company

The business of the Company is to be managed by or under direction of the Directors.

10.2 General Powers of the Directors

The Directors may exercise all of the powers of the Company except any powers that the Act or this constitution requires the Company to exercise in general meeting.

10.3 Formation Costs

The Directors may pay out of the Company's funds all expenses of the promotion, formation and registration of the company and the vesting in it of the assets acquired by it.

10.4 Power of Attorney

- (a) The Directors may by power of attorney appoint any corporation, firm, or person or body of persons, whether nominated directly or indirectly by the Directors, to be the attorney or attorneys of the Company for any purposes and with powers, authorities, and discretions (not exceeding those vested in or exercisable by the Directors under this Constitution) and for any period and subject to any conditions as the Directors think fit.
- (b) The Directors may authorise any attorney appointed under **sub-clause (a)** to delegate all or any of the powers, discretions and duties vested in the attorney.
- (c) Any powers of attorney granted under **sub-clause (a)** may contain provisions for the protection and convenience of persons dealing with that attorney as the Directors think fit.

10.5 Negotiable Instruments

The Directors may determine how cheques, promissory notes, bankers drafts, bills of exchange or other negotiable instruments must be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by or on behalf of the Company.

10.6 Minutes

- (a) The Directors will cause minute books to be kept in which the Company records within one (1) month:
 - (i) proceedings and resolutions of meetings of Members;
 - (ii) proceedings and resolutions of Directors' meetings (including meetings of a committee of the Directors);
 - (iii) resolutions passed by Members without a meeting; and
 - (iv) resolutions passed by the Directors without a meeting.
- (b) The Company Secretary will ensure minutes are recorded in accordance with legal obligations and with good practice for an organisation of the type and size of the Company.
- (c) Any powers of attorney granted under **clause 10.4** and any delegation of powers made under **clauses 12.6 and 12.9** must be recorded in the Company's minute book.

- (d) The Directors must ensure that minutes of a meeting are signed within a reasonable time after the meeting by the Chair of the meeting or the Chair of the next meeting.
- (e) If the Company only has one (1) Director, that Director must sign the minutes of the making of any declaration or resolution by that Director within a reasonable time, not exceeding one (1) month, after the declaration is made.

10.7 Registers

The Directors will cause the following Company registers to be kept:

- (a) a register of Members, in accordance with **clause 2.2**; and
- (b) where debentures are issued, a register of debenture holders.

10.8 Learning and Development

- (a) Directors must engage in ongoing learning and development. This may occur through attending specific conferences relating to key areas of regional specialisation, briefings at board meetings, governance-related forums, mentoring and reading of contemporary journals / articles, or through or by any other means that the Board reasonably thinks fit.
- (b) Directors may request specific training interventions, and any such requests need to be approved by the Chair in accordance with training budget and training needs.
- (c) In the case of the Chair requesting training interventions, they need to be approved by the Board in accordance with training budget and training needs.
- (d) The Company Secretary will maintain a register of Board training.

11. DIRECTORS INTERESTS AND DISCLOSURE

11.1 Holding of Other Offices in the Company

A Director may hold any other office or place of profit (except that of auditor) under the Company in conjunction with the office of director on terms and conditions as to remuneration and otherwise as agreed by the Board or the Company in general meeting.

11.2 Directors' Interests

- (a) A Director is not disqualified from holding any office or place of profit (except that of auditor) in the Company or in any other company or entity in which the Company is a stakeholder or otherwise interested by virtue of being a Director of the Company.

- (b) A Director may contract with the Company either as vendor, purchaser or otherwise and no contract, agreement or arrangement entered into by or on behalf of the Company in which any Director is in any way interested will be avoided by reason of the Director being a party to that contract or agreement or arrangement.
- (c) No Director is liable to account to the Company for any profits arising from any office or place of profit or realised by any contract, agreement or arrangement by reason only of the Director holding that office or because of the fiduciary obligations arising out of that office.
- (d) Subject to **clause 11.2(e)**, a Director who is in any way interested in any contract, agreement or arrangement or proposed contract, agreement or arrangement may **not**:
 - (i) vote in respect of, or in respect of any matter arising out of, the contract, agreement or arrangement or proposed contract, agreement or arrangement; and
 - (ii) sign any document relating to that contract, agreement or arrangement or proposed contract, agreement or arrangement the Company may execute.
- (e) Subject to **clause 11.2(f)**, a Director who is in any way interested in any contract, agreement or arrangement or proposed contract, agreement or arrangement may, despite that interest be counted in determining whether or not a quorum is present at any meeting of Directors considering that contract, agreement or arrangement or proposed contract, agreement or arrangement.
- (f) **Clause 11.2(e)** does not apply if, and to the extent that, it would be contrary to the Act.

11.3 Disclosure of Conflict of Interests

- (a) A Director must declare the nature of the interest the Director has in any contract, agreement or arrangement or proposed contract, agreement or arrangement or any other material personal interest in a matter relating to the affairs of the Company at the meeting of the Board at which the contract, agreement, arrangement or matter is first taken into consideration if the interest exists at the time of the meeting or, in any other case, at the first meeting of the Directors after the director acquires the interest unless the Act specifies that notice does not need to be given.
- (b) If a Director becomes interested in a contract, agreement or arrangement after it is made or entered into, the declaration of the interest required by

sub-clause (a) must be made at the first meeting of the Board held after the Director acquires the interest.

- (c) For the avoidance of doubt, the Director's obligation in this clause is ongoing and relates to potential conflicts in addition to existing and actual conflicts.

11.4 General Disclosure

- (a) A general notice that a Director is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration under **clause 11.3** of a director's interest.
- (b) After a Director gives a general notice under **sub-clause (a)**, it is not necessary for that Director to give a special notice relating to any particular transaction with that firm or company.

11.5 Recording Disclosures

The Company Secretary is obliged to record in the minutes any declaration made or any general notice given by a director under **clause 11.3 and 11.4**.

12. DIRECTORS MEETINGS

12.1 Holding of Board Meetings

- (a) The Board may meet for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.
- (b) A Director may at any time, and the Company Secretary will on the request of a director, call a Board meeting by reasonable notice individually to each Director.
- (c) A Director who is, for the time being, out of Australia is only entitled to receive notice of a Board meeting if the Director has given written notice to the Company of an address for the giving of notices of meetings.

12.2 Frequency and Attendance

- (a) The Board must meet at least six (6) times per year, and can meet more often.
- (b) Directors are permitted to miss no more than 30% of scheduled meetings in any financial year without the prior consent of the Board.

12.3 Manner of Holding Meetings

- (a) A Board meeting may be called or held using any technology consented to by all the Directors.

- (b) A consent to use technology is deemed to be a standing consent and remains valid unless and until it is revoked by a Director.
- (c) A Director may only withdraw the Director's consent under this **clause 12.3** within a reasonable period before the meeting.

12.4 Quorum

Unless the Directors determine otherwise, or there is only one (1) director, the quorum for a Board meeting is fifty percent (50%) plus one (1) and the quorum must be present at all times during the meeting.

12.5 Chair of Board Meetings

- (a) If the Company has a duly appointed independent Chair, that Chair is the deemed to be the Chair of all Board meetings.
- (b) If the Chair is not present, or is not willing or able to chair any Board meeting, the Directors may elect a Director to chair that Board meeting.
- (c) The Directors must elect a Director present at the meeting to chair a meeting, or part of it, if:
 - (i) the Chair is not present at the meeting; and
 - (ii) a Director has not already been elected to chair the meeting; and
 - (iii) a previously elected Chair is not available within 15 minutes after the time appointed for holding the meeting or declines to act for the meeting or the part of the meeting.

12.6 Delegation to Committees

- (a) The Board may establish advisory committees that regularly report to the Board and make recommendations for consideration where appropriate.
- (b) Each committee of the Board must have an approved documented charter which defines its objectives and responsibilities and reporting requirements.
- (c) Committees may co-opt skilled members from the private, community and local government sectors to assist with the work of the committee.
- (d) The appointment of a committee of the Board may be a standing committee or an ad hoc committee.
- (e) A committee must:

- (i) conform to any regulations that may be imposed on it by the Board in exercising the powers delegated by the Board; and
 - (ii) exercise the powers delegated to it in accordance with any directions of the Board.
- (f) The Board, with the approval of a majority of Members, may delegate any of the Directors' powers to committees consisting of some, but not all, of the Directors as the Board thinks fit and any delegation to a committee must be recorded in the minutes.
- (g) The effect of a committee exercising a power consistently with this clause is the same as if the Board exercised the power.
- (h) The Committee must regularly report to the Board.

