

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

SPECIAL COUNCIL MEETING

Wednesday, 13th January 2021

Victoria Memorial Hall, 89 Main Street, Kempton

9.30 a.m.

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OPEN COUNCIL MINUTES

**MINUTES OF A SPECIAL MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON WEDNESDAY, 13th JANUARY 2021 AT THE VICTORIA MEMORIAL HALL,
89 MAIN STREET, KEMPTON COMMENCING AT 9.35 A.M.**

Councillors recited the Lord's Prayer at the commencement of the meeting.

1. ATTENDANCE

Mayor A Green, Deputy Mayor E Batt, Clr A Bantick, Clr A Bisdee OAM, Clr K Dudgeon, Clr D Fish and Clr R McDougall.

Mr T Kirkwood (General Manager) and Mrs L Brown (Planning Officer).

2. APOLOGIES

Nil.

3. DECLARATION OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Nil.

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

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

4.1 DEVELOPMENT APPLICATION (DA 2020/113) FOR SIX (6) BOND STORAGE SHEDS AT 20 BENTWICK STREET, OATLANDS, OWNED BY LAKE FREDERICK INN P/L.

Author: PLANNING OFFICER (LOUISA BROWN)

Date: 13 JANUARY 2021

Attachment(s):

Attachment 1 - Development Application Documents

Attachment 2 - Representation

PROPOSAL

An application is made by **Lake Frederick Inn P/L** to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") for six (6) Bond Storage Sheds at 20 Bentwick Street, Oatlands.

The proposal involves the construction of six (6) additional Bond Storage Sheds 12mx30m and no greater in height than 6.9m. Twelve (12) storage sheds exist on site, which have already been granted Planning Permits. The sheds will be constructed from Galvanised Iron, in keeping with the existing sheds on the property. The purpose of the sheds is for the storage of aging whiskey barrels from Callington Mill Distillery and other Tasmanian distilleries.

The property is located at 20 Bentwick Street, Oatlands to the south of the township. The property is bound by roads including Tunnack Road, Whynyates Street and Hasting Street. Apart from the existing storage sheds, the property is mostly pasture and slopes gently to the east, towards Tunnack Road.

It is proposed that the storage sheds will be aligned with the existing sheds, forming a six-shed by three-shed grid. The storage sheds will be separated from each other and from an existing line of sheds by 15m. The gravel hardstand area around the existing sheds will be extended to encompass the new sheds, and in accordance with the submitted Bushfire Hazard Management Plan. Access will be from an existing

vehicular access on Bentwick Street, with a secondary existing point of access on Hastings Street.

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

The land is within the Rural Resource Zone. Under the Planning Scheme the proposal is defined as *Resource processing (bond stores)*. This is a discretionary use in the Zone. A permit for this development is therefore also discretionary, as it is a substantial intensification of the existing discretionary use.

The Council gave notice of the application for public comment for 14 days. During the notification period one (1) representation was received.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the proposal.

THE SITE

Maps 1 and 2 below shows the location and zoning of the property and surrounding area.



Map 1_ The subject land and surrounding properties are in the Rural Resource Zone (cream) (source:thelist.tas.gov.au)



Map 2 _ Aerial image of the subject land and surrounding area. (source:thelist.tas.gov.au)

The property is located to the south of Oatlands, on the periphery to the town. The total site area of the property is 8.589Ha and is described as Certificate of Title 122266/2. Twelve Storage sheds exist on the property, the remainder of the site is pasture.

Access into the site is via two existing points, one from Bentwick Street (main access) and a secondary access from Hastings Street.

The properties within the area are generally characterised as a mix of farmland, used for farming and/or residential purposes. Lake Dulverton is located 200m east of the property.

THE APPLICATION

The Application has been prepared and submitted by Lake Frederick Inn P/L. The Application includes a series of plans, explanatory notes to accompany the Development Application Form, title documents, Site Drainage Plan and Bushfire Assessment Report.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as 'resource processing':

Resource processing

use of land for treating, processing or packing plant or animal resources.

Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

Southern Midlands Interim Planning Scheme 2015 - Administration (Extract: Southern Midlands Interim Planning Scheme 2015)

Use/Development Status under the Planning Scheme

Under the Scheme, a Development Application for resource processing must be considered at the discretion of Council.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Council has the discretion to grant a permit or refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 10th December 2020 for fourteen (14) days.

During this period Council received one (1) representation. The issues raised in the representation and response are detailed in the table below.

Representation 1	Council Officer Comment
<p>The area is starting to resemble a refugee camp and adding six more sheds to the site will not improve it visually.</p>	<p><i>The property is located within the Rural Resource Zone, the zone purpose is to provide for the sustainable use or development of resources for agriculture, including opportunities for resource processing. The land use and development is considered at the discretion of the Council in this zone.</i></p> <p><i>The layout and built form meet the Development Standards for Buildings and works within the Rural Resource Zone.</i></p> <p><i>The building form, scale, massing and materials in which the storage sheds will be constructed from, are, per the standards of the Scheme, in keeping with the rural landscape in which the property is located.</i></p> <p><i>Assessment against the standards is provided in the body of this report.</i></p> <p><i>Taking into consideration the comments made in the representation, Council considers that suitable landscaping on the site will assist in reducing the visual prominence of the sheds and has therefore requested the submission of a landscaping plan as a condition of the Planning Permit. See Conditions below.</i></p>

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Rural Resource Zone

The subject site is in the Rural Resource Zone. The proposal must satisfy the requirements of the following relevant use and development standards of this zone:

Use Standard		
26.3.1 Sensitive Use (including residential use)		
To ensure sensitive use does not unreasonably convert agricultural land or conflict with or fetter non-sensitive use.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling, or for home-based child care in accordance with a licence under the Child Care Act 2001.</p>	<p>P1 A sensitive use must not unreasonably convert agricultural land or conflict with or fetter non-sensitive use on adjoining land having regard to all of the following:</p> <p>a) The characteristics of the proposed sensitive use;</p> <p>b) The characteristics of the existing or likely non-sensitive use on adjoining land;</p> <p>c) Setback to the site boundaries and separation distance between the proposed sensitive use and existing or likely non-sensitive use on adjoining land;</p> <p>d) Any characteristics of the site and adjoin land that would buffer the proposed sensitive use from the adverse impacts on residential amenity</p>	<p><i>The proposal is not a sensitive use.</i></p>

	from existing or likely non-sensitive use.	
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Use Standard 26.3.3 Discretionary Use To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable Solution.	P1 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following: a) the characteristics of the proposed non-agricultural use; b) the characteristics of the existing or likely agricultural use; c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.	<p><i>The proposal is for six (6) Bond Storage Sheds and is therefore assessed against the Performance Criteria.</i></p> <p><i>Part of the land on the property is used for Bond Storage, the remainder is predominantly pasture.</i></p> <p><i>Surrounding properties of the proposed sheds are also Zoned Rural Resource and are predominantly pasture, agricultural use.</i></p> <p><i>Separation distances between the proposed sheds and existing agricultural use on adjacent properties, are considerable and range from 45m to 255m.</i></p> <p><i>Council Officers do not regard the proposed sheds to conflict with adjoining land.</i></p> <p><i>The proposal complies with the Performance Criteria P1</i></p>

Development Standard		
26.4.1 Building Height		
To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Building height must be no more than:</p> <p>9 m if for a residential use. 10 m otherwise.</p>	<p>P1 Building height must satisfy all of the following:</p> <p>a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;</p> <p>c) if for a non-residential use, the height is necessary for that use.</p>	<p><i>The height of the proposed storage sheds is no greater than 6.9m.</i></p> <p><i>The proposal complies with the Acceptable Solution A1.</i></p>

