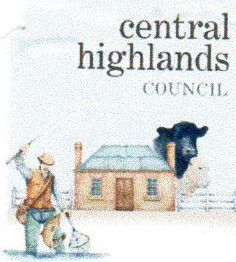


To whom it concerns

my name is Steve Thorpie i have been around the motor sport scene for most of my life with involvement in running and competing in events. I have been a promoter at powranna motorsport complex for quiet a few years which involved organising and running of events at the venue. We now would like to make a new motorsport facility just out of Ouse at a block of land we have purchased. We would like to run 1 event every month with about 50 to 100 people/cars at each event. we would like to operate between the hours of 10am to 10pm on some weekends and 10am to 6pm on other weekends. We have our own fire crew which are all qualified fire fighters as well as all emergency services and insurances. We really think this will be great for the communitie as it will bring tourism and income to the towns around the facility



Development & Environmental Services  
 19 Alexander Street  
 BOTHWELL TAS 7030  
 Phone: (03) 6259 5503  
 Fax: (03) 6259 5722  
 www.centralhighlands.tas.gov.au

**OFFICE USE ONLY**  
 Application No.: \_\_\_\_\_  
 Property ID No.: \_\_\_\_\_  
 Date Received: \_\_\_\_\_

# Application for Planning Approval Use and Development

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

**Applicant / Owner Details:**

**Applicant Name** Steven Thorpe

**Postal Address** 79 Gunn St  
 Bridgewater 7030

**Phone No:** 0497081449  
**Fax No:** \_\_\_\_\_

**Email address** tasskidders@gmail.com

**Owner/s Name** (if not Applicant) Stephen Knight

**Postal Address** 45 Scott Rd  
 Bridgewater 7030

**Phone No:** 0456869124  
**Fax No:** \_\_\_\_\_

**Email address:** flyhog21@yahoo.com

**Description of proposed use and/or development:**

**Address of new use and development:** Lot 1 Lyell Hwy

**Certificate of Title No:** Volume No 236669-1 Lot No: 1 Prop - 7691983

**Description of proposed use or development:** Motorsport complex

ie: New Dwelling / Additions / Demolition / Shed / Farm Building / Carport / Swimming Pool or detail other etc.

**Current use of land and buildings:** Vacant

Eg. Are there any existing buildings on this title?  
 If yes, what is the main building used as?

**Proposed Material** What are the proposed external wall colours: \_\_\_\_\_ What is the proposed roof colour: \_\_\_\_\_

What is the proposed new floor area m<sup>2</sup>: concrete 40 x 25 plus 20 x 6 from Tip in road  
 What is the estimated value of all the new work proposed: \$ 100000.00



Tick ✓

Is proposed development to be staged:

Yes

No

Is the proposed development located on land previously used as a tip site?

Yes

No

Is the place on the Tasmanian Heritage Register?

Yes

No

Have you sought advice from Heritage Tasmania?

Yes

No

Has a Certificate of Exemption been sought for these works?

Yes


No

Signed Declaration

I/we hereby apply for a planning approval to carry out the use or development described in this application and in the accompanying plans and documents, accordingly I declare that:

1. The information given is a true and accurate representation of the proposed development. I understand that the information and materials provided with this development application may be made available to the public. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Central Highlands Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.
2. In relation to this application, I/we agree to allow Council employees or consultants to enter the site in order to assess the application.
3. I am the applicant for the planning permit and I have notified the owner/s of the land in writing of the intention to make this application in accordance with Section 52(1) of the *Land Use Planning Approvals Act 1993* (or the land owner has signed this form in the box below in "Land Owner(s) signature"); ***Applies where the applicant is not the Owner and the land is not Crown land or owned by a council, and is not land administered by the Crown or a council.***

Applicant Signature



(if not the Owner)


Applicant Name (Please print)

Steven Thorpe

Date

15/07/2021

Land Owner(s) Signature



Land Owners Name (please print)

Stephen Knight

Date

15-7-21

Land Owner(s) Signature

Land Owners Name (please print)

Date



**Information**

If you provide an email address in this form then the Central Highlands Council ("the Council") will treat the provision of the email address as consent to the Council, pursuant to Section 6 of the Electronic Transactions Act 2000, to using that email address for the purposes of assessing the Application under the Land Use Planning and Approvals Act 1993 ("the Act").

If you provide an email address, the Council will not provide hard copy documentation unless specifically requested.

