

Recommendation 35 An owner builder can register but not self-certify

If other recommendations are adopted around builder certification these should not extend to the owner builder.

To protect current and future residents of an owner builder property, all work must be certified by an independent appropriately licensed practitioner. An owner builder cannot certify their own work.

Table 37 - An owner builder can register but not self-certify

Benefits	Disadvantages
<ul style="list-style-type: none"> Increases likelihood of work meeting the required standard Reduces risk for future owners 	<ul style="list-style-type: none"> May impose an unfair burden on owner builder

Option 36 Replace the number of projects rule by specifying the length of time before an owner builder can sell

It would be expected that the genuine owner builder would build their own houses and live in them for a period of years, so placing a restriction on selling the house is not unreasonable (unless circumstances change, in which case application to Director Building Control might be considered).

The current legislation allows an Owner Builder to build no more than two houses in a ten year period. However there is evidence of roll over for profit creating competition with the commercial sector with an advantage on pricing to the owner builder. In some cases the two project rule is worked around by having multiple family members register.

Replacing the cap on the number of projects and placing a period on ownership, of say six years, would not prevent owner building but would ensure it is not being done as a means of competing against the commercial sector.

Table 38 – Place restrictions on time before selling and number of projects

Benefits	Disadvantages
<ul style="list-style-type: none"> Decreases roting 	<ul style="list-style-type: none"> May have genuine reason to sell

Recommendation 37 Statutory warranties given to future owners and a compulsory inspection prior to sale

A statutory warranty should be available to all future owners and the owner builder should be accountable in the same way as an accredited building practitioner. In addition a building inspection must be undertaken prior to sale and the inspection report made available to any and all prospective purchasers – but only for the first sale.

Table 39 - Statutory warranties given to all future owners

Benefits	Disadvantages
<ul style="list-style-type: none"> • Same level of protection provided as by an accredited builder • Defects may not become apparent until after subsequent sales 	<ul style="list-style-type: none"> • May unfairly disadvantage owner builder

Recommendation 38 Definition of project is limited to one building permit per owner builder licence

Presently Owner Builder Registration applies to a property, and continues until the property is sold, therefore a registration for a two bedroom house could be used to extend that house a number of times over many years.

The Director recommends that Owner builder registration is only valid for the specified project. If the applicant wants to build an extension, they will need to apply a second time.

Table 40 - Definition of project is limited to one building permit per owner builder licence

Benefits	Disadvantages
<ul style="list-style-type: none"> Decreases roting and ensures owner builder still has the appropriate qualifications for each project 	<ul style="list-style-type: none"> Additional paperwork/regulation for owner builder

Recommendation 39 Owner builders will be subject to increased inspections

Owner builders will be subject to the same mandatory inspections as accredited builders but will also be required to have additional inspections, for example flashings and damp proofing, wet areas, insulation installation.

Table 41 - Owner builders will be subject to increased inspections

Benefits	Disadvantages
<ul style="list-style-type: none"> Provides increased protection for current and future residents of the house Potentially improves the standard of the work 	<ul style="list-style-type: none"> Places an additional burden on owner builders

Option 40 Add “owner builder” to title

This means that future purchasers are fully informed that the house was not built by an accredited builder.

Table 42 – Add “owner builder” to title

Benefits	Disadvantages
<ul style="list-style-type: none"> Future purchasers are fully informed 	<ul style="list-style-type: none"> May unfairly disadvantage seller

Recommendation 41 Owner Builder to pay licence fees and have correct insurances

This will ensure that the owner builder is paying for the registration service in the same way as the accredited builder and contributes to the audit and investigation regime which applies. This will ensure that future purchasers have same level of cover as if the property was built by an accredited builder.

Table 43 - Owner Builder to pay a licence and have correct insurances

Benefits	Disadvantages
<ul style="list-style-type: none"> • Greater protection for owners during building works and for future owners • Ensures BSOL is funded to carry out appropriate inspections, admin of compliance and enforcement etc 	<ul style="list-style-type: none"> • May deter some genuine owner builders

8.8 Ensuring practitioners maintain their skill level

There are a number of ways we can ensure that practitioners maintain their skill levels. These include Continuing Professional Development (CPD), auditing and reaccreditation at regular intervals.

All licensed trades (including electricians, plumbers, gas-fitters and automotive gas-fitters) are encouraged to continue to develop their skills through ongoing professional development; however it is not a condition of having their licence renewed, as it is with builders, designers and architects.

Who should be subject to CPD requirements? How much should they be required to do? Should it be self-selected or directed?

Recommendation 42 Introduce CPD for plumbers, electricians and other occupations under the Occupational Licensing Act

The *Occupational Licensing Act 2005* already has provision for CPD for the occupations it administers. All that is required is a Directive from the Administrator of Occupational Licensing to switch this requirement on.

This will ensure that all occupations involved in the building industry are subject to the same requirements to keep their skills up to date.

Plumbers and electricians don't currently have CPD as part of their licensing requirements. This means there is less opportunity to ensure the plumbing industry are keeping up to date with changes to the plumbing standards, new products and new technologies in the plumbing industry.

Table 44 - Introduce CPD for all occupations under the Occupational Licensing Act

Benefits	Disadvantages
<ul style="list-style-type: none"> • Increases the skill level of the industry • Increase the safety qualities of buildings • Increase compliance with national standards • Decrease defects, disputes • Increased awareness of changes in the standards • All occupations treated equally • Provides a tool for the Director to use as a sanction where skills not up to standard 	<ul style="list-style-type: none"> • Likely resistance from some sectors • Administrative burden

Recommendation 43 Limit CPD to genuine learning activities pre-approved by Director Building Control or Administrator of Occupational Licensing

Only activities that genuinely contribute to a practitioner's professional development will be counted towards CPD. So a practitioner is welcome to attend the sausage sizzle at the local hardware store, but not to count it towards CPD.

Table 45 - Limit CPD to genuine learning activities pre-approved by DBC or Administrator of Occupational Licensing

Benefits	Disadvantages
<ul style="list-style-type: none"> • CPD has real value • Increased skill level in the industry • Increase the quality of buildings and decrease incidence of building errors • Ensure current knowledge practitioners 	<ul style="list-style-type: none"> • Increased administrative burden to assess and communicate acceptable activities

Recommendation 44 The Director Building Control may mandate certain activities

To ensure that topics that are new or significant are included in a practitioner's CPD, the Director Building Control may make certain CPD activities mandatory for all practitioners.

Table 46 - The Director Building Control may mandate certain activities

Benefits	Disadvantages
<ul style="list-style-type: none"> • Increase skills of workforce • Ensure areas of greatest need are being addressed • Greater cost of ensuring PD opportunities available to all practitioners in State • Provides a tool for the Director to use as a sanction where skills not up to standard 	<ul style="list-style-type: none"> • Seen as imposition

8.9 Establish a code of conduct for professional behaviour

There's already a code of conduct for building surveyors and we have suggested strengthening this as part of this review. (see section 5)

Do we need a similar scheme for other practitioners?

Recommendation 45 Strengthen code of conduct for building practitioners

Require building practitioners to be responsible for the rectification of faulty building work.

Table 47 – Common code of conduct for all building practitioners

Benefits	Disadvantages
<ul style="list-style-type: none"> • Sets out clear expectations and consequences for failing to meet standards • Raise the standard of conduct in the industry 	<ul style="list-style-type: none"> • Administrative burden

8.10 Have appropriate auditing and sanction regime to ensure continued compliance

Victorian legislation currently being considered proposes including the following recommendations:

Introducing new disciplinary sanctions in the Building Act, which will give the VBA ability to:

- impose demerit points;
- direct a registered person or body to do or not do something;
- require the registered person or body to give an undertaking; and
- impose a condition on registration.

Broadening the grounds for disciplinary action to include:

- failure to pay a fee or other amount required to be paid under specified laws, orders or regulations;
- failure to comply with an order or direction of a disciplinary body;
- registration obtained through false or misleading information;
- contravention of a condition of registration or an undertaking given to the VBA;
- failure to adhere to insurance requirements; and
- failure to carry out the direction of an insurer, including reimbursement of insurers claim costs.

Grounds for immediate suspension will be specified. These will include insolvency, contravention of a relevant law, misappropriation of funds held on trust and charge or conviction for certain offences prescribed under the regulations.

A 'show cause' disciplinary process will be adopted. This process will be faster than the process of investigation and disciplinary inquiry currently provided for under the Building Act.

Under the new process a registered building practitioner will be given at least 14 days to show cause why the discipline proposed should not be taken. A decision on whether there is a valid reason to discipline the registered building practitioner will be required by the VBA within 28 days after the show cause period ends.

Unlike disciplinary decisions under the Building Act, decisions taken by the VBA will not be stayed pending the expiration of the appeal period. They will take effect on the day the notice of decision is given to the registered building practitioner or on any later date specified in the notice.

Registered building practitioners will have a right to internal review of disciplinary decisions, followed by a right of appeal to VCAT.

Some of these approaches may be appropriate to adopt in Tasmania.

Recommendation 46 Move building practitioners to the occupational licensing regime therefore adopting sanctions of that regime

The *Occupational Licensing Act 2005* already contains sanctions for failing to meet the expected standards.

By moving all practitioners in the building industry to this scheme, and undertaking an appropriate communication strategy, we can ensure that all practitioners are aware of these sanctions, and use this to drive improvement in the standard of the industry.

Table 48 - Move building practitioners to the occupational licensing regime therefore adopting sanctions of that regime

Benefits	Disadvantages
<ul style="list-style-type: none"> • Improve the standard of the industry 	<ul style="list-style-type: none"> • Administrative burden • Some resistance from some professions to the change in licensing scheme

Breach of Rectification Orders

In Victoria, if a builder fails to comply with a Rectification Order (and does not seek, or is unsuccessful in any VCAT review), the builder will be subject to discipline under the “show cause” process.

The policy of the VBA will be that the builder will face disciplinary consequences such as demerit points or partial suspension depending on the circumstances. Partial suspension means that the builder will not be able to enter contracts or commence new work until the remedy is provided. However, the builder will be able to continue to fulfil existing contracts. If a remedy is not provided in a reasonable time, the VBA may decide to initiate further disciplinary action.

A remedy may include:

- rectification of the defective work as specified in the Rectification Order;
- payment of compensation in relation to the defective work or an agreement satisfactory to the consumer to pay such compensation;
- insurance rectification of the defective work and reimbursement of the cost of rectification to the insurer by the original builder, or an agreement satisfactory to the insurer to make such reimbursement; or
- compliance with any VCAT order in respect of the defective work.

The builder will be required to show cause why conditions should not be attached to the registration, or directions made, to prevent new work or new contracts, pending a remedy in relation to the defect that was the subject of the Rectification Order.

The scope of inquiry in any show cause process considering failure to comply with or seek review of a Rectification Order will be specific. The merits of the Rectification Order will not be subject to challenge through the show cause process. This is because if the builder wants to challenge the merits of a Rectification Order the builder is able to seek a review of the Rectification Order before VCAT. The format of the Rectification Order will make this clear.

Breaching a Rectification Order will be grounds for disciplinary action, separate to any disciplinary grounds that might arise as a direct consequence of defective or incomplete work.

This may be an appropriate approach to take in Tasmania, to ensure that Rectification Orders are given priority over other work.

Recommendation 47 Infringement regime if builder does not comply with Rectification Order

This will ensure that builders give appropriate priority to any rectification order. The main objective in issuing such an order is to ensure that the work is done to a satisfactory standard in a timely manner. Introducing disciplinary action as a consequence of failure to act will encourage builders to comply.

Table 49 - Introduce disciplinary action if builder does not comply with Rectification Order

Benefits	Disadvantages
<ul style="list-style-type: none"> • Increase the number of rectification orders being completed • Decrease the number of rectification orders being issued 	<ul style="list-style-type: none"> • Administrative burden • May impact on builder's ability to continue to generate income whilst making rectification

Consumer access to builder's disciplinary history

Victorian legislation also proposes that consumers have access to a building practitioner's disciplinary history, aliases, address, etc.

We are not sure this is a path we want to follow. Qld and NSW both have public registers. They are planning to keep the information on the Register for 5 years after disciplinary action is taken.

8.11 Have appropriate powers to prosecute where necessary

The role of Director Building Control is already established in legislation as having the power to commence proceedings for an offence against the Building Act, within 2 years after the date on which evidence first came to the attention of the "authorised person".

An authorised person is either the Director, or the relevant building surveyor, permit authority or general manager.

These powers are infrequently exercised by anyone other than the Director.

No legislative changes are required here.

9 Protecting consumers and practitioners

We need to ensure that the rights of both consumers and building practitioners are protected.

If something does go wrong, we need a cost-effective, timely way to resolve it which respects the rights of both parties. The cost to seek rectification should not be greater than the cost of the rectification itself.

We need to put measures in place that will help parties avoid disputes, resolve them if they do occur, and receive recompense if no resolution is available.

9.1 Background

Contracts for building works are mandatory in Tasmania.

Some building firms and industry associations have their own standard contract that they provide to consumers. However some contracts are not sufficiently detailed or balanced to prevent disputes arising.

The contract should detail all the work to be done and if a dispute arises, reference to the contract should help to settle it.

However, in the event that disputes cannot be resolved by reference to a contract, we need to have processes in place for resolving the dispute that are accessible and affordable to both parties.

Currently, disputes are managed through the Resource Management and Planning Appeals Tribunal (RMPAT).

Tasmania's *Building and Construction Industry Security of Payment Act 2009* provides security of payments for practitioners. A person who does building or construction work, or supplies goods or services for building or construction work, has a legal right to recover progress payments for work done and goods and services supplied.

The *Housing Indemnity Act 1992* protects consumers by:

- Providing that work must be at a minimum applicable standard
- Providing for timeframes for the completion of work
- Limiting the amount that can be asked for as a deposit or progress payment.

There is no requirement for owners to take out insurance for building in Tasmania. Prior to July 2008 this Act also provided that Builders hold housing indemnity insurance which would allow for the homeowner to claim against the insurance policy in the event that the work was defective or unable to be completed due to death or insolvency of the builder.

Under the Ministerial Insurance Order applying to accreditation, builders are required to have contract insurance in place which covers the builder and owner in the event of loss or damage to materials for a particular contract.

In 2013, the Residential Building Work Quality (Warranties and Disputes) Bill was debated in the House of Assembly. It was intended to provide additional consumer protection legislation, and provide consumers with accessible alternative dispute resolution. Currently the only building dispute resolution process is under the contract provisions or through the Courts. Neither process is particularly consumer friendly.

9.2 The way forward

A robust framework that protects consumers and practitioners has a number of elements:

1. Fair and balanced contracts to reduce the number of disputes over the work to be completed
2. Affordable and efficient dispute resolution mechanisms that allow parties to quickly and effectively resolve disputes that do arise
3. An effective compliance and enforcement regime that helps ensure practitioners are meeting their obligation to comply with standards
4. Appropriate insurance schemes to protect consumers from unforeseen events

Residential Contracts

The cause of many disputes is a disagreement between the client and contractor as to the exact terms of the contract.

Much of this could be avoided by ensuring that a decent and balanced contract is in place before work starts. It's also important that the client and contractor understand the contract, and the responsibilities contained therein.

Contracts such as the industry developed residential contract may appear to be leaning in favour of the builder. Most owners do not have sufficient knowledge to understand this unless they seek advice from an appropriately experienced lawyer. The Royal Australian Institute of Architects contracts make the architect the 'umpire', with a duty to ensure that the rights and obligations of both owner and builder are met.

The Queensland government contract, which is balanced between builders and consumers, is used more than any other contract in that state. The government also provides a useful checklist explaining what consumers should look for in a contract. The written contract must comply with the *Domestic Building Contracts Act 2000*.

9.3 Issues

Overly legalistic contracts make it difficult for consumers to know exactly what they are signing.

Problems often arise when variations are made to the project and these are not reflected in the contract. This could be avoided by ensuring all variations are in writing and signed by both parties, regardless of the cost.

"Cost plus" contracts sometimes result in consumers being subject to significant unexpected costs. Contractors "estimate" low to get job, then once an owner has signed up add significant costs.

"Prime cost items" and "provisional sum estimates" are legitimately used where the builder doesn't know what the actual cost is going to be, for example, a TasWater connection.

9.4 Improvements to contracts (residential)

We propose the following conditions around contracts for residential building works:

1. Must have a contract for any work subject to the building levy (ie for work > \$12K)
2. Director Building Control Approved Contract Guide must be provided to consumer and receipt signed by the owner
3. Director Building Control can, by Determination, require minimum mandatory details in contract
4. Variations must be in writing and accepted in writing (including Building Surveyor certificate if appropriate)
5. Contract subject to 7 day cooling off period
6. If guide not provided then cooling off period runs from when the guide is supplied to the owner (and the receipt is signed)

7. Disputes are subject to "Dispute Resolution"
8. Outcome of dispute resolution must be accepted by Director Building Control
9. Accepted outcome of dispute resolution has the same standing as a Supreme Court Order
10. Director Building Control can issue guide to Standards and Tolerances.

Recommendation 48 Director Building Control to provide a sample best practice contract and guide for residential building projects

A best-practice sample contract should be made available for use in all building projects above a certain threshold in value (see Defining Building Work).

This contract would be developed following consultation with industry bodies, consumers and the Director of Building Control.

The contract should be in plain English and make both the home owner and contractor aware of their rights and responsibilities.

The guide will outline the role and responsibilities of the parties signing the contract.

Table 50 – Provide sample best practice contract and guide

Benefits	Disadvantages
<ul style="list-style-type: none"> • Level playing field for consumers and contractors • Can be written in language that assists the consumer to understand what they are agreeing to 	<ul style="list-style-type: none"> • Industry bodies prefer their own contracts • Some minor works under this threshold may still proceed without a contract

Recommendation 49 **Mandate clauses that must be included in a contract for residential building projects over the value of <\$15,000>**

Rather than have a mandatory contract, the Director Building Control should mandate clauses that must be included in a contract, such as payment schedule, termination, occupancy etc.

This would allow industry bodies to continue to use their own contracts but would introduce a degree of protection and balance for consumers.

Table 51 - Mandate clauses that must be included in a contract for domestic building projects over the value of <\$15,000>

Benefits	Disadvantages
<ul style="list-style-type: none"> • Increased protection for consumers • Industry bodies can provide their own contracts 	<ul style="list-style-type: none"> • Reduced control over language of contract • Reduced control over other clauses that may be inserted • Some minor works under this threshold may also benefit from a contract

Recommendation 50 **Variations to a contract must be in writing and signed by both parties**

To avoid the misunderstandings that may arise from verbal variations to the contract, all such variations must be documented and signed by both parties.

Table 52 - Variations to a contract must be in writing and signed by both parties

Benefits	Disadvantages
<ul style="list-style-type: none"> • Contract continues to reflect the work being done • Reduced likelihood of a dispute over contract 	<ul style="list-style-type: none"> • Additional time and paperwork

9.5 Prevention and management of disputes

Parties involved in disputes arising from large commercial developments are well served by the existing court process. Problems arise for disputes regarding residential or small-scale commercial projects, where the cost of seeking compensation can be more than the recompense available.

Unlike in Victoria, Tasmania's Security of Payments legislation applies to residential contracts. So if a builder is owed money for work done there is a legal framework available to seek payment.

The Security of Payments Act could be refined to allow for parties involved in Security of Payment residential disputes of less than \$5000 or so in value to first attempt dispute resolution through a mechanism set up by the Director Building Control prior to entering the formal Security of Payment process.

However for consumers there is no such protection if a builder defaults on a job or does not deliver a quality product, with an expensive and time-consuming legal process being the only recourse available.

By making early dispute resolution services available to both parties, we should be able to resolve the majority of disputes before lengthy and expensive action through the courts is necessary.

Dispute resolution must be seen as separate to compliance or enforcement – it is between the parties with assistance from a third party (the Director) rather than a process driven by the Director.

To ensure a level playing field it is important that at least the initial steps are kept at the lowest possible cost and dealt with in a quick and effective manner.

Dispute process for matters regarding payment

The Director Building Control recommends the following broad framework for resolving disputes where the builder is seeking payment:

- Step 1 Parties should attempt to reach an agreement
- Step 2 If parties still fail to reach an agreement, the Security of Payments legislation can be called upon.

This is the current system.

Dispute process for matters regarding work (residential)

A strong audit and inspection regime, that makes rectification orders if faulty work is found, is the first step to resolving disputes over work.

However if parties disagree over work, the Director Building Control recommends the following Disputes Process:

1. Disputes to be lodged with Director Building Control
2. Dispute to be received in writing and other party given 14 days to respond.
3. Director Building Control may not accept if:

- No prior effort to resolve
 - Prime facie no dispute
 - Frivolous or vexatious
 - More readily able to be resolved under more appropriate jurisdictions – e.g. “minor claims jurisdiction” of Magistrates Court (ie <\$5000) or Security of Payments
4. Director Building Control to direct dispute resolution by appropriately qualified person/panel by:
- Early intervention to seek an agreed outcome:
 - Conciliation
 - Mediation
 - Refer for Arbitration:
 - Arbitration (Security of Payment method)
 - Orders may include costs (eg drilling concrete slab)
5. Director Building Control can “add” parties to dispute resolution (eg designer, tiler)
6. Outcome of dispute resolution to be accepted by Director Building Control and have Supreme Court Order status
7. Information gained in Early Intervention or Arbitration cannot be used in any other process administered by the Director of Building Control
7. Maximum period for resolution is 6 months unless all parties agree to an extension

Recommendation 51 Introduce mediation as first step in dispute resolution

Mediation can be a cost-effective way of getting two parties in dispute to talk and attempt to settle their issues at an early stage.

Table 53 - Introduce mediation as first step in dispute resolution

Benefits	Disadvantages
<ul style="list-style-type: none"> • Low cost • May avoid expensive, lengthy court proceedings • Allows greater exploration of compromise • May lead to early resolution 	<ul style="list-style-type: none"> • May not produce durable agreement • Requires willingness of parties to take part • Requires trained mediators

Recommendation 52 Establish Disputes Process by Director's Determination

By using a Director's Determination to establish the Disputes Process, we can be flexible and adjust to changing needs and legislation without having to amend legislation.

The initial recommended Disputes Process is described above

Table 54 - Establish Disputes Process by Director's Determination

Benefits	Disadvantages
<ul style="list-style-type: none"> Establishes a clear process referenced by legislation Can be changed without amending legislation 	<ul style="list-style-type: none"> Will require education within the industry and the legal profession to raise awareness Requires direct involvement by the Director

9.6 Compliance and enforcement

It would be nice if everyone in the industry did the right thing. Most contractors do and we can safely leave them to get on with the job, knowing they will complete all work to a high standard.

