

**NORTHERN MIDLANDS COUNCIL  
SECTION 39 REPORT**

To: Tasmanian Planning Commission

From: Northern Midlands Council

Subject: Draft Amendment 04/2021 to the Northern Midlands Interim Planning Scheme 2013

Date: 7 June 2022

File no: 13/026/007/164

## **1 PUBLIC EXHIBITION OF THE DRAFT AMENDMENT**

In accordance with section 38 of the *Land Use Planning Approvals Act 1993*, Council:

- Placed a copy of the draft amendment on public exhibition from 26 March 2022 to 29 April 2022; and
- Advertised the draft amendment as prescribed.

## **2 REPRESENTATIONS IN RESPECT OF THE AMENDMENT REQUEST**

Section 39 of the *Land Use Planning and Approvals Act 1993* requires that a report be submitted to the Commission comprising:

- (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to—*
  - (i) *the need for modification of the draft amendment in the light of that representation; and*
  - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

### **2.1 Representations**

Five representations (attached) were received, from:

- Kim Peart, 39A Bridge Street, Ross
- Derek Porter, 36 Bridge Street, Campbell Town
- Elizabeth Porter, 36 Bridge Street, Campbell Town
- Andrew McCullagh, address not provided
- Jennifer Bolton, 39A Bridge Street, Ross

The Planning Authority considered the representations at its meeting of 16 May 2022 and provides the following statement of opinion on the representations.

**2.2 Statement of Opinion on the Merit of the Representations**

**ISSUE 1: The land at 17 Church Street, Folio 14992/1 is zoned for General Residential.**

*This prohibits its use by Emergency Services for practical reasons. The Northern Midlands Council (NMC) has surreptitiously inserted a qualification on Folio 14992/1 to enable Emergency Services to be used within the "Discretionary Category".*

*Not only is this highly irregular, it is illegal.*

*The Planning Scheme, Section 20(8) clearly states "The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force, immediately before that coming into operation."*

**Response:** The Northern Midlands Council has initiated the draft amendment in accordance with the *Land Use Planning and Approvals Act 1993*.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 2: The use of Road Infrastructure.**

*Under the Act E4.6.1 the Performance Criteria for this proposed development states:*

*"the site should be within 50 metres of a Category 1 or Category 2 road." As defined by the Dept of State Growth under the Road Hierarchy it states:*

*Category 1 - Primary Freight Road*

*Category 2 - Major Regional Road*

*17 Church St is a sealed back road barely 4.2 metres in width and would be classified Category 5 at best. The road is not constructed for heavy vehicles and as there is no storm water drainage it is in need of continual repair.*

*Again this does not comply with the regulations.*

**Response:** The representation appears to be referring to clause E4.6.1 A1 of the planning scheme which states:

*A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.*

The proposal is not for a sensitive use, defined in the planning scheme as a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school, so this provision does not apply to this application.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 3: There is a requirement for a Traffic Impact Statement under E4.5.3**

*E4.5.3 states a (TIA) must be accompanied by written advice from the road use authority in respect of the road (Church St) This is a requirement to demonstrate compliance with performance criteria.*

*Northern Midlands Council (NMC) has advised: E4.6.1. a2*

*'less than 40 vehicle entry and exit movements per day are expected'*

*Can NMC produce the report and when and at what time it was conducted. Clearly at school drop off and pick up times and the Campbell Town Showground Events there is significantly more traffic.*

**Response:** Clause E4.6.1 A2 and P2 states:

| <b>Acceptable Solutions</b>                  | <b>Performance Criteria</b>                  |
|--|--|
| A2 For roads with a speed limit of 60km/h or | P2 For roads with a speed limit of 60km/h or |

|   |   |
|---|---|
| <p><i>less the use must not generate more than a total of 40 vehicle entry and exit movements per day</i></p> | <p><i>less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</i></p> |
|---|---|

The application contains the following information:

*Expected traffic volumes – will vary depending on the event with the following examples:*

*Meetings - will be a combination of North/South staff meeting in middle.*

*The building will have capacity for 50 people. Some ride sharing is expected with a resultant demand for 20 domestic vehicles.*

*Up to 6 heavy vehicles in storage on site at any one time.*

*Volunteer activities such as weekly training are expected to generate up to 12 vehicles.*

Therefore, less than 40 vehicle entry and exit movements per day are expected and the Acceptable Solution is complied with. A Traffic Impact Assessment for the Performance Criteria is not required.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 4: Concerns from Council’s Consultant Hydrologist**

“Given the proposal of the site, mains water use is extremely likely for washdown of vehicles and plant and potentially for training purposes. It is not known what volumes of operational water will enter the proposed systems, or if they will enter the sewage system. Infiltration systems are prone to failure. Gross pollutants may enter the detention basin causing it to overtop onto neighbouring properties. If any of the above items are not properly considered there is potential for the system to fail and cause a nuisance. This proposal is unique in that it is more similar to an industrial site and therefore the potential risk is greater.”

**Response:** Council’s Consultant Hydrologist notes that the alternative to an infiltration system would be for stormwater to be collected and pumped back to the roadside drain, once any upgrades to the drain had been completed, or pumped to a new pipe which would have to be constructed in Church Street, from the site 170m east to Glenelg Street.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 5:** *Tas Water is aware water pressure in this street is always at minimal acceptable levels. Tas Water have investigated and say the solution is to construct a larger diameter water pipe down the length of Church St to service the residents. If this proposal goes ahead Tas Water would need to factor into the budget these additional costs*

**Response:** TasWater provided a Submission to Planning Authority Notice which advises: TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes conditions contained in the Notice on the permit for this application.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 6:** Telecommunications is a problem in Church St. Currently the nearest NBN node is 1.2 kms distant and residents are serviced by copper wire/WiFi combination which is unreliable.

**Response:** This is a matter for the developer's consideration, rather than a planning consideration.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 7:** This is not the best site for the facility.

**Response:** The Council has received an application to amend the planning scheme to allow an Emergency Services Facility to be developed on this site. This was considered against the requirements of the Land Use Planning and Approvals Act 1993 and the planning scheme. Having been found to meet the requirements, the draft amendment was initiated and certified and a draft permit issued.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 8:** Impact on residential amenity

**Response:** Section 32 of the Land Use Planning & Approvals Act 1993 requires that an amendment of a planning scheme -

*Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.*

Retaining the General Residential zone and making Emergency Services a Discretionary use is expected to avoid, as far as practical, potential land use conflicts with the surrounding residential uses, more so than rezoning the land to Community Purposes, where a number of uses potentially incompatible with residential uses are Permitted.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 9: Notice for subdivision application placed behind a bush and unable to be seen by residents.**

Two representations raise concern that the notice for a 2 lot subdivision that approves the subject site was placed behind a bush.

Figure 8 .... Subdivision notice of April 2021 for 17 Church Street, Campbell Town, hidden behind a bush ....



^ Extract from Kim Peart's representation



*^ Extract from Elizabeth Porter's representation*

**Response:** Public exhibition for the 2 lot subdivision was from 31 July 2021 to 13 August 2021. The photographs below, taken on 30 July 2021, show green vegetation close to the notice, but not obscuring the notice. The date of photographs in the representations is unknown but it is possible that the vegetation grew up some time after the notification time had ended.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.