It is your responsibility to provide the Council with the correct email address and to check your email for communications from the Council.

If you do not wish for the Council to use your email address as the method of contact and for the giving of information, **please tick ✓** the box

**Heritage Tasmania**

If the Property is listed on the Tasmanian Heritage Register then the Application will be referred to Heritage Tasmania unless an Exemption Certificate has been provided with this Application.  
(Phone 1300 850 332 or email [enquires@heritage.tas.gov.au](mailto:enquires@heritage.tas.gov.au))

**TasWater**

Depending on the works proposed Council may be required to refer the Application to TasWater for assessment (Phone 136992)



Department of Primary Industries,  
Parks, Water and Environment

GPO Box 1751, Hobart, TAS 7001 Australia  
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308  
www.parks.tas.gov.au



Enquiries: Gerry Murrell  
Phone: (03) 6165 3065  
Email: [propertyservices@parks.tas.gov.au](mailto:propertyservices@parks.tas.gov.au)  
Our ref: 21/4366

16 December 2021

Steven Thorpe  
79 Gunn Street  
BRIDGEWATER TAS 7030

E: [tasskidders@gmail.com](mailto:tasskidders@gmail.com)

Dear Mr Thorpe,

**LODGEMENT OF PLANNING APPLICATION  
STEVEN THORPE  
MOTORSPORT COMPLEX  
LOT 1 LYELL HIGHWAY, OUSE**

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993*, is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment (NRE).

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jesse Walker".

Jesse Walker  
**Team Leader (Assessments)**

# Notice of Termination of Authority and Instrument of Delegation

## **DELEGATION OF THE DIRECTOR-GENERAL OF LANDS' FUNCTIONS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993**

I, TIMOTHY WILLIAM BAKER, being and as the Director-General of Lands appointed under section 7 of the *Crown Lands Act 1976* ("the Act"), acting pursuant to section 23AA(5A) of the *Acts Interpretation Act*, hereby give notice that the authority of the holders of the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), Manager - Crown Land Services (position number 707556), Team Leader - Crown Land Services (Unit Manager, Leases & Licences) (position number 340697) and Team Leader - Crown Land Services (Unit Manager, Policy & Projects) (position number 334958) to perform the functions conferred on the Director-General of Lands, as delegated on 20 December 2020 by Deidre Wilson, then Acting Director-General of Lands, is terminated with immediate effect.

Further, acting pursuant to section 52(1E) of the *Land Use Planning and Approvals Act 1993* ("the Act"), I hereby delegate the functions described (by reference to the relevant provision of the Act and generally) in Schedule I, to the persons respectively holding the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), General Manager (Park Operations and Business Services) (position number 708581), Director (Operations) (position number 708050), Manager (Property Services) (position number 707556), Unit Manager (Operations) (position number 702124), and Team Leader (Assessments) (position number 334958) in accordance with the functions delegated to me by the Minister for Parks, being and as the Minister administering the *Crown Lands Act 1976*, by instrument dated 30 November 2021.

### SCHEDULE I

<b>Provision</b>	<b>Description of Functions</b>
Section 52(1B)	Signing, and providing written permission for, applications for permits in relation to Crown land.

Dated at HOBART this 7th day of December 2021



.....  
Tim Baker  
**DIRECTOR-GENERAL OF LANDS**

SEARCH OF TORRENS TITLE

VOLUME 236669	FOLIO 1
EDITION 4	DATE OF ISSUE 22-Jun-2005

SEARCH DATE : 07-Jan-2022

SEARCH TIME : 10.29 AM

DESCRIPTION OF LAND

Parish of BROUGHAM, Land District of CUMBERLAND  
 Lot 1 on Plan 236669  
 Derivation : Whole of Lot 36620 Gtd to MA & GR Pearce  
 Prior CT 3492/53

SCHEDULE 1

C627948 TRANSFER to STEPHEN BRIAN KNIGHT and PETER ANDREW  
 KNIGHT as tenants in common in equal shares  
 Registered 16-Jun-2005 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