That allows us to focus our attention on those practitioners who may not be meeting the required standard, so that we can identify how to assist them in improving their practice.

Regulation has been seen as necessary to ensure that certain conditions are met during building works.

An alternative is to reduce regulation but increase auditing using a risk-based algorithm that allows us to target those most likely to be producing sub-standard work. This may be as a result of poor skills, poor time management or other external pressures, or a poor attitude.

By monitoring a practitioner's level of experience, number of defects and complaints attracted, we could ensure that those practitioners at greater risk of doing the wrong thing were audited more frequently.

The permit authority and the General Manager should have the power to issue small on the spot fines for minor breaches. The current infringement notices do not effectively work and are cumbersome. This leads to infringement notices not being used as it was intended and therefore a valuable arm of the compliance process is redundant.

Issues

The objective should be to deliver a positive outcome for the owner who is looking for faulty works to be put right, not a legal win or fines or de-accreditation of the practitioner. The current process is too litigious which leads to expense and time spent on a complex process. For many consumers it may result in being 'not worth the effort'.

Should the Director Building Control have the power to order rectification, additional training, or penalties (financial, demerit system, licence conditions, suspension or cancellation) or should the Director maintain an independent and unbiased position in any dispute between any organisations including local government organisations? By taking a

position during a discussion, or dispute, the Director's authority is compromised and one or the other party may not be provided with acceptable level of natural or legislative justice.

The Housing Industry Association (HIA) does not support the Queensland type model under which conciliation, mediation and arbitration are merged into a form of compulsory expert determination, all conducted by the regulator.

HIA strongly disagrees with process of dispute resolution that allows the government body carrying out executive function to also have power to impose a decision or determination of a civil claim or dispute. This process must be independent of government.

Recommendation 53 Review penalties and who should have the power to order them

The new Framework should include a clear system of penalties and escalation measures for non-compliance by practitioners, including:

- Rectification orders
- Additional training
- Fines
- Demerit points
- Licence conditions
- Licence suspended
- Licence cancelled

The Director should have the power to order sanctions and penalties. This may include financial penalties, or a direction to complete further training, since the objective is to increase the skill level of the workforce rather than take punitive measures.

Table 55 - Review penalties and who should have the power to order them

Benefits	Disadvantages
<ul style="list-style-type: none"> • Increases understanding of consequences of non-compliance • Focus on rectification in the first instance • Improves the standard of the industry 	<ul style="list-style-type: none"> • Director not seen as independent

Recommendation 54 Adopt a risk-based approach to auditing

It's neither practical nor desirable to inspect or audit every step of the building process. We need a better way of identifying the things we should be checking.

By taking into account the likelihood and the consequence of a defect at a particular stage of the building process, as well as the experience of the practitioner and any history of defects or complaints against the practitioner, we can concentrate resources on those areas of greatest risk.

Table 56 - Adopt a risk-based approach to auditing

Benefits	Disadvantages
<ul style="list-style-type: none"> • Focuses attention on those practitioners or categories of work most likely to cause a problem • Makes smarter use of limited resources 	<ul style="list-style-type: none"> • May miss some areas of non-compliance if not auditing everything

Recommendation 55 Identify particular categories and do 100% inspections

By adopting a risk-based inspection regime, we can make better use of resources and increase the likelihood that building work is meeting the required standard.

We know which parts of the building process are most likely to cause problems – the footings, the slab, etc. There should be mandatory inspections in these areas.

Table 57 – Identify particular categories and do 100% inspections

Benefits	Disadvantages
<ul style="list-style-type: none"> • Will catch all instances of non-compliance in these areas 	<ul style="list-style-type: none"> • Greater resources needed • Inspecting practitioners with good track record does not deliver any great benefit • Reduces resources available for other inspections

Recommendation 56 Implement a user-pays auditing regime for repeat inspections

Building Standards and Occupational Licensing is funded via the building levy to take the necessary steps to ensure that building works comply with the standards.

However, if during an inspection a defect is identified, a repeat inspection will be required to confirm rectification has taken place.

This repeat inspection should be at the expense of the practitioner.

Table 58 - Implement a user-pays auditing regime for repeat inspections

Benefits	Disadvantages
<ul style="list-style-type: none"> • Encourages practitioners to “get it right the first time” • Offsets the cost of additional inspections 	<ul style="list-style-type: none"> • Could be seen as revenue raising

Rectification Orders

In most cases the ultimate outcome required is to have faulty work rectified. This is the focus of the Occupational Licensing regimes.

In Victoria a party will retain the right to seek review by VCAT of a Rectification Order made against that party, but the Rectification Order will be binding unless, and until, a VCAT review is sought within the specified time limit.

As with all administrative decisions, judicial review will remain available in the limited circumstance where a party considers the VBA acted unlawfully (for example, if a party believes irrelevant considerations were taken into account, the decision is manifestly unreasonable or discriminatory, or the decision was beyond the power of the VBA to make).

In Tasmania, we could implement a similar system with Magistrates Court (Administrative Appeals Division) providing the review.

Recommendation 57 Specify the powers available to a Building Surveyor, Council officers or Delegate of the Director

Building Surveyors, Council Officers or Staff of the Office of the Director of Building Control should have the ability to issue rectification orders as they are the people who are likely to be on-site as part of their roles. The power to issue a rectification order should be accompanied by the ability to issue infringement notices. As in Victoria both would be reviewable by referral.

Table 59 - Specify the powers available

Benefits	Disadvantages
<ul style="list-style-type: none"> Increases efficiency of the process thus may decrease time taken to achieve rectification 	<ul style="list-style-type: none"> May cause Officers to become a target.

Recommendation 58 A party may seek review of a Rectification Order within specified time

A party may seek a review of a Rectification Order made against that party, within a specified time limit. If the review is not sought in this time period, the Rectification Order will be binding.

Table 60 - A party may seek review of a Rectification Order within specified time

Benefits	Disadvantages
<ul style="list-style-type: none"> Preserves the rights of the individual Ensures the process is not subject to legal uncertainty 	<ul style="list-style-type: none">

Recommendation 59 Streamline Appeal and Review Processes

The Building Appeals Board in Tasmania was wound up in November 2012 and replaced by the Resource Management and Planning Appeals Tribunal (RMPAT). RMPAT have jurisdiction on all Building Act issues including accreditation and disciplinary. Appeal from RMPAT on Building Act issues is to the Magistrates Court (Administrative Appeals Division). Appeal from RMPAT in respect of planning matters is to the Supreme Court.

Occupational (electricians, plumbers and gasfitters) licensing and discipline, including rectification orders and infringements, reviews are dealt with by the Magistrates Court (Administrative Appeals Division).

The Director recommends that Occupational matters in respect of building practitioners become a jurisdiction of the Magistrates Court and that other Building Act issues be the jurisdiction of RMPAT, with appeal on those jurisdictions being to the Supreme Court.

Table 61 – Streamline Appeals

Benefits	Disadvantages
<ul style="list-style-type: none"> • Panel of experts on Building act issues • Less workload at RMPAT • RMPAT dealing with matters that are specific to expertise of their members • Final decision with legal standing • Two stage appeal, instead of three stages 	<ul style="list-style-type: none"> • Not one stop shop as current • May be expensive to access

References

Professor Lovegrove article:

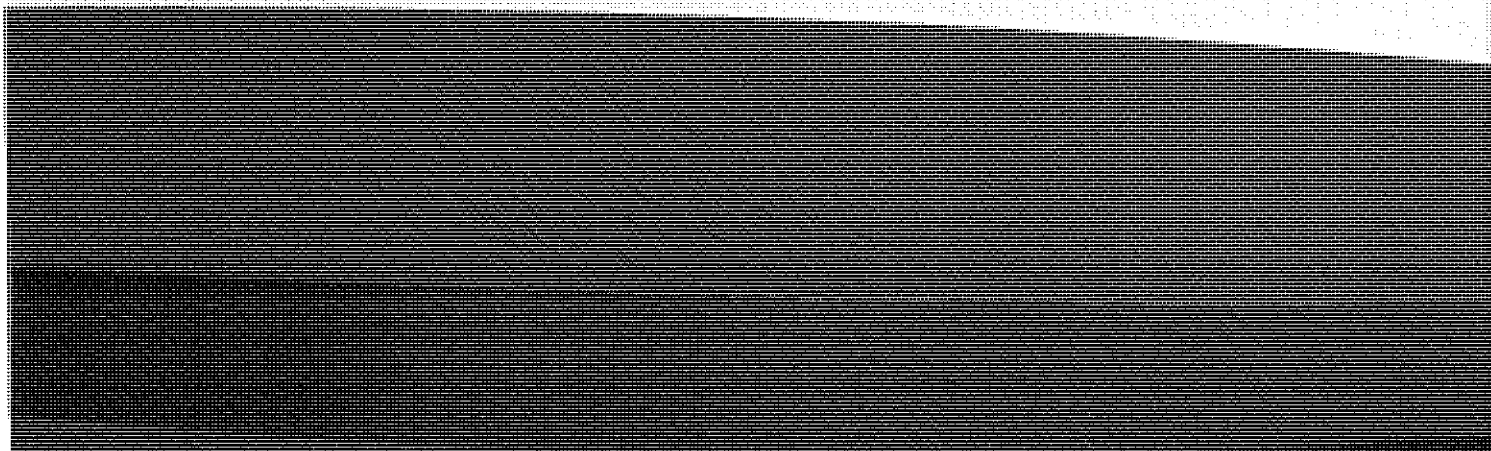
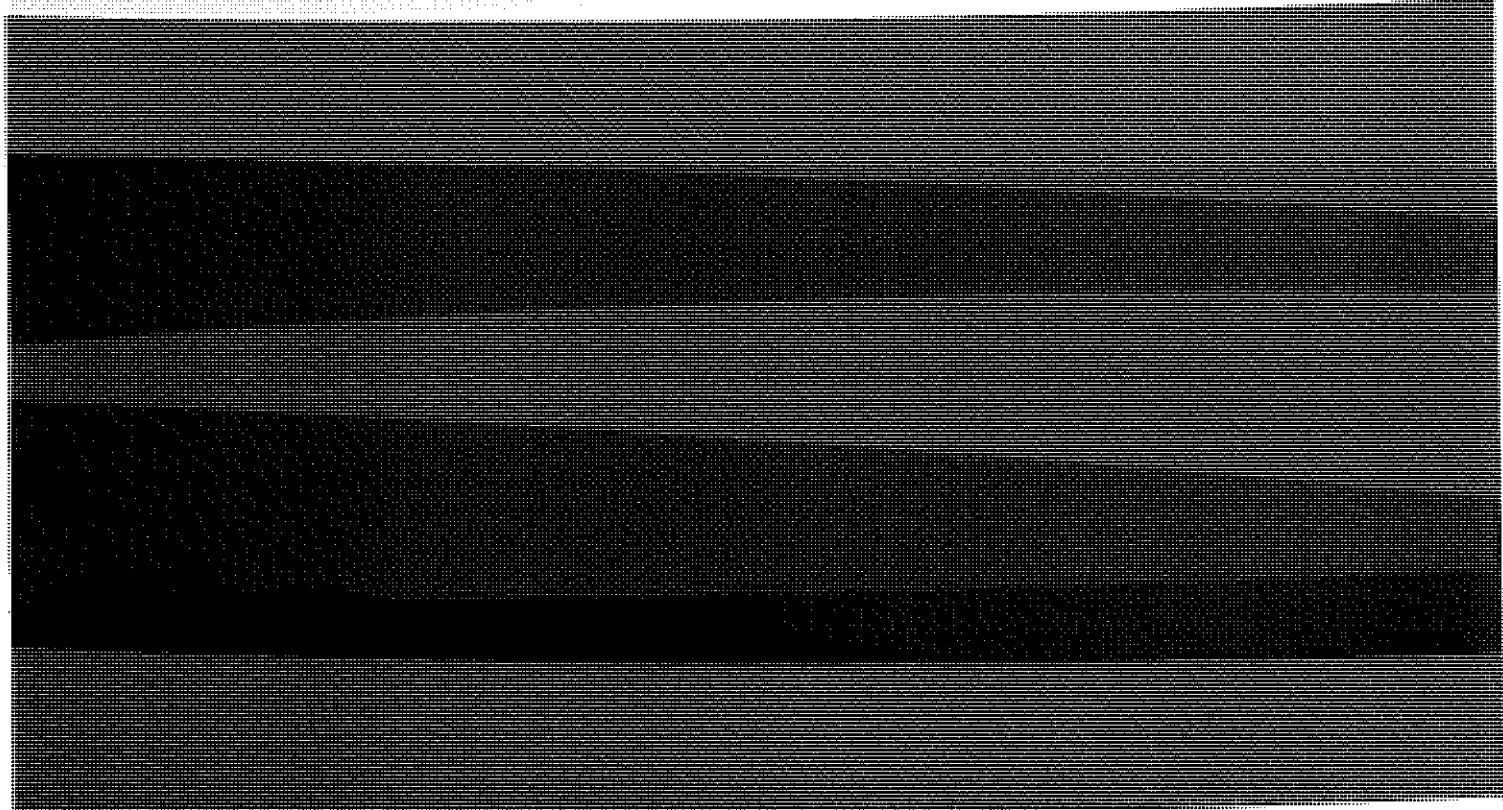
<http://sourceable.net/eight-steps-best-practice-australian-building-act/#sthash.H4G6SAIR.dpuf>

Victorian Review:

<http://www.dtf.vic.gov.au/Publications/About-publications/Victorian-Domestic-Building-Consumer-Protection-Reform-Strategy>

Queensland Review:

<https://www.getinvolved.qld.gov.au/gi/consultation/2099/view.html>



PO Box 56, Romy TAS 7018
Phone: 1300 322 346

Email: wsinfo@justice.tas.gov.au Visit: www.justice.gov.au

Tasmanian Building Regulatory Framework Review

Response paper

The Director of Building Control makes the following recommendations for the improvement and strengthening of the Tasmanian Building Regulatory Framework.

Please indicate whether you support the recommendations, and select your preferred option where choices are provided.

You may also wish to comment on any of the options or recommendations and you should do so at the end of the document.

Please complete your details:

Name

Organisation

Position

Phone number

Email address

Street address

.....

Suburb or city

State

Postcode

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 1	Update objectives and include in legislation	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 2	Legislation provides for Director Building Control to make determinations in areas of innovation and emerging technologies	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 3	Legislation be separated into its components, namely undertaking building work, licensing, warranties and disputes including contracts and security of payment	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 4	Introduce reporting requirements for Building Surveyors	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 5	Introduce reporting requirements for Permit Authorities	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 6	The Director Building Control to report annually to Parliament on regulatory cost and regulatory timeliness by municipal area	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 7	Increase penalties for illegal building works including additional fees for certificates of substantial compliance and certificate to proceed	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 8	Allow for Builder certification of certain low risk building work	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 9	Allow for builder certification for a range of non-inhabited farm buildings	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 10	Allow for builder certification for a range of non-inhabited farm buildings	<input type="checkbox"/>	<input type="checkbox"/>
Option 11a	Increase the threshold for minor alterations or minor repairs not subject to the building permit process to \$20,000 and index the threshold	<input type="checkbox"/>	<input type="checkbox"/>
Option 11b	Remove the threshold for minor alterations or minor repairs and introduce clear determination for scope of the exemption	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 12	Increase awareness of Planning Directive 4	<input type="checkbox"/>	<input type="checkbox"/>
Option 13	Introduce a Building Directive which allows for a standard pre-approved residential design	<input type="checkbox"/>	<input type="checkbox"/>
Option 14	Reduce need for plumbing permits, increase risk-based auditing, replace with notification process	<input type="checkbox"/>	<input type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 15	Promote awareness of the scope of the certifiable works provision.	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 15	Remove requirement for most on-site waste water treatment systems to be approved for sale by the Director	<input type="checkbox"/>	<input type="checkbox"/>
		Select one option:	
Option 17a	Retain the current system of certification and separate permits with improvements, OR	<input type="checkbox"/>	
Option 17b	Reduce the number of permit authorities, improve auditing, documentation requirements, clarification of roles, OR	<input type="checkbox"/>	
Option 17c	Introduce fully contestable building certification (including permits)	<input type="checkbox"/>	
Option 18	The Director set minimum schedule of fees for building surveying services	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 19	Clarify the essential maintenance requirements for Class 2-9 Buildings	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 20	Clarify role and responsibilities of Building Surveyors and protections for Building Surveyors through the Building Act		
Recommendation 21	Strengthen provisions allowing for the property owners to appoint Building Surveyors and excluding the Building Surveyor from having contractual relationship with builders	<input type="checkbox"/>	<input type="checkbox"/>
Option 22	Performance-based solutions are outside the scope of work of Building Surveyors unless the Building Surveyor undertakes additional specific qualifications in performance-based solutions	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 23	Make current mandatory building notifications mandatory inspection points	<input type="checkbox"/>	<input type="checkbox"/>
Option 24	Every council must appoint a Municipal Building Surveyor	<input type="checkbox"/>	<input type="checkbox"/>
Option 25	Introduce a new "inspector" level of building certifier	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 26	Use regular reporting and targeted audits to drive compliance	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 27	Mandatory component of Continuing Professional Development for Building Surveyors	<input type="checkbox"/>	<input type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 28	Include strengthened code of conduct for Building Surveyors in legislation	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 28	Allow for corporations/partnerships to obtain contracting licence	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 30	Licensing scheme (formerly Accreditation scheme) be modified to ensure that every practitioner licensed meet the requirements of the industry	<input type="checkbox"/>	<input type="checkbox"/>
		Select one option:	
Option 31a	Set time limit for "grandfathered" practitioners to bring their skills up to scratch, OR	<input type="checkbox"/>	
Option 31b	Set once-off mandatory CPD for grandfathered practitioners to bring their skills up to scratch	<input type="checkbox"/>	
Option 32	Explore licensing process for Engineers which is similar to current process for Architects in the Building Act.	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 33	Clarify role of roof plumber	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 34	No owner builder status for class 2 to 9 buildings	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 35	An owner builder can register but not self-certify	<input type="checkbox"/>	<input type="checkbox"/>
Option 36	Replace the number of projects rule by specifying the length of time before an owner builder can sell	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 37	Statutory warranties given to future owners and a compulsory inspection prior to sale	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 38	Definition of project is limited to one building permit per owner builder licence	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 39	Owner builders will be subject to increased inspections	<input type="checkbox"/>	<input type="checkbox"/>
Option 40	Add "owner builder" to title	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 41	Owner Builder to pay licence fees and have correct insurances	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 42	Introduce CPD for plumbers, electricians and other occupations under the Occupational Licensing Act	<input type="checkbox"/>	<input type="checkbox"/>

Recommendation	Description	Response	
		Support	Don't Support
Recommendation 43	Limit CPD to genuine learning activities pre-approved by Director Building Control or Administrator of Occupational Licensing	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 44	The Director Building Control may mandate certain activities	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 45	Strengthen code of conduct for building practitioners	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 46	Move building practitioners to the occupational licensing regime therefore adopting sanctions of that regime	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 47	Infringement regime if builder does not comply with Rectification Order	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 48	Director Building Control to provide a sample best practice contract and guide for residential building projects	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 49	Mandate clauses that must be included in a contract for residential building projects over the value of <\$15,000>	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 50	Variations to a contract must be in writing and signed by both parties	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 51	Introduce mediation as first step in dispute resolution	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 52	Establish Disputes Process by Director's Determination	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 53	Review penalties and who should have the power to order them	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 54	Adopt a risk-based approach to auditing	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 55	Identify particular categories and do 100% inspections	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 56	Implement a user-pays auditing regime for repeat inspections	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 57	Specify the powers available to a Building Surveyor, Council officers or Delegate of the Director	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 58	A party make seek review of a Rectification Order within specified time	<input type="checkbox"/>	<input type="checkbox"/>
Recommendation 59	Streamline Appeal and Review Processes	<input type="checkbox"/>	<input type="checkbox"/>

Comments

PLAN 1

**PLANNING APPLICATION P14-337
38 MARLBOROUGH STREET, LONGFORD**

ATTACHMENTS

- A Application & plans

- B Response from referral agencies
 - DSG, no objections

- C Representation

- D Heritage Adviser's review

- E Applicant's response to representation

ATTACHMENT A

PLANNING APPLICATION Proposal

Description of proposal: (PLEASE REFER TO ATTACHMENT)

TO ACQUIRE A PERMANENT PERMIT TO ALLOW
ME TO CONTINUE TO OWN AND OPERATE A
DANCE SCHOOL AT 38 MARLBOROUGH STREET
LONGFORD.

