

PLAN 8

REQUEST TO EXTEND PLANNING PERMIT P17-0293
16523 MIDLAND HIGHWAY, PERTH

ATTACHMENTS:

- Application & permit

Paul Godier

From: James Stewart <james@woolcottsurveys.com.au>
Sent: Friday, 3 April 2020 10:10 AM
To: NMC Planning; Paul Godier
Cc: Brett Woolcott; Colin Smith
Subject: 16523 Midland Highway - Permit Extensions P17/293 & P15/270
Attachments: Cover Letter - 16523 Midland Highway.pdf

Hi Paul

As discussed on the phone the other week, we are requesting that the Council change their decision relating to P15/270 and P17/293.

If Council only wants a single approval in place for a fuel stop at 16523 Midland Highway, our request is that **P17/293 be extended**, and **P15/270 lapse**.

I have outlined reasons for this request in the attached letter.

If yourself, Des Jennings, or the Councillors wish to discuss, we would welcome the opportunity to discuss further (either via email or phone).

Trust you are all keeping well in these difficult times.

Regards

James Stewart

Senior Town Planner

M 0467 676 721

P 03 6332 3760

E james@woolcottsurveys.com.au

W www.woolcottsurveys.com.au

A 10 Goodman Court, Invermay TAS (PO BOX 593, Mowbray Heights TAS 7248)

In response to the recent Coronavirus (COVID-19) pandemic we have decided to implement precautionary measures and are no longer conducting face to face office meetings for the immediate future. Site meetings will be conducted with regard to Social Distancing policies. The entire team are still working and ask that you continue to call and email us just as you usually would. Business will continue as usual.



WOOLCOTT SURVEYS



Offices located in:

LAUNCESTON

10 Goodman Crt, Invermay
PO Box 593, Mowbray TAS 7248
P 03 6332 3760

ST HELENS

48 Cecilia St, St Helens
PO Box 430, St Helens TAS 7216
P 03 6376 1972

HOBART

Rear Studio, 132 Davey St,
Hobart TAS 7000
P 03 6227 7968

DEVONPORT

2 Piping Lane,
East Devonport
P 03 6332 3760

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WOOLCOTT SURVEYS



Our Ref: L170613

Date 03/04/2020

Planning Department
Northern Midlands Council
PO Box 156
Longford, TAS 7301

By email: planning@nmc.tas.gov.au

Dear Planning Department

COUNCIL DECISION – EXTENSION OF P17/293 AND P15/270

On the 4th February, Woolcott Surveys on behalf of our Client, Simon Healy, lodged two applications for extensions of time to permits relating to the site at 16523 Midland Highway, Perth. The applications related to fuel stops which had been previously been approved by the Council.

A letter was provided outlining the reasons as to why both of the permit extensions was being sought. The discussions with Councils Senior Planner had been positive, which was further reiterated when the officer recommended approval to extend both permits in the March Council agenda.

We were disappointed to see that while P15/270 had been extended, P17/293 had not been granted an extension. We understand that the items had been discussed at the Council workshop prior to being considered at the General Council Meeting. There was no discussion with the applicant or with the land owner in relation to these matters, or any indication from the Council that they were not going to extend both permits.

Our client feels strongly, that if either of the two permits is to remain valid, it should be P17/293.

P15/270 was lodged in 2015, when the property owner was in discussions with Tas Petroleum. Due to an ongoing discussion with the State Government over the Midland Highway encroachment onto our client's land, Tas Petroleum were unable to commit to the site approved under P15/270, and subsequently sought approval in the City of

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WOOLCOTT SURVEYS

Launceston Municipality (Connector Park). The site proposed under P15/270 was not our clients preferred site and had only been proposed at the request of Tas Petroleum when they were looking to get established in the area. Now that Tas Petroleum are no longer going to develop the land, our client has no interest to establish a fuel stop at this location. His preferred location is the approved fuel stop under P17/293.

The main entrance to the Digga site already has a significant number of Traffic Movements in and out of the site. Allowing a fuel stop to become established in this part of the lot would further congest traffic movements in the entrance vicinity. Having the fuel stop situated further away from the sites primary entrance would be preferable from a our clients point of view.

If it is Councils wish that only one Fuel Stop Approval be in place on this site, we request that the decision of Council be altered, so that P15/270 is **NOT** granted an extension, and P17/293 **IS** permitted a 2 year extension.