*^ Photograph of site notice taken 30 July 2021*



*^ Photograph of site notice taken 30 July 2021*

**ATTACHMENTS**

- A. Representations
- B. Council's minute from 16 May 2022

## Rosemary Jones

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**From:**  
**Sent:** Friday, 29 April 2022 4:10 PM  
**To:** NMC Planning  
**Subject:** PLN-21-0301 - Planning Scheme Amendment 17 Church Street Campbell Town

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

I wish to object to the Draft Planning Scheme Amendment 04/2021 to amend clause 10.2 General Residential Zone Use Table of the Northern Midlands Interim Planning Scheme 2013, by inserting "or on Folio of the Register 14992/1 (17 Church Street, Campbell Town)" into the qualification column of the Emergency Services Use Class within the Discretionary category.

The land at 17 Church Street, Campbell Town is not a suitable location for an emergency services facility as it is located in a quiet residential street. The applicant claims "A number of site options around Campbell Town have been considered including redevelopment of existing sites", however, these alternative sites are not identified and there is no explanation as to why they were considered unsuitable. The whole exercise seems to have been focused on forcing the emergency services facility onto this suburban block the applicant does not even own.

In addressing the risk of land use conflicts the applicant states "There is a row of residential properties on the opposite side of Church Street. The Use Standards under Clause 10.3 of the planning scheme will continue to apply and will ensure that any future use and development on the land for an Emergency Services use will not adversely impact upon the occupiers of adjoining nearby uses." It seems likely that increased noise and traffic movements will impact on the amenity of the residential area. If the emergency services facility is forced to limit its operations to comply with the planning scheme doesn't that defeat the purpose of building the new facility in the first place. It would be far better if the applicant (the State Government, Department of Police, Fire and Emergency Management) carried out a thorough and transparent search for a suitable site within Campbell Town for this important facility and involved the whole community in this process rather than restricting consultation to selected stakeholders.

Yours sincerely,  
Jennifer Bolton  
39A Bridge Street  
Ross Tasmania 7209

**Karen Jenkins**

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**From:** Kim Peart  
**Sent:** Monday, 11 April 2022 11:33 AM  
**To:** NMC Planning  
**Subject:** REPRESENTATION ..... PLN-21-0301: 17 Church Street, Campbell Town .....  
Emergency Services

**Follow Up Flag:** Follow up  
**Flag Status:** Completed



Figure 1 ..... Photo found on the Campbell Town Show FaceBook site  
..... <https://www.facebook.com/CampbellTownShowTas/>

Kim Peart  
39A Bridge Street  
Ross 7209 Tasmania

REPRESENTATION ..... PLN-21-0301: 17 Church Street, Campbell Town ..... Emergency Services

<https://northernmidlands.tas.gov.au/source-assets/files/2022-Council-Agenda-and-Attachments/2022-03-21 Ordinary Meeting Open-Council-Agenda.pdf>

2022-03-21 Ordinary Meeting of Council - Open Council - Attachments

<https://northernmidlands.tas.gov.au/source-assets/files/2022-Council-Agenda-and-Attachments/2022-03-21 Ordinary Meeting open-council-Attachments-p45-291-rs.pdf>

Is 17 Church Street the best location in Campbell Town for a new Fire Station?

As the aerial photo above shows, for two days in June every year the Campbell Town Show is on, where fire engines would encounter horse floats, trucks and innumerable cars, where an accident could prevent a fire engine from reaching a fire emergency. [Fig.1] There could also be problems with the school nearby, which may limit the exit roads available in an emergency, and where any confusion over access could lead to serious delay.

Considering these obvious traffic issues, it is concerning that no traffic or road safety study is included with this Development Application, and this was not requested by Council planners. Why is this essential report missing in the application for the development of a new Fire Station in Campbell Town?

There is mention that a number of sites were considered, but these sites were not listed, or the reasons given for their rejection, where I read ..... "A number of site options around Campbell Town have been considered including redevelopment of existing sites. However, the preferred at 17 Church Street (part of CT14992/1), has been identified as a suitable green field site within the town boundary that will best meet the needs of the project."

No reasons are given as to why the current site by the Town Hall was rejected, though it is located on the main road, and there would be ample space to include Emergency Services in a new complex. The Ambulance Station is now located on the main road, which was formerly located on a back street, so why move the Fire Station from a main road location to a back street? The reason needs to be on the table and properly explained.

When becoming aware of the proposed new location for the Fire Station, I suggested to the Mayor and Councillors that they should take a proactive role in where the new Fire Station could be located, as this would be good town planning for an essential public service. A reply from the Mayor was received, explaining ..... "Council was not involved in identifying a location for the Fire Station in Campbell Town. The Tasmanian Fire Service is a state department. It is not the role of Council to be involved in the decision making process for organisations external to Council. The Tasmanian Fire Service is more than adequately equipped to identify an appropriate location for a Fire Station, and to expect that Council should be involved in that process is an affront to that organisation and the expertise within. In addition to the comments above, the Tasmanian Fire Service engaged the services of an independent planning firm to assist with the preparation of the application which was before Council. Engaging independent planners to advise on the project is a demonstration of following a good planning approach." [Fig.2]

This view was also echoed in a brisk Email from Cr Jan Davis, who wrote ..... "As I am sure you are aware, the decision regarding a new location for the fire station is a matter for Tas Fire Services - and through them to the state government. Council has absolutely no role to play in this decision, other than to consider a planning application and ensure all planning requirements are complied with - as it would for any other developer. If you have concerns about this proposal, I suggest you take them up with the state government." [Fig.3]

Cr Davis may be pleased to note that I did write to the Minister for Emergency Services, and include the reply below. [Fig.4]

This hands-off approach by Councillors, with the location of essential services in the context of good town planning, stands at odds with what happens in other places. The Burnie City Council had quite a lot to say about the location of an essential public service, applied proactive town planning, and were successful in getting a better outcome for their ratepayers and business community. Mayor Steve Kons declared ..... "To make a decision without canvassing all options was something we didn't agree with." [Fig.5]

Clearly, it is possible, acceptable, and responsible for elected Councillors to lobby the Tasmanian Government about the location of a public project and essential service in their municipality. So, for the Mayor and a Councillor to scold me on the matter, and tell me ..... "to expect that Council should be involved in that process is an affront to that organisation and the expertise within" [Fig.2] ..... reveals a complete lack of understanding about the role of a Council and the elected representatives in a dynamic democracy. In fact, I would suggest that it could be viewed as an "affront" to the Council, as town planners, to be excluded from identifying the best location for a new Fire Station in Campbell Town.

The secrecy surrounding the selection of the site at 17 Church Street among a tight circle of those involved, leaves the question wide open, as to why the present location by the Town Hall was found to be so unacceptable, even though it is a main road location, just like the new Ambulance Station. [Fig.6] A new building could be level with the street, with a lower level beneath. If there are concerns about view lines with the Library, a new Library could be built, set back from the road, as part of the redevelopment. So why is it so important to move the Fire Station from its present location?

This situation naturally leads to speculation about what the Tasmanian Government has in mind for the site. With the Town Hall set for sale by the Northern Midlands Council, there is logical speculation about a potential secret plan for the site, especially with Cr Gonion, a developer, always leaving the Council meeting when the Town Hall is on the agenda. Why is the Tasmanian Government so determined to avoid any discussion about this site?