(attach additional sheets if necessary)

Site address: 38 MARLBOROUGH STREET
LONGFORD TASMANIA 7301

ID no: and/or Council's property no:

and/or

Area of land: 384 m² ha/m² and/or CT no: 117432/1

Estimated cost of project \$..... (include cost of landscaping,
car parks etc for commercial/industrial uses)

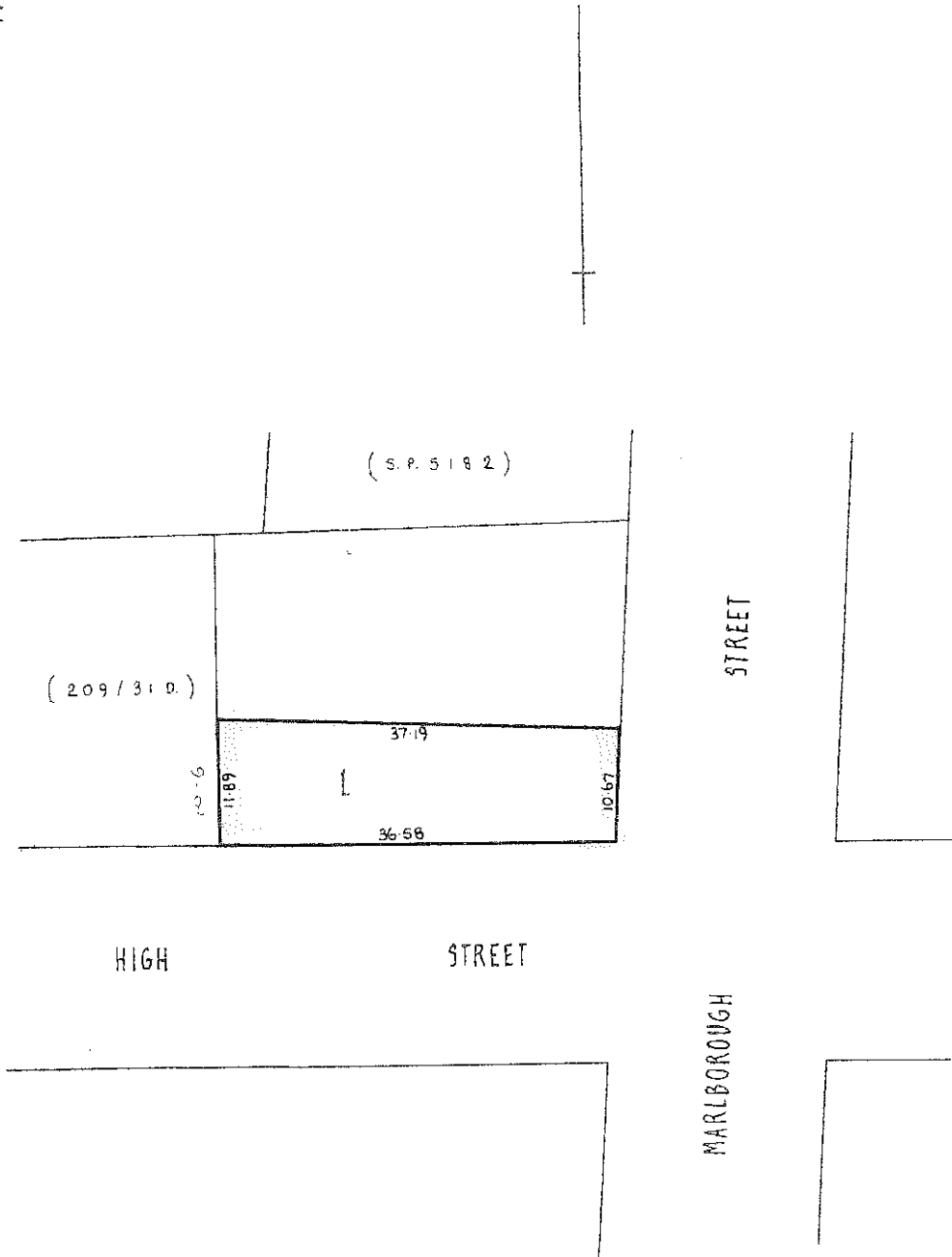
Are there any existing buildings on this property? Yes No

If yes - main building is used as A PLACE FOR DANCE TUITION
(A DANCE SCHOOL)

Exhibited

FILE NUMBER A.15503		CONVERSION PLAN		REGISTERED NUMBER P117432	
GRANTEE PART OF 0-2-5 GTD. TO ROBERT THOMPSON				LOCATION TOWN OF LONGFORD (SEC. L)	
		CONVERTED FROM 65/6780		NOT TO SCALE	
				LENGTHS IN METRES	
MAPSHEET MUNICIPAL CODE No. 56	LAST UPI No. 2125	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN MC	

SKETCH BY WAY OF ILLUSTRATION ONLY
"EXCEPTED LANDS"



Exhibited

A-183

RECEIVED

18 NOV 2014

BY: *h 12.27pm*

1-236

Description of Prop: Planning Application P14-337)

To acquire a permanent permit to allow me to continue to own and operate a dance school at 38 Marlborough Street London. Since purchasing the building in March 2012, I have made significant improvements both inside and outside of the building

NORTHERN MIDLANDS COUNCIL					
Location					
Property					
Attachments					
REC'D 18 NOV 2014					
	J	A		J	A
GM			MYR		
P&DM			CRS		
CSM			PLAN		
HR			BLP		

2015 Teaching Structure (Main Dance Studio)

Monday: Start 3:00pm - Finish 8:30pm. During this 5 1/2 hr time frame I teach individual solo/duo lessons consisting of 15 minutes each (a total of 18 lessons). I then take an Adult Tap Class from 7:30pm-8:30pm (At the moment I have 10 ladies enrolled)

Tuesday: Start 3:00pm - Finish 8:00pm. During this 5 hr time frame I teach individual solo/duo lessons consisting of 15 minutes each (a total of 20 lessons)

Wednesday: Start 3:00pm - Finish 8:00pm. During this 5 hr time frame I teach individual solo/duo lessons consisting of 15 minutes each (a total of 20 lessons)

Friday: Start 3:00pm - Finish 8:30pm. During this 5 1/2 hr time frame I teach individual solo/duo lessons consisting of 15 minutes each (a total of 12 lessons). I also take 2 group classes during this time, under 13yrs (B) 5:00pm-6:00pm currently 13 students enrolled and under 16yrs 6:30pm-8:00pm currently 12 students enrolled.

Saturday: Start 9:00am - Finish 5:00pm. During this 8hr time frame I teach 6 individual solo/duo lessons consisting of 15minutes each and 6 group classes.

Group times are as follows:

9:00am-10:00am under 8 yrs, Currently 8 students enrolled.

10:30am-11:30am under 6yrs, currently 5 students enrolled.

12:00noon-12:45pm (2015) Beginners group (No enrolments as yet, too early)

1:00pm-2:00pm Acro Group, Currently 16 students enrolled.

2:00pm-3:00pm Stretch/Technique Class, Currently 17 students enrolled however, as this class is not mandatory numbers are usually less than 17 (Please note some of these students have just done the Acro Group prior so would be already here.)

3:00pm-4:30pm under 13yrs (A), Currently 14 students enrolled.(Please note most of these students have just done the stretch/technique or Acro class prior so would be already here)

2015 Teaching Structure (Ballet Studio)

Monday: Start 4:30pm - Finish 7:00pm. During this 2 1/2hr time frame my ballet teacher takes 6 individual solo lessons consisting of 15 minutes each and 1 Group Class 11yrs and under currently 9 students enrolled.

Tuesday: Start 4:30pm - Finish 8:00pm. During this 3 1/2 hr time frame my ballet teacher takes 10 individual solo lessons consisting of 15 minutes each and 1 Group Class 12yrs and over currently 16 students enrolled.

VIPAC Engineers & Scientists Limited A.B.N. 33 005 453 627
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 Tasmania 7249 AUSTRALIA

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 alex.mcleod@tarkarril.com

11 April 2013

Julie Argent
 58D Drummond St
 Perth, Tasmania 7300

421246-01
 AJM/PCB

Attn: Ms Julie Argent

Dear Madam,

RE: Longford Dance School noise assessment

Please find below our report on the noise assessment of your Longford dance school.

1. INTRODUCTION

VIPAC was commissioned by Julie Argent to conduct an assessment of noise generated during dance classes at her Longford dance school. The assessment is to address concerns raised the Northern Midlands Council regarding noise generated by the school and to meet the general requirements under the schools permit issued by the council.

Following consultation with Ms Argent and the Northern Midlands Council VIPAC proposes a two-fold approach as follows:-

- Observed noise measurements at the boundary of the Dance School during a worst case, with regard to noise generation, dance class. An adult tap class in studio 1 was selected due to high numbers of participants and the time at which the class was held, between 8 and 9 pm.
- Field based facade noise reduction test to determine an internal reverberant noise limit for the studios that is likely to maintain noise levels, at the boundary, at or below 50 dBA (day noise emission level applicable under the council's interim planning scheme for an Educational Facility).

2. MEASUREMENT PROCEDURES

2.1. Adult tap class monitoring

A logging sound level meter was placed on the northern boundary of the property for the duration of the adult tap class on 25 March 2013 with 1-minute Ln-statistics recorded (See figure 1 on the next page for the approximate measurement location). During the measurement period noise source influencing immission levels at the position were noted.

Representative 1/3-octave band spectra were also taken with traffic noise excluded as much as was practically possible.

2.2. Facade noise reduction test

1/3-octave band spectra were taken approximately one metre from the external facade of the dance school adjacent to three of the windows (deemed to be the weak point in the facade with regard to noise transmission); two windows in studio 1 and one window in studio 2 (see figure 1 for the approximate measurement locations) with the following noise types being generated internally:-

Exhibited

- White
- Pink
- Brownian

Simultaneously 1/3-octave band measurements were taken within the studios measuring the internal reverberant noise spectrum.

Figure 1 below presents the location of the dance school in Longford and the approximate measurement locations utilised during the assessment.

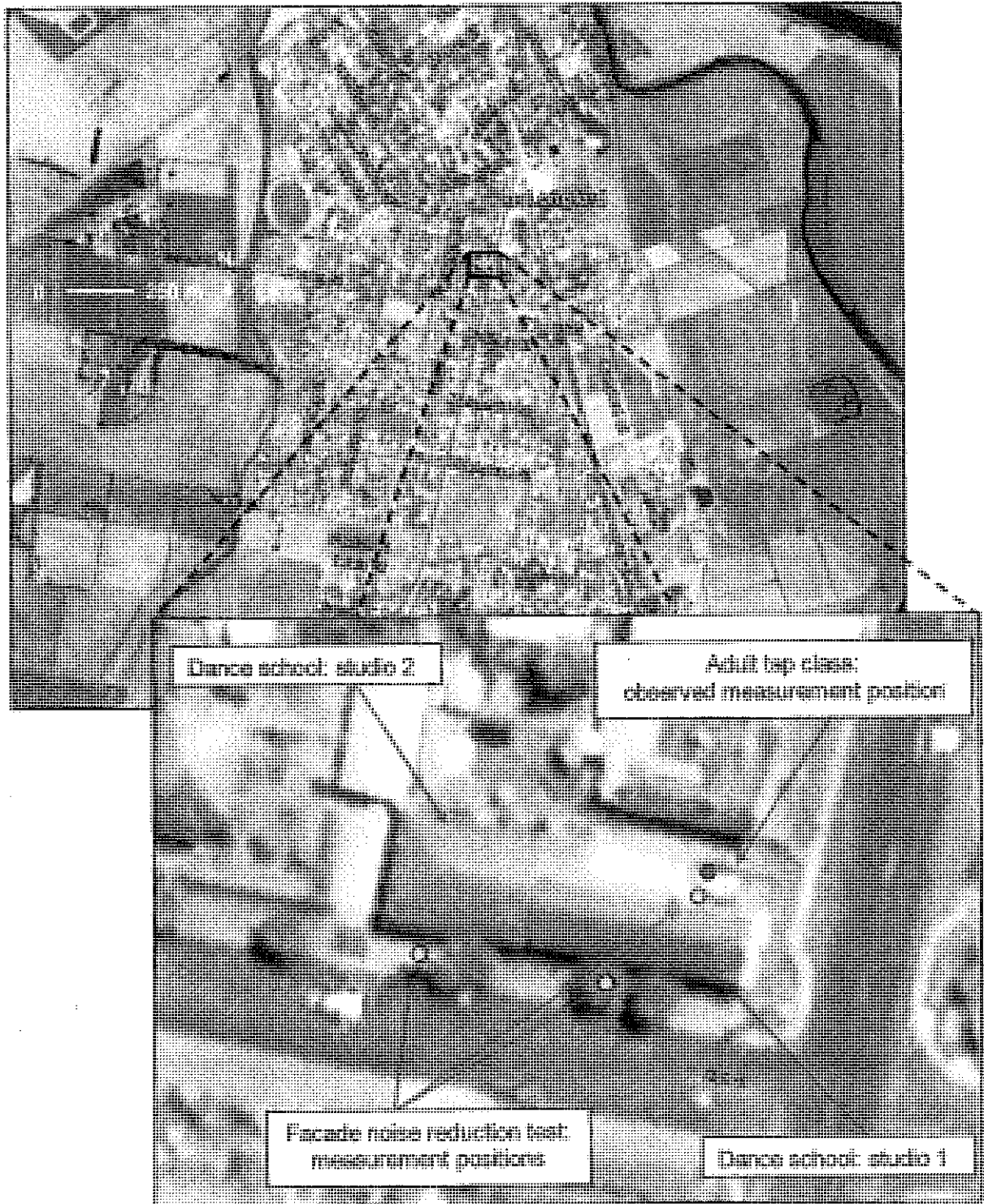


Figure 1 - Dance school location and measurement positions.

3. INSTRUMENTATION

The following instrumentation was used:-

- Spectrum analyser Larson Davis 2900 s/n 2900A0343
- Environmental noise analyser Larson Davis 824 s/n 824A1537
- Acoustic Calibrator CA250 s/n 2706

All instruments were field calibrated prior to use. Wind socks were used at all times on microphones.

4. RESULTS AND DISCUSSION

4.1. Adult tap class monitoring

Figure 2 presents a graph of the logged Ln-statistics measured during the adult tap class on the northern boundary. For sake of clarity only the following statistics are presented:-

- L_{Aeq} : The equivalent continuous A-weighted sound pressure level.
- L_{A90} : The noise level exceeded for 90% of each 1 minute interval, typically referred to as the background.
- L_{A10} : The noise level exceeded for 10% of each 1 minute interval, used to examine the influence of transient noise sources such as traffic.

Figure 3 presents 1-3-octave band spectra measured during the adult tap class, with traffic noise excluded, representing the following:-

- **Background:** spectrum in the absence of noise emissions from the dance school.
- **Footfall:** spectrum generated by footfall during the adult tap class.
- **Footfall + music:** spectrum generated by the combination of footfall and music during the adult tap class.

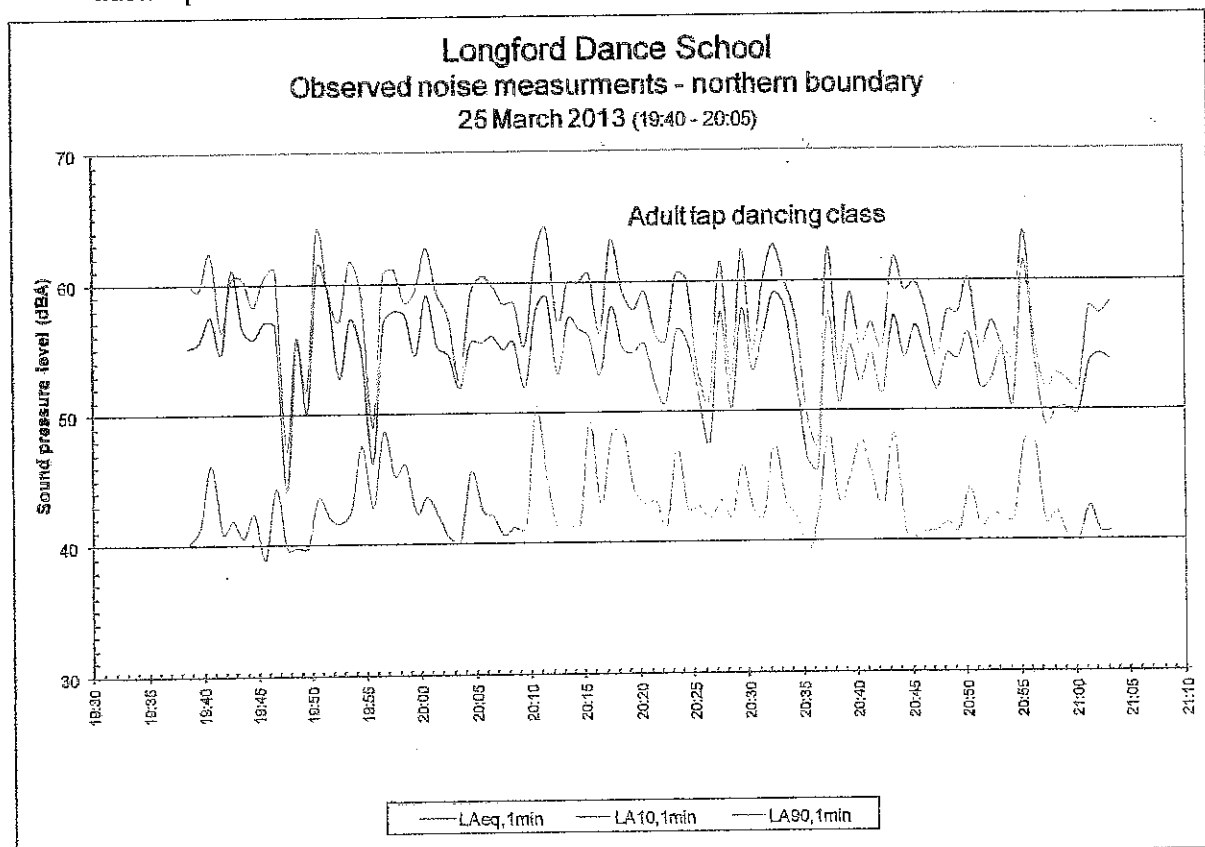


Figure 2 – Logged 1-minute Ln-statistics during the adult tap class.

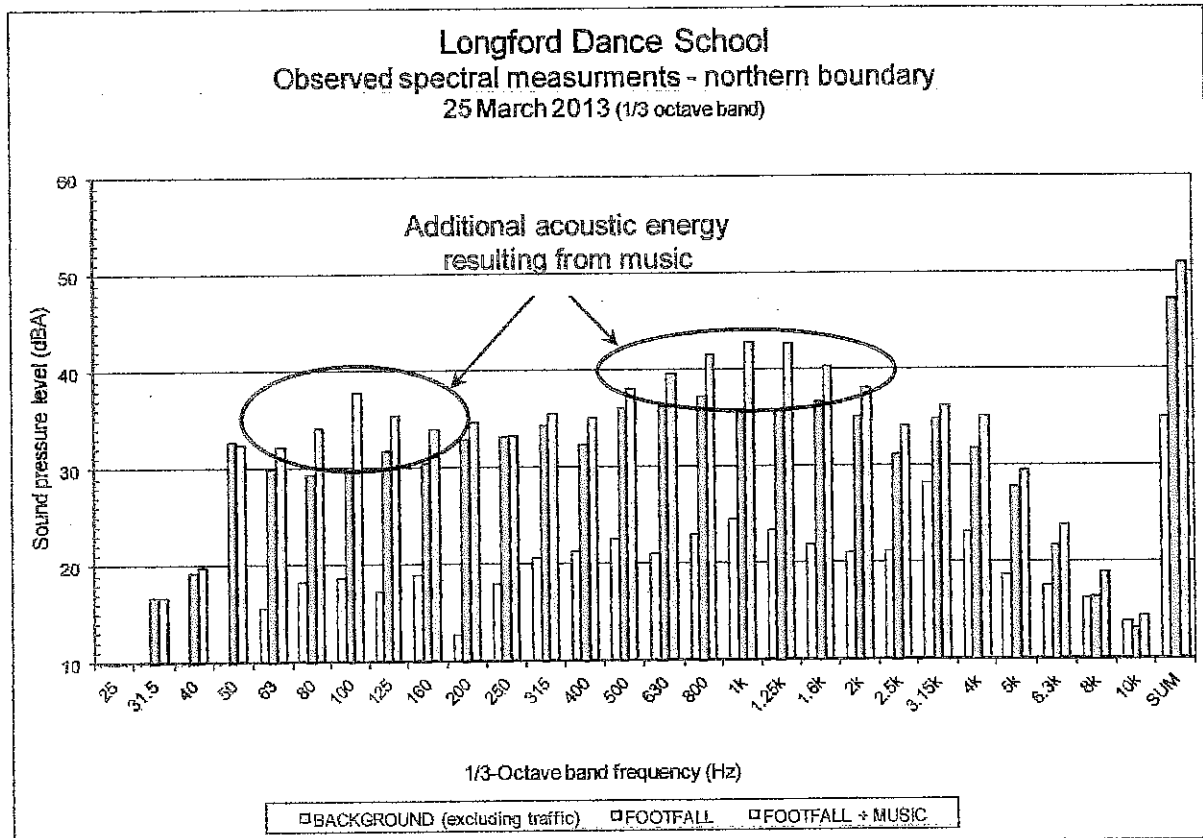


Figure 3 – Measured 1/3-octave band spectra during the adult tap class.

From the above:-

- L_{Aeq} levels closely tracked L_{A10} levels through the measurement period, including prior to the adult tap class. This indicates that traffic noise controlled the L_{Aeq} levels measured during the adult tap class. This is in accordance with observation during the monitoring.
- L_{A90} levels typically remained below 50 dBA with a single 1-minute interval exceeding during the class. Noise emissions from the class were intermittent and it's not clear whether the school or traffic or a combination of both caused the L_{A90} level to exceed 50 dBA.
- The representative 1/3-octave band spectral measurements indicate that footfall noise alone is unlikely to generate noise levels in excess of 50 dBA at the boundary of the school's property. However, when combined with music there is some potential that 50 dBA will be exceeded.

4.2. Facade noise reduction testing

From the simultaneous internal and external spectra measured during the testing a field based noise reduction spectrum was determined for the facade of the building at each of the measurement locations.

The internal noise spectra measured during the testing indicate that the sound system employed at the dance school generates high noise levels between 500 Hz and 2.5 kHz; this is also demonstrated in figure 3 above with the spectrum for footfall and music measured during the adult tap class controlled between these frequencies.

Noise reductions spectrum calculated from the test results show that noise reduction levels across the facade (with the windows being the dominant building element for sound transmission) are between 25 and 30 dB between the frequencies 500 Hz and 2 kHz. To allow for external noise levels at the boundary to be at or below 50 dBA the A-weighted amplitude at these frequencies need to be maintained below 40 dB.

Given the above VIPAC recommends that **internal reverberant noise level** within the dance school studios is **maintained at or below 75 dBA**. This should maintain external noise levels at the boundary of the dance school property at or below 50 dBA.

NB: If the sound system is upgraded at any stage in the future this internal reverberant noise limit may no longer be applicable, particularly if any new system has the capability of producing higher levels of low frequency noise.

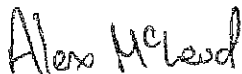
5. RECOMMENDATIONS

To manage the level of noise generated during a dance class VIPAC recommends that the dance school installs a sound monitoring system that will warn the instructor (e.g. via a display lighting up) when a designated noise level (in this case 75 dBA) is at risk or is being exceeded. Action can then be taken to reduce the level of noise being generated. Such devices are commercially available.

I hope this information meets your immediate requirements.

Please contact me directly if you have any questions concerning this work.

Yours faithfully,
VIPAC ENGINEERS & SCIENTISTS LTD



Dr. Alex McLeod
Senior Environmental Consultant – Tasmania
p. +61 3 6343 2077
f. +61 3 6343 4849
email: alex.mcleod@tarkarri.com

NORTHERN MIDLANDS COUNCIL

Exhibited

MEMO TO: Paul Godier, Planner
 FROM: Terry Eaton, Engineer
 SUBJECT: Parking Provisions, Marlborough St - High St,
 Proposed Dance Studio
 FILE NO: P11-343
 DATE: 14th December 2011

A site inspection at approximately 1.30 pm on Wednesday December 14, 2011 recorded the following parking situation.