Should Council be receptive of this request, we would be willing to provide a statement in relation to P15/270 not being substantially commenced, and therefore lapsing should the permit extension not be granted.

Our client is keen to work with Council, however will obtain legal advice moving forward if Council are not willing to accommodate this change.

We request that the Council considers this request and works with our client to get an outcome which is beneficial to both parties.

Yours faithfully
Woolcott Surveys

James Stewart
Town Planner

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Request to Extend Permit

Phone: 6397 7301 Fax: 6397 7331
E-mail: planning@nmc.tas.gov.au



**NORTHERN
MIDLANDS
COUNCIL**

13 Smith St / PO Box 156
Longford Tas 7301

Applicant: WOOLCOTT SURVEYS (JAMES STEWART)

Signature of Applicant:  **Date:** 04/04/2020

Description of request: EXTEND PERMIT (BOTH PART
ONE AND PART TWO) FOR FURTHER TWO YEARS.

Site address: 16523 MIDLAND HWY, PERTH

Planning Permit Number: P.17/293

Area of land: 32 HA **CT no:** 170419/1

Are there currently any buildings on this property? Yes / No

If yes – main building is used as DIGGA EXCAVATIONJ.

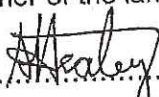
Applicant's Details:

Postal address:

Phone: 0667676721 **Fax:** **Mobile:**

E-mail: james@woolcottsurveys.com.au

As the owner of the land, I consent to the request being submitted:

Signed:  **Date:** 04/02/20 **Name of Owner:** SIMON HEALEY (TORTS)

Owner's Postal Address: 16523 MIDLAND HIGHWAY, BREADALBANE, 7258
(attach extra page if required)

Office use only:

Paid \$ **Date:**

Ref: P... /

Receipt No: (Code 01)

Discretionary / Permitted

**Northern Midlands Interim
Planning Scheme 2013**



**NORTHERN
MIDLANDS
COUNCIL**

Planning Permit P17-293

In accordance with Division 2 of the *Land Use and Planning Approvals Act 1993*, the Northern Midlands Council (Planning Authority) hereby grants a permit for –

ADDRESS OF LAND:

16523 MIDLAND HIGHWAY, PERTH

Property No: 203300.24;s784
Subdivision No: 27/003/784
CT 170419/1

THIS PERMIT ALLOWS FOR:

The land at 16523 Midland Highway, PERTH to be developed and used for 01: a 2-lot subdivision; within scenic corridor in accordance with application P17-293, and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development shall be in accordance with the endorsed plans numbered **P1** (*Woolcott Surveys, 2 Lot Subdivision, Project No: L170613, Edition 4, Dated: 22/09/2017*), **D1** (*Woolcott Surveys, Planning Submission – Proposed Fuel Stop and 2 Lot Subdivision*) and **D2** (*Bushfire Assessment – Proposed Fuel Outlet and 2 Lot Subdivision, Ian Abernethy BFP-124, Dated: Jan 2018 (with advice from TFS)*).

2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 Access (Rural)

- a) A driveway crossover and apron suitable for use by heavy vehicles shall be constructed in accordance with Council standards. Prior to the commencement of any works the applicant shall provide a detail design of the access showing the pavement details and drainage for approval by Council
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

2.2 Works in State road reserve

- a) Prior to undertaking any physical construction works within the State Road reserve (i.e. construction of new accesses onto the Midland Highway service road), the proponent must submit an application for an Access Works Permit to the Department of State Growth.
- b) Application requirements and forms can be found at www.transport.tas.gov.au/road/permits, applications must be submitted at least twenty eight (28) days prior to any scheduled works. No works are permitted in the State Road reserve until a permit has been issued under the provisions of Section 16 of the Roads and Jetties Act 1935.

R. G. G. G.

3 SEALING OF PLANS

All conditions must be complied with prior to sealing of the final plan of survey. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.