I have written to the Tasmanian Government a great many times, suggesting that a civic and cultural centre could be created on this public land next to and including the Town Hall. The new building could include a new shop for Service Tasmania, and a new library. Campbell Town is a regional centre, and should be supported as a hub for regional services, which can include a cinema and theatre for plays. The Town Hall was designed as a place for movies and plays, and this role could be revived and the building revitalised as part of a larger cultural and civic centre, with new toilets, cafe, and a regional art gallery.

Why the Council so stubbornly refuse to discuss a public future for the Town Hall, is quite mysterious. Who does the Northern Midlands Council serve? Now we need to wonder if Service Tasmania will be lost from Campbell Town, and if the Museum and Visitor Information Centre will simply disappear. Do we also need to wonder if the Library will be lost to Campbell Town? A main road location for a Fire Station would not be vacated without a jolly good reason. That reason needs to be on the table and clearly explained.

The Mayor and a Councillor getting so angrily defensive about my suggestion that the Council has a natural democratic right to engage in discussions with the Tasmanian Government about the selection of the location of a new Fire Station in Campbell Town, reveals a sad drift by the Council into autocracy, where the best interests of the ratepayer and of town planning are set aside. The reality of this drift became a stark fact in June 2021, when all Councillors voted to set aside the requirement for the Tasmanian Government to apply for a Development Application for a \$6.5 million underpass in Campbell Town, with no debate in a decision taking only 18 seconds. [Fig.7] If a Development Application had proceeded, the ratepayers and anyone else interested, would have been able to examine all related documents, and make a considered representation.

Why did the elected Councillors so wilfully suspend democracy with the Campbell Town underpass? Have they become rubber stamps for the Tasmanian Government, rather than elected representatives of the Northern Midlands municipality? When did democracy die in the Northern Midlands?

One explanation for the lack of understanding of how democracy works, and what is possible, acceptable and even expected at times, could be the existence of seven mini-councils (Special Committees of Council for towns and districts) with up to 70 unelected ghost councillors, all beholden to the Council for their positions, working largely in secret and with no contact person, other than the Council. How infectious is this environment of secrecy?

Campbell Town, for instance, has no ratepayer, community or progress association. The existence of the mini-council (Campbell Town District Forum), beholden to the Council for their existence, and funded by the Council, has effectively displaced any independent voice of a community association. A similar situation exists in Ross, where the mini-council cannot even be approached. Any ratepayer seeking to raise a matter is directed to the Council, who

may or may not direct their concern to the Ross mini-council. There is a good chance that the ratepayer will never hear back. The last time I attended a meeting of the Ross mini-council in 2019, I was denied the right to speak.

I see a pattern, with the mini-councils looking to the Council, whom they serve, and the Council looking to the Tasmanian Government, whom they appear to serve. How else would a decision of Council happen in 18 seconds, liberated of any debate on a \$6.5 million underpass in Campbell Town? This would also help to explain the letter received from the Mayor, and the Email from a Councillor. I see a serious warping of the democratic process and good decision making with a view to best town planning practice.

The sad outcome of the elected Councillors handing out their elected authority to up to 70 non-elected ghost councillors, creates a situation where Councillors are lost and unsure of their role as elected representatives, and make too many decisions that lack clarity. The Councillor decision on the entrance statements for Campbell Town is a poignant example of a muddy non-decision, with the whole matter being sent off to the General Manager to make detailed decisions.

I hope the elected Councillors will wake up to this problem, and not simply follow the drum of the Tasmanian Government, but start to think and make clear informed decisions. The Tasmanian Government loves this situation, because they know what can happen, and so avoid proper consultation and get what they want. I hope that the decision on this new Fire Station will not be another repeat performance, but be a surprise to the new Premier with a strong dose of good town planning.

Faced with this brick wall of secrecy and autocracy, I can understand why many people simply give up and no longer bother. What are we left with? Stronger groups have the ear of the Council. Good town planning ideas are ignored by the Council. In this environment individuals can be left feeling isolated and ignored, and can become angry, which was seen in the aftermath of the Campbell Town underpass decision by the Council. I fear that a similar outcome will happen with moving the Fire Station to 17 Church Street, that people will wake up to the problems and autocratic secrecy when it's all too late, and then become angry. This is not how a healthy democracy should work.

When the Midland Agricultural Association applied for the subdivision of the land at 17 Church Street, the sign on the fence was hidden behind a bush. [Fig.8] This appeared to be seeking to keep the matter secret, and as the Council usually puts such signs on fences in clear view, one but wonders how far the circle of secrecy was extending, and how strong the wish was to keep the matter quiet. If there were no representations on the subdivision application, the hidden location of the notice could be the reason.

It seems like an odd situation that the Tasmanian Government does not own the land at 17 Church Street, but has an agreement with the Midland Agricultural Association to buy the land, if the rezoning and Development Application is approved. The price of the land is not revealed. With ever changing real estate values, could the whole project be torpedoed if the Association decides not to sell, or asks for a higher price? Should the Association go bankrupt, would the land still be available?

With so much work having been done by so many, liberated of any town planning debate for the best location, will this warp the consultation process? Many may decline to say anything, as now there is a high level of expectation that the new Fire Station will proceed on this location, and no other. I have received communication on my FaceBook page declaring ..... "Shouldn't we be supporting our local emergency services instead of fighting them over a location?" [Fig.9] This style of comment could become a form of bullying in the community, pushing residents to agree, or face the thunder of the Emergency Services volunteers and their supporters.

That view was also stated by Cr Adams, when he declared ..... "Upgrading the local Fire Service in Campbell Town, a large region, agriculture and townships, and it's very important that we approve this and let them get on and build it." [Fig.10] Does Cr Adams have no interest in democratic debate and what the people have to say, which could reveal new information that he should consider? Is it appropriate that Cr Adams should have made up his mind so completely at an early stage?

In conclusion, I wonder if it is acceptable to be advertising this rezoning and Development Application for a new Fire Station at 17 Church Street, Campbell Town, without a traffic and road safety report? How can the ratepayers,

Council staff, or elected Councillors consider a new Fire Station without a traffic and road safety report? Could this situation be a classic oxymoron when it comes to proper town planning?

Yours sincerely,

Kim Peart

ILLUSTRATIONS .....

Figure 2 .....

22 March 2022

Mr Kim Peart

Via email only: [kimpeart@inet.net.au](mailto:kimpeart@inet.net.au)

Dear Mr Peart

**NEW FIRE STATION IN CAMPBELL TOWN**

I refer to your email dated 21 March 2022 regarding the application before Council at its meeting of 21 March 2022 to initiate a draft amendment to the *Northern Midlands Interim Planning Scheme 2013* to allow for and approve the development of a fire station at 17 Church Street, Campbell Town.

You have asked a series of questions in your email. The questions which are relevant to Council, I have responded to below.

**Was Council involved in identifying a location for the Fire Station in Campbell Town? And if not, why not?**

Council was not involved in identifying a location for the Fire Station in Campbell Town. The Tasmanian Fire Service is a state department. It is not the role of Council to be involved in the decision making process for organisations external to Council.

The Tasmanian Fire Service is more than adequately equipped to identify an appropriate location for a Fire Station, and to expect that Council should be involved in that process is an affront to that organisation and the expertise within.

In addition to the comments above, the Tasmanian Fire Service engaged the services of an independent planning firm to assist with the preparation of the application which was before Council. Engaging independent planners to advise on the project is a demonstration of following a good planning approach.