Development Standard		
26.4.2 Setback		
To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Building setback from frontage must be no less than:</p> <p>20 m.</p>	<p>P1 Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p>	<p><i>The sheds will be set back from the Bentwick Street frontage by 27.5m, in line with the set back of the existing shed.</i></p> <p><i>The proposal complies with the Acceptable Solutions.</i></p>

	<p>a) the topography of the site;</p> <p>b) the size and shape of the site;</p> <p>c) the prevailing setbacks of existing buildings on nearby lots;</p> <p>d) the location of existing buildings on the site;</p> <p>e) the proposed colours and external materials of the building;</p> <p>f) the visual impact of the building when viewed from an adjoining road;</p> <p>g) retention of vegetation.</p>	
<p>A2 Building setback from side and rear boundaries must be no less than: 40 m.</p>	<p>P2 Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</p> <p>a) the topography of the site;</p> <p>b) the size and shape of the site;</p> <p>c) the location of existing buildings on the site;</p> <p>d) the proposed colours and external materials of the building;</p>	<p><i>Building setbacks from side boundaries are more than 40m and comply with the Acceptable Solution.</i></p> <p><i>However, the sheds are setback 27.5m from the rear boundary and will therefore be assessed against the Performance Criteria.</i></p> <p><i>The proposed six (6) bond storage sheds will be located parallel to existing sheds on the property.</i></p> <p><i>The materials proposed are identical to the existing bond storage sheds.</i></p>

	<p>e) visual impact on skylines and prominent ridgelines;</p> <p>f) impact on native vegetation.</p>	<p><i>The property is not on a skyline or ridgeline.</i></p> <p><i>The proposal complies with the Performance Criteria.</i></p>
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<p>Development Standard 26.4.3 Design To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 The location of buildings and works must comply with any of the following:</p> <p>a) be located within a building area, if provided on the title;</p> <p>b) be an addition or alteration to an existing building;</p> <p>c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>P1 The location of buildings and works must satisfy all of the following:</p> <p>a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p>	<p><i>The proposal includes six (6) sheds in addition to twelve (12) existing shed.</i></p> <p><i>The buildings are not on a skyline or ridgeline and do not require the clearance of native vegetation and therefore in compliance with A1 (c).</i></p> <p><i>The proposal complies with the Acceptable Solution A1.</i></p>

	<p>b) be consistent with any Desired Future Character Statements provided for the area;</p> <p>c) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p>	
<p>A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2 The appearance of external finishes of buildings must not be incompatible with the rural landscape.</p>	<p><i>The proposed buildings will be finished in Galvanised Iron, with the same as the existing twelve (12) sheds. These materials are compatible with the surrounding rural landscape.</i></p> <p><i>Taking into consideration the comments made in the representation, Council considers that suitable landscaping on the site will assist in reducing the visual</i></p>

		<p><i>prominence of the sheds and has therefore requested the submission of a landscaping plan as a condition of the Planning Permit. See Conditions below.</i></p> <p><i>The proposal complies with the Performance Criteria P2.</i></p>
<p>A3 The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3 The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <ul style="list-style-type: none"> a) does not have significant impact on the rural landscape of the area; b) does not unreasonably impact upon the privacy of adjoining properties; c) does not affect land stability on the lot or adjoining areas. 	<p><i>The proposal complies with the Acceptable Solution A3.</i></p>

Bushfire-Prone Areas Code

At capacity the bond stores will each contain approximately 30,000L of whisky, total site storage capacity is 540,000L. This quantity exceeds the Manifest Quantity for the storage of flammable liquids and therefore is a hazardous Use requiring assessment against the Code.