12.7 Conduct of Committee Meetings

- (a) The Board may appoint a chair of any committee at any time.
- (b) A committee, subject to the Board's power to appoint in **clause 12.7(a)**, may elect a chair of its meetings. If no chair is elected, or if at any meeting the chair is not present within 15 minutes after the time appointed for holding the meeting, the members present at the meeting may elect one of their number to be chair of the meeting.
- (c) A committee may meet and adjourn as that committee thinks proper or necessary.

12.8 Votes at Directors and Committee Meetings

A resolution of the Board or a committee must be passed by a majority of votes of the Directors entitled to vote on the resolution. In the case of an equality of votes the chair does not have a second or casting vote.

12.9 Delegation to Individual Directors

- (a) The Board may delegate any of its powers to one Director.
- (b) A Director to whom any powers have been so delegated must exercise the powers delegated in accordance with any directions of the Board.
- (c) Acceptance of a delegation in this form may, if the Board so resolves, be treated as an extra service or special exertion performed by the delegate for the purposes of **clause 9.1(e)**.

12.10 Validity of Directors' Acts

An act done by a person acting as a Director or by a Board meeting or a committee of the Board attended by a person acting as a Director is not invalidated by reason only of:

- (a) a defect in the appointment of the person as a Director;
- (b) the person being disqualified to be a Director or having vacated office; or
- (c) the person not being entitled to vote

if that circumstance was not known by the person or the Board or committee (as the case may be) when the act was done.

12.11 Written and Circular Resolutions – Multiple Directors

- (a) If:
 - (i) all of the Directors, other than:
 - A. any Director on leave of absence approved by the Directors;
 - B. any Director who disqualifies themselves from considering the act, matter, thing or resolution in question on the grounds that they are not entitled at law to do so or has a conflict of interest; and
 - C. any Director who the Board reasonably believes is not entitled at law to do the act, matter or thing or to vote on the resolution in questionassent to a document containing a statement to the effect that an act, matter or thing has been done or resolution has been passed; and
 - (ii) the Directors who assent to the document would have constituted a quorum at a Board meeting held to consider that act, matter, thing or resolution.then that act, matter, thing or resolution is to be taken as having been done at or passed by a Board meeting.
- (b) Separate counterpart documents may be used for signing by Directors if the wording of the resolution and statement is identical in each counterpart copy.

- (c) A Director may be deemed by the Board to have signed a document in accordance with this clause by e-mail (or other means) if that Director has at any time previously provided the Company with notice that they may use e-mail (or other means) to sign Company documents, and that notice contains the e-mail addresses and / or electronic signatures (if any) that the Member will use for this purpose, or any other information that the Company requires, as determined by the Board, to be able to identify the deemed signature as being that of the Member.
- (d) The resolution is passed on that date on which the last Director signs.

12.12 Sole Director Resolutions

Subject always to **clause 8.4** if the Company has only one (1) Director, that Director may:

- (a) pass a resolution by recording it and signing the record; and
- (b) make a declaration by recording it and signing the record.

Recording and signing the declaration satisfies any requirement of the Act that the declaration be made at a Directors meeting.

12.13 Alternate Directors

Any Director, with approval of the Board, may appoint another person as an alternate director to exercise some or all of the Director's powers for a specified period and:

- (a) if the appointing Director requests the Company to give the alternate Director notice of Board meetings, the Company must do so;
- (b) when an alternate Director exercises the Director's powers, the exercise of the power is as effective as if the powers were exercised by the Director;
- (c) the Company will not be required to pay the alternate Director any remuneration but the alternate Director must be reimbursed for expenses incurred as for other Directors under **clause 9**;
- (d) the appointing Director may terminate the alternate Director's appointment at any time; and
- (e) an appointment or its termination must be in writing, with a copy given to the Company.

12.14 Associate Directors - Appointment, Removal and Powers

- (a) The Board may appoint any person to be an Associate Director and may at any time cancel appointment of an Associate Director.

- (b) The Board may fix, determine and vary the powers, duties and remuneration of any Associate Director.
- (c) An Associate Director has no voting rights at any Board meeting except by the invitation and with the consent of the Directors.

13 INDEPENDENT CHAIR

13.1 Independent Chair

- (a) The Board must appoint an independent Chair, who, when appointed, is to be one of the Directors of the Company ("the Chair").
- (b) The Chair must hold no other position of profit:
 - (i) in or for NTDC Limited (apart from as Chair); or
 - (ii) in or for any of the Members.
- (c) The Board, when considering appointing a Chair, will form a Chair Selection Committee consisting of:
 - (i) not less than two (2) members of the Board; and
 - (ii) two (2) representatives who are members of, and nominated by, the Member Representative Group.
- (d) The Chair Selection Committee must:
 - (i) interview candidates for the position of Chair and make recommendations to the Member Representative Group, giving that Group reasonable time to consider those recommendations; and
 - (ii) consider the prompt responses of the Member Representative Group then make recommendations to the Board.
- (e) The Board must not appoint a Chair without considering the recommendations of the Chair Selection Committee.

13.2 Independent Interim Chair

A director can be appointed as Interim Chair to undertake the role of Chair in a temporary capacity as required, by a majority vote of Directors.

13.3 Independent Chair Reviews

- (a) The Chair is responsible for facilitating the following reviews annually:
 - (i) Performance of the CEO;

- (ii) Performance of Committees;
 - (iii) Performance of the Board; and
 - (iv) Performance of Directors.
- (b) The performance of the Chair shall be reviewed by the Member Representative Group and facilitated by the Company Secretary, on the time schedule as determined by the Board, subject only to the right of Members to request a review of the Chair's performance annually.

13.4 Retirement of Chair

- (a) Upon the retirement (regardless of cause) of the Chair, the Board must advertise for a replacement independent Chair and the following provisions expressly apply.
- (b) The independent Chair may, subject to **clause 13.4 (d)**, serve for an additional term if agreed by the Members, otherwise the role will be re-advertised near to the end of the current term.
- (c) An existing Director must give notice to the Board as early as practicable of that Director's intention to seek appointment as the next Chair and must submit to the Board's agreed selection procedure. An existing Director who seeks to be appointed as Chair must not participate in any deliberations or voting in relation to the appointment of a new Chair
- (d) No person may serve as Chair for more than two (2) terms and no person may serve as Director and/or Chair for more than three (3) terms.
- (e) Notwithstanding the preceding provisions, an incumbent Chair is subject to removal by the Members under **clause 8.5** of the Constitution in the same way as all other Directors.

14. CEO

14.1 CEO, Appointment, Removal and Evaluation

The Board is responsible for appointing and removing the CEO, determining the remuneration and terms and conditions of appointment, and for monitoring and managing the CEO's ongoing performance.

14.2 CEO and Chair Working Relationship

On behalf of the Board, the Chair maintains a working relationship with the CEO in terms of day-to-day operations as needed and ensuring the Board's strategies, plans and decisions are implemented.

14.3 Appointment, Removal and Powers

The Board may revoke, withdraw, alter or vary:

- (a) an appointment as CEO; or
- (b) all or any of the powers conferred on the CEO.

14.4 Company Secretary to support CEO / Chair relationship

- (a) If the CEO has any concern or grievance with the Chair or the Chair's relationship with the CEO, the CEO may directly contact the Company Secretary with detail of same.
- (b) Upon receipt of a concern or grievance in accordance with 14.4 (a), the Company Secretary shall report it to the Member Representative group and take any reasonable steps to resolve the matter, including confirming the concern or grievance in writing, acting as a mediator or facilitator, or providing access to same.
- (c) The Company Secretary may, in their sole discretion, take advice from and/or engage the services of any relevant professional in an attempt to resolve the concern or grievance, at the expense of the Company.
- (d) The Company Secretary may request the support of Members and the Member Representative Group in acting in accordance with this clause.

In the event that the concern or grievance is not satisfactorily resolved in the opinion of the Company Secretary, the CEO or the Chair, the Company Secretary may make any reasonable recommendation to the Board and the Member Representative Group.

15. COMPANY SECRETARY

15.1 Appointment and Removal

- (a) The Directors may, and if required by the Act must, appoint (one) 1 or more Company Secretaries for the term, at the remuneration, and upon the conditions as they think fit.

(b) Any Company Secretary appointed by the Board may be removed by the Board. 15.2 Learning and Development

The Company Secretary will ensure that the Board is provided with necessary training (including on-going governance training and development of Board skills).

15.3 Company Seal

The Company Secretary will ensure the safekeeping of the common seal and maintain a register of documents executed under seal.

15.4 Facilitate Members' Meeting

The Company Secretary will facilitate Members if they call a meeting in accordance with **clause 4.1(b)**.

15.5 Secretariat for Member Representative Group

The Company Secretary will act as a Secretariat to the Member Representative Group to facilitate meetings and record minutes of meetings.

15.6 CEO / Chair Liaison

The Company Secretary will act as a mediator and facilitator in circumstances where there is a relationship issue between the Chair and CEO in accordance with **clause 14.4**.