**Should the community be involved?**

The Community will have the opportunity to make input publicly through representations to the draft amendment when it is placed on public exhibition.

**Does the relocation of the Fire Station indicate development plans with the Town Hall in Campbell Town?**

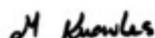
No, it does not.

**Design and location of the Fire Station building**

This is a question for the Tasmanian Fire Service as ultimately the design and location are a decision of that organisation and unrelated to Council.

Finally, I take offence at the implication your email makes that Council is somehow involved in "secret plans" regarding community assets. You are on notice that should I receive communication from you of this nature again, a response will not be provided.

Yours sincerely



Mary Knowles OAM  
MAYOR

Figure 3 .....

Email from Cr Jan Davis ..... 28 January 2022 .....

Mr Peart

As I am sure you are aware, the decision regarding a new location for the fire station is a matter for Tas Fire Services - and through them to the state government.

Council has absolutely no role to play in this decision, other than to consider a planning application and ensure all planning requirements are complied with - as it would for any other developer.

If you have concerns about this proposal, I suggest you take them up with the state government.

Regards

Jan Davis  
Councillor, Northern Midlands Council

Figure 4 .....

Friday 25 February 2022

Dear Mr Peart

Thank you for your correspondence of January 2022 regarding the Campbell Town Fire Bri

I have sought advice from the Tasmania Fire Service (TFS) and the State Emergency Service query.

I am advised that the TFS and the SES are currently operating from separate locations with sites are in generally poor condition and are nearing end of life as suitable facilities to provide response and support services. As a result, there has been planning undertaken to provide broader Northern Midlands community with a new, contemporary, fit-for-purpose emergency facility which will be able to meet their needs well into the future.

This new facility and the co-location, will enable both the TFS and the SES to respond to the one location, streamlining both infrastructure costs and human resource capabilities.

The TFS and SES have undertaken a thorough review into appropriate sites to accommodate significant consideration given to ensuring the selected location met all operational capabilities with any Northern Midlands Council (the Council) development requirements.

Following that process, I am advised that 17 Church Street, Campbell Town was deemed suitable for construction of the co-located facility.

In accordance with construction developments proposed for the area, the TFS was required to submit an application to the Council for its consideration. The Department anticipates that this development will shortly be assessed at an upcoming Council meeting.

Subject to the outcomes of the assessment of the application, the TFS anticipates that the facility will be advertised by the Council in order to seek representations from the public in, line with Council processes. I encourage you to make representation to the Council through this process.

Thank you for raising this important matter with me.

Yours sincerely

Jacque

**Hon Jacque Petrusma MP**

Minister for Parks

Minister for the Prevention of Family Violence

Minister for Police, Fire and Emergency Management

Liberal Member for Franklin

Level 5, Parliament Square

4 Salamanca Place, Hobart, TAS, 7000

Figure 5 .....

Tasmanian government reverses plan to move Burnie court out of central business district

Damian McIntyre, 23 March 2022, ABC News Online

<https://www.abc.net.au/news/2022-03-23/tasmanian-government-backflip-on-burnie-court-move/100932530>

The Tasmanian government has backflipped on its controversial decision to relocate the Burnie court complex to a residential area after community backlash.

In August 2020, the state government announced plans to build a new court at the former University of Tasmania's Cradle Coast campus on Mooreville Road at a cost of \$40 million.

But there has been growing unrest in the community — including from the Burnie City Council — that it's the wrong site.

There are calls for another site in the CBD to be found.

Instead, the government will open an expression of interest process to find potential new sites in the city centre.

Premier Peter Gutwein said the government had listened to the community.

"While the Mooreville Road site was identified as a suitable Crown land site for a new court complex following a significant review process," he said.

"It is clear there may be additional sites in the CBD that could now also be suitable, pending consideration by landowners."

Law Society of Tasmania president Simon Gates has welcomed the backflip on the old university site, which had been identified as the best option by the Department of Justice.

"The Law Society has for some time had concerns about people travelling to and from a court located out of the CBD," Mr Gates said.

"There could be designated buses for that purpose, but the concern would be you may end up with complainants and defendants and witnesses all having to catch the same bus.

"There's no question that the current Burnie court facility isn't fit for purpose and so the question really now is whether a suitable alternative site can be identified."

#### Options already identified

Burnie Mayor Steve Kons said transport, the effect on residents near Mooreville Road, and a loss of business in the city were among the council's concerns.

"Taking an enterprise which is a large people-generating place out of our CBD was always going to be difficult," he said.

"Courts are not just about criminal courts, civil actions, family law issues — there's plenty of other things that the courts do and having it in our CBD is the most appropriate place to have it."

He said several sites have been identified in the CBD, and one had already been presented to council.

"To make a decision without canvassing all options was something we didn't agree with," he said.

#### Relief from business lobby

Business North-West chamber of commerce president Ian Jones said the CBD would have suffered if the court was built at the old university site.

"We didn't want all of that revenue being taken out of the central business district because that helps prop up some of those smaller businesses," Mr Jones said.

His group had suggested an option across the road from the police station.

"That, and some other buildings adjacent to it, are capable of providing an excellent footprint for the new courthouse," Mr Jones said.

The EOI process is expected to be completed within three months.

Figure 6 ..... Current Fire Station location by the Town Hall in Campbell Town .....



Figure 7 .....

Northern Midlands Council meeting ..... 28 June 2021 ..... audio recording .....

27:42 on the recording ..... Lasting 18 seconds

<https://www.northernmidlands.tas.gov.au/source-assets/files/2021-Council-Agenda-and-Attachments/2021-06-28-Session-2.mp3>

Mayor Knowles ..... Planning 2 ..... The request for a planning exemption for the Campbell Town underpass.  
Councillor Davis.

Cr Davis ..... I'm happy to move the recommendation.

Cr Goninon ..... Seconded.

Mayor Knowles ..... Cr Goninon is seconding. Any discussion? ..... OK, I'll put that recommendation. All those in favour.

All councillors ..... Aye.

Mayor Knowles ..... Against? ..... Carried.

Figure 8 ..... Subdivision notice of April 2021 for 17 Church Street, Campbell Town, hidden behind a bush .....



Figure 9 ..... Comment on my FaceBook page .....

Shouldn't we be supporting our local emergency services instead of fighting them over a location? The current SES and Fire Brigade are struggling for numbers so instead of picking up your pen to complain about the new location why don't you pick up a pen and fill in an application form to join our volunteers who need help. We should be grateful that they are wanting to give us a better facility and combine the Fire Service and SES. Prospect Fire Station is opposite a school which is a lot closer than what the Church Street station will be to our school and they don't have any issues so why make a Mountain over a Mole Hill.

What's the alternative the current stations fall down around them and we lose them. As for your suggestion of the land opposite the new Ambulance Station near \$500,000 is a lot to spend on land before you start building and wouldn't that money be better in providing maybe a new Fire Truck, SES truck more training for our VOLUNTEERS who give up there time to protect and help us.

Figure 10 .....

The Council Decision .....

Northern Midlands Council ..... Meeting Minutes ..... Monday 21 March 2022

14.1 DRAFT AMENDMENT 04/2021: PLN-21-0301: 17 CHURCH STREET, CAMPBELL TOWN ..... page 67

<https://northernmidlands.tas.gov.au/source-assets/files/2022-Council-Minutes/2022-03-21-Open-Council-Minutes-Ordinary-Meeting.pdf>

Decision ..... page 97 to 100

Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Adams, Cr Calvert, Cr Davis, Cr Goninon, Cr Lambert and Cr Polley

Voting Against the Motion:

Cr Brooks

Audio ..... 20:50 .....