The subject site is also within a Bushfire Prone Areas Overlay. The proposal must satisfy the requirements of the following relevant use and development standards of the E1.0 Bushfire-Prone Areas Code:

E1.5.2 Hazardous Uses		
Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
A1 No Acceptable Solution.	<p>P1</p> <p>A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p> <p>(a) the location, characteristics, nature and scale of the use;</p> <p>(b) whether there is an overriding benefit to the community;</p> <p>(c) whether there is no suitable alternative lower-risk site;</p> <p>(d) the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and</p> <p>(e) other advice, if any, from the TFS.</p>	<p><i>A Bushfire Assessment Report has been undertaken by an accredited person and is contained within the application documents.</i></p> <p><i>The report concludes; The proposal is for the expansion of an existing use;</i></p> <p><i>The site is an ideal location, as the Distillery is within Oatlands;</i></p> <p><i>The report concludes that the risk from bushfire is tolerable.</i></p> <p><i>An emergency management strategy has been prepared and endorsed by Tasmanian Fire Service.</i></p> <p><i>A BAL assessment and Bushfire Management Plan (BMP) by an accredited person have been provided.</i></p> <p><i>The proposal complies with the Performance Criteria P1.</i></p>

<p>A2</p> <p>An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:</p> <p>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</p> <p>(b) available fire protection measures to:</p> <p>(i) prevent the hazardous use from contributing to the spread or intensification of bushfire;</p> <p>(ii) limit the potential for bushfire to be ignited on the site;</p> <p>(iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</p>	<p>P2</p> <p>No Performance Criterion.</p>	<p>A <i>emergency management strategy has been prepared and endorsed by Tasmanian Fire Service.</i></p> <p><i>A BAL assessment and Bushfire Management Plan (BMP) by an accredited person have been provided.</i></p> <p><i>The evaluation of risk is manageable due to;</i></p> <p><i>Sheds will be constructed to a BAL 12.5 level;</i> <i>Expansive gravelled area around sheds;</i> <i>Each shed has access to 10,000L water supply;</i> <i>Preparation of a Bushfire Emergency management Plan.</i> <i>Further details are contained within the BMP.</i></p> <p><i>The proposal complies with the Acceptable Solution A2.</i></p>
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(iv) reduce risk to emergency service personnel.		
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	P3 No Performance Criterion.	<i>A BAL assessment and Bushfire Management Plan (BMP) by an accredited person have been provided.</i> <i>The proposal complies with the Acceptable Solution A3.</i>

Parking and Access Code

This Code applies to all use and development.

The number of on-site car parking spaces must be no less than the number specified in Table E6.1, Use Class Manufacturing and Processing 1 space for each 50m2 of floor area. However, staffing of the site is limited to times when barrels are delivered, which is no more than once a day for a period of one or two hours. As the Sheds are predominantly for storage, not manufacturing, it is recommended that Council relaxes these standards for the proposal.

Commercial vehicles accessing the site is estimated to be no more than one truck and one light vehicle per day. Commercial vehicle arrangements for loading, unloading or manoeuvring will be on site, therefore not compromising the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.

Two vehicular access points are existing, the main entrance on Bentwick Street and a secondary access on Hastings Street. The access on Hastings Street will be constructed to the Local Government Standard and to the satisfaction of Council’s Manager of Works and Technical Services, as per Conditions of this Permit below.

The Code allows for the number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.

Stormwater Management Code

The purpose of this Code is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State stormwater Strategy. No development is exempt from this Code. A Site Drainage Plan was requested by Council and has been prepared and is included in the Application Documents. The Stormwater from the

proposed development, accesses, roads and car parking can be collected and managed onsite in accordance with the requirements of this Code.

Road and Railway Assets Code

The application of this code applies to the development as an intensification of the use of an existing access will occur. Two existing access points serve the property, the main access being from Bentwick Street, a secondary access off Hasting Street will serve as an additional point of access. The proposal meets the acceptable solutions as stated within the code.

CONCLUSION

The report has assessed a Development Application for six (6) Bond Storage Sheds at 20 Bentwick Street, Oatlands.

One (1) representation was made to Council raising concerns regarding visual amenity, considered above. In consideration of the representation and with regard to the design and setback standards of the Scheme, a recommendation is to grant the permit with a condition to provide and implement a Landscape Plan.