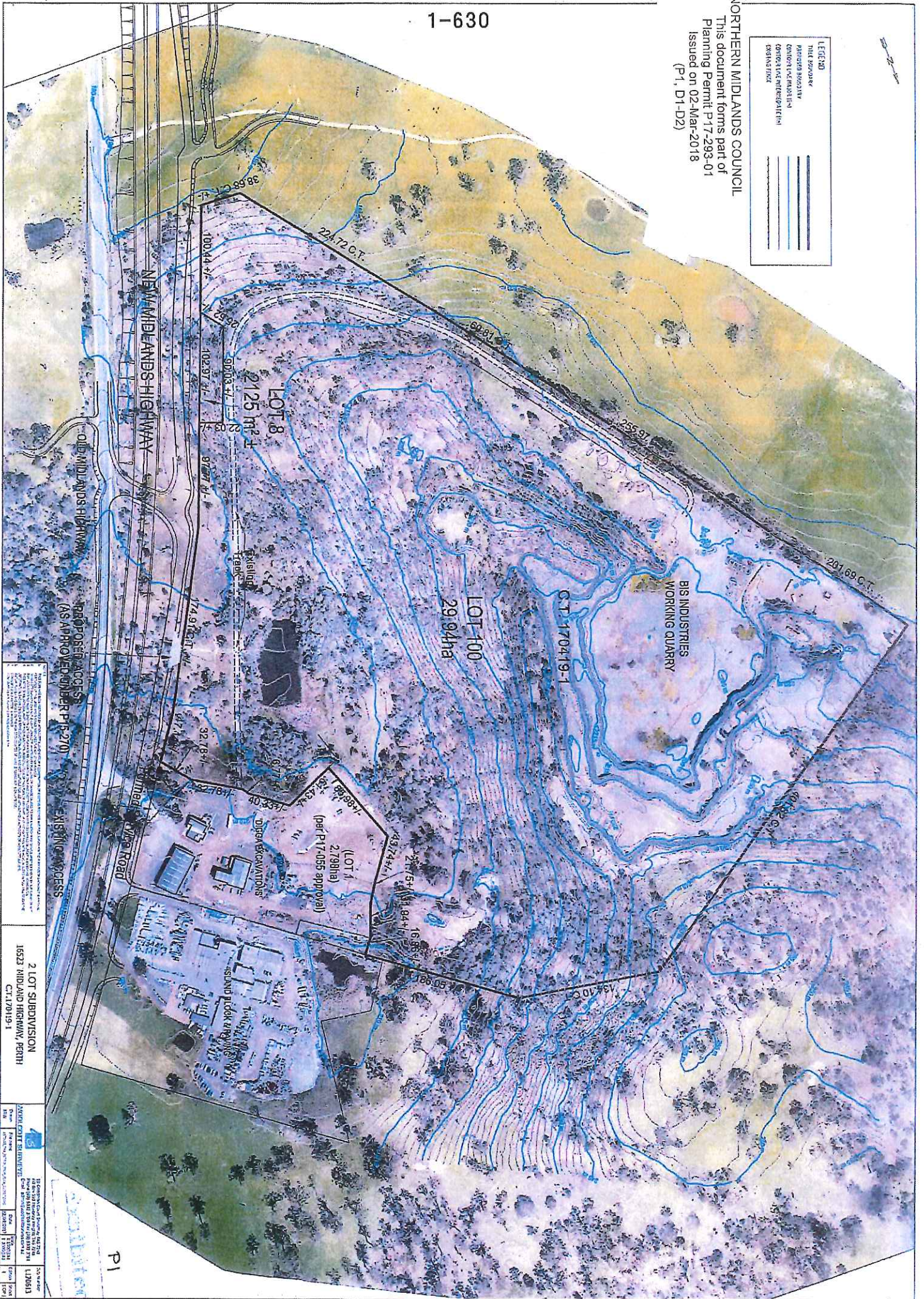
PAUL GODIER
SENIOR PLANNER
02-Mar-2018

Notes:

- A This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.
- B The issue of this planning permit does not certify compliance with the *Building Code of Australia*, the *Disability Discrimination Act 1992* or any other applicable legislation.
- C All new road reservation and/or drainage reserve areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.