<https://northernmidlands.tas.gov.au/source-assets/files/2022-Council-Minutes/2022-03-21-Session-2.mp3>

Mayor Knowles ..... Planning 1, 17 Church Street, Campbell Town

GM Jennings ..... Draft amendment to make Emergency Services an allowable use, 17 Church Street, Campbell Town. The zone is currently general residential and it's combined with an application to develop a Tas Fire Station, should the amendment be successful. So the recommendation there is to initiate and certify the draft amendment and approve the draft permit.

Mayor Knowles ..... Cr Goss.

Cr Goss ..... I'd like to move the recommendation.

Cr Goninon ..... I'll second that.

Mayor Knowles ..... Cr Goninon is seconding. Any discussion?

Cr Adams ..... Upgrading the local Fire Service in Campbell Town, a large region, agriculture and townships, and it's very important that we approve this and let them get on and build it.

Mayor Knowles ..... Cr Goss.

Cr Goss ..... No.

Mayor Knowles ..... Oh, beg your pardon. Sorry. Cr Brooks. You're on mute.

Cr Brooks ..... OK now?

Mayor Knowles ..... Yes, thank you.

Cr Brooks ..... I couldn't support it. There's a few reasons there, as to why I can't support it. Cause you know, it's proposed for the wrong zone, and if we keep making these sort of decisions, and putting these things in residential areas, I'm just a bit worried where does it stop. And the community in Campbell Town, they haven't been consulted, at all. I've had numerous calls from people in Campbell Town and they have been suggesting there are a lot better sites for this. I've read the report on just the storm water issues, and I'm not convinced that this is the right area for anything of this magnitude. It disrupts the zone, the residential zone, quite considerably. (inaudible) There is another government owned block in West Street that would be a lot better suited for a development of this magnitude, and I just can't support making an amendment to the zone to allow a building of this magnitude into a residential area.

Mayor Knowles ..... Thank you. Cr Lambert.

Cr Lambert ..... I just wanted to confirm, if this is passed tonight, it will go out for public consultation again? That's part of the .....

GM Jennings ..... Yer, that's right. If Council initiates this tonight, it will go out on public comment for 28 days.

Cr Lambert ..... 28 days. Thank you.

Mayor Knowles ..... Any further comments? OK, I'll put the recommendation. All those in favour?

Councillors ..... Aye.

Mayor Knowles ..... Against? Cr Brooks. Nobody else? Motion passed.

## Rosemary Jones

---

**From:** Derek Porter  
**Sent:** Monday, 25 April 2022 1:15 PM  
**To:** Cr Mary Knowles; Cr Richard Goss; Cr Dick Adams; brooksy69@bigpond.com; Cr Andrew Calvert; Cr Jan Davis; Cr Ian Goninon; Cr Janet Lambert; Cr Michael Polley; NMC Planning; jacquie.petrusma@dpac.tas.gov.au; guy.barnett@dpac.tas.gov.au  
**Subject:** Fwd: 17 Church St Campbell Town

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

REF No: PLN-21-0301 17 CHURCH ST, CAMPBELL TOWN, TAS 7210

I oppose the above planning development. I have submitted my reasons for your consideration.

Please acknowledge receipt of this email.

Derek Porter

EMERGENCY SERVICES FACILITY FOR TFS AND SES 17 CHURCH ST CAMPBELL TOWN ( PLN 21 - 0301 )

### **This Development is Opposed**

#### **1) The land at 17 Church St, Folio 14992/1 is zoned for General Residential.**

This prohibits its use by Emergency Services for practical reasons. The Northern Midlands Council (NMC) has surreptitiously inserted a qualification on Folio 14992/1 to enable Emergency Services to be used within the "Discretionary Category"

Not only is this highly irregular, it is illegal.

The Planning Scheme, Section 20(8) clearly states

"The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force, immediately before that coming into operation."

#### **2) The Use of Road Infrastructure.**

Under the Act E4.6.1 the Performance Criteria for this proposed development states:

"the site should be within 50 metres of a Category 1 or Category 2 road."

As defined by the Dept of State Growth under the Road Hierarchy it states:

Category 1 - Primary Freight Road

Category 2 - Major Regional Road

17 Church St is a sealed back road barely 4.2 metres in width and would be classified Category 5 at best. The road is not constructed for heavy vehicles and as there is no storm water drainage it is in need of continual repair.

Again this does not comply with the regulations

### **3) There is a Requirement for a Traffic Impact Statement (TIA) Under the Guidelines E4.5.3**

E4.5.3 states a (TIA) must be accompanied by written advice from the road use authority in respect of the road (Church St)

This is a requirement to demonstrate compliance with performance criteria.

Northern Midlands Council (NMC) has advised:

E4.6.1. a2

'less than 40 vehicle entry and exit movements per day are expected'

Can NMC produce the report and when and at what time it was conducted.

Clearly at school drop off and pick up times and the Campbell Town Showground Events there is significantly more traffic.

### **4) Then there are concerns from the Report from Councils Consultant Hydrologist: I quote:**

"Given the proposal of the site, mains water use is extremely likely for washdown of vehicles and plant and potentially for training purposes.

It is not known what volumes of operational water will enter the proposed systems, or if they will enter the sewage system.

Infiltration systems are prone to failure. Gross pollutants may enter the detention basin causing it to overtop onto neighbouring properties."

**"If any of the above items are not properly considered there is potential for the system to fail and cause a nuisance.**

**This proposal is unique in that it is more similar to an industrial site and therefore the potential risk is greater."**

### **5) Further notes:**

Tas Water is aware water pressure in this street is always at minimal acceptable levels. Tas Water have investigated and say the solution is to construct a larger diameter water pipe down the length of Church St to service the residents.

If this proposal goes ahead Tas Water would need to factor into the budget these additional costs

Telecommunications is a problem in Church St. Currently the nearest NBN node is 1.2 kms distant and residents are serviced by copper wire/WiFi combination which is unreliable.

What other locations has the Northern Midlands Council given serious consideration. There are more appropriate sites: eg: the land for sale opposite the new ambulance building and on the side of the building.

None of the residents in Campbell Town have been canvassed for their opinions. It is a disgrace that this draft amendment has been allowed to get to this stage without consultation with the people in Campbell Town.

Clearly it does not conform to the issues I have raised.

**I oppose the location of this Emergency Services Facility for the TFS and SES at 17 Church St Campbell Town for all the above reasons.**

Derek Porter M.I.E.M.S  
36 Church St  
Campbell Town

## Rosemary Jones

---

**From:** Elizabethn P  
**Sent:** Monday, 25 April 2022 3:09 PM  
**To:** NMC Planning  
**Cc:** jacquie.petrusma@dpac.tas.gov.au; Guy Barnett; mary.knowles@gmail.com; councillor.gos@gmail.com; Cr Dick Adams; Matthew Brooks; Cr Andrew Calvert; Cr Jan Davis; Cr Ian Goninon; Cr Janet Lambert; Cr Michael Polley  
**Subject:** Ref No PLN - 21-0301 17 Church Street Campbell Town 7210  
**Attachments:** 11 West StreetHouse and Shed.JPG; Subdivision Notice 17 Church St April 2021.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the General Manager, Mayor and Councillors I am totally opposed to this planning development and submit for your consideration the following reasons.