16. EXECUTION OF DOCUMENTS

16.1 Common Seal

The Company may have a common seal. If the Company does have common seal then:

- (a) the common seal must comply with the Act;
- (b) the Directors must provide for the safe custody of the common seal; and
- (c) the seal may only be used by the authority of the Board or of a committee of the Board authorised by the Board in that respect.

16.2 Execution under Common Seal

If the Company does have a common seal then it may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by:

- (a) two (2) Directors of the Company;
- (b) a Director and a Company Secretary;
- (c) a Director nominated for that purpose by the Board; or
- (d) if, for any reason, the Company has a sole Director who is also the sole Company Secretary or a sole Director and no secretary – that Director.

16.3 Execution without Common Seal

The Company may execute a document without using a common seal if the document is signed by:

- (a) two (2) Directors of the Company;
- (b) a Director and a Company Secretary;

- (c) a Director nominated for that purpose by the Board; or
- (d) if, for any reason, the Company has a sole Director who is also the sole Company Secretary or a sole Director and no Secretary – that Director.

16.4 Directors' Interests

A Director may sign a document to which the seal of the Company is affixed even if the Director is interested in the contract, agreement or arrangement to which the document relates.

17. ACCOUNTS, RECORDS & ADVICE

17.1 Accounting Records

The Board must cause proper accounting and other records to be kept and must distribute copies of financial statements as required by the Act.

17.2 Access to Records

- (a) The Directors must from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounting and other records of the Company or any of them will be open to the inspection of Members of the Company.
- (b) No Member (other than a Director) has any right to inspect any accounting or other records of the Company except as conferred by statute or as authorised by the Board or by a resolution passed at a general meeting.
- (c) Directors (present and past) can request access to Board papers through the Chair or Company Secretary.

17.3 Financial Delegation to CEO

The Board must specify, in writing, the limits of financial authority delegated to the CEO, and may consider and set mechanisms for approval for the oversight and monitoring of larger payments, signatories and application of the Company Seal in relation to those transactions.

17.4 Independent Advice

- (a) The Board may access any information it reasonably requires to meet its duties, responsibilities and functions. In this regard, the Board has access to management for information and advice, as well as internal and external auditors as necessary.
- (b) The Board as a whole may access independent, expert advice at the Company's expense as it agrees is necessary.

- (c) Individual Directors may request independent advice at the Company's expense. Such a request should be made at a Board meeting, however if this is not convenient or timely, requests may be approved by the Chair. Advice requested by an individual Director will be provided to all the Board and, on request to all Members.

18. NOT-FOR-PROFIT

18.1 Determination of Income

The Company must determine income in accordance with ordinary accounting principles, and unless otherwise exempt, must pay all taxation liabilities on the derivation of that income as may be required from time to time.

18.2 No Dividends

The Company must not distribute any income directly or indirectly to members, whether as dividends or otherwise, but nothing in this **clause 18** prohibits the Company from contracting with, paying or reimbursing any Member or Director of the Company in accordance with any other express provision of this Constitution.

18.3 No Capital Distributions

The Company must not distribute any capital directly or indirectly to Members, whether as cash or by *in specie* distribution.

18.4 Catch All

For the avoidance of doubt, any other provision of this constitution, whether express or implied, that is inconsistent with the provisions of this **clause 18** is void and of no effect.

19. CAPITALISATION OF PROFITS

19.1 Capitalisation of Reserves

Subject to **clause 18** the Directors may resolve to capitalise any part of the amount for the time being standing to the credit of any of the Company's reserve accounts or to the credit of the profit and loss account or otherwise.

19.2 Powers of Directors

Whenever a resolution under **clause 19.1** has been passed, the Directors must make all appropriations and applications of the undivided profits resolved to be capitalised by that resolution and generally do all acts and things required to give effect to that resolution.

20. NOTICES

20.1 Giving of Notices

The Company may give notice to any Director or Member:

- (a) personally;
- (b) by sending it by post to the address of the Director as notified to the Company or the address for the Member in the register of members or the alternative address (if any) nominated by the Director or Member; or
- (c) by sending it to the facsimile number or electronic address (if any) nominated by the Director or the Member.

Any notice sent by post is taken to be given two (2) business days after it is posted. Any notice sent by facsimile or other electronic means is taken to be given on the business day after it is sent.

20.2 Entitlement to Notices

Notice of every general meeting will be given in any manner authorised by this constitution to:

- (a) every Member, except those Members who (having no registered address within Australia) have not supplied to the Company an address for the giving of notices to them;
- (b) every person entitled to a share in consequence of the death or bankruptcy of a member who, but for the death or bankruptcy, would be entitled to receive notice of the meeting;
- (c) the Directors of the Company;
- (d) the Company Secretary or secretaries; and
- (e) the auditor for the time being of the Company.

No other person is entitled to receive notices of general meetings.

21. BY-LAWS

21.1 Power to Pass By Laws

Subject to **clause 21.2**, the Board may pass any resolution to make by-laws that are binding on the Members, whether to give effect to:

- (a) this Constitution; or
- (b) any other written instrument that purports to bind the Members.

22.1 Special Resolution for Member Limitation

Any by-law that purports to limit or encumber the power of Members in relation to the appointment and removal of the Directors must be approved by a Special Resolution of the Members.

22. INDEMNITY AND INSURANCE – DIRECTOR AND OFFICER PROTECTION

22.1 Extent of Indemnity

The Company must indemnify (either directly or through one or more interposed entities) any person who is or has been a Director, Company Secretary or Executive Officer of the Company and, if so resolved by the Directors, the auditor of the Company, out of the funds of the Company against the following:

- (a) any liability to another person (other than the Company or a related body corporate) unless the liability arises out of conduct involving a lack of good faith;
- (b) any liability for costs and expenses incurred by that person:
 - (i) in defending proceedings, whether civil or criminal, in which judgment is given in favour of the person or in which the person is acquitted; or
 - (ii) in connection with an application, in relation to those proceedings, in which the court grants relief to the person under the Act.

22.2 Insurance

The Company may pay, or agree to pay, a premium in respect of a contract insuring a person who is or has been an officer of the Company or of a related body corporate of the Company against a liability:

- (a) incurred by the person in their capacity as an officer of the Company or a subsidiary of the Company or in the course of acting in connection with the affairs of the Company or otherwise arising out of the officer holding any office provided that the liability does not arise out of conduct involving a wilful breach of duty in relation to the Company or a subsidiary of the Company or a contravention of sections 482 and 183 of the Act; or
- (b) for the costs and expenses incurred by that person in defending proceedings, whatever their outcome.

22.3 Insurance – Longtail Directors and Officers Policy

In addition, the Company must:

- (a) arrange and maintain Directors and Officers insurance policy each year for current directors and for up to seven (7) years after a directorship ceases. To the extent permitted by law, this insurance will cover the costs of litigation and provide financial protection for Directors and officers of the Company against whom legal claims are made.
- (b) The Company will do all things reasonably prudent and necessary to limit the liability of Directors and other officers of the Company, but the Company does not make any representation, promise or warranty to any Director or officer about the adequacy or sufficiency of these measures.

23. AUDIT

23.1 Audit

An auditor or auditors must be appointed by the Board if the Company is required to appoint an auditor by the Act and, if not so required, then the Board has the discretion to appoint an auditor or auditors.

23.2 Compliance

In all other respects, the Company must comply with generally accepted accounting principles in the jurisdiction in which the Company is based and must provide the necessary reports as required by the Corporations Law, in accordance with the Tier in which the Company is positioned from time to time.

24. WINDING UP

24.1 No Distribution of Surplus Assets to Members

If the Company is wound up (whether voluntarily or otherwise) no surplus assets may be distributed to any Member of the Company or any former Member of the Company.

24.2 Winding Up Reserves

The Board must cause not less than three (3) months of operating funds as reasonably determined by the Board to be maintained in reserves to ensure that such funds are available if a decision is made to wind up the Company.

24.3 Distribution of Surplus Assets

- (a) After all of the liabilities (including employee entitlements) and expenses of winding up have been paid and settled, subject to:
 - (i) the Act;
 - (ii) any other act or legislation that may apply; and
 - (iii) the order of any court of competent jurisdiction

15.2.1 NTDC Constitution - 2022 Revision 1.3 (Letter Of Expectation)

the Company may distribute any surplus assets.

- (b) Surplus assets may be distributed to any one or more:
 - (i) organisations with similar purposes and objectives to the Company;
 - (ii) charities registered with the Australian Charities and Not-For-Profits Commission

provided that any recipient of surplus assets from the Company must also have provisions in its constituent documents that prohibits the distribution of income and capital to its members and requires the distribution of surplus assets to be treated in a similar manner as this **clause 24.3**.