The proposal has been found to otherwise comply with all the relevant standards of the Rural Resource Zone and the applicable Codes and with the conditions of the recommended permit.

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2020/113) for six (6) Bond Storage Sheds at 20 Bentwick Street, Oatlands, owned by Lake Frederick Inn P/L and that a permit be issued with the following conditions:

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

Approved Use

- 3) The buildings are to be used for the purposes detailed within the approved documents only, that is; *Resource processing (bond stores)*. The site must not be used for any other purpose or be extended or intensified without further Council approval.

Hours of Operation

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

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

Bushfire Protection

- 5) The requirements of the approved Bushfire Hazard Management Plan (ERA Planning, 6 November 2020) must be in place prior to first use of the site and be maintained to the satisfaction of Councils Manager Development & Environmental Services.

Parking & Access

- 6) The areas set-aside for parking and associated access and turning must have: -**
 - a. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.**
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.**
 - c. Incorporate appropriate drainage of stormwater which is to be contained on the site.**
- 7) The vehicle access from the carriageway on Hastings Street onto the subject land must be constructed to the Local Government Standard and to the satisfaction of Council's Manager of Works and Technical Services.**
- 8) All areas set-aside for access, parking and associated turning, loading and unloading areas must be completed for each stage before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Development Assessment Committee.**

Landscaping

- 9) Prior to building approval being issued by Council, a landscape plan is to be submitted by a suitably qualified and experienced person, to the satisfaction of the Manager of Development and Environmental Services. The focus of this Landscaping Plan is to provide suitable landscape screening and visual softening to all of the Bond Storage Sheds on the property. This landscape plan should also provide details of:**
 - i. Plant numbers and species (common and botanical names) to be used;**
 - ii. Details of proposed mulching, staking and watering systems;**
 - iii. Details of proposed maintenance of landscaping to ensure its longevity and also appropriate replanting and replacement in the event of plants failing;**
 - iv. Timeframes for undertaking landscaping works in conjunction with the proposed development.**
- 10) The landscaping works must be completed in accordance with the endorsed Landscape Plan and to the satisfaction of the Manager of Development and Environmental Services within six (6) of the occupation of the proposed development. All landscaping must continue to be maintained to the satisfaction of Council.**

Services

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

Stormwater

- 12) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.

Protection of Water Quality

- 13) Before any work commences install temporary run-off, erosion and sediment controls (refer to advice below) and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Manager of Development and Environmental Services.
- 14) Noise emissions from the use or development must not exceed a time average acoustic environmental quality objective weighted sound pressure level (LAeq,T) of 5 dB(A) above the background level, adjusted in accordance with Standards Australia: AS 1055, Acoustics – Description and measurement of environmental noise, Standards Association of Australia, Sydney, 1997 when measured at the boundary with another property. All methods of measurement must be in accordance with relevant Australian Standards and DPIWE (2003): Draft Noise Measurement Procedures Manual, Department of Primary Industries, Parks, Water and Environment.

Construction Amenity

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

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

- 16) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.

- b. **The transportation of materials, goods and commodities to and from the land.**
 - c. **Obstruction of any public footway or highway.**
 - d. **Appearance of any building, works or materials.**
 - e. **Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.**
- 17) **Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.**
- 18) **The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.**

The following advice applies to this permit:

- A. **This Planning Permit does not imply that any other approval required under any other legislation has been granted.**
- B. **This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.**
- C. **Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -**
 - a) **Minimise site disturbance and vegetation removal;**
 - b) **Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);**
 - c) **Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;**
 - d) **Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and**
 - e) **Rehabilitation of all disturbed areas as soon as possible.**
- D. **A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.**

DECISION

Moved by Cllr A Bisdee OAM, seconded by Cllr D Fish

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2020/113) for six (6) Bond Storage Sheds at 20 Bentwick Street, Oatlands, owned by Lake Frederick Inn P/L and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.**
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.**