I would also ask that this letter be acknowledged on receipt of same.

Re: PLN -21-0301

The proposed amendment referred to above is totally opposed.

- 1) The establishment of such a large and vital infrastructure facility on a Campbell Town BACK street absolutely defies common sense, let alone planning integrity.
- 2) Issues such as water pressure ( which is at lowest acceptable level due to the pipe size) will be further challenged by the planned fire station with its demand for water.
- 3) Communication is also a vital necessity for both the fire station and the SES and the current NBN combination of copper-wire and WiFi infrastructure to residents provides sufficient frustration without the extra demand which will be claimed by this planned emergency service.
- 4) Access to the highway on both the Southern and Northern routes will be difficult. Emergency call outs could potentially be severely restricted when parents are accessing the school to deliver or collect their children.
- 5) Community consultation and discussion as to this move has been Non-Existent and residents both in Church Street and Glenelg Street believe that no amount of objections will make any difference to the final outcome which many believe has been decided in favour of this move.  
I have also heard that some volunteer fire fighters had no idea as to this site in the back streets of Campbell Town was being considered and think like so many that it is not the correct site for relocation.  
Possible sites mentioned have been up on highway opposite the new Ambulance building also there is another property nearby and if one must change the status from residential to the Emergency Services Use, the perfect spot would be the Government (Health) owned property at 11 West Street, not 10 seconds from the North Midland Highway. See Attached Photos.
- 6) My final point is the historic association of the show grounds and surrounds like the Anglican Cemetery. The land discussed was given to the Midlands Agricultural Association way back in 1837. ( the subdivision notice of April 2021 for 17 Church Street Campbell Town was placed behind a bush and therefore not noticed by residents. See Attached photo) There are many houses in Church street with historic links.
- 7) All up the proposed site is totally unsuitable for the relocation of the fire station and SES.

Yours Sincerely

Elizabeth Porter  
36 Church Street  
Campbell Town  
Tas 7210



## Karen Jenkins

---

**From:**  
**Sent:** Thursday, 28 April 2022 9:45 AM  
**To:** Rosemary Jones  
**Subject:** FW: Representations 17 Church St Campbell Town

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For your information, I will ECM

Natalie Horne

Our Longford office is closed to the public, however meetings with Council Officers can be made by appointment only, and we ask that transactions be conducted via telephone or online wherever possible. Our Customer Service team can be contacted by phone, post, via our website or email at [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au) Our priority is to keep our community, including staff, ratepayers and residents safe and to minimise the spread of COVID-19.

Administration / Records Management Officer | Northern Midlands Council Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301

T: (03) 6397 7303 | F: (03) 6397 7331

E: [natalie.horne@nmc.tas.gov.au](mailto:natalie.horne@nmc.tas.gov.au) | W: [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)

-----Original Message-----

**From:** Andrew McCullagh  
**Sent:** Thursday, 28 April 2022 7:28 AM  
**To:** NMC Planning <[planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)>  
**Cc:** Paul Godier <[paul.godier@nmc.tas.gov.au](mailto:paul.godier@nmc.tas.gov.au)>  
**Subject:** Representations 17 Church St Campbell Town

The Planning Officer  
Northern Midlands Council  
13 Smith St  
Longford  
Tasmania 7301

Dear Sir / Madam

REPRESENTATIONS AGAINST REZONING 17 CHURCH STREET CAMPBELL TOWN.

The idea of relocation the Campbell Town Fire Station to a “back street” in Campbell Town, is one of the more absurd things I have heard in recent times.

The area earmarked for relocation is set in a quiet residential area, and boasts a series of difficult traffic flows to get to the main street of Campbell Town where the current facility exists.

The school is located at the end of Church St and would prove a danger ongoing, most particularly at drop off and collection times, and likely prove a traffic hazard at these times.

The Council, at the request of the Campbell Town School recently asked for a pedestrian underpass (currently under construction), for the increased safety of children on the adjoining roadway (Main St) to the school, and now suggest it logical to increase danger levels by running emergency traffic past the school from the other side.

After the challenge of narrow streetscapes, traffic and pedestrians, you either take a left or right to simply get to the main road through streets not designed or conducive to Emergency Service Vehicle use on and ongoing basis.

Due to the location and the street network, the extra time to get too and from the location by volunteers would be considerable also. Again adding further risk given the school would need to passed yet again.

Then for two days a year you would additionally have the the Show Grounds at full capacity further inhibiting traffic flow and public safety.

Further, the area is a quiet residential prescient with Heritage houses in the area, totally unfitting for a Fire Station that currently sits in a perfectly good location.

The proposal seems extremely short sighted, and it appears influenced by matters outside that of a normal planning process and logical process for locating emergency services.

Placed simply there is very little upside to rezoning this land, and substantial downside. It simply defies any rational logic and appears a conjured plan for other reasons outside proper diligent planning processes.

The manner in which the Council have dealt with this, appears to support that logic.

Would it past the pub test, unequivocally no, so for the foremost Planning authority in the State to even consider this reasonable, would be remote I suggest.

Please can you ensure this is passed on to the appropriate area as a representation against the proposal.

Regards and Thanks

AM



## 15.2 DRAFT AMENDMENT 04/2021: 17 CHURCH STREET CAMPBELL TOWN - REPORT ON REPRESENTATIONS

File: 13/026/007/164; 300800.055; PLN21-0301

Responsible Officer: Des Jennings, General Manager

Report prepared by: Paul Godier, Senior Planner

### 1 INTRODUCTION

At its meeting of 21 March 2022, Council resolved to:

Initiate and certify draft amendment 04/2021 to the Northern Midlands Interim Planning Scheme 2013 as follows:

Initiate Draft Scheme Amendment 04-2021 to the Northern Midlands Interim Planning Scheme 2013 as follows:

- Amend Clause 10.2 Use Table by placing the following in the Discretionary category:

| Discretionary      |   |
|--------------------|---|
| Use Class          | Qualification   |
| Emergency Services | If on CT 76398/4 & 5 (176 High Street, Campbell Town); or<br>on folio of the register 14992/1 (17 Church Street, Campbell Town) |

And

Grant planning permit PLN21-0301, to develop and use the land at 17 Church Street, Campbell Town, for Emergency Services (Co-located Emergency Services Facility), in accordance with application PLN-21-0301 and subject to the following conditions:

The draft amendment and planning permit were placed on public notification and five representations were received.

The representations are considered in this report.



^ Subject site from Church Street (notification of draft amendment and permit)



## 2 BACKGROUND

**Applicant:**

Department of Police, Fire and Emergency  
Management (DPFEM) c/- All Urban Planning Pty Ltd

**Critical Date:**

Report on Representations to be sent to Planning  
Commission by 3 June 2022

**Planning Instrument:**

*Northern Midlands Interim Planning Scheme 2013,  
Version 36 Effective from 30 September 2021.*

**Owner:**

Midland Agricultural Association Incorporated

**Recommendation:**

Provide report on representations to the Tasmanian Planning  
Commission

**Planning Authority:**

Northern Midlands Council

## 3 STATUTORY REQUIREMENTS

In accordance with Schedule 6 (3) (2) (b) of the *Land Use Planning & Approvals Act 1993*, Council is required under Section 39 (2) to forward to the Planning Commission a report comprising –

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

These matters are discussed below.