24.4 Sunset Review

If Members commit to any cycle of subscription fees, the Board will work actively with Members to ensure that a sunset mechanism is incorporated into any Membership cycle and that a review process is identified and followed in good time to allow the Company to continue or to be wound up in accordance with this **clause 24**.

SCHEDULE 1 - INITIAL MEMBERS

1. Break O'Day Council
2. Flinders Council
3. George Town Council
4. City of Launceston Council
5. Meander Valley Council
6. Northern Midlands Council
7. West Tamar Council

15.2.1 NTDC Constitution - 2022 Revision 1.3 (Letter Of Expectation)

SCHEDULE 2 - AGREEMENT

Each of the undersigned, being the persons specified in the application for the Company's registration as a person who consents to become a member, agrees to the terms of this Constitution.

Full name and address of each member	Signature on behalf of the Member
1. Break O'Day Council 32-34 Georges Bay Esplanade, St Helens Tasmania 7216	
2. Flinders Council PO Box 40, Whitemark Tasmania 7255	
3. George Town Council PO Box 161 George Town Tasmania 7253	
4. City of Launceston Council PO Box 396 Launceston Tasmania 7250	
5. Meander Valley Council PO Box 102 Westbury Tasmania 7303	
6. Northern Midlands Council PO Box 156 Longford Tasmania 7301	
7. West Tamar Council PO Box 59 Beaconsfield Tasmania 7270	

15.2.1 NTDC Constitution - 2022 Revision 1.3 (Letter Of Expectation)

Northern Tasmania Development Corporation Limited
Company Constitution

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**Northern Tasmania Development
Corporation**

**MEMBER COUNCILS LETTER
OF EXPECTATIONS**

Adopted by

Version 1 (26 August 2022)

PART 1 – INTRODUCTION

1. Preamble

- 1.1. This Letter is issued by the member Councils of Northern Tasmania Development Corporation . This Letter operates until it is amended or replaced in accordance with the procedures outlined in this document and the Company Constitution.

2. Purpose

- 2.1. This Letter gives the Board of the Corporation guidance in relation to the member Councils' high-level performance expectations and strategic priorities, including (but not limited to) the appointment, setting of terms, remuneration, suspension and dismissal of directors; the establishment of requirements for reporting by the Board to the representatives; reporting to Member Councils and the approval of the guiding documents for the NTDC Board.

3. Interpretation

- 3.1. Subject to Section 3.2, terms used in this Letter are defined in Schedule A.
- 3.2. Except where the context makes it clear that a rule is not intended to apply:
- 3.3. Terms defined in the *Company Constitution of Northern Tasmania Development Corporation Limited and the Members Agreement between member Councils and Northern Tasmania Development Corporation Limited* (as amended from time to time) have the same meaning in this Letter.
- 3.4. Whenever this Letter requires the Corporation to "develop" something, the Corporation shall be taken to have complied with that obligation if it has already developed the item before this Letter commenced.
- 3.5. Where this Letter sets out expectations in relation to the provision of information, the Corporation shall forward such information to the member Councils' Representative, the Mayors (where the member Councils' Representatives are not also the Mayors) and the General Managers (unless otherwise specified in this document).

PART 2 - GENERAL

4. Guiding Principles

- 4.1. The Guiding Principles for the Corporation are that it:
 - Operates within relevant legislative and statutory obligations and has systems and processes to support and report on these obligations
 - Fulfils the principal objectives under the *Company Constitution*
 - Maintains long-term financial sustainability while meeting the other Guiding Principles
 - Is delivering value to the members in accordance with guiding documents which is recognised by the members. It is expected that the Corporation will:
 - Be a single voice for the region (representing collaborations of council)
 - Realise opportunities (financial and social prosperity)
 - Drive success focused on Northern Tasmania
 - Facilitate outcomes that benefit the region
 - Tap into available expertise

PART 3 – GOVERNANCE

5. Shareholders' Letter of Expectations

- 5.1. The member Councils expect that the Board will abide by this Letter unless to do so would create a risk of breaching the *Company Constitution*, the *Corporations Act 2001* (Cth), directors' duties, or any other statutory or regulatory obligation.
- 5.2. The Board will engage with the member Council Representatives Group in relation to the requirements of this Letter
- 5.3. The Board will advise member Councils' Representatives when the provisions of this Letter cannot be met.
- 5.4. The member Councils shall consult with the Board prior to amending or replacing this Letter.
- 5.5. The method of adopting, amending or repealing this Letter is determined in the Constitution.

6. Appointment of Chair and Directors

- 6.1. The member Council's would like to express their position in relation to required characteristics of the independent Chairperson:
 - Northern Tasmania local ideally (but not essential)
 - Someone aligned with NTDC values
 - Someone with profile
 - The skill to chair the Board plus be able to leverage other directors' skills/experience
 - Effective and respectful with the Chief Executive Officer of NTDC
 - Someone who will not play politics
- 6.2. The recruitment process for Chairperson will be as described in the Constitution and must include the member Council Representatives Group through:
 - 6.2.1. Inclusion of two (2) representatives on the Board Selection Committee to undertake the recruitment process.
 - 6.2.2. Provision of a recruitment report and recommendation to the member Council Representatives Group for consideration and a decision.
- 6.3. The recruitment process for Directors as described in the Constitution must include Council representation and the Chairperson on the Board Selection Committee.
- 6.4. The Chairperson must ensure that the appointment of a Director works to the betterment of the Board and member Councils

7. Board Performance

- 7.1. The Corporation will undertake an internal review on the performance of the Board and its committees annually and report to the Board Selection Committee prior to 30 June.
- 7.2. Each year, the Board Chairman shall discuss with the Board Selection Committee Chair any concerns about the contribution of individual directors and/or the need to change the skills mix of the Board.

8. Financial and Resourcing Strategy

- 8.1. The Board, in conjunction with the member Council Representatives Group, will develop a Financial and Resourcing Strategy for the Corporation which reflects the strategic directions and priorities of NTDC.

9. Annual Operational Plan and Budget

- 9.1. The Board shall prepare and adopt prior to 31 July an Operational Plan and Budget annually to guide the activities and program delivery of the Corporation.
- 9.2. Member Councils will be provided with the proposed Operational Plan and Budget prior to adoption by the Board for consideration:
- 9.3. The proposed Operational Plan must be provided to member Councils by 1 July of the financial year to

which it relates.

- 9.4. Member Council's must provide feedback in relation to the proposed Operational Plan and Budget by no later than 15 July of the financial year to which it relates.
- 9.5. The Board will consider the feedback received and may or may not make changes to the proposed Operational Plan.

PART 6 – REPORTING

10.Member Engagement and Reporting Framework

- 10.1. The Board will arrange the following meetings each year, at a minimum:
 - 10.1.1. CEO addressing each council twice annually in person as well as the provision of regular NTDC newsletters
 - 10.1.2. Annual Reporting Meeting – to review the annual financial reports;
 - 10.1.3. Quarterly meetings with Representatives Group unless the Representatives Group decides to hold fewer meetings
- 10.2. The Board will provide a quarterly progress report on progress with delivery of the Annual Operational Plan within 30 days of the completion of each quarter.
- 10.3. Disclosures under the 'no surprises' continuous disclosure regime should be provided in the quarterly meetings unless the Board considers that a more timely disclosure is appropriate.

Northern Tasmania Development Corporation Limited

ACN 616 650 367

Members Agreement 2023-2026

Based on the 2017 Previous Member's Agreement by Levi and Stacey.

Revised for the 2020-2023 Agreement

Revised for the 2023-2026 Agreement (including consolidation with Constitution)

15.2.3 Proposed Members Agreement 2023 - 2026

Northern Tasmania Development Corporation Limited
Members Agreement V3.0 20221110 DRAFT

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15.2.3 Proposed Members Agreement 2023 - 2026

Northern Tasmania Development Corporation Limited
Members Agreement V3.0 20221110 DRAFT

Schedule of Particulars

- | | |
|----------------------------------|--|
| 1. Date of Agreement | The day of 2023 |
| 2. The Company
Limited | Northern Tasmania Development Corporation

also trading as NTDC Limited
("the Company") |
| 3. Members | As set out in the Schedule of Members in the
Company Constitution
("the Members") |
| 4. Registered Office | Level 1, Suite 1, 62 – 65 Cameron Street
Launceston in Tasmania |
| Sunset Period | Three (3) years |

End of Schedule of Particulars

15.2.3 Proposed Members Agreement 2023 - 2026

This Members Agreement is made on the date set out at **Item 1** of the Schedule of Particulars.