1. Site. The site is a large hall occupying almost all the site with space available for one vehicle on the north side of the building accessed from Marlborough St.
2. On-Street.

Marlborough St.

North of High St, West side - 3 spaces, all vacant
 North of High St, East side - 3 spaces, 1 vacant

South of High St, West side - 6 spaces, all vacant
 South of High St, East side - 3 spaces, 2 vacant

High St

East of Marlborough St, North side - 3 spaces, 1 vacant
 East of Marlborough St, South side - 4 spaces, none vacant

West of Marlborough St, South side - 8 spaces, all vacant
 West of Marlborough St, North Side - 9 spaces, 6 vacant

Burnett St

(Parking available on one side only due to street width).

5 spaces, all vacant.

Note: The area covered by the survey is considered to be kerbspace within easy walking distance of the proposed dance school i.e. within 100 metres of the front of the building for High St - Burnett St and some 60 meters of the front for Marlborough Street.

Parking space availability

Summarising the kerbside use suggests :

Available on street spaces	44
Occupied spaces	12
Vacant spaces	32

Information on the class schedules indicates a worst case situation at class change over on Saturdays with 16 students departing and 16 students arriving i.e. 32 students. A vehicle occupancy factor of 1.5 students is seen as acceptable for this assessment. I.e. allowance for modal selection, private car/walk and multiple students in some vehicles.

The occupancy suggests some 22 vehicles at the changeover i.e. a vehicle parked to available space ratio of 0.69, this value is less than the maximum desirable occupancy ratio of 0.8 and as such suggests acceptable on-street parking conditions.

Traffic control

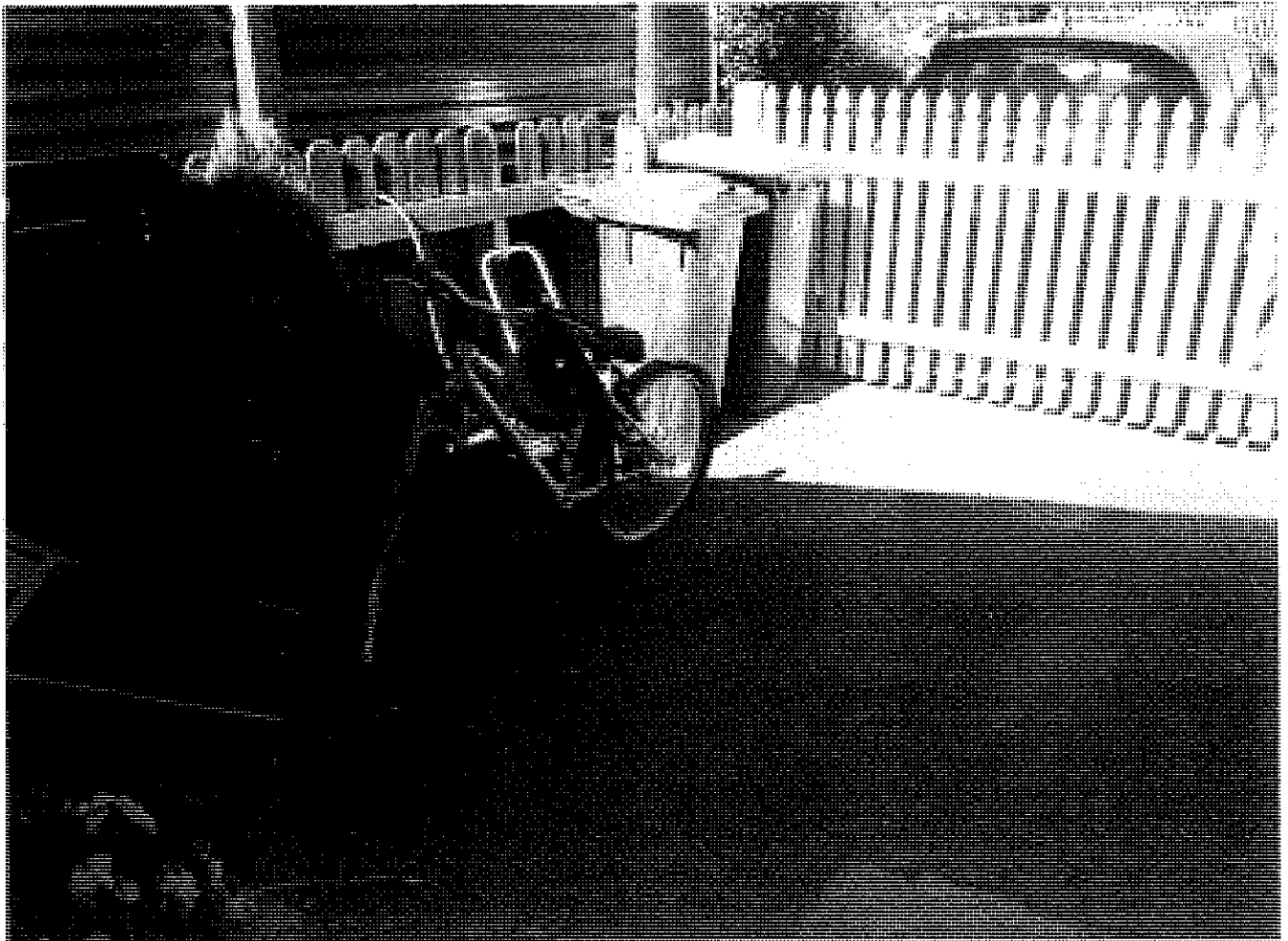
Increased parking demand in proximity to the High St/ Marlborough St intersection suggests it would be prudent to upgrade the present parking controls by marking "No Standing" sections in proximity to the intersection to cover the narrower width beside the central median island and to mark the statutory parking limits close to the intersection.

It was also noted that a vehicle crossing is located beside the hall in High St. Removal of this bay would improve the kerb side parking availability at that location.

Exhibited

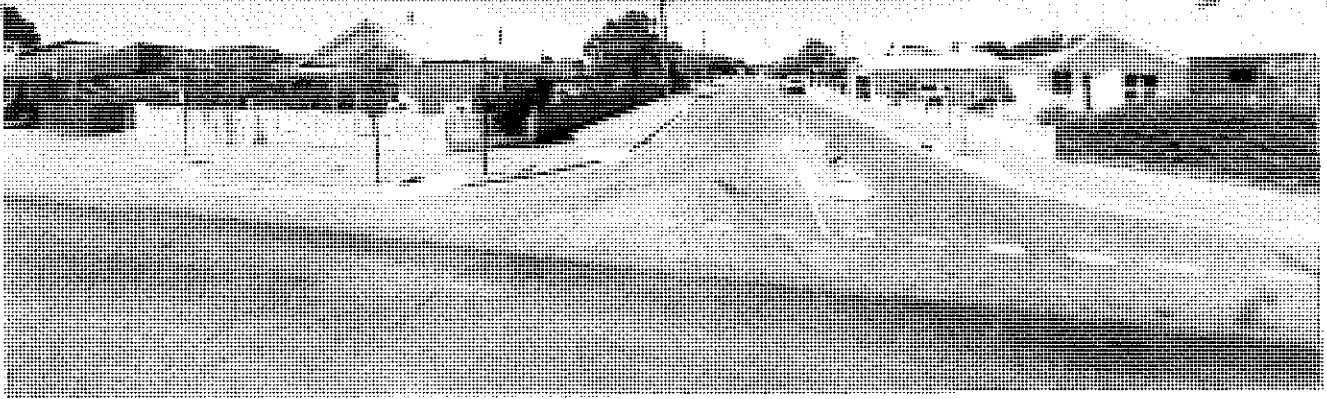


A STUDENTS BICYCLE PARKED IN THE COURTYARD. (COURTYARD DIMENSIONS)
4.6 x 3.7 METRES



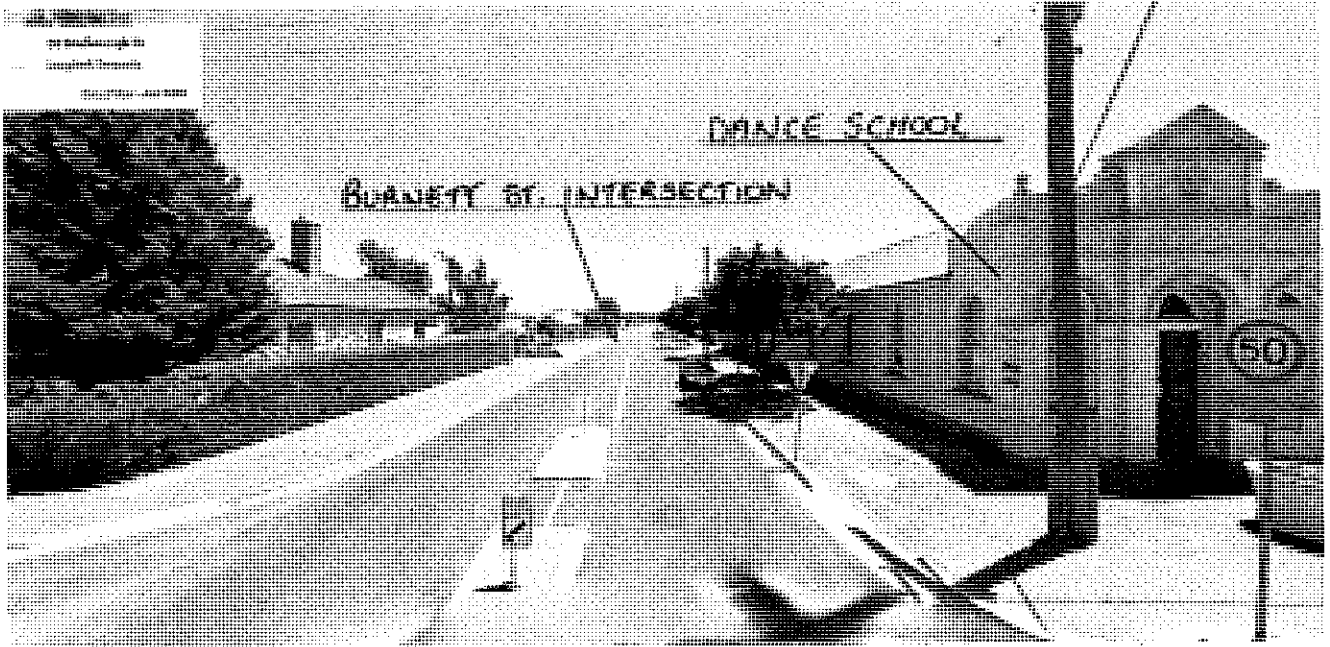
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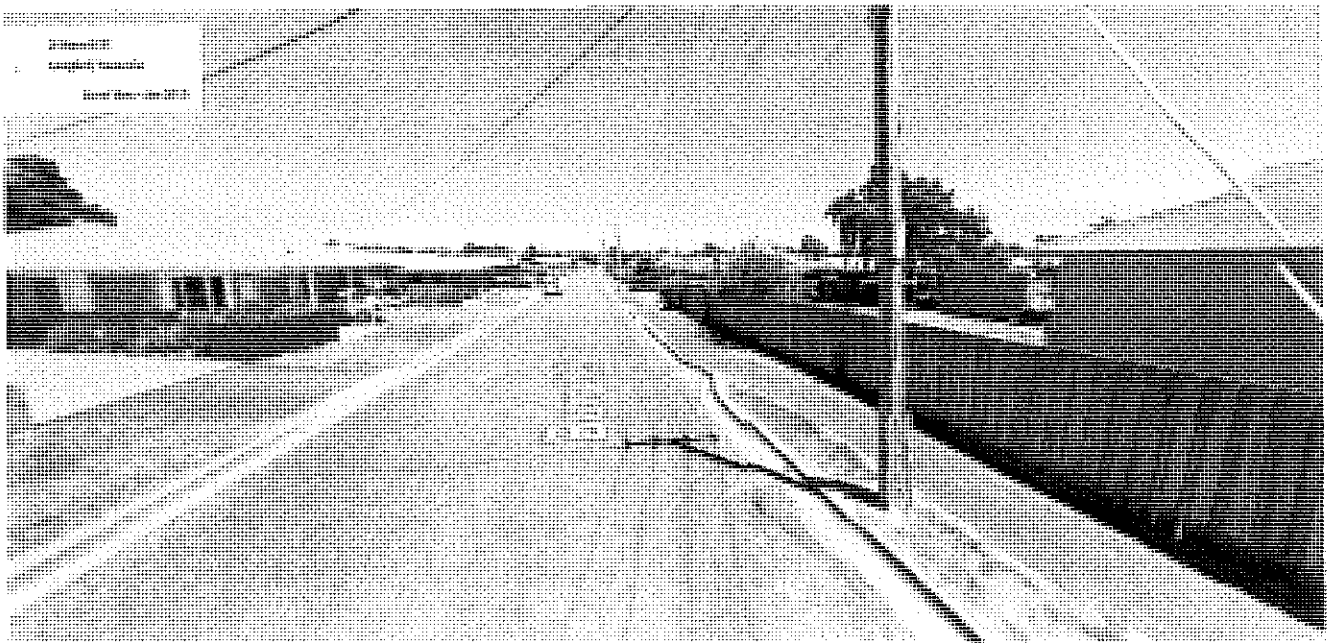


Exhibited

8 Marlborough St - Google Maps HIGH STREET VIEW EAST OF DANCE SCHOOL

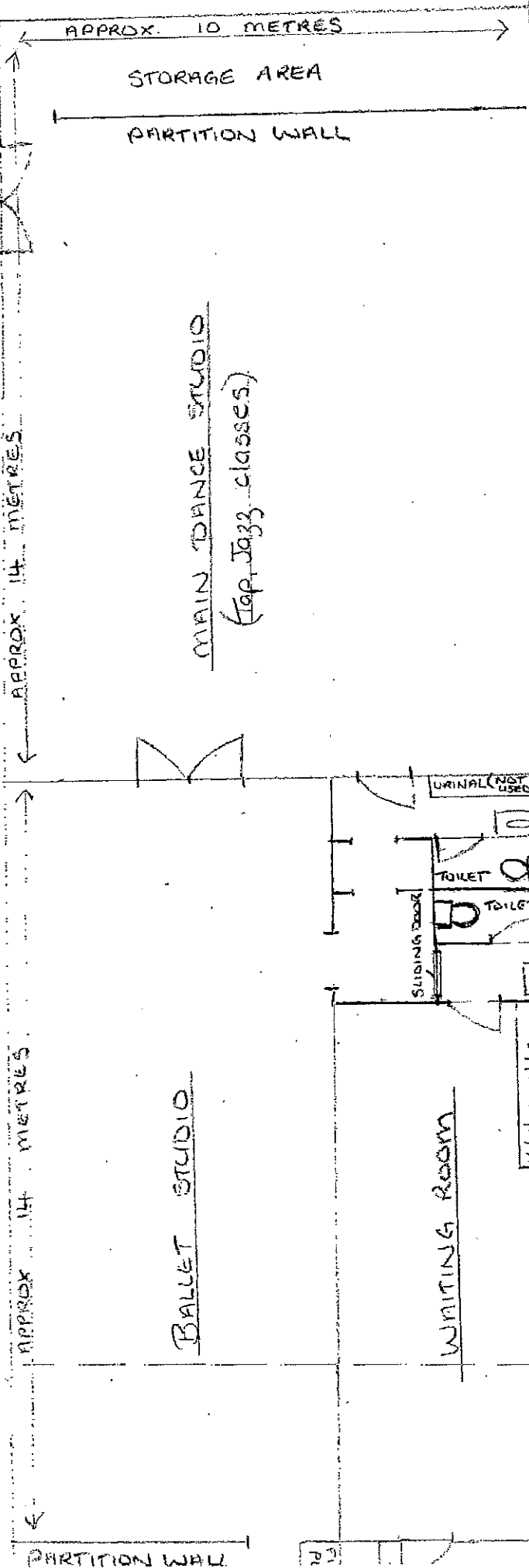


8 Marlborough St - Google Maps HIGH STREET VIEW WEST OF DANCE SCHOOL



BURNETT STREET VIEW. (SIDE STREET OFF HIGH STREET.)

APPROX 37 METRES

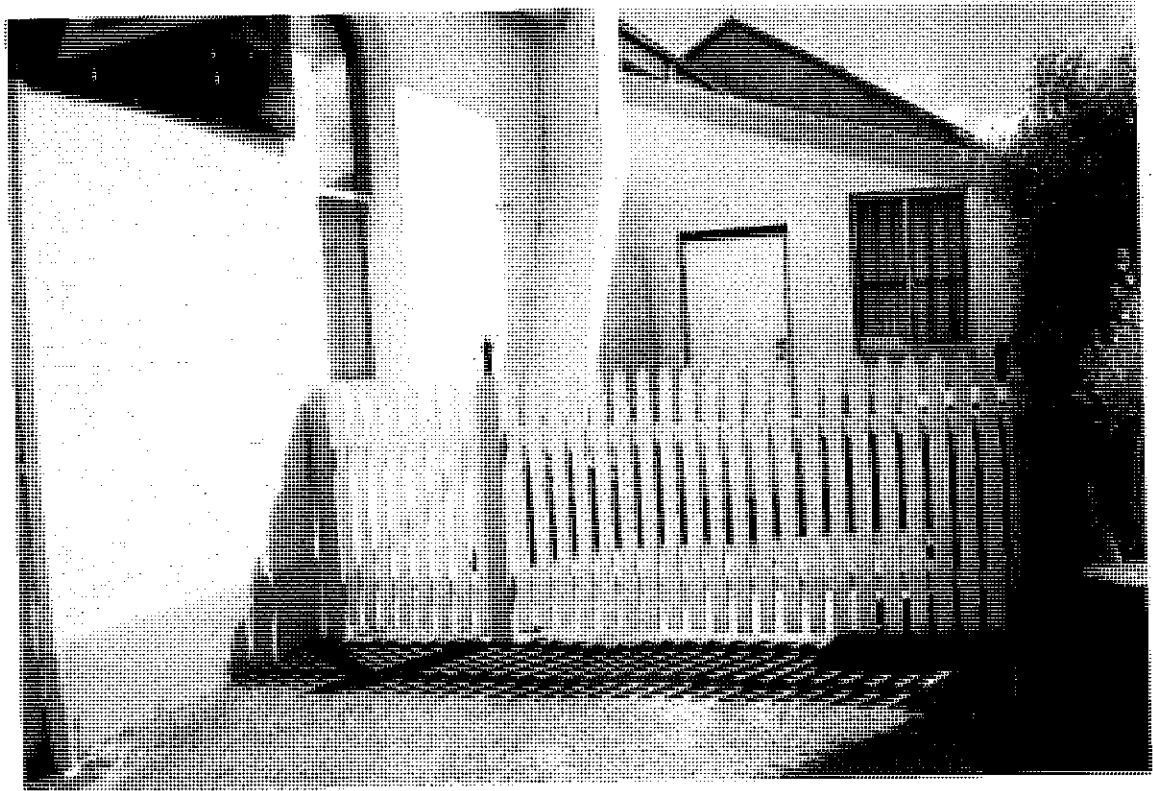


Scale 1cm = 1 metre

Exhibited



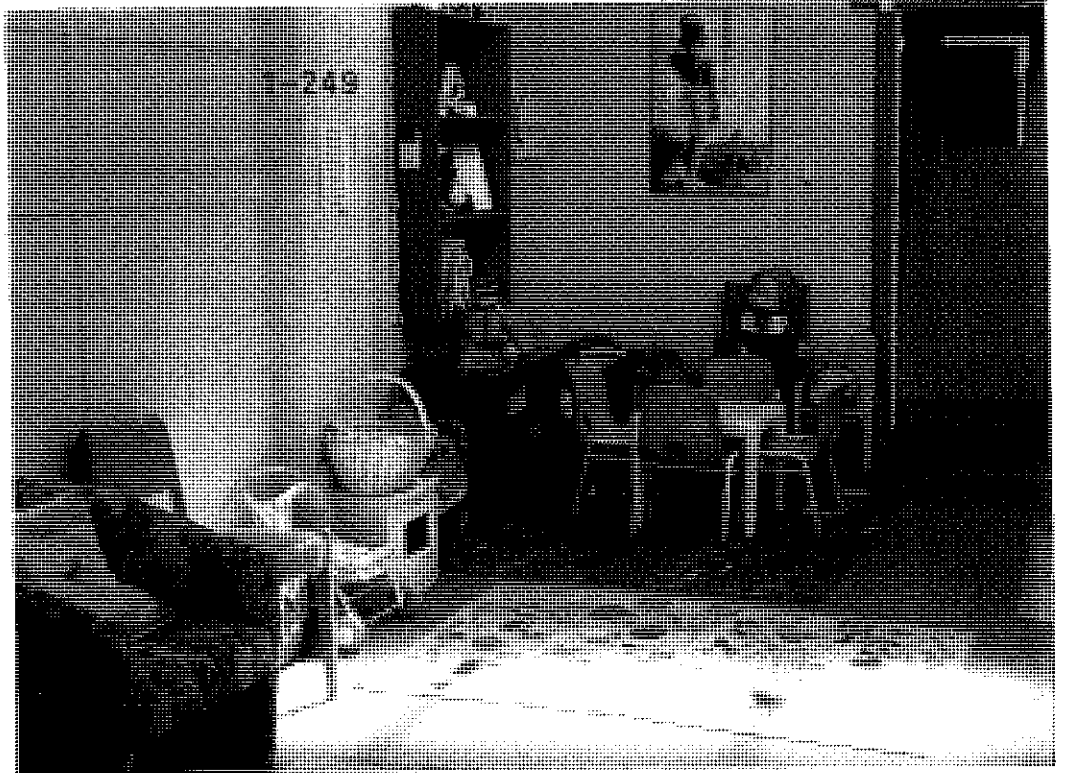
PHOTO TAKEN MARLBOROUGH ST. - FRONT VIEW OF BUILDING



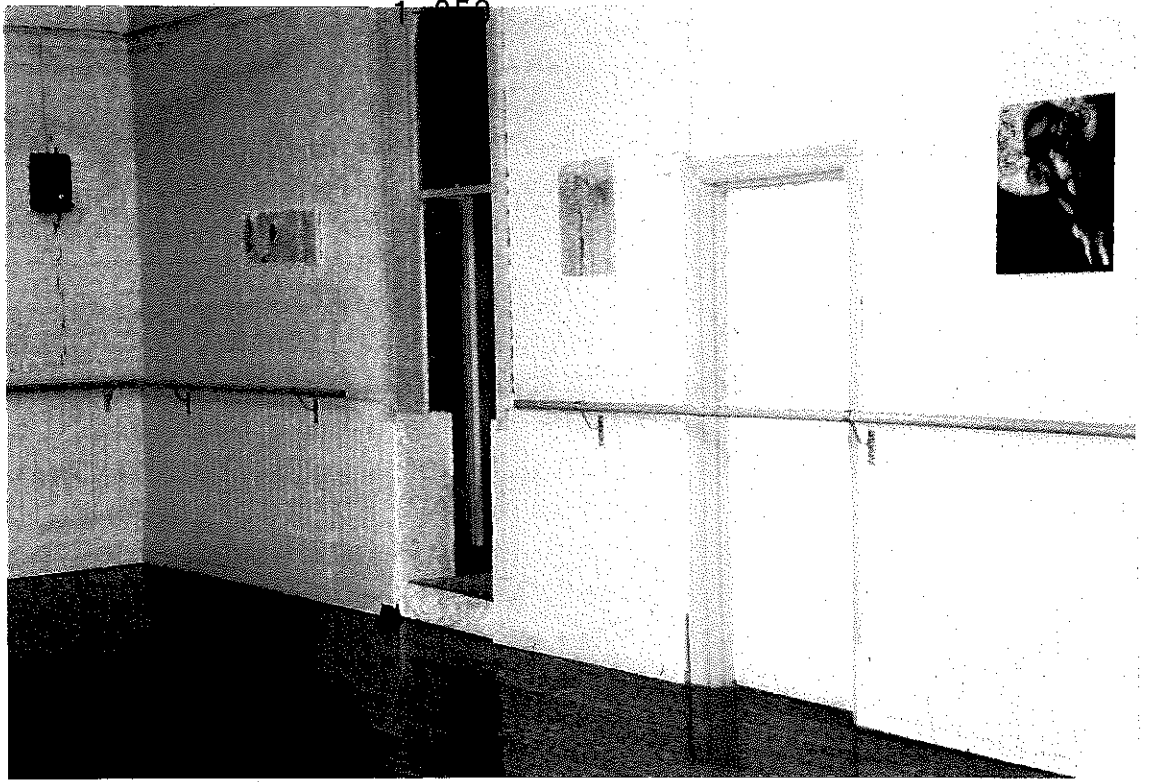
ENTRANCE INTO THE DANCE SCHOOL, THROUGH GATE AND INTO THE WAITING ROOM.