OS 512

ANNEXURE TO CERTIFICATE OF TITLE VOL. 3492 FOL. 53

REGISTERED NUMBER

236669

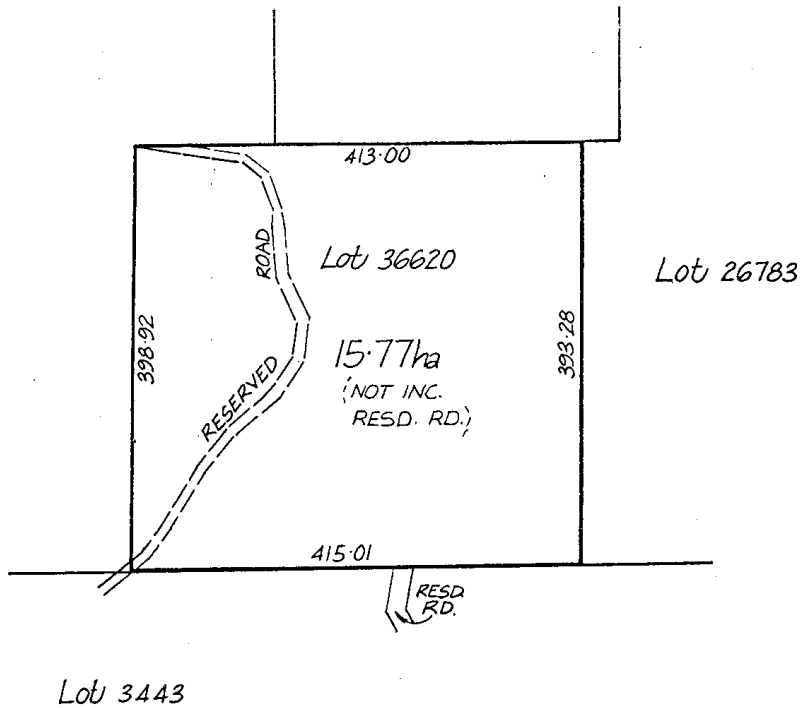
*Mitchinson*  
Recorder of Titles



Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

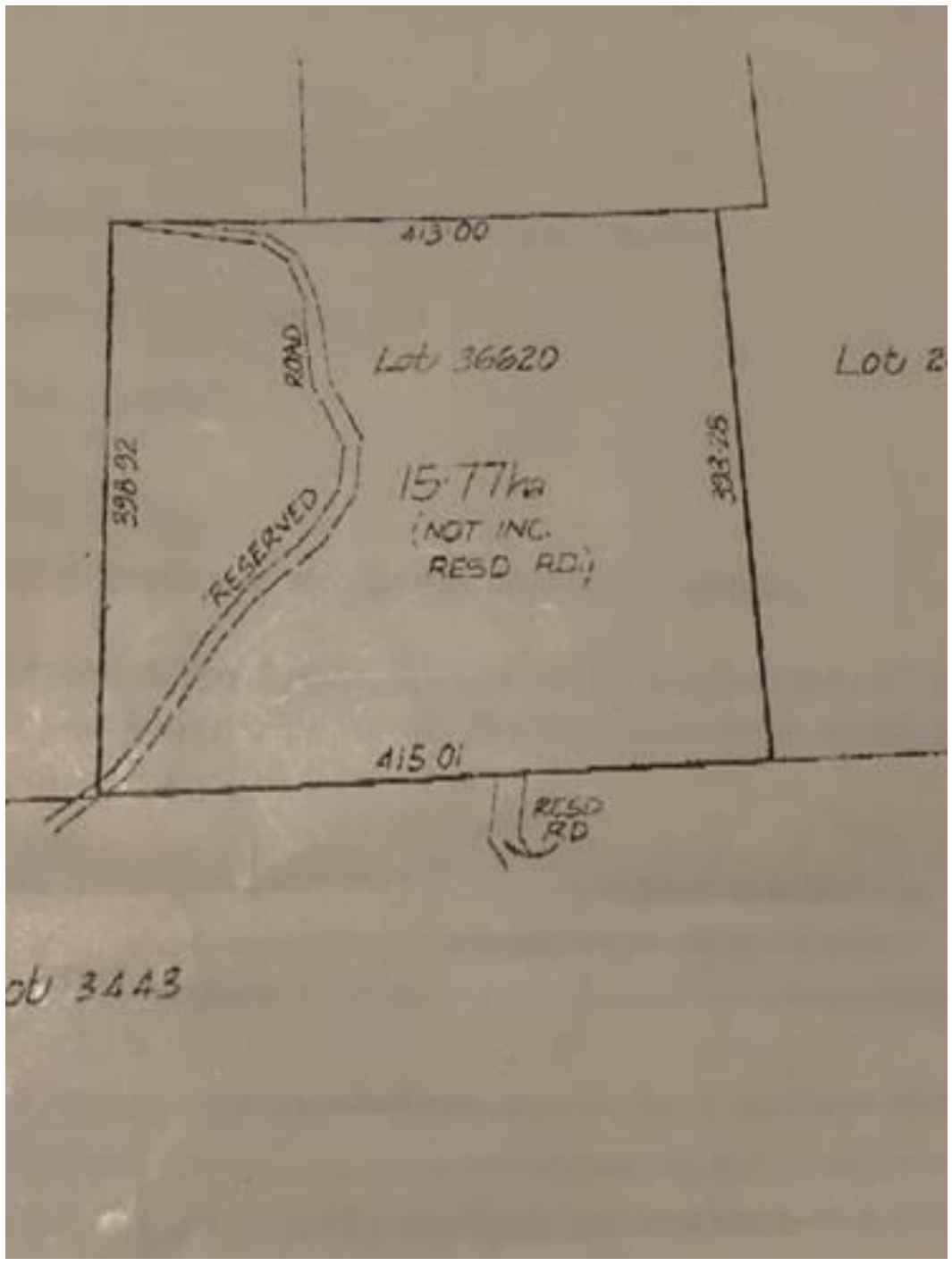
Whole of Lot 36620 Gtd. to  
M. A. & G. R. Pearce  
Meas. in Metres.