## 4 ASSESSMENT OF REPRESENTATIONS

### REPRESENTATIONS

Notice of the application was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993*. A review of Council's ECM system after completion of the public exhibition period revealed that five representations (attached) were received from:

- Kim Peart, 39A Bridge Street, Ross
- Derek Porter, 36 Bridge Street, Campbell Town
- Elizabeth Porter, 36 Bridge Street, Campbell Town
- Andrew McCullagh, address not provided
- Jennifer Bolton, 39A Bridge Street, Ross

### CONSIDERATION OF THE REPRESENTATIONS

The matters raised in the representations are outlined below followed by the planner's comments.

#### ISSUE 1: The land at 17 Church Street, Folio 14992/1 is zoned for General Residential.

*This prohibits its use by Emergency Services for practical reasons. The Northern Midlands Council (NMC) has surreptitiously inserted a qualification on Folio 14992/1 to enable Emergency Services to be used within the "Discretionary Category".*

*Not only is this highly irregular, it is illegal.*

*The Planning Scheme, Section 20(8) clearly states "The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force, immediately before that coming into operation."*

**Response:** The Northern Midlands Council has initiated the draft amendment in accordance with the *Land Use Planning and Approvals Act 1993*.



**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 2: The use of Road Infrastructure.**

*Under the Act E4.6.1 the Performance Criteria for this proposed development states:*

*"the site should be within 50 metres of a Category 1 or Category 2 road." As defined by the Dept of State Growth under the Road Hierarchy it states:*

*Category 1 - Primary Freight Road*

*Category 2 - Major Regional Road*

*17 Church St is a sealed back road barely 4.2 metres in width and would be classified Category 5 at best. The road is not constructed for heavy vehicles and as there is no storm water drainage it is in need of continual repair.*

*Again this does not comply with the regulations.*

**Response:** The representation appears to be referring to clause E4.6.1 A1 of the planning scheme which states:

*A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.*

The proposal is not for a sensitive use, defined in the planning scheme as a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school, so this provision does not apply to this application.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 3: There is a requirement for a Traffic Impact Statement under E4.5.3**

*E4.5.3 states a (TIA) must be accompanied by written advice from the road use authority in respect of the road (Church St) This is a requirement to demonstrate compliance with performance criteria. Northern Midlands Council (NMC) has advised: E4.6.1. a2*

*'less than 40 vehicle entry and exit movements per day are expected'*

*Can NMC produce the report and when and at what time it was conducted. Clearly at school drop off and pick up times and the Campbell Town Showground Events there is significantly more traffic.*

**Response:** Clause E4.6.1 A2 and P2 states:

| <b>Acceptable Solutions</b>   | <b>Performance Criteria</b>   |
|---|---|
| <i>A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</i> | <i>P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</i> |

The application contains the following information:

*Expected traffic volumes – will vary depending on the event with the following examples:*

*Meetings - will be a combination of North/South staff meeting in middle.*



*The building will have capacity for 50 people. Some ride sharing is expected with a resultant demand for 20 domestic vehicles.*

*Up to 6 heavy vehicles in storage on site at any one time.*

*Volunteer activities such as weekly training are expected to generate up to 12 vehicles.*

Therefore, less than 40 vehicle entry and exit movements per day are expected and the Acceptable Solution is complied with. A Traffic Impact Assessment for the Performance Criteria is not required.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 4: Concerns from Council's Consultant Hydrologist**

"Given the proposal of the site, mains water use is extremely likely for washdown of vehicles and plant and potentially for training purposes. It is not known what volumes of operational water will enter the proposed systems, or if they will enter the sewage system. Infiltration systems are prone to failure. Gross pollutants may enter the detention basin causing it to overtop onto neighbouring properties. If any of the above items are not properly considered there is potential for the system to fail and cause a nuisance. This proposal is unique in that it is more similar to an industrial site and therefore the potential risk is greater."

**Response:** Council's Consultant Hydrologist notes that the alternative to an infiltration system would be for stormwater to be collected and pumped back to the roadside drain, once any upgrades to the drain had been completed, or pumped to a new pipe which would have to be constructed in Church Street, from the site 170m east to Glenelg Street.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 5:** *Tas Water is aware water pressure in this street is always at minimal acceptable levels. Tas Water have investigated and say the solution is to construct a larger diameter water pipe down the length of Church St to service the residents. If this proposal goes ahead Tas Water would need to factor into the budget these additional costs*

**Response:** TasWater provided a Submission to Planning Authority Notice which advises:

TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes conditions contained in the Notice on the permit for this application.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 6:** Telecommunications is a problem in Church St. Currently the nearest NBN node is 1.2 kms distant and residents are serviced by copper wire/WiFi combination which is unreliable.

**Response:** This is a matter for the developer's consideration, rather than a planning consideration.



**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 7:** This is not the best site for the facility.

**Response:** The Council has received an application to amend the planning scheme to allow an Emergency Services Facility to be developed on this site. This was considered against the requirements of the Land Use Planning and Approvals Act 1993 and the planning scheme. Having been found to meet the requirements, the draft amendment was initiated and certified and a draft permit issued.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 8:** Impact on residential amenity

**Response:** Section 32 of the Land Use Planning & Approvals Act 1993 requires that an amendment of a planning scheme -

*Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.*

Retaining the General Residential zone and making Emergency Services a Discretionary use is expected to avoid, as far as practical, potential land use conflicts with the surrounding residential uses, more so than rezoning the land to Community Purposes, where a number of uses potentially incompatible with residential uses are Permitted.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

**ISSUE 9: Notice for subdivision application placed behind a bush and unable to be seen by residents.**

Two representations raise concern that the notice for a 2 lot subdivision that approves the subject site was placed behind a bush.

Figure 8 ..... Subdivision notice of April 2021 for 17 Church Street, Campbell Town, hidden behind a bush .....



*^ Extract from Kim Peart's representation*



*^ Extract from Elizabeth Porter's representation*

**Response:** Public exhibition for the 2 lot subdivision was from 31 July 2021 to 13 August 2021. The photographs below, taken on 30 July 2021, show green vegetation close to the notice, but not obscuring the notice. The date of photographs in the representations is unknown but it is possible that the vegetation grew up some time after the notification time had ended.

**Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.



^ Photograph of site notice taken 30 July 2021



^ Photograph of site notice taken 30 July 2021

## 5 OPTIONS

- Move the recommendation; or
- Move alterations to the recommendation;
- Withdraw support for the amendment.

## 6 DISCUSSION

Section 4 of this report has discussed the representations. A report on the representations is to be provided to the Tasmanian Planning Commission by 3 June 2022.