Exhibited

THE WAITING ROOM FOR PARENTS, SIBLINGS ETC.



Exhibited



BALLET STUDIO



MAIN DANCE STUDIO

Exhibited



Exhibited

MAIN DANCE STUDIO - ALL WINDOWS HAVE BEEN
SCREENED FOR PRIVACY.

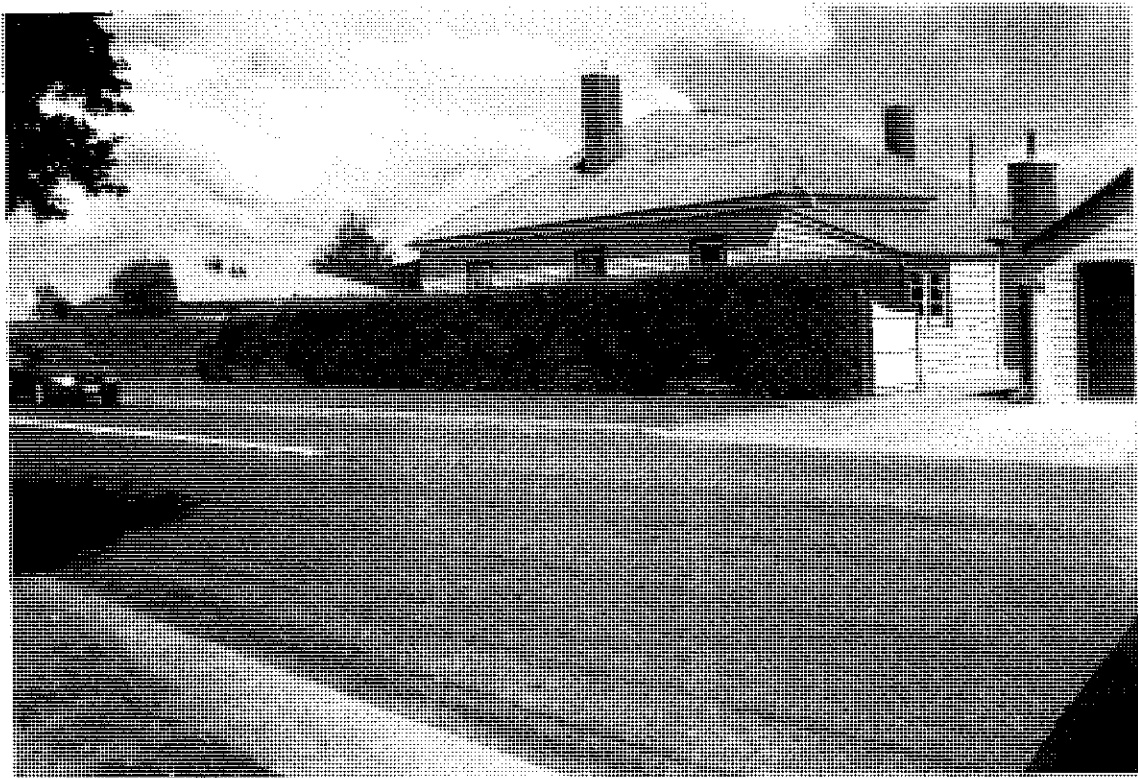


HIGH STREET (LOOKING TOWARDS MARLBOROUGH ST)
SHOWING KERBING BESIDE THE DANCE SCHOOL



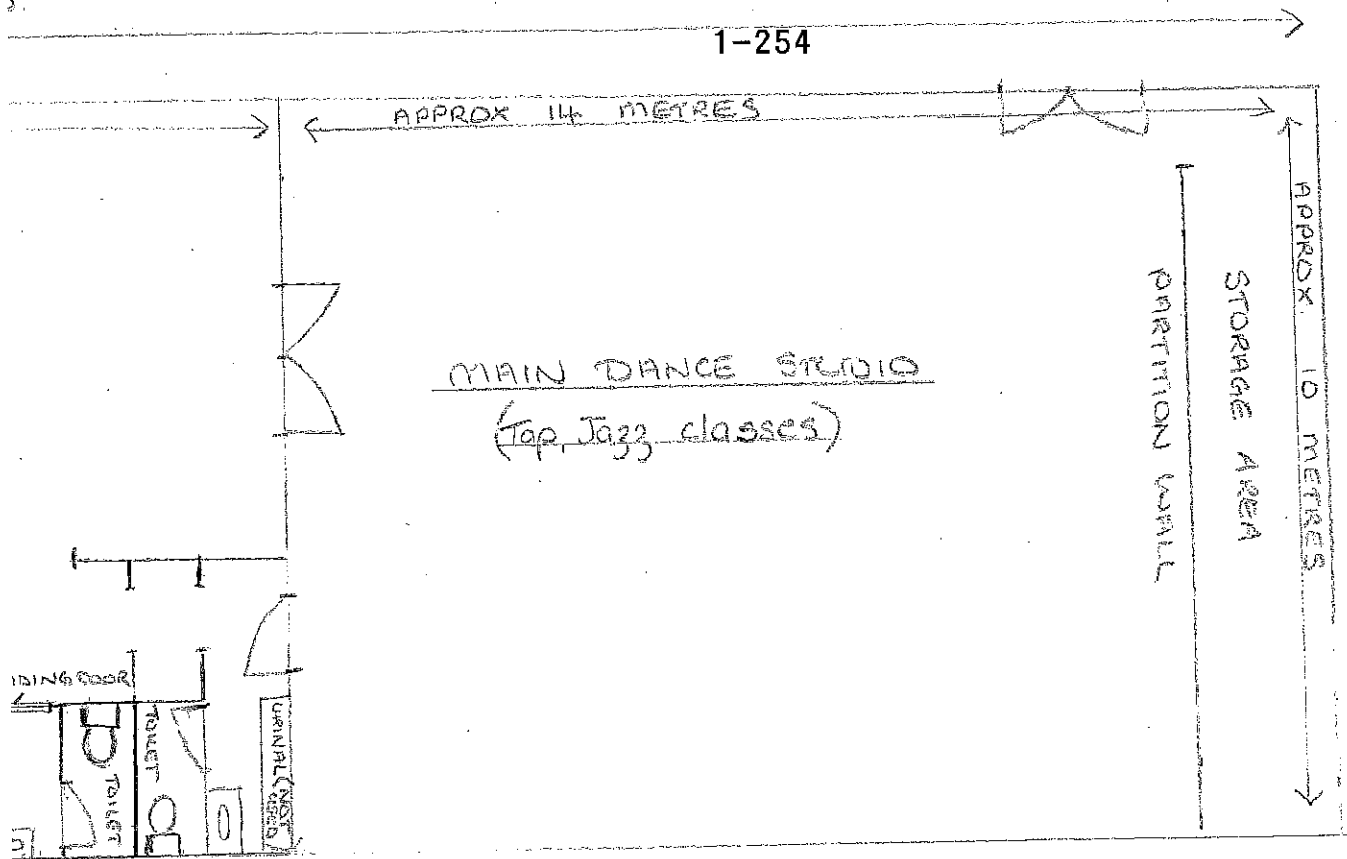
HIGH STREET (THE OTHER END) SHOWING KERBING FOR
PARKING IN CLOSE PROXIMITY TO THE DANCE SCHOOL
ON BOTH SIDES OF THE ROAD

Exhibited



HIGH STREET (OPPOSITE THE DANCE SCHOOL)





Scale 1cm = 1metre (ON A3)

Exhibited

ATTACHMENT B

From: Browne, Nick (StateGrowth) [Nick.Browne@stategrowth.tas.gov.au]
Sent: Monday, 24 November 2014 11:10 AM
To: NMC Planning
Subject: (DWS Doc No 730313) No objections from Department of State Growth of Planning Application P14-337

Hi Jan,

The Department of State Growth does not have any objections to the proposal.

Regards,

Nick Browne | Traffic Engineering Officer
Transport Infrastructure Services | Department of State Growth
287 Wellington Street, Launceston TAS 7250 | GPO Box 536, Hobart TAS 7001
Phone: (03) 6777 1943
www.stategrowth.tas.gov.au | www.transport.tas.gov.au

1-256

dwa89B8

ATTACHMENT C

From: postmaster@nmc.tas.gov.au
Sent: Monday, December 08, 2014 3:00:00 PM
To: NMC Planning
Subject: Web Form Submission: eRepresentation : 8/12/2014 2:59:59 PM

Web Form Submission
eRepresentation

=====
Name/s of representor/s: (title/first name/surname): Mr Gavin Seymour

Residential Address

Street 1: 36 Marlborough Street
Street 2:
Locality: Longford
Postcode: 7301
State: Tasmania (22)
Are you an adjoining owner?: Yes
Are you an adjoining occupier?: No

Postal Address (Type 'As above' if it is the same as your residential address)

Street 1: 20 Tier Hill Drive
Street 2:
Locality: Smithton
Postcode: 7303
State: Tasmania (30)
Contact Phone Number/s: 0474 104 302
Email Address: sqplumbing@gmail.com

Concerns (may be sent as an attachment): Please see attached concerns and questions I would like addressed prior to any approvals been given for the proposed dance school

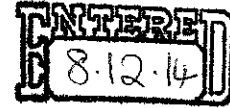
Attachments: F32_20141208145954_Dance school proposal concerns.docx

Please wait after pressing submit as it can take a few minutes to upload this form.

WebComm form results reference number: 327

1-257
ATTACHMENT

C



Good afternoon

I am writing regarding my concerns about the proposed continued use of the dance school at 38 Marlborough Street, Longford

Please see my concerns below:

Parking -Can you please provide detail of the varied parking proposal?

Which planning scheme is the new proposal under?

Is the use prohibited under the scheme it will be assessed under?

Will the permit be related to the previously approved permit or will it be a new permit?

Noise Levels – On approval of the previous permit, noise levels were poorly monitored and for over a year and a half noise levels exceeded 50db at the property boundary

Testing was inaccurate and done in the wrong location to where the activities within the property (as previously informed).

Would testing and monitoring requirements be in place?

What are the allowable noise levels and between which hours for a dance school in the commercial/residential zone?

Privacy – I feel the privacy and screening is not adequate for a dance school adjoining a residential property and more needs to be done.

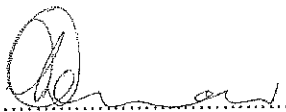
Regards

Gavin Seymour

NORTHERN MIDLANDS COUNCIL

REPORT FROM: HERITAGE ADVISER, DAVID DENMAN
DATE: 21-Nov-2014
REF NO: P14-337; 109301.25
SITE: 38 Marlborough Street, Longford
PROPOSAL: Continue use of property for dance school -
vary parking provisions (heritage-listed place
in heritage precinct)
APPLICANT: J Argent
**REASON FOR
REFERRAL:** HERITAGE PRECINCT
HERITAGE-LISTED PLACE
*Local Historic Heritage Code
Heritage Precincts Specific Area Plan*

Do you have any objections to the proposal: **No**



David Denman (Heritage Adviser)
Date: 18 December 2014

Assessment against E13.0 (Local Historic Heritage Code)
--

E13.1 Purpose

E13.1.1 *The purpose of this provision is to:*

- a) *protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts; and*
- b) *encourage and facilitate the continued use of these items for beneficial purposes; and*
- c) *discourage the deterioration, demolition or removal of buildings and items of assessed heritage significance; and*
- d) *ensure that new use and development is undertaken in a manner that is sympathetic to, and does not detract from, the cultural significance of the land, buildings and items and their settings; and*
- e) *conserve specifically identified heritage places by allowing a use that otherwise may be prohibited if this will demonstratively assist in conserving that place*

E13.2 Application of the Code

E13.2.1 *This code applies to use or development of land that is:*

- a) *within a Heritage Precinct;*
- b) *a local heritage place;*
- c) *a place of identified archaeological significance.*

E13.3 Use or Development Exempt from this Code

E13.3.1 *The following use or development is exempt from this code:*

- a) *works required to comply with an Emergency Order issued under Section 162 of the Building Act 2000;*
- b) *electricity, optic fibre and telecommunication cables and gas lines to individual buildings which connect above ground or utilise existing service trenches;*
- c) *internal alterations to buildings if the interior is not included in the historic heritage significance of the place or precinct;*

Comment:

The subject site is within a *Heritage Precinct*.

The subject place is heritage listed.

E13.5 Use Standards**E13.5.1 Alternative Use of heritage buildings**

<i>Objective: To ensure that the use of heritage buildings provides for their conservation.</i>	
Acceptable Solutions	Performance Criteria
A1 <i>No acceptable solution.</i>	<p>P1 <i>Notwithstanding Clause 8.9, a permit may be granted for any use of a locally listed heritage place where:</i></p> <p>a) <i>it can be demonstrated that the proposed use will not adversely impact on the significance of a heritage place; and</i></p> <p>b) <i>the amenity impacts of both the proposed use on the surrounding areas and from the surrounding area on the proposed use are considered acceptable; and</i></p> <p>c) <i>a report by heritage professional states that it is necessary for conservation purposes or the continued maintenance of the building or where there is an overriding public benefit.</i></p>

Comment: Satisfies the performance criteria.

E13.6 Development Standards

Comment: N/a

E13.6.2 Subdivision and development density

Comment: N/a

E13.6.3 Site Cover

Comment: N/a

E13.6.4 Height and Bulk of Buildings

Comment: N/a

E13.6.5 Fences

Comment: N/a

E13.6.6 Roof Form and Materials

Comment: N/a

E13.6.7 Wall materials

Comment: N/a

E13.6.8 Siting of Buildings and Structures

Comment: N/a

E13.6.9 Outbuildings and Structures

Comment: N/a

E13.6.10 Access Strips and Parking

<p><i>Objective: To ensure that access and parking does not detract from the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.</i></p>	
Acceptable Solutions	Performance Criteria
<p>A1 Car parking areas for non-residential purposes must be:</p> <p>a) located behind the primary buildings on the site; or</p> <p>b) in accordance with the acceptable development criteria for access and parking as within a precinct identified in Table 1: Heritage Precincts, if any.</p>	<p>P1 Car parking areas for non-residential purposes must not:</p> <p>a) result in the loss of building fabric or the removal of gardens or vegetated areas where this would be detrimental to the setting of a building or its historic heritage significance; and</p> <p>b) detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>

Comment: Satisfies the performance criteria.

E13.6.11 Places of Archaeological Significance

Comment: N/a

E13.6.12 Tree and Vegetation Removal

Comment: N/a

E13.6.13 Signage

Objective: To ensure that signage is appropriate to conserve the historic heritage significance of local heritage places and precincts.

Acceptable Solutions	Performance Criteria
<p>A1 <i>Must be a sign identifying the number, use, heritage significance, name or occupation of the owners of the property not greater than 0.2m².</i></p>	<p>P1 <i>New signs must be of a size and location to ensure that:</i></p> <ul style="list-style-type: none"> a) <i>period details, windows, doors and other architectural details are not covered or removed; and</i> b) <i>heritage fabric is not removed or destroyed through attaching signage; and</i> c) <i>the signage does not detract from the setting of a heritage place or does not unreasonably impact on the view of the place from public viewpoints; and</i> d) <i>signage does not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</i>

Comment: N/a – no new signage

Table E13.1: Local Heritage Precincts

For the purpose of this table, Heritage Precincts refers to those areas listed, and shown on the Planning Scheme maps as Heritage Precincts.

<p>Heritage Precincts –</p> <ol style="list-style-type: none"> 1. <i>Evandale Heritage Precinct</i> 2. <i>Ross Heritage Precinct</i> 3. <i>Perth Heritage Precinct</i> 4. <i>Longford Heritage Precinct</i> 5. <i>Campbell Town Heritage Precinct</i>
<p>Existing Character Statement - Description and Significance</p> <p>4 LONGFORD HERITAGE PRECINCT CHARACTER STATEMENT</p> <p><i>The Longford Heritage Precinct is unique because it is the core of an intact nineteenth century townscape, rich with significant structures and the atmosphere of a centre of trade and commerce for the district. Traditional commercial buildings line the main street, flanked by two large public areas containing the Christ Church grounds and the War Memorial. The street then curves gently at Heritage Corner towards Cressy, and links Longford to the surrounding rural farmland, creating views to the surrounding countryside and a gateway to the World Heritage listed Woolmers and Brickendon estates. Heritage residential buildings are tucked behind the main street comprising traditional styles from the mid nineteenth century to the early twentieth century, including significant street trees, picket fences and cottage gardens. The rural township feel is complemented by a mix of businesses serving local needs, tourism and historic interpretation. Longford's heritage ambience has been acknowledged, embraced and</i></p>

built on by many of those who live in or visit the town.

Management Objectives

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

Comment: The proposal is consistent with the Heritage Precinct Character Statement and satisfies the Management Objectives.

Assessment against F2.0 (Heritage Precincts Specific Area Plan)
--

F2.1 Purpose of Specific Area Plan

F2.1.1 *In addition to, and consistent with, the purpose of E13.0 Local Historic Heritage Code, the purpose of this Specific Area Plan is to ensure that development makes a positive contribution to the streetscape within the Heritage Precincts.*

F2.2 Application of Specific Area Plan

F2.2.1 *This Specific Area Plan applies to those areas of land designated as Heritage Precincts on the Planning Scheme maps.*

F2.3 Definitions**F2.3.1 Streetscape**

For the purpose of this specific area plan 'streetscape' refers to the street reservation and all design elements within it, and that area of a private property from the street reservation; including the whole of the frontage, front setback, building façade, porch or verandah, roof form, and side fences; and includes the front elevation of a garage, carport or outbuilding visible from the street (refer Figure F2.1 and F2.2).

F2.3.2 Heritage-Listed Building

For the purpose of this Plan 'heritage-listed building' refers to a building listed in Table F2.1 or listed on the Tasmanian Heritage Register.

F2.4 Requirements for Design Statement

F2.4.1 *In addition to the requirements of clause 8.1.3, a design statement is required in support of the application for any new building, extension, alteration or addition, to ensure that development achieves consistency with the existing streetscape and common built forms that create the character of the streetscape.*

F2.4.2 *The design statement must identify and describe, as relevant to the application, setbacks, orientation, scale, roof forms, plan form, verandah styles, conservatories, architectural details, entrances and doors, windows, roof covering, roof plumbing, external wall materials, paint colours, outbuildings, fences and gates within the streetscape. The elements described must be shown to be the basis for the design of any new development.*

F2.4.3 *The design statement must address the subject site and the two properties on both sides, the property opposite the subject site and the two properties both sides of that.*

Comment: Although the subject site is within the Heritage Precincts Specific Area Plan, the proposal will not have an effect on the streetscape as there are no works proposed.

Continue use of property for Dance School - vary parking provisions

(Heritage-listed place in Heritage Precinct)

Statement to Northern Midlands Council Meeting

Monday 19th January 2015

My name is Julie Argent. I am the proprietor of Dancezone and the applicant in this matter.

I am writing this statement in defence of my proposal to continue using the Hall at 38 Marlborough Street Longford as a Dance School.

I have been teaching dance for the past 8 years with the last 3 years teaching at 38 Marlborough St. Previously I had been renting the PCYC Club Longford and the Riverlands Baptist Church Longford. Since re-locating my dance school, the benefits both for me, the students and parents have been phenomenal. The space is my own to do with whatever I need to do to ensure the running of a dance school effectively. Being able to teach any day of the week has seen the dance school grow and enabled me to work within parents busy schedules and the students other commitments. I am not limited to teaching hours only available to me. I don't have to share with a Taekwondo Club, a Play Group, a Hip-Hop class and a Fitness class, all of which I had to do at the PCYC Club. Not to mention the Men's Shed with regards to shared car parking on the grass area.

The waiting room inside my dance school is a positive feature with its play corner for siblings and kitchen facilities, as are the two inside toilets. (We only had outside toilets at the PCYC Club).

The two rooms, one for Ballet classes and the other for Tap and Jazz classes have been renovated to accommodate the different genres of dance styles. My students have a permanent environment that is safe and secure where they can not only learn to dance but grow in self confidence, develop their perseverance and improvisation skills, grow stronger and become more flexible, improve their balance and coordination, improve their social and creative skills but most of all, Have Fun!