NORTHERN MIDLANDS COUNCIL
This document forms part of
Planning Permit P-17-293-01
Issued on 02-Mar-2018
(P1, D1-D2)

LEGEND	
HILL SHOULDER	[Symbol]
PAVED ROAD	[Symbol]
CONCRETE DRIVEWAY	[Symbol]
EXISTING UTILITY INFRASTRUCTURE	[Symbol]
CRANESITE	[Symbol]



PROPOSED ACCESS (AS APPROVED UNDER P15-210)

2 LOT SUBDIVISION
16523 MIDLAND HIGHWAY, PERTH
CT:170419-1

DATE	15/03/2018
TIME	10:30 AM
SCALE	1:1000
PROJECT NO.	170419-1
PROJECT NAME	2 LOT SUBDIVISION
PROJECT LOCATION	16523 MIDLAND HIGHWAY, PERTH
PROJECT DESCRIPTION	
PROJECT STATUS	
PROJECT OWNER	
PROJECT CONTACT	

**Northern Midlands Interim
Planning Scheme 2013**



**NORTHERN
MIDLANDS
COUNCIL**

Planning Permit P17-293-02

In accordance with Division 2 of the *Land Use and Planning Approvals Act 1993*, the Northern Midlands Council (Planning Authority) hereby grants a permit for –

ADDRESS OF LAND:

16523 MIDLAND HIGHWAY, PERTH

P/N: 203300.24;s784
CT 170419/1

THIS PERMIT ALLOWS FOR:

The land at 16523 MIDLAND HIGHWAY, PERTH to be developed and used for 02: a 24-hour card operated heavy-vehicle fuel stop, access & signage (vehicle fuel sales & service) - vary setbacks; within scenic corridor in accordance with application P17-293, and subject to the following conditions:

1 LAYOUT NOT ALTERED

The use and development shall be in accordance with the endorsed plans numbered **P2-P6** (*Prime Design, Proposed New Fuel Stop, Project No: PD17258, Sheets: Cover page and 01-04, Dated: September 2017*), **D1** (*Woolcott Surveys, Planning Submission – Proposed Fuel Stop and 2 Lot Subdivision*) and **D2** (*Bushfire Assessment – Proposed Fuel Outlet and 2 Lot Subdivision, Ian Abernethy BFP-124, Dated: Jan 2018 (with advice from TFS)*) and **D3** (*Traffic Impact Assessment – Fuel Stop Facility, IPD Consulting, Dated: October 2017*).

2 COUNCIL'S WORKS DEPARTMENT CONDITIONS

2.1 Access (Rural)

- a) A driveway crossover and apron suitable for use by heavy vehicles shall be constructed in accordance with Council standards. Prior to the commencement of any works the applicant shall provide a detail design of the access showing the pavement details and drainage for approval by Council
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

3 DEPARTMENT OF STATE GROWTH

3.1 Flood Lighting

Any flood lighting provided on the site must be suitably located so that luminaries can be angled / aimed in such a way that no lights have the potential to be directly in a driver's field of view when travelling on Midland Highway and associated Devon Hills exit ramp.

3.2 Works in State road reserve

- a) Prior to undertaking any physical construction works within the State Road reserve (i.e. construction of new accesses onto the Midland Highway service road), the proponent must submit an application for an Access Works Permit to the Department of State Growth.
- b) Application requirements and forms can be found at www.transport.tas.gov.au/road/permits, applications must be submitted at least twenty

R. J. J. J.

eight (28) days prior to any scheduled works. No works are permitted in the State Road reserve until a permit has been issued under the provisions of Section 16 of the Roads and Jetties Act 1935.

4 LAUNCESTON AIRPORT – OBSTACLE LIMITATIONS SURFACE

Any plant or equipment that extends to a height greater than 5m from the proposed hardstand level (AHU 200m), including during construction, must not be used until written approval has been received from the Launceston Airport.

5 ACCESS & PARKING

Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed and line-marked in accordance with the endorsed plans.

6 LANDSCAPING

6.1 Prior to the commencement of use, landscaping works as shown on the endorsed landscape plan must be completed.

6.2 Landscaping works as shown on the endorsed landscape plan must be maintained for the duration of the use.

7 BUSHFIRE HAZARD MANAGEMENT PLAN – AGREEMENT UNDER PART 5 OF THE LAND USE PLANNING AND APPROVALS ACT 1993

7.1 The owner must enter into, and comply with all conditions of, an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993*, with the Northern Midlands Council to provide for the following:

- The Hazard Management Area is to be implemented and maintained for the duration of the use in accordance with Bushfire Hazard Management Plan, dated 27/10/2017 and the recommendations of Bushfire Assessment, Ian Abernethy, BFP-124, dated Jan 2018 (with advice from TFS).