Between The Company set out at **Item 2** of the Schedule of Particulars

And The Members set out at **Item 3** of the Schedule of Particulars

Background

- A. The Company is a properly constituted company limited by guarantee.
- B. Historically, the Company had previously existed as a not-for-profit company but was converted to an incorporated association in 2012¹. However, upon the recommendation of Bill Fox & Associates, the shareholders of the Company in its prior form agreed to adopt a recommendation to convert to a company limited by guarantee in 2017.
- C. As at the date of this Agreement, the Members set out at **Item 2** of the Schedule of Particulars are:
 - 1. all of the Members of the Company; and
 - 2. all bound by guarantee to contribute the Guarantee Amount, set out in the Company Constitution, to the Company on a winding up.
- D. The Members have agreed to enter into this Members Agreement ("the Agreement") to more fully regulate their legal, commercial and business relationships as members of the Company.
- E. The corporate entity of the Company is also joined in to this Agreement in order to take notice of the provisions contained in this Agreement and as far as is permitted by the Corporations Law and Company's constituent documents, to conduct the affairs and business of the Company as contemplated by the provisions of this Agreement.
- F. The Members have agreed that the Company needs to source more funds from outside Member Fees.

Agreement

¹ Bill Fox & Associates, 2016, *Review of Regional Bodies in Northern Tasmania* Final Report, p6.

1. Definitions and Interpretation

1.1. Unless there is something in the subject or context inconsistent the following meanings apply in this Agreement:

- (a) "Agreement" means this Members Agreement and all of the Background, Parts, terms, clauses, schedules, annexures, tables or exhibits to it, as amended by the parties from time to time;
- (b) "Assets" means the all of the assets, property (real and personal) and choses in action of the Company;
- (c) "Background" means the part of this Agreement that follows the heading of that name, and enumerated by letters rather than numbers;
- (d) "Company" means, in the case of a corporation, the officers, servants, agents, attorneys and permitted assigns of the Company;
 - (i) "Confidential Information" means and includes:
 - (ii) any information concerning the Company, its methods of operation, strategic direction, marketing and other activities;
 - (iii) financial information concerning the Company and its related activities;
 - (iv) specialised or corporate documentation produced by the Company; and
specialised of corporate documentation produced by entities associated with the Company which information, whether in the nature of trade secrets or otherwise, is not in the public domain;
- (e) "Constituent Documents" means:
 - (i) this Agreement;
 - (ii) the Company Constitution of the Company;
 - (iii) any by-laws created by the Company under the Company Constitution; and
 - (iv) any other document deemed to be a Constituent Document by the Company;

15.2.3 Proposed Members Agreement 2023 - 2026

- (f) "Corporations Law" means the Corporations Act 2001 (Cth) as amended from time to time;
- (g) "Director" means, in the case of a natural person or persons, the respective heirs, personal legal representatives and permitted assigns of that person or persons;
- (h) "Division 7" means Division 7 of the Income Tax Assessment Act 1997 in respect of inter-entity and related-party loans;
- (i) "Intellectual Property" has the following extended meaning:
 - (i) the Company's name and all unregistered trading names used by the Company;
 - (ii) all copyright, moral rights, trademarks (registered and unregistered), designs (registered and unregistered) of the Company;
 - (iii) all of the documents, forms, processes, know-how, systems, of any description of the Company;
 - (iv) all domain names, telephone numbers and email addresses used in the Company; and
 - (v) all hard copy images used in yellow pages and other advertising, if any, of the Company;
- (j) "Member" means:
 - (i) in the case of a natural person or persons, the respective heirs, personal legal representatives and permitted assigns of that person or persons;
 - (ii) (ii) in the case of a corporation or trust entity, the officers, servants, agents, attorneys and permitted assigns of that entity;
 - (iii) (iii) in the case of any other body, however it is constituted, the officers, servants, agents, attorneys and permitted assigns of that body; and
- (k) "Part" means a reference to the relevant Part of this Agreement.

If any other term is used in this Agreement, which is not a defined term, but which is a defined term in the Company Constitution, the meaning of that term in the

15.2.3 Proposed Members Agreement 2023 - 2026

Company Constitution must be attributed to that term in this Agreement, as if that term was expressly defined, on the same terms, in this Agreement.

1.2. Unless there is something in the subject or context that is inconsistent the following provisions apply in this Agreement:

- (a) any covenants implied by law (statutory or otherwise) are not negated but are deemed, to the extent of any inconsistency with the provisions of this Agreement, to be modified (where modification is permitted);
- (b) where two (2) or more persons are named as a party to this Agreement the terms, covenants, conditions, provisions, stipulations and restrictions contained in this Agreement bind each of them jointly and severally and benefit each of them jointly and severally;
- (c) if any term, covenant, condition, provision, stipulation or restriction contained in this Agreement is or becomes illegal or unenforceable, then this Agreement must be read and construed as if that term, covenant, condition, provision, stipulation or restriction, as the case may be had been severed and the balance of this Agreement remains in full force and effect;
- (d) a reference to any document or instrument (and, where applicable, to any of its provisions) is a reference to that document or instrument as amended, novated, supplemented or replaced from time to time;
- (e) a reference to a right includes a benefit, remedy, discretion, authority or power;
- (f) a reference to the whole of property or a thing includes part of that property or thing unless stated otherwise;
- (g) a reference to a statute, code or other law includes regulations and other instruments under it, and consolidations, amendments, re-enactments or replacements of any of them occurring at any time before or after the date of the Agreement;
- (h) where any expression is defined, any other part of speech or grammatical form of that expression has a corresponding meaning;
- (i) where the word “including” is used, that use does not limit or exclude in any way unless the context requires otherwise;

15.2.3 Proposed Members Agreement 2023 - 2026

- (j) words importing the singular include the plural and vice versa;
- (k) words importing the masculine gender include the feminine and a corporation and vice versa;
- (l) words importing persons include a firm, a body corporate, an unincorporated association or an authority and vice versa;
- (m) headings are inserted for guidance only and are not deemed to form part of the provisions of this Agreement and must not be used for the purpose of construction;
- (n) the first letters of words and expressions defined in this document are indicated by capital letters for convenience and the absence of a capital letter alone does not imply the word or phrase is used with a meaning different from that given by its definition;
- (o) a reference to “dollar” or “\$” is a reference to the lawful currency of Australia;
- (p) a reference to a time or date affecting the performance of an obligation by a party is a reference to the time and date in Tasmania, even though the obligation is to be or may be performed elsewhere;
- (q) where the day on or by which anything is to be done is a Saturday, a Sunday or a public holiday in the place in which that thing is to be done then that thing must be done on or by the next succeeding business day;
- (r) if a period of time is expressed to be calculated from or after a specified day, that day is not included in the period;
- (s) a provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this Agreement or the inclusion of the provision in this Agreement; and
- (t) a reference to a person who is an “associate” of another person is a reference to a person who is an associate of that other person within the meaning of Part 1.2 of Division 2 of the Corporations Law.

2. Acknowledgments

- 2.1. The parties acknowledge that the Background of this Agreement sets out a true, accurate and complete representation of the commercial relationship

15.2.3 Proposed Members Agreement 2023 - 2026

between the parties and the circumstances surrounding the execution of this Agreement.

2.2. Each party separately acknowledges for the benefit of each other party that:

- a)** they have entered into this Agreement after mature consideration, reflection, and exercise of independent judgment;
- b)** they have read and understood the provisions of this Agreement and that the provisions are just, equitable, fair, reasonable and satisfactory to them;
- c)** they have entered into this Agreement of their own free will and volition and that no coercion, force, or undue influence has been used in the execution of this Agreement either by the other party or by any other person or persons;
- d)** they have either obtained independent legal advice, or are aware of their right to do so, and have chosen not to do so; and
- e)** they have not relied upon any representation or promise in entering into this Agreement except for those expressly stated in this Agreement.

2.3. The parties express acknowledge and agree that if there is any inconsistency, discrepancy or conflict that arises in respect of the interpretation or application of any of the Constituent Documents, the order of priority of the documents to the extent of that inconsistency, discrepancy or conflict is as follows:

- a)** the provisions of the Company Constitution take priority over all other subordinate Constituent Documents;
- b)** the provisions of this Agreement take next priority over all other subsequent subordinate Constituent Documents;
- c)** the provisions of any by-laws created by the Directors take next priority over all other subsequent subordinate Constituent Documents; and
- d)** any other document deemed by the parties to be a Constituent Document takes last priority.

2.4. The Board, on behalf of the Company, and the Initial Members acknowledge that Dorset Council is entitled to be admitted as an Initial Member of The Company, even though Dorset Council is not recorded in the Schedule of

Initial Members in the Company Constitution as an Initial Member. If, at any time after the registration of the Company, Dorset Council, resolves to become a Member of The Company, the Board must admit Dorset Council as a Member. Subject to the terms of the Company Constitution, this Agreement, and any other constituent document of the Company, Dorset Council is deemed to be an Initial Member of the Company and will enjoy all of the rights and privileges of being an Initial Member, albeit from the date that it is registered in the register of Members.