Approved Use

- 3) The buildings are to be used for the purposes detailed within the approved documents only, that is; *Resource processing (bond stores)*. The site must not be used for any other purpose or be extended or intensified without further Council approval.**

Hours of Operation

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

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

Bushfire Protection

- 5) The requirements of the approved Bushfire Hazard Management Plan (ERA Planning, 6 November 2020) must be in place prior to first use of the site and be maintained to the satisfaction of Councils Manager Development & Environmental Services.**

Parking & Access

- 6) The areas set-aside for parking and associated access and turning must have: -**
 - a. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.**
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.**
 - c. Incorporate appropriate drainage of stormwater which is to be contained on the site.**
- 7) The vehicle access from the carriageway on Hastings Street onto the subject land must be constructed to the Local Government Standard and to the satisfaction of Council's Manager of Works and Technical Services.**
- 8) All areas set-aside for access, parking and associated turning, loading and unloading areas must be completed for each stage before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Development Assessment Committee.**
- 9) Signage to the property from Tunnack Road to identify site entry must be provided. A plan with the location, type and design of the signage must be first approved by the Manager of Development and Environmental Services prior to the installation of the signage.**

Landscaping

- 10) Prior to building approval being issued by Council, a Landscape Plan is to be submitted by a suitably qualified and experienced person to the satisfaction of the Manager of Development and Environmental Services. The focus of this Landscaping Plan is to provide suitable landscape screening and visual softening to all of the Bond Storage Sheds on the property. This landscape plan should also provide details of:**
 - i. Plant numbers and species (common and botanical names) to be used;**
 - ii. Details of proposed mulching, staking and watering systems;**
 - iii. Details of proposed maintenance of landscaping to ensure its longevity and also appropriate replanting and replacement in the event of plants failing;**
 - iv. Timeframes for undertaking landscaping works in conjunction with the proposed development.**

11)The landscaping must be completed in accordance with the endorsed Landscape Plan and to the satisfaction of the Manager of Development and Environmental Services within six (6) of the occupation of the proposed development. All landscaping must continue to be maintained to the satisfaction of Council.

Further Advice

It is highly recommended that you seek the advice of your accredited bushfire hazard practitioner (responsible person for the approved Bushfire Hazard Management Plan) to ascertain appropriate plant types and locations that will not increase the bushfire hazard.

Services

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

Stormwater

13)Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.

Protection of Water Quality

14)Before any work commences install temporary run-off, erosion and sediment controls (refer to advice below) and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Manager of Development and Environmental Services.

15)Noise emissions from the use or development must not exceed a time average acoustic environmental quality objective weighted sound pressure level (LAeq,T) of 5 dB(A) above the background level, adjusted in accordance with Standards Australia: AS 1055, Acoustics – Description and measurement of environmental noise, Standards Association of Australia, Sydney, 1997 when measured at the boundary with another property. All methods of measurement must be in accordance with relevant Australian Standards and DPIWE (2003): Draft Noise Measurement Procedures Manual, Department of Primary Industries, Parks, Water and Environment.

Construction Amenity

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

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

17)All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:

- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.**
- b. The transportation of materials, goods and commodities to and from the land.**
- c. Obstruction of any public footway or highway.**
- d. Appearance of any building, works or materials.**
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council’s Manager of Development and Environmental Services.**

18)Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

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

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.**
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.**
- C. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -**
 - a. Minimise site disturbance and vegetation removal;**

- b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council’s storm water system, a watercourse or road drain);
- c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
- d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and
- e. Rehabilitation of all disturbed areas as soon as possible.

D. A separate permit is required for any signs unless otherwise exempt under Council’s planning scheme.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

[THIS CONCLUDES THE SESSION OF COUNCILACTING AS A PLANNING AUTHORITY]

5. CLOSURE

The meeting closed at 9.46 a.m.