Prior to the commencement of the use, this agreement must be registered on the Certificate of Title in accordance with Part 5 of the *Land Use Planning and Approvals Act 1993*. The agreement must be carried forward over all subsequent titles. All costs associated with the preparation and registration of the agreement must be borne by the developer/owner.

7.2 Prior to the commencement of the use, the approved Bushfire Hazard Management Plan and the Emergency Management Strategy must be implemented. This includes the installation of water storages, driveways, bushfire hazard management areas and any other requirements as specified by the Plan and Strategy.

8 EXTERNAL LIGHTING

All external lighting must be designed, baffled and located such that no direct light is emitted outside the boundaries of the subject land and that no light adversely impacts on drivers travelling on the Midland Highway and associated ramps, to the satisfaction of the Council's General Manager.

9 LANDSCAPING PLANS REQUIRED

Before the development starts, plans to the satisfaction of the General Manager must be submitted. When approved, the plans will be endorsed and will then form part of the permit. The plans must show:

- Landscaping to the south-western vicinity on the fuel stop to assist in integrating the development into the landscape.

R. Goodier

10 LANDSCAPING COMPLETION AND MAINTENANCE

10.1 Landscaping after commencement of development

Within three months of the development commencing or such later date as is approved by the General Manager in writing, landscaping works as shown on the endorsed plans must be completed.

10.2 Landscaping maintenance

The landscaping shown on the endorsed plans must be maintained including the replacement of any dead, diseased or damaged plants.

Note: In accordance with section 53(6) of the Land Use Planning and Approvals Act 1993, the permit does not take effect until the day the Part 5 Agreement required by condition 7 is executed.



PAUL GODIER
SENIOR PLANNER
02-Mar-2018

Notes:

- A This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.
- B The issue of this planning permit does not certify compliance with the *Building Code of Australia*, the *Disability Discrimination Act 1992* or any other applicable legislation.