3. Purpose and Objectives

3.1. The parties agree to carry on the Company with the common purpose of achieving the primary objectives set out in **clause 3.2**.

3.2. The primary objectives of the The Company are as set out in clause 1.8 of the Company Constitution.

3.3. The CompanyThe Members expressly acknowledge that the Company is:

- (a) a not-for-profit enterprise, with funding coming principally from annual subscription fees paid by the Members;
- (b) is not, and is not intended to be, a charity, as defined or administered by the Australian Charities and Not-For-Profits Commission; and
- (c) not a tax-exempt entity for the purposes of the *Income Tax Assessment Acts 1936 and 1997*, but it is contemplated that the Company may seek tax-exempt status in the future if that is considered necessary and prudent at the time.

4. Corporate Governance – Size and Role of Board

4.1. The parties agree that the governance structure of NTDC Limited is as follows:

The Company has a Board of Directors comprising not less than three (3) and not more than nine (9) Directors (“the Board”) but the parties agree that the optimal size of the Board is seven (7) Directors;

4.2. The following governance principles outline the strategic function of the Board:

15.2.3 Proposed Members Agreement 2023 - 2026

- (a)** Principle 1 – the Board plays a key role in approving the vision, purpose and strategies of The Company. The Board must act in the best interests of the Company and is accountable to the Members as a whole;
- (b)** Principle 2 – the Board sets the cultural and ethical tone for the Company. This includes the 'how' of undertaking the work of the Company by being an exemplar of contemporary best practice and collaboration throughout the region;
- (c)** Principle 3 – all Directors are responsible to exercise independent judgment and provide independent oversight of management of the Company;
- (d)** Principle 4 – the Board should comprise an appropriate number of Directors for the size and scale of the Company, with a relevant and diverse range of skills, expertise, experience and background and who are able to effectively understand the Company's business and regional context.
- (e)** Principle 5 – the Board should have an appropriate system of risk oversight and internal controls put in place;
- (f)** Principle 6 – Directors should act diligently on an appropriately informed basis and have access to accurate, relevant and timely information;
- (g)** Principle 7 – the Board would normally delegate certain functions to management. Where it does so, there should be a clear statement and understanding as to the functions that have been delegated;
- (h)** Principle 8 – the Board is responsible for the appointment of the CEO and the continuing evaluation of the CEO's performance;
- (i)** Principle 9 – the Board should ensure that the Company communicates with Members and other shareholders in a regular and timely manner. The Board and management will respect the rights of Members and will not speak publically against any Member; and
- (j)** Principle 10 – the Board's performance (including the performance of the Chair, the individual Directors and the Board's subcommittees) needs to be regularly assessed and appropriate actions taken to address any issues identified.

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4.3. All other mechanics as to the operation of the Board are outlined in the Company Constitution, and certain Board Policies.

5. Corporate Governance – Member Representative Group

5.1. Each Member must nominate one representative who will represent that Member on the Member Representative Group.

5.2. In relation to each Member, the elected Mayor for the time being, is automatically that Member's nominated representative for all purposes of the Company, but any Member may nominate an alternative representative in accordance with clause 6.1 of the Constitution

5.3. Members of the Member Representative Group must be ready, willing and able do all of the following:

- (a) Attend meetings of the Member Representative Group, being at least Quarterly unless otherwise agreed with the Company;
- (b) Use their influence with their appointing Member to:
 - (i) Promote the activities and success of the Company;
 - (ii) Facilitate reasonable access to Councillors, Mayor and General Manager of the Member, including twice yearly presentations by the Company to the Member's Council; and
 - (iii) Use their best efforts to assist the Company to communicate the Company's Annual Plans, Operational Plans, Budgets and Quarterly reports.
- (c) Be an active member of the Board Selection Committee of the Company if so nominated by the Member Representative Group;
- (d) Be an active member of the Chair Selection Committee if so nominated by the Member Representative Group; and
- (e) Support the Company Secretary as requested in the event of a concern or grievance in accordance with clause 14.4 of the Company Constitution.

5.4. The Chair of the Company is an ex officio member of the Member Representative Group.

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5.5. The Company Secretary will provide rudimentary secretariat services in accordance with clause 15.5 of the Company Constitution.

5.6. Owing to the special nature of the relationship between the Members and the Directors of the Company, as evidenced by this Members Agreement, it is an essential provision that the Board properly consider any issue that the Member Reference Group (by simple majority request) put to the Board for consideration at the earliest possible Board meeting and that the Board provides a fulsome report back to Members in a reasonably prompt time in relation to that issue following the Board meeting at which it is considered.

6. Accountability

6.1. The Board of Directors is accountable to the Members of The Company at all times. It is important that all Directors foster a relationship of trust and confidence with the Members, in order to properly and appropriately represent the Members' interests at all times.

6.2. In addition to the material that must be considered at the AGM under the Corporations Law, the Board must supply to the Members for consideration at the AGM the following additional material, and be prepared to speak to and/or account for:

(a) an annual report on the performance of the Company over the past relevant period as it relates to the KPIs agreed by the Members at the last AGM;

(b) any changes to the KPIs as agreed by the Members

(c) progress reports on all projects being undertaken by the Company at the relevant time; and

(d) questions raised by any Member at the AGM (or must provide a written response within fourteen (14) days of the AGM if a question is taken on notice).

6.3. Any disputes will be dealt with through the dispute resolution procedures provided in **clause 2.8** of the Company Constitution.

6.4. Consistent with the nature, purpose and function of the Company, the Company will report formally to Members on a semi-annual (twice yearly) basis, based on agreed KPIs and other information of interest. The process for reporting will include:

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- (a) a strategic progress update by the Board;
- (b) an operational progress update by the CEO;
- (c) an offer of a formal presentation to Members if requested; and
- (d) one of the semi-annual meetings (twice yearly) with Members will be in the lead up to the Company's annual planning process to ensure Member's feedback is considered in advance of this process.

6.5. In accordance with the Corporations Law and **clause 4.4** of the Company Constitution, the Company must hold an annual general meeting once every calendar year, within five (5) months after the end of each financial year.

6.6. A majority of Members of the Company may call a Special Meeting of the Company in accordance with clause 4.1(b) of the Company Constitution.

6.7. A majority of Members of the Company are entitled to appoint or remove Directors in accordance with clause 8.5(a) of the Company Constitution.

7. Remuneration

7.1. The Chair is entitled to be remunerated for the work done and responsibilities undertaken by the Chair in that role. On and from the date of this Agreement, the Members agree to set the remuneration of the Chair at the rate of \$33,114.19 per annum. That rate will be reviewed to CPI (All groups, Hobart, or an equivalent index) at the end of each financial year.

7.2. The Company Secretary is entitled to be remunerated for the work done and responsibilities undertaken by the Company Secretary in that role. On and from the date of this Agreement, the Members agree to set the remuneration of the Company Secretary at the rate of \$22,076.12 per annum. That rate will be reviewed to CPI (All groups, Hobart, or an equivalent index) at the end of each financial year.

7.3. Directors who are not the Chair nor the Company Secretary are entitled to be paid a notional fee, to be set by the Board, to attend meetings and undertake the duties and responsibilities of the Directors.

7.4. All employees of the Company, including the CEO, are entitled to be paid in accordance with the entitlements arising under the FairWork legislation and by reference to prevailing market rates for persons acting in similar positions of employment in similar organisations.

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7.5. All reasonable expenses of the Chair, the Company Secretary and the Directors will be met by the Company whilst travelling or undertaking approved business on behalf of the Company.

8. Funding – Subscription Fees from Members

8.1. The Company relies on its Members to fund the Company to partly achieve its primary objectives. This includes both the:

- (a) execution of the strategic plan from time to time; and
- (b) day to day operations of the Company.

8.2. The Members expressly agree to each pay an annual subscription fee to the Company to be set by the Board in each financial year of operation of the Company, which subscription fee is intended to be paid:

- (a) evenly by reference to the methodology for calculation of the subscription fee amounts for all Members; and
- (b) unevenly, by reference to the actual dollar value amount payable by individual Members, as produced by those calculations.

8.3. The Members agree that the annual subscription fee that each Member is required to contribute to the Company is to be calculated in accordance with the following formula:

$$SF = FC + VC$$

Where:

- (a) SF = the total amount of the Member's Subscription Fee for that year;
- (b) FC = the fixed component (based on the 2019-20 financial year) calculated by application of the following bands calculated based on the population of the municipal area of each Member (figures for 2021/22) :

(i)	Population of 0 – 5,000 people	\$5,036.00
(ii)	Population of 5,001 – 10,000 people	\$10,072.00
(iii)	Population of 10,001+ people	\$20,144.00

The FC component is indexed annually to CPI (All groups, Hobart, or an equivalent index); and

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(c) VC = the variable component calculated at a contribution rate of approximately \$2.79 per head of population (figure for 2021/22) in the municipal area of each Member multiplied by the actual municipal population.