PH. BROUGHAM









413.00

Lot 36620

Lot 2

398.92

ROAD

RESERVED

15.77ha  
(NOT INC.  
RESD RD.)

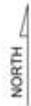
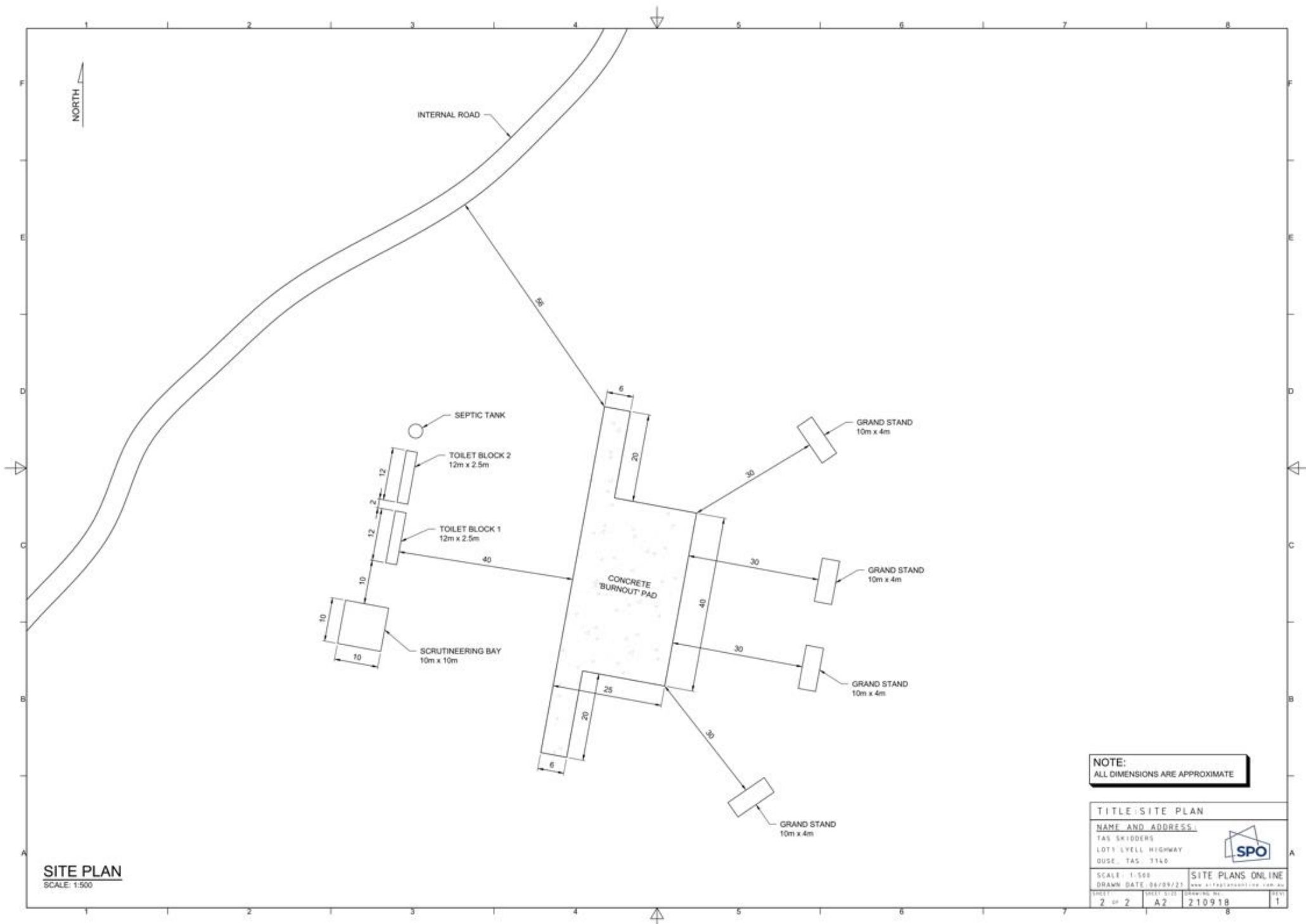
393.25