PROPOSED NEW FUEL STOP LOT 8, 16523 MIDLANDS HIGHWAY, PERTH

DIGGA EXCAVATIONS

BUILDING DRAWINGS	
Ns	DRAWING
01	SITE PLAN
02	FLOOR SLAB PLAN
03	FLOOR & ROOF PLANS & ELEVATION
04	SITE 3D

1-634

PLANNING

 **Prime
Design**
your build, your way

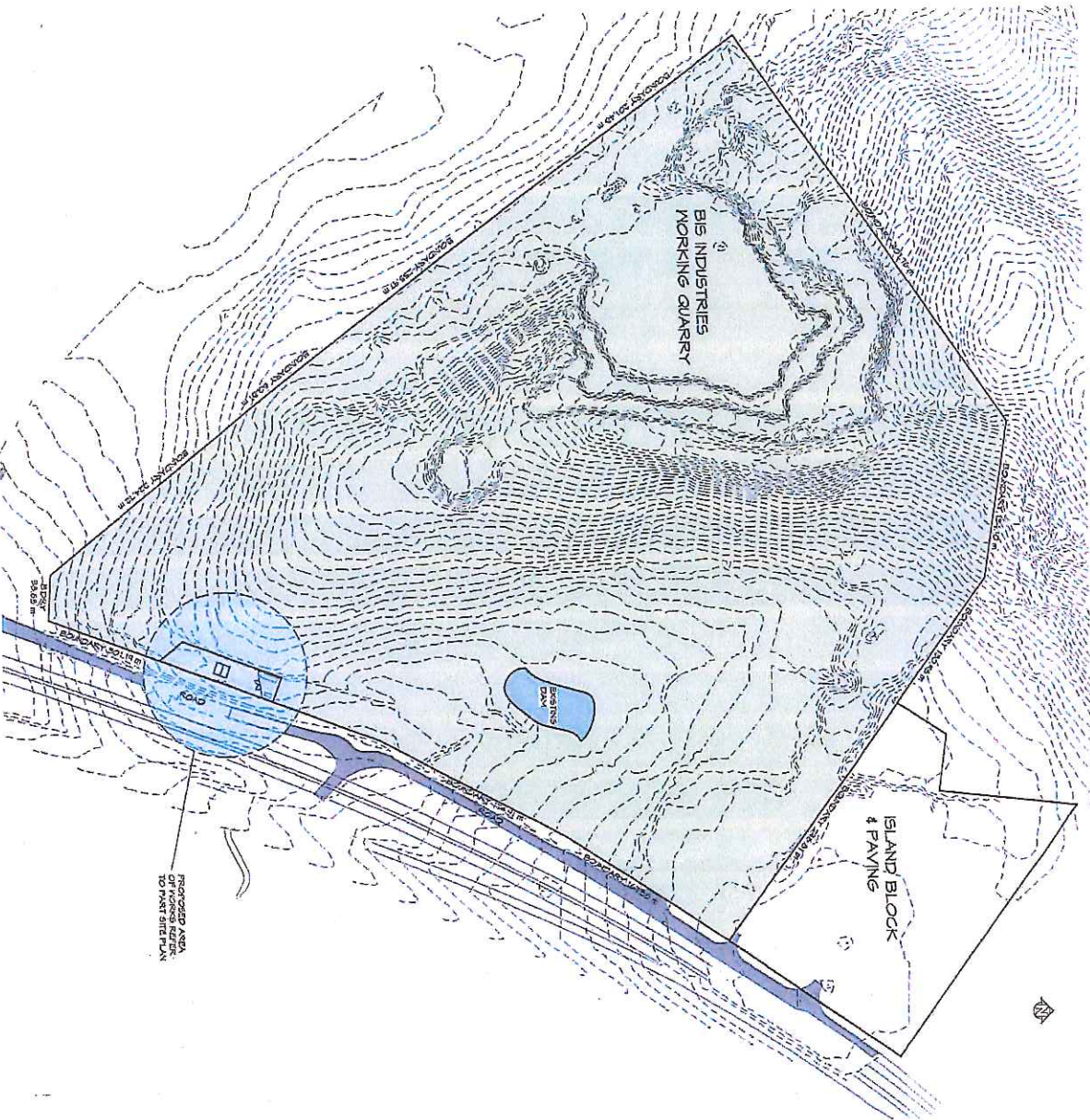
10 Goodman Court, Invermay Launceston 7248
p+ 03 6332 3790 f+ 03 6332 3798
info@primedesign.com.au primedesign.com.au
Accredited Building Practitioner: Frank Gestus -No CC246A

SEPTEMBER 2017

P2

Submitted

1-635



- GENERAL NOTES**
- CHECK THE PLOT ALL BOUNDARY LINES CAREFULLY.
 - ALL WORK TO BE STRICTLY IN ACCORDANCE WITH NZL, ALL S.A.A.
 - CHECK ALL LOCAL AUTHORITIES RELEVANT TO FRAME AND DO NOT
 - ACTION FOR FULL ENDS.
 - CONDUITS ARE TO BE STRICTLY IN ACCORDANCE WITH A.S.
 - 3000 L APPROVED BY LOCAL AUTHORITY.
 - 1000 L APPROVED BY LOCAL AUTHORITY.
 - 5000 L APPROVED BY LOCAL AUTHORITY.
 - 10000 L APPROVED BY LOCAL AUTHORITY.
 - 20000 L APPROVED BY LOCAL AUTHORITY.
 - 30000 L APPROVED BY LOCAL AUTHORITY.
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 - 80000 L APPROVED BY LOCAL AUTHORITY.
 - 90000 L APPROVED BY LOCAL AUTHORITY.
 - 100000 L APPROVED BY LOCAL AUTHORITY.