The VC component is also indexed annually to CPI (All groups, Hobart, or an equivalent index).

For example, a Council with 32,000 population would calculate its fees as follows:

$$\begin{aligned} SF &= \$10,072 + (32,000 \times \$2.79) \\ &= \$10,072 + \$89,280 \\ &= \$99,352 \end{aligned}$$

8.4. The Company will calculate the contribution amounts for the following financial year, to be approved by the Board and must notify the Members of the annual subscription fee amount for the following year not less than three (3) months prior to the end of each financial year.

8.5. The Members expressly agree that to remain as a member of The Company each Member must commit to pay the annual subscription fee amount each year for number of consecutive years detailed in this agreement from the date that the membership commences. At the end of each funding / membership cycle a review will be undertaken in accordance with **clause 14**.

8.6. Subject to the approval of the Board, and any conditions or restrictions set by the Board, there is no value limit to the amount of the subscription fee payable in any one year by any one Member, as determined by the calculations set out in this **clause 8**.

8.7. The Board may accept applications from other persons or entities to become Members of The Company in accordance with the Company Constitution. The Board may charge an application fee to new members if the Board elects to do so.

8.8. If the Board accepts the application of any new Member, it must only be on condition that the new Member enters into a written deed in a form acceptable to the Board by which the new Member

(a) expressly agrees to be bound by the Constituent Documents of the Company; and

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(b) enters into an agreement on substantially similar terms and conditions as this agreement.

8.9. All of the parties agree that the Company will not obtain, or seek to obtain, any debt funding for any purpose without a unanimous resolution of the Members to that effect.

8.10. If any debt funding is obtained by unanimous resolution, each Member agrees to be liable for and guarantee the repayment by the Company of that debt funding in accordance with the proportionate amount of the annual subscription fee paid by that Member as against all of the subscription fees paid by all Members of the Company at the relevant time.

8.11. Subject to the passing of an appropriate unanimous resolution, the Company may accept loans from any of the Members, on whatever terms those parties may agree, and if so accepted, the Company must create a credit ledger for that purpose in the Company's books of account.

8.12. Subject to the unanimous consent of all Members, the Company may grant loans to any of the Members, on whatever terms those parties may agree, and if so granted, the Company must create a debit ledger for that purpose in the Company's books of account.

9. Voting

9.1. The voting rights of the Members, in general meeting, are as set out in **clauses 5.9-5.13** of the Company Constitution. The Members agree to the following determinations.

9.2. Subject always to the Company Constitution, if, for any reason, at any general meeting of the Members, a poll is demanded then each Member and the Board, on behalf of the Company, as the parties to this Agreement expressly acknowledge and agree that each Member will have, and the Board must recognise, one (1) vote per Member for each \$22,076, increment, or part thereof, of subscription fees paid by each Member to the Company in the then current financial year.

9.3. Upon any vote taken by the Company in general meeting, if any Member has not paid that Member's annual subscription fees in full at the time of that meeting, the voting rights of that Member are deemed to be pro-rated, based on the proportion of the subscription fee that has been paid at the relevant

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time, unless all of the other Members unanimously agree that the unpaid, or partially unpaid, Member's voting rights are not so affected.

10. Member Expectations

10.1. Each party to this Agreement covenants and agrees to deal with each other party to this Agreement to deal with those other parties in good faith.

10.2. In particular, all parties to this Agreement must:

- (a) by completely honest in all communications to, with or on behalf of the Company and each other;
- (b) provide full disclosure about all material matters that arise from or may affect the Company and that party's involvement in it, including health (physical and mental) and wellbeing issues if relevant;
- (c) display appropriate and professional personal conduct at all times in the Company environment and when representing the Company externally; and
- (d) not make, publish or support any disparaging, defamatory or offensive remark, comment or communication about the Company, the Members, the Directors or officers of the Company, any employee of the Company or any other shareholder on any fact, matter or concern that is within the knowledge or opinion of that party.

10.3. Each party must only make use of Confidential Information for the purpose of carrying out the purpose and objectives of The Company.

10.4. No party to this Agreement is permitted to:

- (a) give or disclose Confidential Information to anyone other person or entity;
- (b) use any Confidential Information for personal gain or profit; or
- (c) use any Confidential Information to cause injury, loss or damage to the Company or any other party to this Agreement.

10.5. No party to this Agreement is permitted to make any promise, representation or warranty or to give any undertaking to any person, which

purports to bind The Company, which that party is not authorised to make or give.

11. Financial Reports

11.1. Notwithstanding the appointment of external accountants, the Company may, in its sole and absolute discretion, elect to undertake routine accounting procedures internally or to engage an external book-keeper for that purpose.

11.2. The Board must ensure that proper and sufficient records, reports and financial statements of The Company, should be prepared in accordance with the relevant accounting standards on a weekly, monthly, quarterly and annual basis as:

(a) the Directors may require;

(b) the CEO may require for the proper management of the Company from time to time; or

(c) as the Corporations Law or other statutes may require.

11.3. The Company must comply with the auditing and review procedures of the Corporations Law relevant to the turnover Tier that the Company sits in from time to time, including the requirements of the Tasmanian Audit Office if the Company is required to meet its requirements.

11.4. The Company must provide the following to all Members on a Quarterly basis:

(a) Progress report on delivery of the Annual Operational Plan; and

(b) Progress report on delivery of the Annual Budget.

12. Intellectual and Industrial Property

12.1. Each party agrees and covenants with each other party, as a separate agreement and covenant that that party will keep confidential and preserve all Intellectual Property of The Company at all times confidential.

12.2. Each party agrees and covenants with each other party that that party will pass to the Company for use by the Company as the Company sees fit, free of charge, details of:

(a) all of the technology know-how and research results relevant to the Company that are from time to time in that party's possession or

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knowledge and which that party is not restrained by obligations to others from passing to the Company;

- (b) all of the technology know-how and research results relevant to the Company that are developed, discovered or invented by that party from time to time;

provided that the Company gives to the relevant party each time an appropriate covenant to keep confidential those aspects of the technology know-how or research results which are confidential and the parties agree to cause the Company to give those covenants.

13. Restrictive Covenant

13.1. Upon:

- (a) the cessation as a Director by a Director for any reason;
- (b) the cessation of membership by a Member, for any reason

the provisions of confidentiality and protection of intellectual property continue to apply to that Director or Member indefinitely and do not merge on the resignation or cancellation of membership.

13.2. The Company must ensure that appropriate restrictive covenants are contained in each and every employment agreement for employees of The Company.

14. Sunset Provisions - Review

14.1. Each party agrees to commit to participation in The Company, and to the terms of this Agreement for the Sunset Period set out in **Item 5** of the Schedule of Particulars, which period commences from the date of this Agreement.

14.2. The parties agree that not less than three (3) months prior to the end of the Sunset Period, the Board will undertake a comprehensive review of the strategic purposes and operations of the Company for the purposes of recommending to the Members whether to:

- (a) continue the operation of Company in its then current form;
- (b) change the operation of the Company as the parties may then agree;
- (c) continue with the then current Members;

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- (d) change the then current Members;
- (e) re-set the Sunset Period;
- (f) make any other required amendments, changes and modifications to:
 - (i) this Agreement; and
 - (ii) the operations of the Company; and
- (g) wind up the Company; and/or
- (h) deal with any other relevant matter at that time.

14.3. In conducting that review, the Board may have recourse to any relevant material, matter or issue in making its recommendation to the Members.

14.4. Upon the receipt of a recommendation arising from a review, the Members must pass a Special Resolution to either:

- (a) adopt the recommendation of the Board; or
- (b) to take some other course of action.

14.5. After and as a consequence of a review under this **clause 20**, no Member is bound, nor can be compelled, to remain and continue as a Member and if a Member elects to cease being a Member, the shares of that Member are deemed to be forfeited.

14.6. Every Member that elects to continue as a Member of the Company expressly agrees to commit to the funding cycle for the number of years proposed by the Board, subject to all relevant annual CPI adjustments for the new period, and the Board must record a resolution to that effect.

14.7. The Board may require Members to enter into a Members Agreement as a condition of ongoing membership of the Company.

15. Dispute Resolution

15. The parties agree to adopt and be bound by the dispute resolution procedures set out in **clause 2.8** of the Company Constitution.

16. Default

16.1. If any party breaches that parties obligations under this Agreement, and does not remedy that breach to the satisfaction of the other parties after

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receiving not less than one (1) month's notice to do so, that party is in default of this Agreement.