415.01

RESD  
RD

Lot 3443



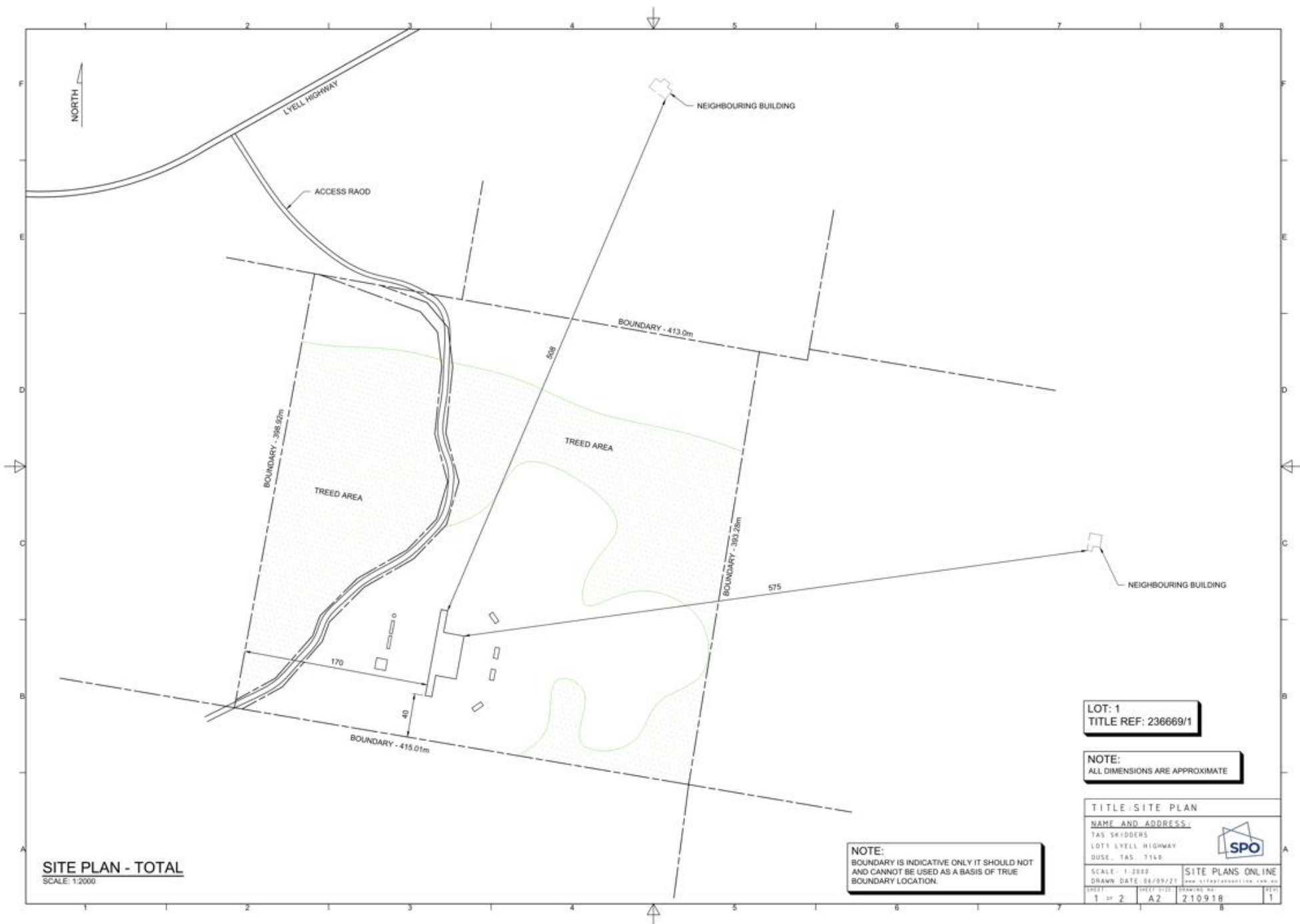


**SITE PLAN**  
SCALE: 1:500

**NOTE:**  
ALL DIMENSIONS ARE APPROXIMATE

TITLE: SITE PLAN			
NAME AND ADDRESS: TAS SKIDDERS LOT 1 SYELL HIGHWAY DUSE, TAS 7140			
SCALE: 1:500		SITE PLANS ONLINE <a href="http://www.sitesplansonline.com.au">www.sitesplansonline.com.au</a>	
DRAWN DATE: 06/09/21	SHEET 2 OF 2	DRAWING NO: 210918	REV: 1





**SITE PLAN - TOTAL**

SCALE: 1:2000

**NOTE:**  
BOUNDARY IS INDICATIVE ONLY IT SHOULD NOT  
AND CANNOT BE USED AS A BASIS OF TRUE  
BOUNDARY LOCATION.

**LOT: 1**  
**TITLE REF: 236669/1**

**NOTE:**  
ALL DIMENSIONS ARE APPROXIMATE

<b>TITLE: SITE PLAN</b>			
<b>NAME AND ADDRESS:</b>			
TAS SHEDDERS			
LOT 1 LYELL HIGHWAY			
DUSE, TAS, 7142			
SCALE: 1:2000		SITE PLANS ONLINE	
DRAWN DATE: 06/09/21		www.siteplansonline.com.au	
SHEET	SHEET SIZE	DRAWING NO.	REV
1 OF 2	A2	210918	1

## DA2021/61 Motor Racing Facility - Site Photos



8735 Lyell Highway, Ouse  
Cleared area to centre of the site.



8735 Lyell Highway, Ouse  
Cleared area to centre of the site, existing vehicle on site.





8735 Lyell Highway, Ouse  
Tyres on site.



8735 Lyell Highway, Ouse  
View of the northern site boundary and overhead powerlines





8735 Lyell Highway, Ouse  
View of the access road on site site, view looking across property to the northern site boundary



8735 Lyell Highway, Ouse  
View of the access road on site site, view looking across property to the northern site boundary

**OBJECTION TO DEVELOPMENT APPLICATION****NUMBER DA 2021/00061**

██████████ I am the owner of the property located ██████████ Lyell Highway, Ouse, where I live with my disability carer and occasionally my children and grandchildren. I am objecting, on behalf of all of us, to the proposed “motorsport facility” on various grounds as follows (not necessarily in order of importance):