SITE DETAIL

HORIZONTAL DATA REQUIREMENTS

VERTICAL DATA REQUIREMENTS

MARKINGS

- THE PLOT SHALL BE ASSIGNED TO THE DATE OF SURVEY.
- 5000 L APPROVED BY LOCAL AUTHORITY.
- 10000 L APPROVED BY LOCAL AUTHORITY.
- 20000 L APPROVED BY LOCAL AUTHORITY.
- 30000 L APPROVED BY LOCAL AUTHORITY.
- 40000 L APPROVED BY LOCAL AUTHORITY.
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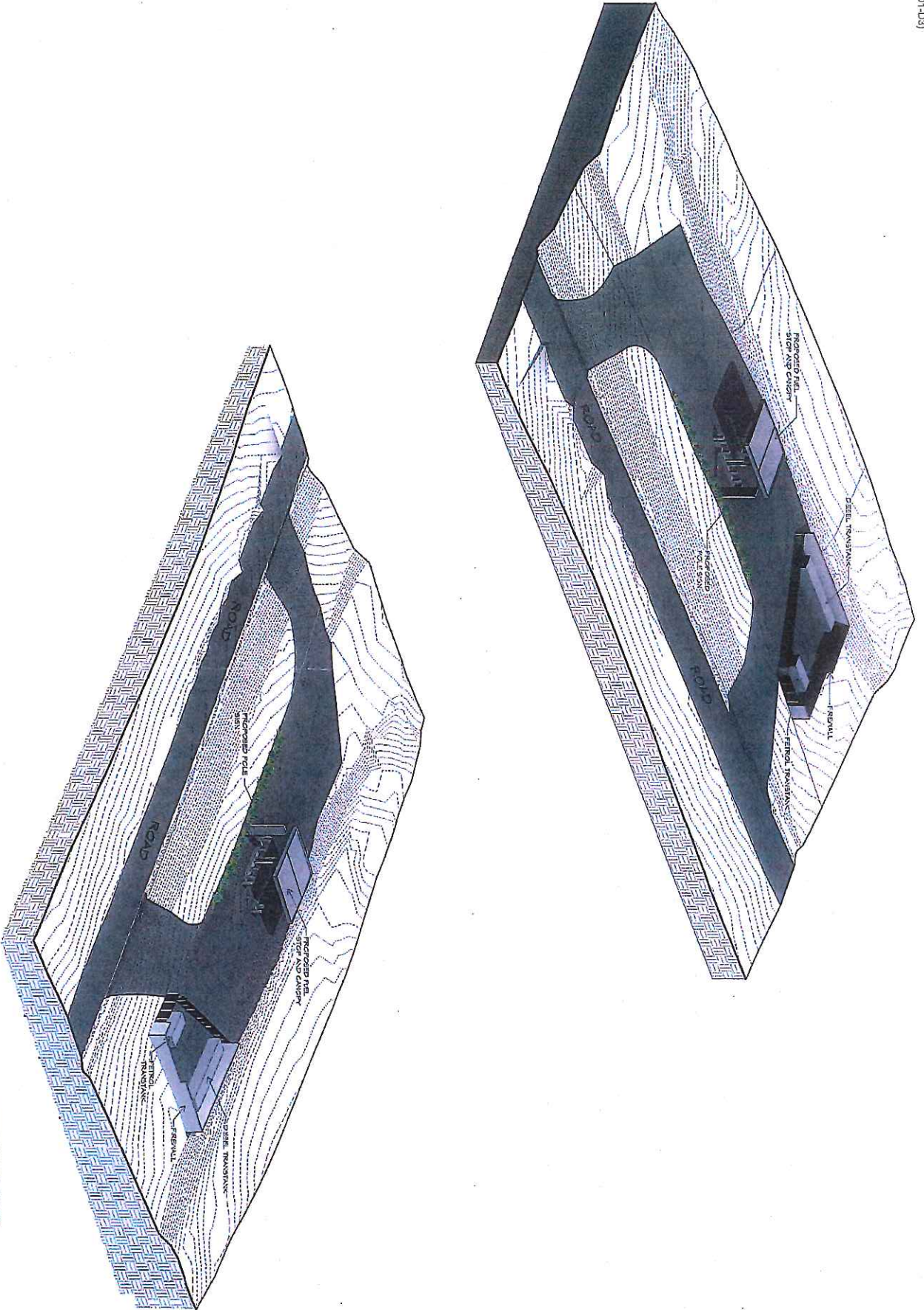
Prime Design

130002017 1:2000 S.M.

PROPOSED NEW FUEL STOP
 LOT 6, 16523 MIDLANDS
 HIGHWAY,
 BIRNIE
 DISTRICT COUNCIL

DATE: 02

PROJECT NO: P3



Submitted

PLANNING
 NOTE: DO NOT SCALE OFF DRAWINGS

Prime Design

Independent Civil, Planning, Survey, & Environmental Engineers
 1/100/00017 11th D/L
 PROPOSED NEW FUEL STOP
 LOT 8, 16579 MIDLANDS
 HIGHWAY,
 GERRI
 DISTRICT

DIGGA EXCAVATIONS
 11/10/00017 11th D/L
 SITE 3D

DATE: 13/09/2017
 DRAWN BY: P6
 CHECKED BY: P6
 PROJECT NO: P017298_01
 SHEET NO: 02