16.2. A party is also in default of this Agreement if any of the following occurs in relation to that party:

- (a)** the party, being a natural person:
 - (i)** commits any act of bankruptcy;
 - (ii)** enters, or proposes to enter, into any arrangement, composition or compromise with creditors;
 - (iii)** is convicted of any offence in any jurisdiction that carries any term of imprisonment;
 - (iv)** is convicted of any offence of dishonesty;
 - (v)** is convicted of any offence in relation to the Company or any other party to this Agreement; or
 - (vi)** fails to attend to that Party's responsibilities under this Agreement for a period of more than thirty (30) days for no explainable reason; or
- (b)** the party, being a company or trust or other body corporate:
 - (i)** commits any act of insolvency;
 - (ii)** enters, or proposes to enter, into any arrangement, composition or compromise with creditors; or
 - (iii)** has a Director or trustee who is convicted of any offence under clause 16.2(a)(iii), (iv) or (v).

16.3. A party, being a natural person, is deemed to be in default of this Agreement if any of the following occurs to that party:

- (a)** two competent medical practitioners declare that the party is of an unsound mind;
- (b)** some other event beyond the control of the party causes that party to lose legal capacity; or
- (c)** the party cannot be found for a period of more than ninety (90) days.

17. Disciplinary Proceedings

- 17.1. The parties agree to adopt and be bound by the disciplinary procedures set out in **clause 2.9** of the Company Constitution.

18. Winding Up

- 18.1. The parties agree to adopt and be bound by the winding up procedures set out in **clause 24** of the Company Constitution.

- 18.2. Upon a winding up of the Company, the following process must be followed, in the order set out below, after liquidation of all assets:

- (a) as much notice as possible of the winding up must be given to any employees of the Company who are not parties to this Agreement;
- (b) all employee entitlements must be paid out as the first priority, including to any party to this Agreement, who is a natural person, who is also a bona fide employee of the Company in receipt of salary or wages, and superannuation;
- (c) all secured creditors must be paid out, but excluding any loan accounts in favour of parties to this Agreement;
- (d) all unsecured creditors must be paid out, but excluding any loan accounts in favour of parties to this Agreement;
- (e) all unpaid present entitlements;
- (f) all loan accounts must be paid out, subject to any set-off or adjustment for loans made to that party or to a related party of that party; and
- (g) the balance of net assets of the Company must be distributed in accordance with the winding up provisions of the Company Constitution.

- 18.3. The Members expressly acknowledge and agree that no Member can receive any payment of capital, distribution of assets or other benefit from the Company on a winding up.

19. Notices

19.1. A notice or other communication in connection with this Agreement is to be in writing and:

- (a) may be given by the relevant party or its lawyer; and
- (b) must be:
 - (i) left at the address set out or referred to in the Details;
 - or(ii) sent by prepaid post to the address set out or referred to on the Details;
- (iii) sent by fax to the fax number set out or referred to in the Details; or
- (iv) sent by email to the last known email address of the relevant party or lawyer.

However, if the intended recipient has notified a changed postal address or changed fax number, then the communication must be to that postal address or fax number.

19.2. Notices take effect from the time they are received unless a later time is specified in the notice.

19.3. If a notice is sent by post, it is taken to be received two (2) days after posting (or seven (7) days after posting if sent to or from a place outside Australia).

19.4. If a notice is sent by fax, it is taken to be received at the time shown in the transaction report as the time that the whole of the fax was sent.

19.5. If a notice is sent by email it is taken to be delivered at the time it is sent, but only if the sender of the email notice has obtained a delivery receipt for that email.

19.6. For the avoidance of doubt, every Member is entitled to receive separate notice of every general meeting of the Company.

20. Additional Provisions

20.1. Each of the parties to this Agreement will sign and execute any further documents and do any deeds, acts and things as the other party reasonably requires for effecting the intention of the parties under this Agreement. However, this obligation does not extend to incurring a liability:

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(a) to pay any money, or to provide any financial compensation, valuable consideration or any other incentive to or for the benefit of any person except for payment of any applicable fee for the lodgement or filing of any relevant application with any government agency, unless a provision of this Agreement expressly requires otherwise; or

(b) to commence any legal action against any person, to procure that the thing is done or happens.

20.2. This Agreement constitutes the entire agreement between the parties about the subject matter of this Agreement. It supersedes and extinguishes all prior agreements, understandings, representations, warranties, covenants or agreements previously given or made between the parties about the subject matter.

20.3. This Agreement may be executed by the parties in two or more counterparts, each of which is deemed to be an original, but all of which together constitute one and the same instrument.

20.4. The parties must execute and exchange original signed counterparts of this Agreement unless there is a specific provision in the Agreement that permits the exchange of counterparts by facsimile or scanned email copy.

20.5. This Agreement must not be amended, modified or supplemented except by a written instrument signed on behalf of the respective parties.

20.6. Any clause, covenant or condition in this Agreement that requires a party to do something after completion does not merge on completion and that party is obliged to perform the obligation within the time allowed for doing so. A failure to perform an obligation of this nature is a breach of the Agreement retrospectively and gives rise to a claim for injury, loss and damage to the party with the benefit of the performance of the obligation.

20.7. No waiver by any party of any default in the strict and literal performance or compliance with any other provision, condition or requirement of this Agreement is deemed to be a waiver of the strict and literal performance of or compliance with any other provision, condition or requirement in this Agreement nor be a waiver of or in any manner release any other party from strict compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of any right accruing to it after completion.

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- 20.8. A provision of or a right created under this Agreement may not be:
- (a) waived except in writing, signed by the party with the benefit of that provision or right; or
 - (b) varied except in writing signed by the Parties.
- 20.9. The obligations of the parties under this Agreement are subject to the express condition that whenever a party is required to perform or do any act or thing, the performance of that obligation is not required if it is rendered reasonably or practically impossible by reason of any riot, civil commotion, strike, lockout, act of God, act of the public enemy, priority, allocation, rationing or the regulation or prohibition of the use of any material, heat, fuel, hours of work or award, of the party.
- 20.10. Each party warrants and represents to the other party that the signing or performance under this Agreement does not conflict with or result in a breach of its constitution, any writ, order, judgement, law, rule or regulation which is binding upon the party.
- 20.11. Any party who executes this Agreement on behalf of a party under a Power of Attorney warrants that he or she has no notice of the revocation of that Power or of any fact or circumstance that might affect his or her authority to execute this Agreement under that Power.
- 20.12. The rights, powers and remedies under the Agreement are in addition to and do not replace or limit any other rights, powers or remedies provided by law independently of the Agreement.
- 20.13. Where a party is required to give a consent, that party may give that consent conditionally, unconditionally or withhold it without giving reasons, unless expressly stated otherwise.
- 20.14. Whether or not any of the transactions contemplated by this Agreement are completed the parties must pay their own fees, costs and expenses of and incidental to the negotiation, preparation and execution of this Agreement, including the fees and disbursements of its lawyers and accountants.
- 20.15. Where any party is entitled to take enforcement or recovery action against another party, that party is entitled to recover its fees, costs and expense of and incidental to the enforcement action from the other party.

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20.16. This Agreement is governed by and construed in accordance with the law of Tasmania and the Commonwealth of Australia and each of the parties submit to the jurisdiction of the Courts of the State of Tasmania and the Courts of the Commonwealth of Australia.

End of Operative Part

Execution

Company

Signed for and on behalf of Northern Tasmania Development Corporation Limited ACN 616 650 367 by its authorised officers under S127 of the <i>Corporations Act 2001</i>	<hr/> Director <hr/> Director/Secretary
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Members

The Common Seal of Break O'Day Council was affixed in the presence <i>Seal here</i> the authorised officers of the Council	<i>affix</i> <hr/> Member <hr/> General Manager
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The Common Seal of Flinders Council was affixed in the presence <i>Seal here</i> the authorised officers of the Council	<i>affix</i> <hr/> Member <hr/> General Manager
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The Common Seal of George Town Council was affixed in the presence <i>Seal here</i> the authorised officers of the Council	<i>affix</i> <hr/> Member <hr/> General Manager
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The Common Seal of
City of Launceston
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
Meander Valley Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
Northern Midlands Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
West Tamar Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

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Annexures

A. Company Constitution

Motion to Close Meeting

Motion Close the meeting to the public for discussion of matters in the list of agenda items below.

Refer to *Local Government (Meeting Procedures) Regulations 2015: s15(1)*.

Vote Absolute majority

Closed Session Agenda

Confirmation of Closed Minutes

Refer to *Local Government (Meeting Procedures) Regulations 2015: s34(2)*.

Leave of Absence Applications

Refer to *Local Government (Meeting Procedures) Regulations 2015: s15(2)(h)*.

Release of Public Information

Refer to *Local Government (Meeting Procedures) Regulations 2015: s15(8)*.

Meeting End