I would love to go on about the benefits of owning my own building as opposed to renting a shared space but I think you all get the picture, there are way too many benefits to mention and they are probably obvious anyway. I would like to add that I have spent a lot of time and money renovating the building both inside and outside. Replacing the old windows with 6.38mm laminated safety glass and erecting a fenced enclosure to keep children from running onto the road, also repairing the floors of the two dance studios and recarpeting the waiting room area. Not to mention the painting, lots of painting!

Sadly there has been one representation received expressing concerns with the ongoing use of the building as a Dance School. I would like to advise that all the concerns raised have been previously addressed by Council, and are clearly visible in my proposal.

I challenge the question, Why would a dance school in Longford concern anyone living in Smithton 230km away? I understand the objector owns and rents out their property next door to the Dance School but the tenants have no issues with the Dance School. I have spoken to them directly and they have written a letter of support for the Dance School. I also have two other letters showing support for the Dance School, one from the neighbour directly opposite the dance school and one from the nearest business, The Longford Pizza House.

I believe the Dance school is a benefit to the local community, offering dance tuition equal to the kind you would be expected to travel into Launceston for and because of the location, it generates business for the local shops.

Let's face it, *People will shop where they stop!*

I am doing everything possible to comply with the rules and regulations set upon me under my current temporary permit as shown in my proposal and will continue to do so under the new permit if granted. I believe Council are satisfied with my proposal application and the operation of my dance School.

So Please, I ask respectfully each and every one of you to look upon my application favourably and allow me the privilege to continue teaching the children of this community dancing at 38 Marlborough Street Longford.

Thank you
Julie Argent
Dancezone

To the Mayor, Deputy Mayor, Councillors and Northern Midlands Planning Department,

My name is Julie Argent and I am the Owner/Principal of Dancezone 38 Marlborough Street Longford. **Planning Application P14-337 - Continue use of property for dance school - vary parking provisions(heritage-listed place in heritage precinct,** Is on the agenda for the next Council meeting scheduled 19th January 2015.

Please accept my apologies as I am unable to attend the Council meeting on the 19/01/15 as I have prior commitments which require me to be out of the state. I will be in Queensland with four of my dance students who have qualified to compete in the Showcase National Dance Championships held at Jupiter's on the Gold Coast. It is with deepest regret that I am unable to attend the meeting to speak about my proposal, however I have written a statement which my husband Giles Argent will read at the meeting on my behalf. I will also have a group of Parents and Students from Dancezone attend the meeting in support of the dance school and a parent, Michelle Jones will speak as my second spokesperson.

Kind regards

Julie Argent

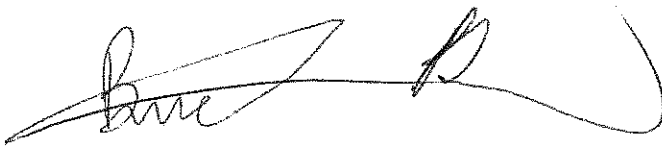
Dancezone

To Whom it may concern,

Longford Pizza House & Takeaways have no issues with the dance studio using the parking spots out the front of our shop (on Marlborough Street).

Kind regards Brett & Brock (owners of Longford Pizza House & Takeways).

6/1/2015

A handwritten signature in black ink, appearing to read "Brett & Brock", with a large, sweeping flourish extending to the right.

To Whom It May Concern.

The Residents of 36 Mulborough Street Longford are fine with the dance studio being in operation.

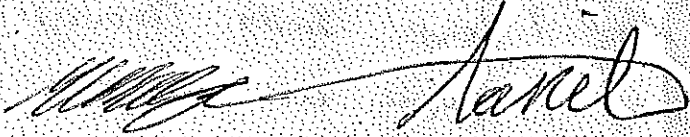
Concerns of privacy; As I have been through the studio I believe privacy is not an issue. The windows can not be seen in or out of. I believe it is more private than having another house there, as normally you could see into a neighbours yard, here you cant see anything. Privacy is not an issue.

Nois concerns; The level of noise in the studio is also not an issue. There is a night shift worker in the house who sleeps during the day, who has never been woken up by the noise, the noise ~~isn't~~ isn't very loud, and does not interfere with the house hold.

Parking concerns; There's plenty of on street parking the studio uses that do not interfere with any one, so parking has never been an issue either.

having the studio is no different from having a normal house there, apart from the owner takes more care and asks neighbours if there are any issues she needs to address.

From the Residents of 36
Mulcaharaung streets theres no issue here.

A handwritten signature in cursive script, appearing to read 'Lancel' or similar, with a long horizontal stroke extending to the left.

35 Marlborough St
Longford

To whom it may concern,

We are the owners and residents of 35 Marlborough Street, and have been for the past 6 years. We are writing this letter to express our support for the business Dance Zone at 38 Marlborough Street.

When the building first became vacant we wondered how long for; was it to become another unused business within the main street. That was not the case, and we were pleased to see occupancy shortly after it being bought by Dance Zone. Initially there seemed to be concerns in the surrounding neighbours in relation to children safety, parking and noise. We were approached by the new proprietor of the hall, who asked us if we had any concerns regarding the building being used as a Dance Hall for children. We raised these concerns with the proprietor and she assured us that these issues were high on her agenda and were already being addressed. Since the business began none of the mentioned concerns have been issues at all. Children appear to come and go safely, there is no parking issues as most parents drop their children off and the noise level is acceptable. We are happy to see a business operating instead of an empty building.

We wish to also add that the proprietor has put a lot of effort into the appearance of the building by painting it with the original heritage colours and as we also take pride in the appearance of our home it is nice to see up kept homes and buildings especially in the main street of Longford.

We are in full support Dance Zone and wish them all the best in the New Year.

Please feel free to contact us if you have any questions.

Kind Regards

Gavin & Jennifer Armour

Mobile Gavin: 0437077682

Mobile Jennifer: 0437077622

Home: 63913002

PLAN 2

**PLANNING APPLICATION P14-317
372 NORWICH DRIVE, LONGFORD**

ATTACHMENTS

A Application & plans

B Representations

PLANNING APPLICATION Proposal

SCANNED

Description of proposal: SUBDIVISION - 2 LOTS - RURAL LIVING ZONE

ATTACHMENT A.

(attach additional sheets if necessary)

Site address: 372 NORWICH DRIVE, LONGFORD

ID no: and/or Council's property no:

and/or

Area of land: 21.11ha ha/m² and/or CT no: 12087-11

Estimated cost of project \$..... (include cost of landscaping, car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? ~~Yes~~ / No

If yes – main building is used as

Is any signage required? NO

(if yes, provide details)

Exhibited



COHEN & Associates Pty. Ltd.

BAL Assessment

372 Norwich Drive, Longford

11/11/2014

Bill Armstrong
Accreditation BFP-132

Exhibited

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1. Introduction

1.1 Scope

This bushfire site assessment and bushfire hazard management plan has been prepared for a submission with a planning permit application under the *Land Use Planning Approvals Act 1993; E1.0 Bushfire-Prone Areas Code (the Code)* in the Northern Midlans Interim Planning Scheme 2013 (*the Scheme*).

This report has been prepared for A. Armstrong to accompany an application to subdivide the land in FR 12087-11 known as 372 Norwich Drive, Longford.

The site was inspected on the 11-11-2014. It is considered to be in a 'Bushfire Prone Area'. The slopes were assessed using levels measured on-site.

The BAL is established taking into account the type of vegetation and the slope of the land within 100m of the proposed development using the simplified method in *AS3959-2009 Construction of Buildings in Bushfire Prone Areas*.

1.2 Limitations

The report has been produced on the basis that:

- The report is intended to assess the bushfire risk and all other statutory reports are outside the scope of this report.
- Information relating to the type and size of the vegetation is only relevant at the time of site survey and should not be relied upon for future development.
- No assurance is given or implied regarding the safety or amenity for any individual or future occupant within the proposed development.
- No assurance is given or implied regarding the safety of any building constructed within the development.

2. Site Location & Context

2.1 Property Information

The site is a portion of the land contained in FR 12087-11 known as 372 Norwich Drive, Longford Access is from Norwich Drive.

There is an existing building on the proposed Lot 1.

2.2 Planning Scheme Zoning/Special Areas Overlay

The site is zoned Rural Living under *the Scheme*.

There are no Special Areas.

2.3 Site Context

The subject site is located off Pateena Road in an area of Longford typified by hobby farms. The area is mainly used for grazing and there are some stands of sparse trees in the general area.

2.4 Environmental Features

There are no environmental features to be considered by this report.

3. Proposed Development

The proposal is for a 2 Lot Subdivision.

A plan of the development is included as part of this report

4. Bushfire Site Assessment

4.1 Bushfire Prone Areas Code

Clause E1.3 of *the Code* defines a 'bushfire prone area' as:

- a) land that is within the boundary of a bushfire prone area shown on an overlay on a planning scheme map; and*
- b) where there is no overlay on a planning scheme map, or where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.*

Bushfire prone vegetation is described as:

Contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.

The development is located within 100m of 'bushfire prone vegetation' greater than one hectare and is therefore located within a 'bushfire prone area'.

4.2 Fire Danger Index (FDI)

The FDI is determined from Table 2.1 in *AS3959-2009 Construction of Buildings in Bushfire Prone Areas*, 'Jurisdictional and Regional Values for FDI'. For Tasmania the FDI is 50.

4.3 Vegetation

Vegetation has been classified in accordance with Table 2.3 in *AS3959-2009 Construction Of Buildings In Bushfire-Prone Areas*.

The vegetation types within 100m of the site are shown in Table 1. Photos are included in Appendix 1.

Table 1

Direction	Vegetation Description	Vegetation Type
North West	Grasses and grazing paddocks	G-20
North East	Grasses and grazing paddocks	G-20
South East	Grasses and grazing paddocks	G-26
South West	Tall trees with sparse canopy coverage, grassy understorey and some shrubs	S-10

Slope & Distance to Vegetation

The Acceptable Solution in Clause 1.6.1.1 A1 (c) of *the Code* requires that there are, in relation to habitable buildings, hazard management areas between bushfire-prone vegetation and the building with distances greater than or equal to those in Table 2.4.4 in *AS3959-2009 Construction Of Buildings In Bushfire-Prone Areas* for BAL 29 and will be managed in accordance with the Bushfire Hazard Management Plan that forms part of this report.

The slope and distances to the vegetation are shown in Table 2.

Table 2

Lot 1	North West	North East	South East	South West
Vegetation Type	G-26	G-25	G-26	S-05
Slope	0/5	0/5	0-5	0-5
Distance required to meet BAL 29	10m	10m	51m	18m
Distance required to meet BAL 12.5	14m	14m	10m	25m

5. Hazard Management Objectives

5.1 Hazard Management Areas

To comply with clause 1.6.1.1 of *the Code*, Hazard management areas must be demonstrated for the development. The details of these areas and maintenance requirements can be found in the Bushfire Hazard Management Plan in Appendix 3.

5.2 Subdivision Access

Norwich Drive is a substantial 2 way road that is part bitumen and part gravel. It is capable of providing access to bushfire prone vegetation and property. Norwich Drive may appear to be a No Through Road but there are existing fire trails and access roads that would be able to be utilised for fire appliance access and emergency access during a fire event and provide connectivity and multiple evacuation points. This is consistent with clause 1.6.1.2 A1 (b) of *the Code*.

To comply with clause 1.6.1.2 A2 of *the Code*, private accesses must be constructed to provide access to within 30m of the furthest part of a habitable building when measured as a hose lay. Private access must be constructed in accordance with Table E3 of *the Code*.

The table states for private access "Not less than a modified 4C access road under ARDB *Unsealed Roads Manual – Guidelines to Good Practise 3rd Edition* as specified in the *Building Code of Australia*".

There is an existing gravel driveway to Lot 2.

New accesses to Lot 1 will need to comply with this standard. This will include cuiverts if required.

The accesses would also need to service any hardstand areas for static water supply if required.

The details of access can be found in the BHMP.

5.3 Water Supply For Fire Fighting

To comply with clause 1.6.1.3 of *the Code*, Water supply for fire fighting must be demonstrated.

The site is not service by reticulated water supply and will require . Any future buildings will require static water supply for fire fighting.

This would need to be a minimum of 10,000L with connections for fire fighting and access to a hardstand area within 3m of the connection point.

The details of the water supply can be found in the Bushfire Hazard Management Plan.

6. Conclusion

This bushfire assessment report has been undertaken to satisfy the requirements of *Land Use Planning Approvals Act 1993; E1.0 Bushfire-Prone Areas Code (the Code)* in the Northern Midlands Council Interim Planning Scheme 2013.

It has outlined the Hazard Management Objectives that will be required to comply with section E1.6.1 of *E1.0 Bushfire-Prone Areas Code* and has outlined the necessary hazard management objectives to meet the minimum BAL 19 requirement.

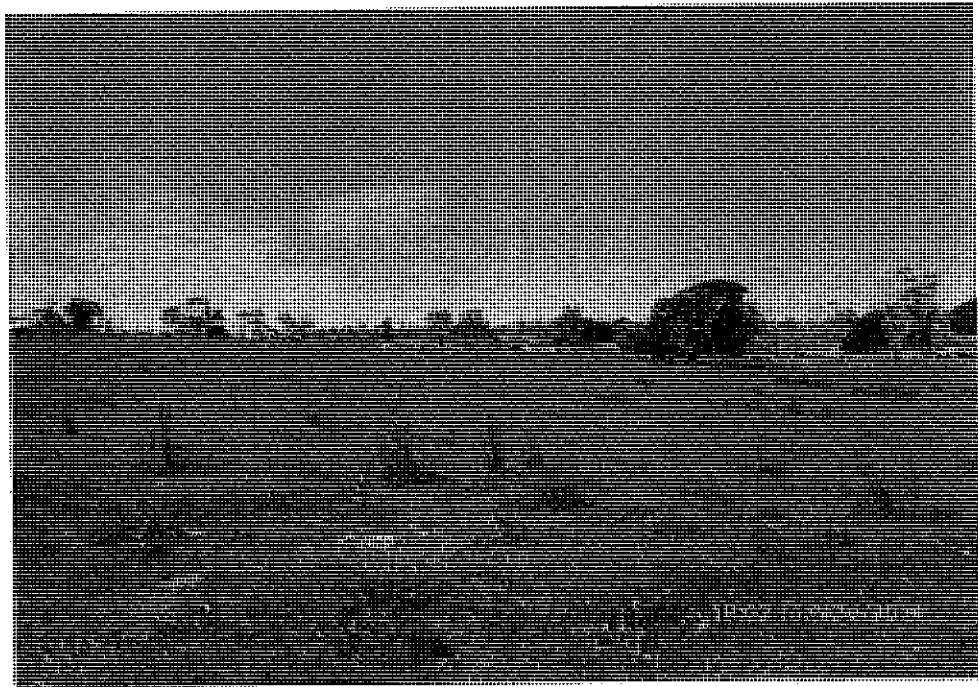


Bill Armstrong
BFP-132

APPENDIX 1 – INDICATIVE VEGETATION

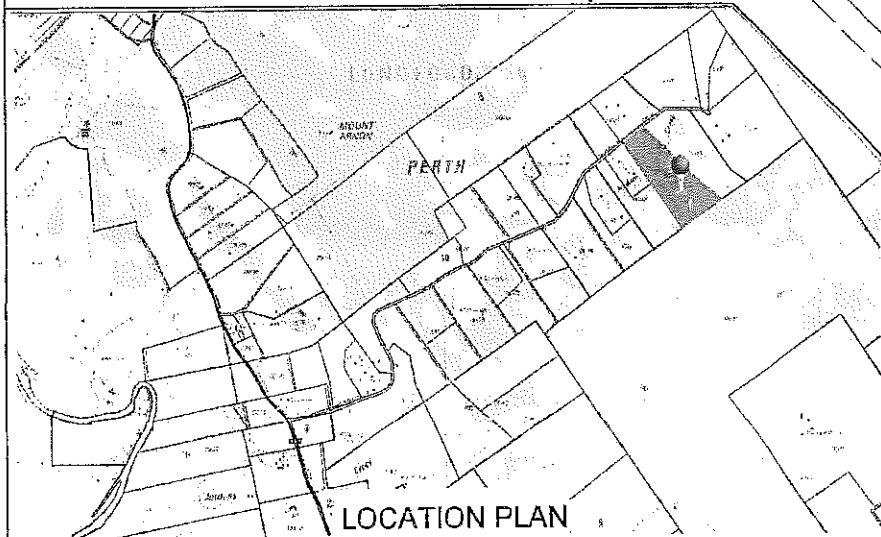
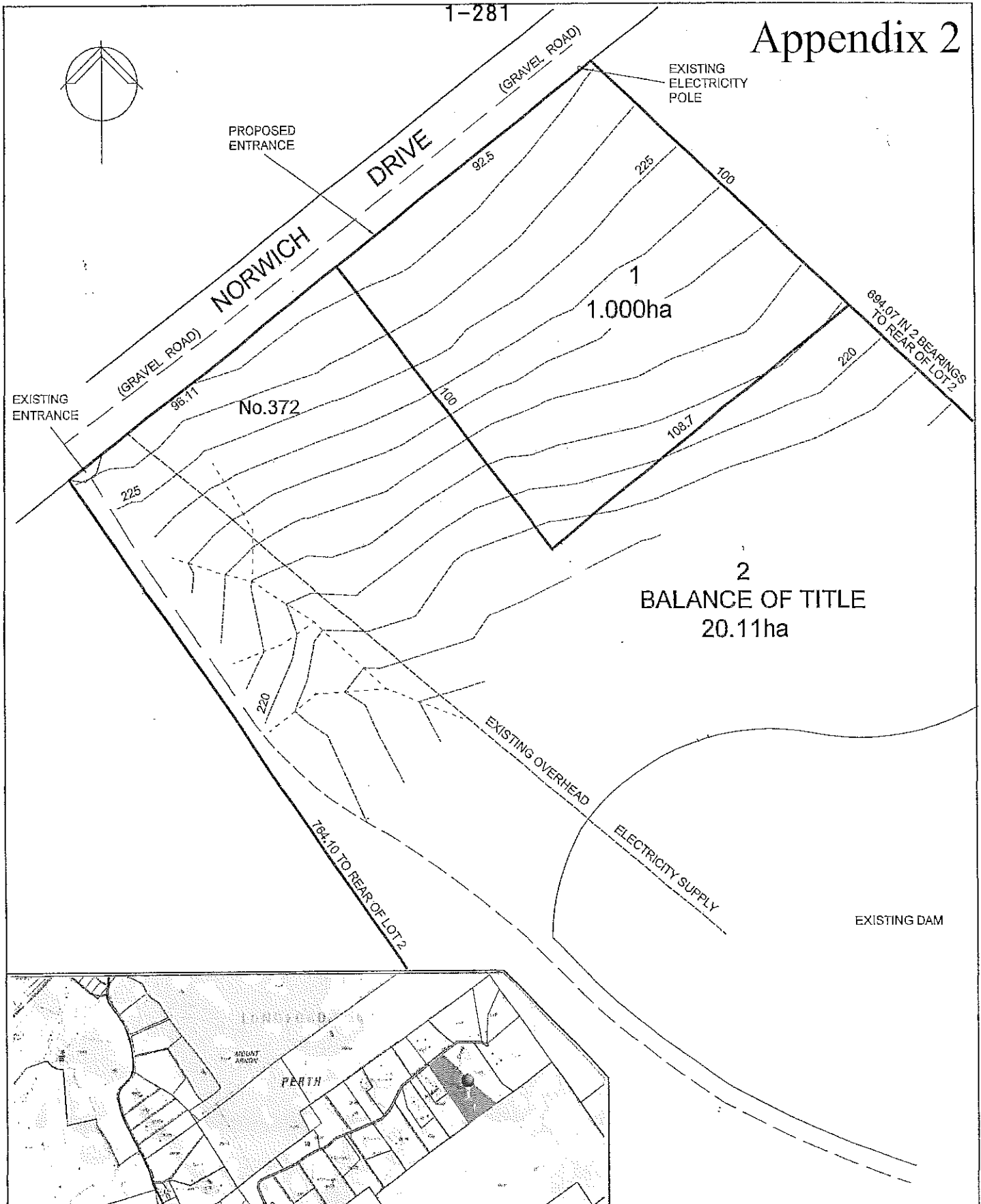


Indicative Woodland



Indicative Grassland

Appendix 2



D.J.McCULLOCH Surveying

PO BOX 725 RIVERSIDE TAS 7250
 PHONE 03 63271394 MOBILE 0417526589
 FACSIMILE 03 63272934 EMAIL: mccullohdj@bigpond.net.au

PROPOSED SUBDIVISION

372 Norwich Drive, Longford
 Robert Alan Armstrong Owner
 Title Reference - F/R 12087-11
 Development Application for Planning Permit
 Northern Midlands Council

NOTES
 LOT 1 & LOT 2 (BALANCE OF TITLE) COMPRISE THE WHOLE OF THE AREA IN F/R 12087-11
 ROBERT ALAN ARMSTRONG OWNER

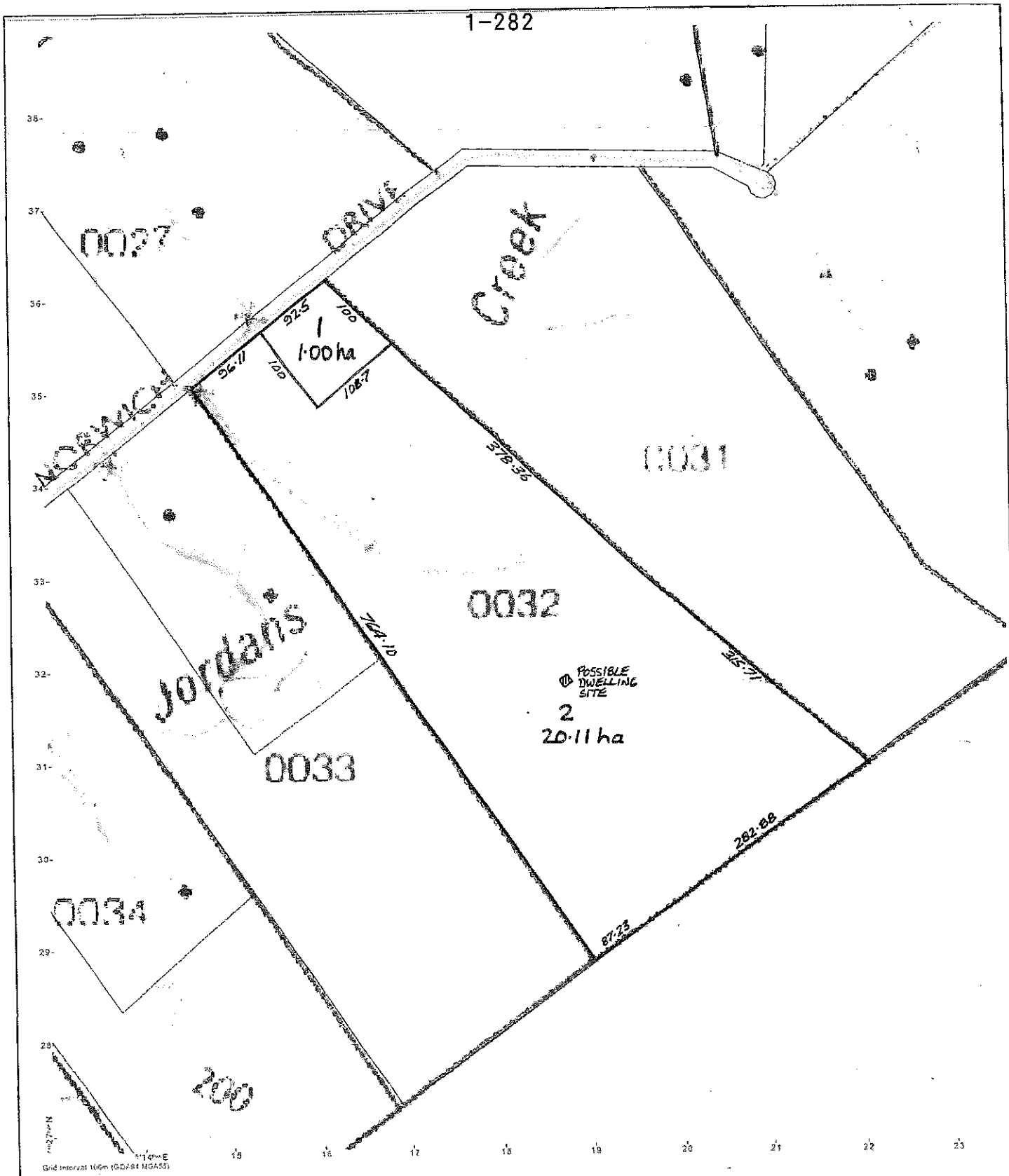
SCALE 1:1000 (A3)

Job No. 1126-1455

[Signature]
 Registered Land Surveyor 13/10/14

Plan Number
5514-01DA

This plan has been prepared as a proposed subdivision plan in accordance with an application to Council for Planning Approval and it should not be used for any other purpose. The dimensions, areas, boundary positions and number of lots are based on final survey and also to the requirements of Council and any other authority acting under any relevant legislation. In particular no reliance should be placed on the information shown on this plan for any legal or financial dealings involving the subject or adjoining lands. This note is to be regarded as part of the plan.