- Accuracy of description. The application is for development of a “motorsport facility”. In reality, the “sport” involved is doing burnouts; that is, spinning car wheels and creating smoke, noise and rubber debris. The application states that 100/150 people are anticipated to be in attendance at any one time, but the plan proposes car parking for up to 500 vehicles. Although the proposal states that these events will be held on a monthly basis, there appears to be no way of ensuring that it won’t occur more frequently, e.g. every weekend.
- Environmental impacts. There will be a loss of trees, plus the proposed activity could impact on nearby conservation areas. Cars doing burnouts will also generate sparks, creating a risk of bushfire.
- Excess noise. The noise generated from a large number of cars doing burnouts over a period ranging from between 8 hours to 12 hours will be excessive, especially at night. Add to this the noise from hundreds of spectators and it will be intolerable. People are not going to sit quietly and simply observe what the cars are doing. They are going to be cheering, shouting, etc. This is predominantly a quiet rural area, and the noise from this facility will override everything else. Noise carries in open spaces, especially at night.
- Highway safety and road access. As stated in the application, the traffic volume in this area is not high. However, many of the vehicles using the highway are log trucks, campervans/caravans, delivery trucks and tour buses. If a turning lane from the highway is built, as proposed, this will cause traffic disruption. The turning lane itself will most likely impact on use of my driveway. This will affect not only the people who live here but also visitors to the farm and Tas Networks staff who regularly access the power lines and pylons near the driveway and also on, and across, the boundary between my property and where the burnout facility is proposed to be built.
- Impact on the peace of the rural community. There are half a dozen residences within a kilometre of the proposed facility. All of us chose to live here because it is a quiet rural area.
- Antisocial behaviour. The kind of event proposed is widely known to attract irresponsible young men in particular. They are the ones who perform illegal burnouts on public roads. This application states that it will provide a designated area for doing burnouts, but if you factor in alcohol consumed (legally or illegally) over several hours, you have a recipe for disaster. Imagine over 100 excited drivers - some intoxicated - making their way back towards Hobart. Are some of them not going to continue doing burnouts along the way? It would take a very large police presence to control that kind of behaviour over many kilometres of highway. There is also likely to be rubbish and drink cans left on the ground, not only on the development site but also along the access road and the highway.
- Loss of privacy. I am concerned that visitors to the development site will trespass onto my property. According to the plan, the site is to be fenced, but it is not a boundary fence so it will not prevent people accessing my property from outside the fenced-in area. We also make use of all the farmland, so privacy and noise concerns are even greater than would be experienced inside a house 100 metres from the burnout site.
- Use of hazardous materials. I am assuming a supply of petrol will need to be kept on hand, as the nearest service station is in Ouse, as well as possibly other hazardous chemicals. Despite the application mentioning firefighting crews, there is no guarantee that they would be able to control a major chemical spill or fire.
- Air pollution. There will be a large number of vehicles burning rubber and creating acrid smoke. I am an asthmatic and also have damaged lungs, so I am concerned about the effect of air pollution. It is one of the reasons I chose to buy a property in this area, away from urban pollution.
- Impact on native marsupials. There is abundant wildlife in this area. At night there are many pademelons, wallabies, possums, bettongs and quolls that come down from the southern part of my property (and presumably the proposed development site) to eat the vegetation growing on the farm. There is also a wombat that walks down from the same area during the day to drink from the creek near the Lyell Highway, and there are several Tasmanian devils living on or close to my property. If the development went ahead they would be at risk due to habitat disturbance, noise pollution and traffic. There is already too much roadkill along the Lyell Highway.
- Impact on native birds. There are regular sightings of both wedge-tailed eagles and goshawks in this area, particularly above farmland on either side of the highway. Eagles have been seen on the highway itself, feasting on roadkill, and goshawks are often spotted in tall trees. Eagles, in particular, are very sensitive to noise: “If a

*nesting eagle perceives a disturbance as a threat, even from hundreds of metres away, it may leave its eggs or chicks at risk of cold, heat and predation. It may desert its nest site for years and long after the disturbance has ceased. A disturbance is more likely to disrupt breeding if: visible; louder; more intense; closer (either vertically or horizontally); over a longer period; more frequent; across a larger area; earlier in the breeding season; above the nest; people are visible; people are looking towards the nest; during the day; helicopters are involved; during extreme weather.”* (<https://www.threatenedspecieslink.tas.gov.au/Pages/Wedge-tailed-Eagle.aspx>)

- Danger to farm animals. There are free-ranging goats and poultry . The goats especially like to graze close to the boundaries. I am concerned that these animals may be harmed. The goats in particular have shown that they are afraid of loud noises and, if spooked, they will run fearfully and have been known to injure themselves when panicked.
- Property values. Having a car burnout site right next to my farm will be detrimental to property value, and will also affect other properties in the area.
- Peripheral activity. I did not notice on the proposed plan that any accommodation has been made for supplying food and drink to patrons. I am concerned that there will be increased traffic (and increased noise) due to people driving to Ouse and back again for food and drinks, as well as fuel.

The proposed facility would be totally out of place in a rural area comprised of farmlands and protected forests, and I urge the council to reject the development application.









in the Lower Derwent Valley. A far more appropriate place to have such an activity with minimal fire risk and already set up facilities.

There is Baskerville Raceway, located at Old Beach. This is another far more appropriate venue for such an activity and again with all the facilities and minimal risks.

Thank you for the opportunity to raise our concerns.