## 7 ATTACHMENTS

1. 1. Representation - Kim Peart [15.2.1 - 13 pages]
2. 2. Representation - D Porter [15.2.2 - 2 pages]
3. 3. Representation - E Porter [15.2.3 - 2 pages]
4. 4. Representation - A Mc Cullagh [15.2.4 - 2 pages]
5. 5. Representation - Bolton [15.2.5 - 1 page]
6. Draft Amendment [15.2.6 - 1 page]
7. Instrument of Certification [15.2.7 - 1 page]



8. DRAFT PLANNING PERMIT PL N-21-0301 - Emergency Services facility at 17 Church Street, Campbell Town, [15.2.8 - 4 pages]
9. Draft Endorsed plans for Planning Permit PL N-21-0301 [15.2.9 - 56 pages]
10. Engineering plans [15.2.10 - 10 pages]

## RECOMMENDATION

That Council provide the following response to the representations to the Tasmanian Planning Commission in accordance with section 39 (2) of the Land use Planning and Approvals Act 1993:

### **ISSUE 1: The land at 17 Church Street, Folio 14992/1 is zoned for General Residential.**

*This prohibits its use by Emergency Services for practical reasons. The Northern Midlands Council (NMC) has surreptitiously inserted a qualification on Folio 14992/1 to enable Emergency Services to be used within the "Discretionary Category".*

*Not only is this highly irregular, it is illegal.*

*The Planning Scheme, Section 20(8) clearly states "The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force, immediately before that coming into operation."*

**Response:** The Northern Midlands Council has initiated the draft amendment in accordance with the *Land Use Planning and Approvals Act 1993*.

### **Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment**

The representation does not impact on the draft amendment and the draft amendment does not need modification as a result.

### **ISSUE 2: The use of Road Infrastructure.**

*Under the Act E4.6.1 the Performance Criteria for this proposed development states:*

*"the site should be within 50 metres of a Category 1 or Category 2 road." As defined by the Dept of State Growth under the Road Hierarchy it states:*

*Category 1 - Primary Freight Road*

*Category 2 - Major Regional Road*

*17 Church St is a sealed back road barely 4.2 metres in width and would be classified Category 5 at best. The road is not constructed for heavy vehicles and as there is no storm water drainage it is in need of continual repair.*

*Again this does not comply with the regulations.*

**Response:** The representation appears to be referring to clause E4.6.1 A1 of the planning scheme which states:  
*A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.*

The proposal is not for a sensitive use, defined in the planning scheme as a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school, so this provision does not apply to this application.

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### **ISSUE 3: There is a requirement for a Traffic Impact Statement under E4.5.3**

*E4.5.3 states a (TIA) must be accompanied by written advice from the road use authority in respect of the road (Church St) This is a requirement to demonstrate compliance with performance criteria. Northern Midlands Council (NMC) has advised: E4.6.1. a2*

*'less than 40 vehicle entry and exit movements per day are expected'*

*Can NMC produce the report and when and at what time it was conducted. Clearly at school drop off and pick up times and the Campbell Town Showground Events there is significantly more traffic.*



**Response:** Clause E4.6.1 A2 and P2 states:

| <b>Acceptable Solutions</b>  | <b>Performance Criteria</b>  |
|--|--|
| A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day | P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists. |

The application contains the following information:

*Expected traffic volumes – will vary depending on the event with the following examples:*

*Meetings - will be a combination of North/South staff meeting in middle.*

*The building will have capacity for 50 people. Some ride sharing is expected with a resultant demand for 20 domestic vehicles.*

*Up to 6 heavy vehicles in storage on site at any one time.*

*Volunteer activities such as weekly training are expected to generate up to 12 vehicles.*

Therefore, less than 40 vehicle entry and exit movements per day are expected and the Acceptable Solution is complied with. A Traffic Impact Assessment for the Performance Criteria is not required.

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#### **ISSUE 4: Concerns from Council's Consultant Hydrologist**

"Given the proposal of the site, mains water use is extremely likely for washdown of vehicles and plant and potentially for training purposes. It is not known what volumes of operational water will enter the proposed systems, or if they will enter the sewage system. Infiltration systems are prone to failure. Gross pollutants may enter the detention basin causing it to overtop onto neighbouring properties. If any of the above items are not properly considered there is potential for the system to fail and cause a nuisance. This proposal is unique in that it is more similar to an industrial site and therefore the potential risk is greater."

**Response:** Council's Consultant Hydrologist notes that the alternative to an infiltration system would be for stormwater to be collected and pumped back to the roadside drain, once any upgrades to the drain had been completed, or pumped to a new pipe which would have to be constructed in Church Street, from the site 170m east to Glenelg Street.

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**ISSUE 5:** *Tas Water is aware water pressure in this street is always at minimal acceptable levels. Tas Water have investigated and say the solution is to construct a larger diameter water pipe down the length of Church St to service the residents. If this proposal goes ahead Tas Water would need to factor into the budget these additional costs*

**Response:** TasWater provided a Submission to Planning Authority Notice which advises:  
TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.  
Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes conditions contained in the Notice on the permit for this application.

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**ISSUE 6:** Telecommunications is a problem in Church St. Currently the nearest NBN node is 1.2 kms distant and residents are serviced by copper wire/WiFi combination which is unreliable.

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**ISSUE 7:** This is not the best site for the facility.

**Response:** The Council has received an application to amend the planning scheme to allow an Emergency Services Facility to be developed on this site. This was considered against the requirements of the Land Use Planning and Approvals Act 1993 and the planning scheme. Having been found to meet the requirements, the draft amendment was initiated and certified and a draft permit issued.

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**ISSUE 8:** Impact on residential amenity

**Response:** Section 32 of the Land Use Planning & Approvals Act 1993 requires that an amendment of a planning scheme -

*Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.*

Retaining the General Residential zone and making Emergency Services a Discretionary use is expected to avoid, as far as practical, potential land use conflicts with the surrounding residential uses, more so than rezoning the land to Community Purposes, where a number of uses potentially incompatible with residential uses are Permitted.

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**ISSUE 9: Notice for subdivision application placed behind a bush and unable to be seen by residents.**

Two representations raise concern that the notice for a 2 lot subdivision that approves the subject site was placed behind a bush.

Figure 8 ---- Subdivision notice of April 2021 for 17 Church Street, Campbell Town, hidden behind a bush ----



^ Extract from Kim Peart's representation



^ Extract from Elizabeth Porter's representation

**Response:** Public exhibition for the 2 lot subdivision was from 31 July 2021 to 13 August 2021. The photographs below, taken on 30 July 2021, show green vegetation close to the notice, but not obscuring the notice. The date of photographs in the representations is unknown but it is possible that the vegetation grew up some time after the notification time had ended.

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^ Photograph of site notice taken 30 July 2021



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**MINUTE NO. 22/159**

DECISION

Cr Goninon/Cr Calvert

That Council provide the following response to the representations to the Tasmanian Planning Commission in accordance with section 39 (2) of the Land use Planning and Approvals Act 1993:

**ISSUE 1: The land at 17 Church Street, Folio 14992/1 is zoned for General Residential.**

*This prohibits its use by Emergency Services for practical reasons. The Northern Midlands Council (NMC) has surreptitiously inserted a qualification on Folio 14992/1 to enable Emergency Services to be used within the "Discretionary Category".*

*Not only is this highly irregular, it is illegal.*



*The Planning Scheme, Section 20(8) clearly states "The coming into operation of a planning scheme or a special planning order does not legitimize a use or development which was illegal under a planning scheme or a special planning order in force, immediately before that coming into operation."*

**Response:** The Northern Midlands Council has initiated the draft amendment in accordance with the *Land Use Planning and Approvals Act 1993*.

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*^ Photograph of site notice taken 30 July 2021*



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Carried

Voting for the Motion:

Mayor Knowles, Deputy Mayor Goss, Cr Adams, Cr Calvert, Cr Davis and Cr Goninon

Voting Against the Motion:

Cr Brooks, Cr Lambert and Cr Polley