D.J. McCULLOCH Surveying
 AUTHORISED LAND, ENGINEERING & MINING SURVEYORS
 PO BOX 725 RIVERSIDE TAS 7250
 PHONE 03 6327 1394 MOBILE 0417526589 FACSIMILE 03 6327 2934
 EMAIL: mcculldj@bigpond.net.au


PROPOSED SUBDIVISION
 372 Narwich Drive, Longford
 Robert Alan Armstrong Owner
 Title Reference - F/R 12087-11
 Development Application for Planning Permit
 Northern Midlands Council

SCALE 1:4000 (A3)
 Job No. 1126-1455

[Signature]
 Registered Land Surveyor
 05/11/2014
 Date

Plan Number
 5514-02DA

This plan has been prepared as a proposed subdivision plan to accompany an application to Council for Planning Approval and it should not be used for any other purposes. The dimensions, areas, boundary positions and number of lots are subject to final survey and also to the requirements of Council and any other authority having jurisdiction. In particular, no reliance should be placed on the information shown on this plan for any legal or financial dealings involving the subject or adjoining lands. This note is an integral part of this plan.

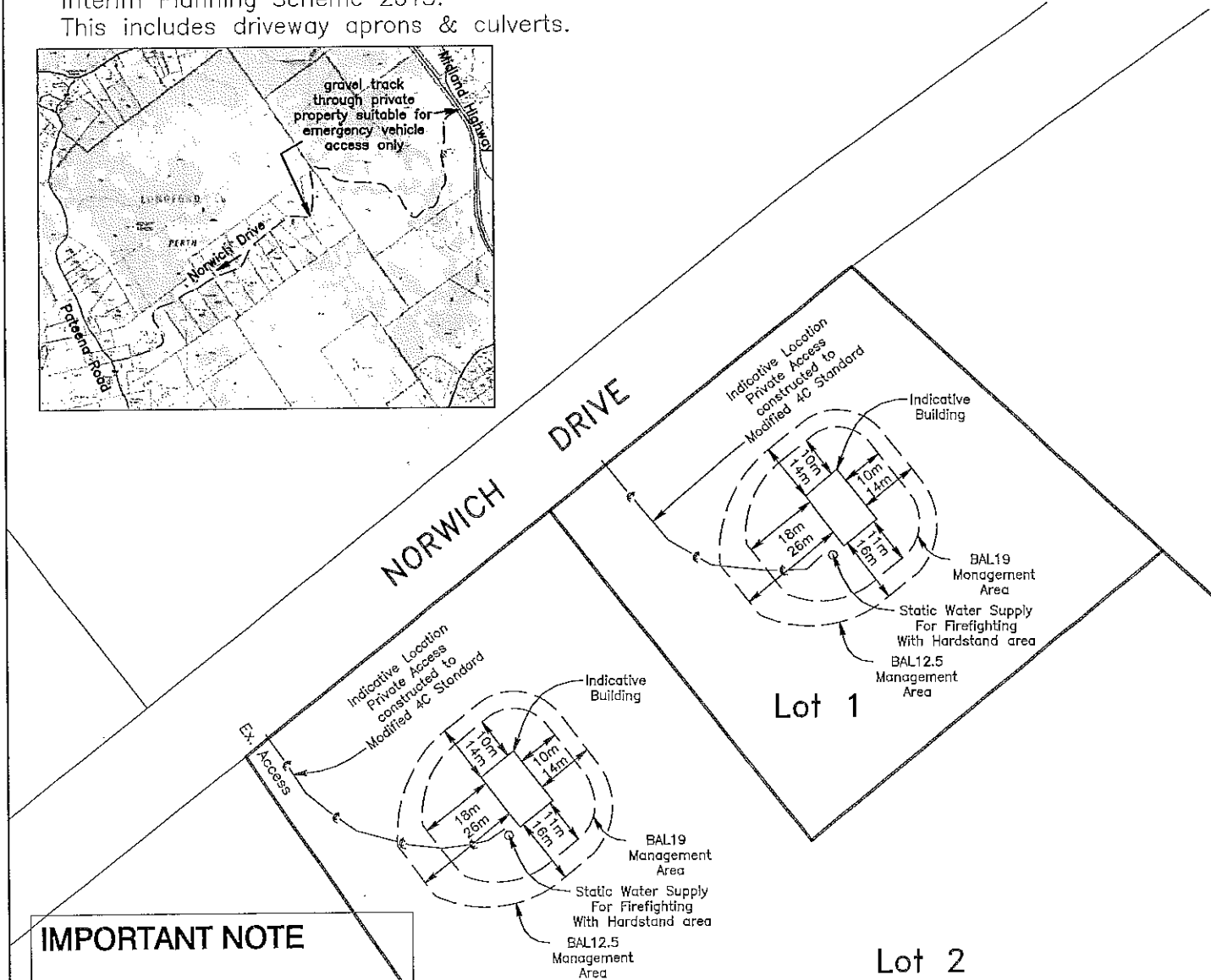
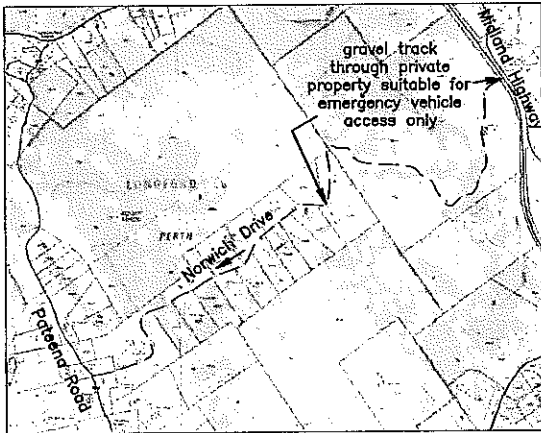
CLIENT A. ARMSTRONG		TITLE BUSHFIRE HAZARD MANAGEMENT PLAN 372 NORWICH DRIVE, LONGFORD		 COHEN & ASSOCIATES P/L SURVEYORS PLANNERS & MAPPING CONSULTANTS 103 CAMERON STREET P.O. BOX 990 LAUNCESTON 7250 TAS EMAIL : admin@surveyingtas.com.au TELEPHONE : 03 6331 4633 www.surveyingtas.com.au
SCALE 1:1500@A4	JOB 6915	SHEET: 1 OF 1	WARNING THIS DRAWING SHALL NOT BE ALTERED OR USED FOR ANY UNAUTHORISED PURPOSE WITHOUT THE WRITTEN CONSENT OF COHEN & ASSOCIATES P/L	
DATE 11/11/14	REF 117/50			ABN 70 689 298 535
FR 12087-11	PID 6747623	Hazard Management Area to be maintained in a minimum fuel condition in accordance with Section E1.3.1 of the Bushfire Code in the Northern Midlands Interim Planning Scheme 2013.		
BILL ARMSTRONG ACREDITATION No. BFP-P				



- This is to be achieved by:
- Removing any potential fire hazards such as wood piles, rubbish heaps and stored fuels;
 - Using low flammability species for landscaping purposes;
 - Ensuring there is horizontal separation between tree crowns as well as vertical separation between ground litter and canopy by pruning low branches;
 - Maintaining lawns to a short length (less than 100mm)

Private access to be constructed in accordance with Table E3 of the Bushfire Code in the Northern Midlands Interim Planning Scheme 2013. This includes driveway aprons & culverts.

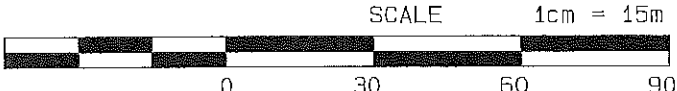
Static Water Supply to be 10 000 litre minimum with connections for fire fighting and access to a hardstand area within 3m of the supply



IMPORTANT NOTE

THIS PLAN IS PREPARED FOR A. ARMSTRONG FOR THE PURPOSE OF PROVING COMPLIANCE WITH SECTION E1.6.1 OF THE BUSHFIRE CODE IN THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013 AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

Lot 2



DO NOT SCALE IF IN DOUBT ASKI

Attachment 1: Certificate of Compliance to the Bushfire-prone Area Code under Planning Directive No 5

Code E1 – Bushfire-prone Areas Code

Certificate under s51(2)(d) Land Use Planning and Approvals Act 1993

Office Use
Case Number
Project Specification No
PID

1. Land to which certificate applies¹	
Name of planning scheme or instrument: Northern Midlands Interim 2013	(The Scheme)

Use or Development Site Street Address 372 Norwich Drive, Longford	Certificate of Title / PID 12087-11
Land that is not the Use or Development Site relied upon for bushfire hazard management or protection Street Address	Certificate of Title / PID

2. Proposed Use or Development (provide a description in the space below) Subdivision. 2 Lots	
---	--

- Vulnerable Use
- Hazardous Use
- Subdivision
- New Habitable Building on a lot on a plan of subdivision approved in accordance with Bushfire-prone Areas Code.
- New habitable on a lot on a pre-existing plan of subdivision)
- Extension to an existing habitable building
- Habitable Building for a Vulnerable Use

¹ If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

3. Documents relied upon²

<i>Document or certificate description:</i>	
<input checked="" type="checkbox"/>	<p>Description of Use or Development³ (Proposal or Land Use Permit Application)</p> <p><i>Documents, Plans and/or Specifications</i></p> <p>Title: Proposed Subdivision (5512-01DA & 5512-02DA)</p> <p>Author: D.J. McCulloch Surveying</p> <p>Date: 13/10/14 & 05/11/14</p>
<input checked="" type="checkbox"/>	<p>Bushfire Report⁴</p> <p>Title: 6915 BAL Assessment</p> <p>Author: Bill Armstrong</p> <p>Date: 11/11/14</p>
<input checked="" type="checkbox"/>	<p>Bushfire Hazard Management Plan⁵</p> <p>Title: 6915 BHMP</p> <p>Author: Bill Armstrong</p> <p>Date: 11/11/14</p>
<input type="checkbox"/>	<p>Other documents</p> <p>Title:</p> <p>Author:</p> <p>Date:</p>

² List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire, including its title, author, date, and version.

³ Identify the use or development to which the certificate applies by reference to the documents, plans, and specifications to be provided with the permit application to describe the form and location of the proposed use or development. For habitable buildings, a reference to a nominated plan indicating location within the site and the form of development is required.

⁴ If there is more than one Bushfire Report, each document must be identified by reference to its title, author, date and version.

⁵ If there is more than one Bushfire Hazard Management Plan, each document must be identified by reference to its title, author, date and version

4. Nature of Certificate ⁶				
Applicable Standard	Assessment Criteria	Compliance Test: Certificate of Insufficient Increase in Risk	Compliance Test: Certified Bushfire Hazard Management Plan	Reference to applicable Bushfire Risk Assessment or Bushfire Hazard Management Plan ⁷
<input type="checkbox"/> E1.4 - Use or development exempt from this code				
E1.4. (Identify which exemption applies)		No specific measures required because the use or development is consistent with the objective for each of the applicable standards identified in this Certificate	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> E1.5.1 - Vulnerable Use				
E1.5.1.1 - location on bushfire-prone land	A2	Not Applicable	Tolerable level of risk and provision for evacuation <input type="checkbox"/>	
<input type="checkbox"/> E1.5.2 - Hazardous Use				
E1.5.2.1 - location on bushfire-prone land	A2	Not Applicable	Tolerable level of risk from exposure to dangerous substances, ignition potential, and contribution to intensify fire <input type="checkbox"/>	
<input checked="" type="checkbox"/> E1.6.1 - Subdivision				
E1.6.1.1 - Hazard Management Area	A1	No specific measure for hazard management <input type="checkbox"/>	Provision for hazard management areas in accordance with BAL 19 Table 2.4.4 AS3959 <input checked="" type="checkbox"/>	
E1.6.1.2 - Public Access	A1	No specific public access measure for fire fighting <input type="checkbox"/>	Layout of roads and access is consistent with objective <input checked="" type="checkbox"/>	
E1.6.1.3 - Water Supply	A1	No specific water supply for fight fighting <input type="checkbox"/>	Not Applicable <input checked="" type="checkbox"/>	

⁶ The certificate must indicate by placing a ✓ in the corresponding for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1

⁷ Identify the Bushfire Risk Assessment report or Bushfire Hazard Management Plan that is relied upon to satisfy the compliance test

	supply					
	A2 Non-reticulated water supply	No specific water supply measure for fight fighting	<input type="checkbox"/>	Water supply is consistent with objective	<input checked="" type="checkbox"/>	

<input type="checkbox"/> E1.6.2 - Habitable Building on lot on a plan of subdivision approved in accordance with Code						
E1.6.2.1 - Hazard Management Area						
	A1	No specific measure for hazard management	<input type="checkbox"/>	Provision for hazard management areas in accordance with BAL 19 Table 2.4.4 AS3959 and managed consistent with objective	<input type="checkbox"/>	
E1.6.2.2 - Private Access						
	A1	No specific private access for fire fighting	<input type="checkbox"/>	Private access is consistent with objective	<input type="checkbox"/>	
E1.6.2.3 - Water Supply						
	A2	Not Applicable		Private access to static water supply is consistent with objective	<input type="checkbox"/>	
	A1	No specific water supply measure for fight fighting	<input type="checkbox"/>	Water supply is consistent with objective	<input type="checkbox"/>	

<input type="checkbox"/> E1.6.3 - Habitable Building (pre-existing lot)						
E1.6.3.1 - Hazard Management Area						
	A1	No specific measure for hazard management	<input type="checkbox"/>	Provision for hazard management is consistent with objective; or	<input type="checkbox"/>	
E1.6.3.2 - Private Access						
	A1	No specific private access measure for fire fighting	<input type="checkbox"/>	Provision for hazard management areas in accordance with BAL 29 Table 2.4.4 AS3959 and managed consistent with objective	<input type="checkbox"/>	
	A2	Not applicable		Private access is consistent with objective	<input type="checkbox"/>	
E1.6.3.3 - Water Supply						
	A1	No specific water supply measure for fight fighting	<input type="checkbox"/>	Private access to static water supply is consistent with objective	<input type="checkbox"/>	
				Water supply is consistent with objective	<input type="checkbox"/>	

<input type="checkbox"/>	<p>E1.6.4 - Extension to Habitable Building E1.6.4.1 - hazard management</p>	<p>A1</p>	<p><input type="checkbox"/> No specific hazard management measure</p>	<p><input type="checkbox"/> Provision for hazard management is consistent with objective; or</p> <p><input type="checkbox"/> Provision for hazard management areas in accordance with BAL 12.5 Table 2.4.4 AS3959 and managed consistent with objective</p>
<input type="checkbox"/>	<p>E1.6.5 - Habitable Building for Vulnerable Use E1.6.5.1 - hazard management</p>	<p>A1</p>	<p><input type="checkbox"/> No specific measure for hazard management</p>	<p><input type="checkbox"/> Bushfire hazard management consistent with objective; or</p> <p><input type="checkbox"/> Provision for hazard management areas in accordance with BAL 12.5 Table 2.4.4 AS3959 and managed consistent with objective</p>

5. Bushfire Hazard Practitioner – Accredited Person

Name	Bill Armstrong	Phone No:	0409 865 129
Address:	Cohen & Associates Pty Ltd 103 Cameron St, Launceston	Fax No:	
		Email address:	bill@surveyingtas.com.au
Fire Service Act 1979 Accreditation No:	BFP-132	Scope:	1, 2, 3a, 3b

6. Certification

I, Bill Armstrong certify that in accordance with the authority given under the Part 4A of the Fire Service Act 1979 –

<i>The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4(a) because there is an insufficient increase in risk to warrant specific measures for bushfire hazard management and/or bushfire protection in order to be consistent with the objective for all of the applicable standards identified in Section 4 of this Certificate</i>	<input type="checkbox"/>
--	--------------------------

or

<i>There is an insufficient increase in risk to warrant specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.</i>	<input type="checkbox"/>
---	--------------------------

and/or

<i>The Bushfire Hazard Management Plan/s identified in Section 4 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate</i>	<input checked="" type="checkbox"/>
---	-------------------------------------

Signed 

Date 12/11/14

CLIENT A. ARMSTRONG		TITLE BUSHFIRE HAZARD MANAGEMENT PLAN 372 NORWICH DRIVE, LONGFORD		 COHEN & ASSOCIATES P/L SURVEYORS PLANNERS & MAPPING CONSULTANTS 103 CAMERON STREET PO BOX 990 LAUNCESTON 7250 TAS EMAIL : admin@surveyingtas.com.au TELEPHONE : 03 6331 4633 www.surveyingtas.com.au ABN 70 689 298 535
SCALE 1:1500@A4	JOB 6915	SHEET:	WARNING	
DATE 11/11/14	REF 117/50	1 OF 1	THIS DRAWING SHALL NOT BE ALTERED OR USED FOR ANY UNAUTHORISED PURPOSE WITHOUT THE WRITTEN CONSENT OF COHEN & ASSOCIATES P/L	
FR 12087-11	PID 6747623	Hazard Management Area to be maintained in a minimum fuel condition in accordance with Section E1.3.1 of the Bushfire Code in the Northern Midlands Interim Planning Scheme 2013.		
BILL ARMSTRONG ACREDITATION No. BFP-P				

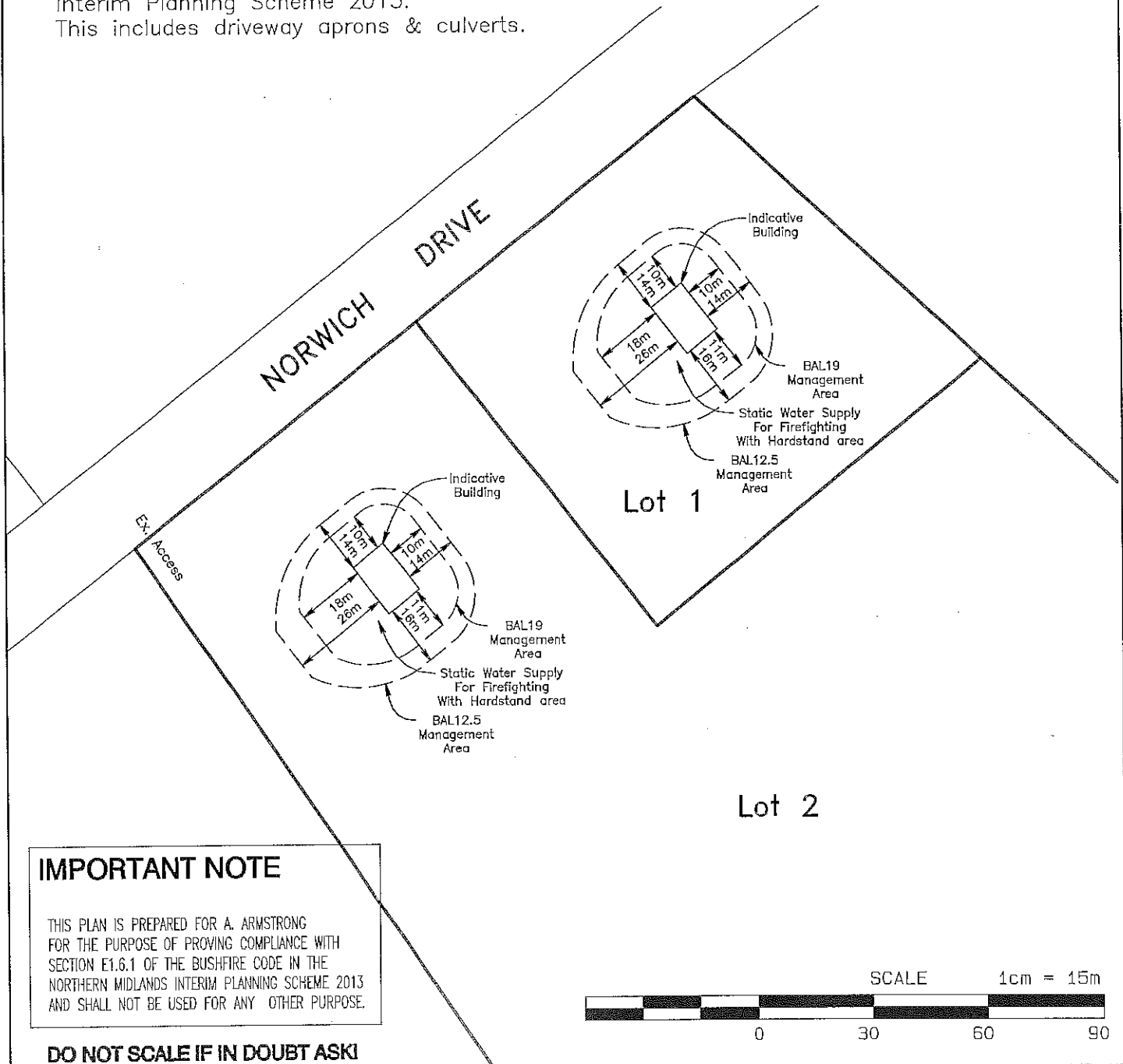


This is to be achieved by:

- Removing any potential fire hazards such as wood piles, rubbish heaps and stored fuels;
- Using low flammability species for landscaping purposes;
- Ensuring there is horizontal separation between tree crowns as well as vertical separation between ground litter and canopy by pruning low branches;
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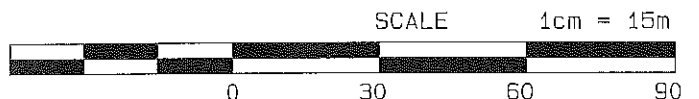
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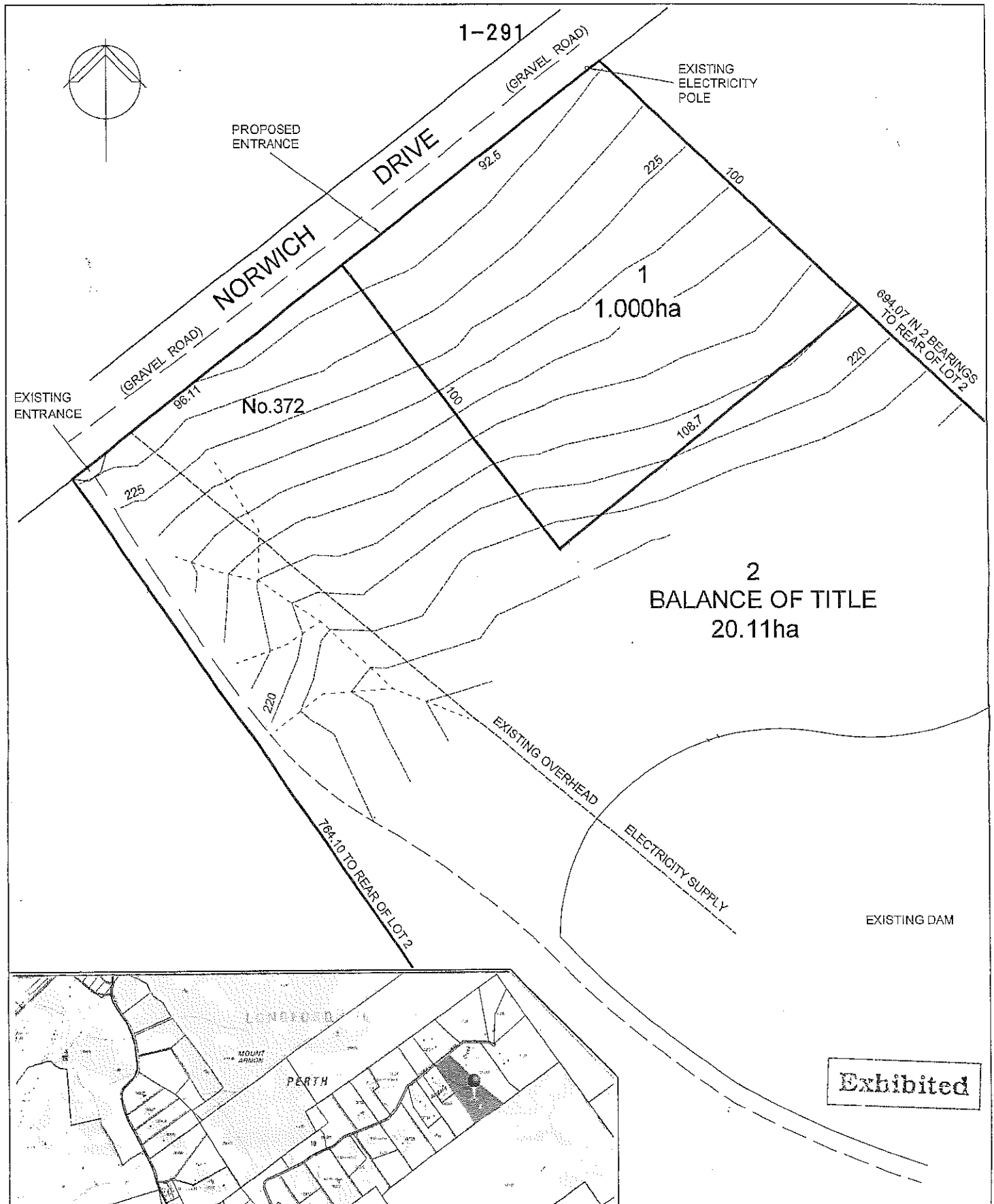


IMPORTANT NOTE

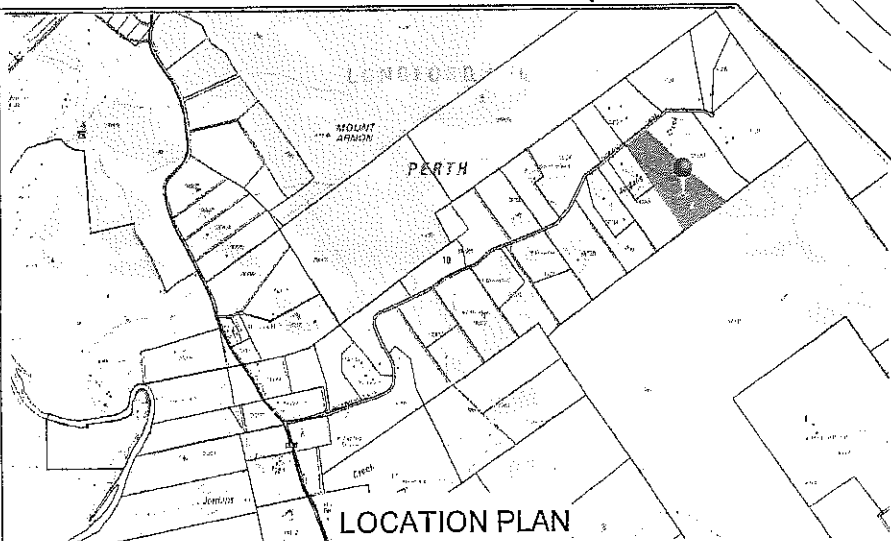
THIS PLAN IS PREPARED FOR A. ARMSTRONG FOR THE PURPOSE OF PROVING COMPLIANCE WITH SECTION E1.6.1 OF THE BUSHFIRE CODE IN THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013 AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

DO NOT SCALE IF IN DOUBT ASK!





Exhibited



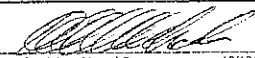
D.J.McCULLOCH Surveying

PO BOX 725 RIVERSIDE TAS 7250
 PHONE 03 63271394 MOBILE 0417528589 FACSIMILE 03 63272934
 EMAIL: mcculldj@bigpond.net.au

PROPOSED SUBDIVISION
 372 Norwich Drive, Longford
 Robert Alan Armstrong Owner
 Title Reference - F/R 12087-11
 Development Application for Planning Permit
 Northern Midlands Council

NOTES
 LOT 1 & LOT 2 (BALANCE OF TITLE) COMPRISE THE WHOLE OF THE AREA IN F/R 12087-11
 ROBERT ALAN ARMSTRONG OWNER

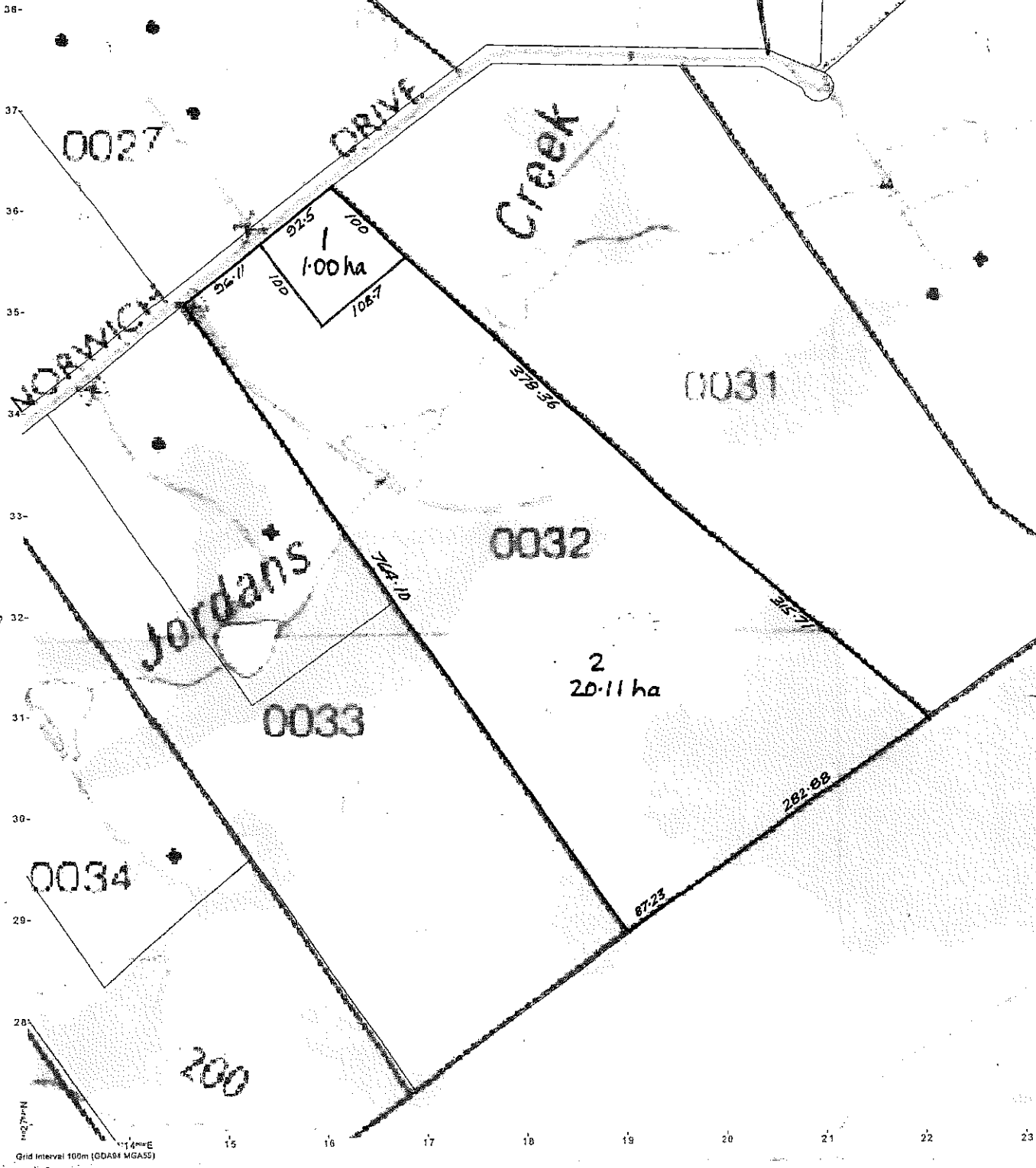
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 Job No. 1126-1455


 Registered Land Surveyor 13/10/14

Plan Number
5514-01DA

This plan has been prepared as a proposed subdivision plan to accompany an application to Council for Planning Approval and it should not be used for any other purpose. The dimensions, areas, boundary positions and number of lots are subject to final survey and also to the requirements of Council and any other authority acting under any relevant legislation. In particular no reliance should be placed on the information shown on this plan for any legal or financial dealings involving the subject or adjoining lands. This note is an integral part of this plan.

1-292



Grid Interval 100m (GDA94 MGA55)

D.J. McCULLOCH Surveying

AUTHORISED LAND, ENGINEERING & MINING SURVEYORS

PO BOX 725 PHONE 03 63271394 FACSIMILE 03 63272834
 RIVERSIDE MOBILE 0417526599 EMAIL- mccullohdj@bigpond.net.au
 TAS 7260

PROPOSED SUBDIVISION

372 Norwich Drive, Longford
 Robert Alan Armstrong Owner
 Title Reference - F/R 12087-11
 Development Application for Planning Permit
 Northern Midlands Council

Exhibited

SCALE 1:4000 (A3)

Job No. 1126-1455


 Registered Land Surveyor Date 05/11/2014

Plan Number 5514-02DA

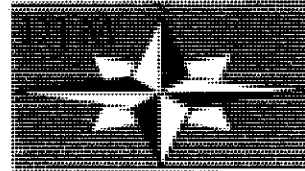
This plan has been prepared as a proposed subdivision plan to accompany an application to Council for Planning Approval and it should not be used for any other purpose. The dimensions, areas, boundary positions and number of lots are subject to field survey and also to the requirements of Council and any other authority acting under any relevant legislation. In particular no reliance should be placed on the information shown on this plan for any legal or financial dealings involving the subject or adjoining lands. This notice is an integral part of this plan.

D.J. McCulloch Surveying

AUTHORISED LAND, ENGINEERING & MINING SURVEYORS

A.B.N. 36 400 870 790

Dallas McCulloch, M.I.S.(Tas) M.I.S.V.
Registered Land Surveyor (Tas.)



P.O. BOX 725
148 West Tamar Road
RIVERSIDE, TAS, 7250
Phone (03) 63271394
Mobile 0417 526589
Facsimile (03) 63272934
mcculldj@bigpond.net.au

Your ref : 5514gl1NMC
Our ref :

The Manager
Northern Midlands Council
13 Smith Street,
Longford
Tas. 7301

14 October 2014

NORTHERN MIDLANDS COUNCIL				
File No.				
Property				
Attachments				
REC'D 20 OCT 2014				
GM				
P&DM			MYE	
CSM			CFS	
E&M			PLAN	
WM			BLD	✓
HR			HLT	

Dear Sir,

**Re: - Proposed Subdivision – 372 Norwich Drive, Longford
Robert Armstrong owner**

Please find enclosed herewith, for Councils' consideration, 4 copies of our subdivision proposal plan, the completed Development Application Form, a planning report, the required planning fees and a copy of the relevant title plan.

The purpose of this subdivision is to subdivide the existing title to create one new residential title.

Please note:

- Approval is sought for Lot 1 and for Lot 2 the balance of title.
- Lot 1 will be used for residential purposes.
- A Drainage Easement will be created over Lot 2 in favor of Lot 1..

We understand that the owner's daughter, Angela Armstrong, who will be the future owner of Lot 1 has had preliminary discussions with Council's planners in respect of this matter.

Please do not hesitate to contact us to arrange a meeting with your planning staff to discuss any issues in respect of this submission.

Yours sincerely

Dallas McCulloch

Exhibited

D.J.McCulloch Surveying
Consulting Land & Engineering Surveyors

P.O.BOX 725 Riverside,
TAS, 7250

148 West Tamar Road Riverside,
TAS, 7250

Phone:---03 63271394

Mobile:-- 0417 526589

Facsimile :- 63272934

Thursday 13th November 2014

Planning Report

Proposed Subdivision

Land at 372 Norwich Drive, Longford, TAS 7301

Robert Armstrong owner

Planning Authority: - Northern Midlands Council

Planning Scheme: - Northern Midlands Interim Scheme 2013

Revised 13/11/2014 – NMC request for futher information

Exhibited

The Proposed Subdivision

It is proposed to subdivide the existing 21.11ha title to create 1 new title for residential purposes (Lot 1 1.000ha) and the balance of title (Lot 2 20.11ha).

The owner, Mr Robert Armstrong wishes to excise the proposed 1.000ha lot from the parent title and transfer ownership of that lot to his daughter Angela Armstrong to enable construction of a residence for her family thereon.

The parent title is vacant land comprised of 40% native bush-land and 60% pasture used for grazing. There is a large water storage dam located in the front portion of the title. The whole of proposed Lot 1 is cleared pasture.

There are no dwellings on the parent title.

Zoning

The whole of the parent title is zoned Rural Living under the provisions of the Northern Midlands Interim Planning Scheme 2013

Exhibited

Compliance with provisions of the Rural Living Zone

ZONE PURPOSE

13.1.1.2 The proposed development for residential use does not adversely impact on residential amenity.

SUBDIVISION

13.4.2

A1.1 in respect of Lot 2

- a) Lot 2, the balance lot, has an area of at least 10 ha

P1 in respect of Lot 1

- b) Lot 1 has sufficient useable area and dimensions to allow for:
 - i) a dwelling to erected in a convenient, appropriate and hazard free location
 - ii) appropriate disposal of wastewater and stormwater
 - iii) on site parking and manoeuvrability
 - iv) adequate private open space
 - v) vehicular access from the carriageway of the road.
- c) Lot 1 is not less than 1.0ha in area

A2

Each lot has a frontage of at least 4.0 metres to Norwich Drive

Exhibited

Compliance with the Codes of the Northern Midland Council

The Northern Midlands Council have determined (by email 24/10/2014) that compliance with codes E1.0, E4.0, E6.0, E9.0 & E10.0 needs to be demonstrated.

E1.0 BUSHFIRE PRONE AREAS CODE.

See separate report & certificate by Bill Armstrong an accredited person.

E4.0 ROAD & RAILWAY ASSETS CODE.

The proposed development satisfies the purposes of the Code.

Use Standard E4.6.1

Acceptable Solution A2 applies – the proposed development will not generate more than a total of 40 vehicle entry and exit movements per day.

Development Standard E4.7.2

Acceptable Solution A1 applies – the proposed development provides single accesses for entry & exit.

Development Standard E4.7.4

Acceptable Solution A1 a) applies – Sight Distances at the existing & proposed access points comply with the SISD Table E4.7.4.

E6.0 CAR PARKING & SUSTAINABLE TRANSPORT CODE

The proposed development satisfies the purposes of the Code.

The proposed lots are of sufficient size to provide for adequate room for manoeuvring of vehicles and car parking wholly within the title boundaries.

Exhibited

E9.0 WATER QUALITY CODE

The proposed development satisfies the purposes of the Code. The proposed development will have no adverse impact on the wetlands or watercourses & associated flora & fauna.

Development Standard E9.6.1

Acceptable Solution A1 applies – native vegetation within 40m of the wetland/watercourse is to be retained

Acceptable Solution A2 & A3 applies – no wetland or watercourse is to be filled, drained, piped or channelled.

Development Standard E9.6.2

Acceptable Solution A1 c) applies – all stormwater will be diverted to an on-site system that will contain the stormwater to the site.

Acceptable Solution A2.1 applies – there will be no new point source discharge to a wetland or watercourse.

E10.0 RECREATION & OPEN SPACE CODE

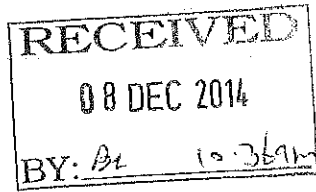
The General Manager of the Northern Midlands Council has been requested to consent to a cash payment in lieu of land for public open space.

GENERAL

- This development complies with the objectives of the Northern Midlands Interim Planning Scheme 2013 and satisfies the purposes of the Rural Living Zone thereof.

D.J.McCulloch

13/11/2014



NORTHERN MIDLANDS COUNCIL					
Location:					
File No.					
Property					
Attachments					
REC'D	8 DEC 2014				
GM		A			A
P&DM		MYR			
CSM		CRS			
E&DM		PLAN			
WM		BLD			
HR		HLT			

6 December 2014

The General Manager
Northern Midlands Council
PO Box 156
Longford TAS 7301

ATTACHMENT B

Dear Des

**P14-317 372 Norwich Drive, Longford
Representation**

I refer to the above planning application for subdivision at Norwich Drive, Longford. I act on behalf of Peter Hughes, owner of the property 'Jessiefield' which shares two property boundaries with the subject site (north-eastern and south-eastern boundaries).

I also act for Mr Beaumont Percival Grubb, owner of the property 'Strathroy' through which the emergency access is shown and Mr Tim Gardiner, whose property is also shown as emergency access. These two property owners are particularly concerned that their properties have been shown as an alternate access location without their consent.

My clients wish to object to the proposed subdivision on the basis that the application has failed to demonstrate compliance with the relevant standards of the Northern Midlands Interim Planning Scheme 2013 ('the Planning Scheme') and that if approved, the subdivision sets a precedent for 1ha subdivisions in Norwich Drive which could see the density significantly increase.

I have provided a summary of the deficiencies of the application and the issues that will arise if Council allow a precedent of a 1ha lot to be created in Norwich Drive.

1 Rural Living Zone

Clause 13.4.2 outlines the lot size requirements for subdivision in the Rural Living Zone. The Acceptable Solution allows a 10ha minimum lot size, which it is noted, would still allow for most of the existing Norwich Drive lots to be subdivided into at least 2 lots. The corresponding PC allows an absolute minimum lot size of 1 ha at Council's discretion. It is important to be clear here that Council is not obliged to approve this subdivision which seeks to vary the permitted standard by some 9ha which in the context of the existing Norwich Drive settlement pattern is significant (i.e most existing lots are 20ha). A 1 ha lot as proposed, if approved, will create a dangerous precedent for the settlement and will mean that Council will be obliged to approve further applications for 1ha subdivision, meaning the density at Norwich Drive will increase significantly.

It is submitted that the likely intention of the discretion to allow a variation on the 10ha minimum is more acceptable in the context of an applicant seeking to subdivide a 15 ha lot into two 7ha lots. The same minimal lot area has been applied to Norwich Drive (which has a permitted minimum of 10ha) as it has to Caledonia Drive which has a 2ha minimum, the contrast in these two existing settlements is profound and it is submitted that whilst a standard PC has been applied across the Rural Living Zone, the context