Yours sincerely,

██████████

4 April 2022

The General Manager  
Central Highlands Council

By email: [development@centralhighlands.tas.gov.au](mailto:development@centralhighlands.tas.gov.au)

Dear Sir

**REPRESENTATION – 8735 LYELL HIGHWAY, OUSE (MOTOR RACING FACILITY – DA 2021/00061)**

I act for [REDACTED] who owns the property [REDACTED] property is located [REDACTED] and accommodates a residential dwelling.

This representation is made pursuant to s.57(5) of the *Land Use Planning and Approvals Act 1993 (LUPA Act)* on his behalf and concerns the proposed “Motor Racing Facility” on the property at 8735 Lyell Highway, Ouse. My client has further sought input from a planning consultant, Ireneinc, in this matter and I **attach** the report which I have been provided.

This representation is not provided as a complete review of the application but rather seeks to highlight the key concerns that my client holds in relation to the application. Those concerns may be summarised as follows:

- (a) Conflict with existing residential use: The proposed activity is located approximately 508m and 575m from the 2 nearest dwellings. My client’s dwelling is located approximately 600m from the proposed activity (measured by reference to what has been described as the Concrete Burnout Pad). There are a further 3 dwellings within 3km of the facility. The noise from the proposed activity has not been quantified however it is submitted that such noise readily understood to be incompatible with the bucolic amenity of the area.
- (b) Conflict with surrounding agricultural activity. The site sits within a land use context that accommodates both residential use and existing agricultural activity. The residences enjoy a bucolic amenity that is based on this context. The impact of the proposal upon the underlying agricultural use of the surrounding land, and indeed the capacity for agricultural use on those adjoining sites, has not been assessed. The agricultural capacity of the subject site has not been assessed.
- (c) The application provides insufficient information to enable an assessment of the proposed use and development under the *Central Highlands Interim Planning Scheme 2015 (Scheme)* or to enable a permit to provide effective regulation if the application were to be approved.

**1 Conflict with Residential Use**

A motor racing facility is a discretionary use within the Rural Resource zone. The planning authority accordingly has the discretion to grant or refuse to grant the permit; cl.8.8.1(a). This discretion arises independently of an assessment of the proposal’s compliance or non-compliance with standards under the Scheme, noting of course that non-compliance with a standard will necessitate refusal of the application in any event.

A discretionary use requires assessment in accordance with cl.8.10.2 which identifies a list of considerations that the planning authority must “have regard to”. Cl.8.10.2 provides a series of mandatory considerations however does not otherwise operate to limit the considerations that inform the exercise of the discretion.

In undertaking an assessment of the discretionary use, the purpose statements and other considerations listed are matters to which the planning authority must have regard, however, they are not elevated to the status of a standard as to be statements of criteria that must be met.

The purpose of the Rural Resource zone describes a focus on providing and protecting agricultural type use and uses that support agricultural activity. Recreation and tourism uses are identified to be supported where they support agriculture, aquaculture, forestry, mining and other primary industries; cl.26.1.1.3. Residential use is identified to be allowed where it does not fetter rural resource use or lead to the loss of productive rural land; cl.26.1.1.4.

When reviewing the Use Table under cl.26.2, it is immediately apparent that opportunities for land use conflict are created by the divergent list of discretionary uses. There is no standard within the zone that provides a direct test to manage and protect against land use conflict. The zone purpose statements identify that priority is to be given to primary industry and agricultural use, allowance is made for residential use, and other uses such as tourism and recreation may be facilitated to support primary industry. Outside of this general approach, the purpose statement does not provide a framework to manage conflict between incompatible uses.

S.5 of the LUPA Act should be noted insofar that it requires that the planning authority exercise its functions and powers so as to further the objectives of the Resource Management and Planning System. Those objectives include providing for the fair, orderly and sustainable use and development of land. It is plainly contrary to those objectives to exercise the discretion under cl.8.8.1(a) and cl.26.2 in a way that creates land use conflict.

It is my understanding that the proposed motorsport facility, that is based on observing motorists undertaking burnouts, is likely to produce noise emissions that have the potential to lead to land use conflict. Conflict is particularly likely to arise with existing residential uses. The application contains no information to enable an assessment of the type and intensity of the emissions, including noise. There is no assessment from an acoustic engineer that details what the emissions are likely to be and whether those emissions could be considered reasonable.

Taking some guidance from available sources, it is observed that the Tasmanian Planning Scheme requires an attenuation distance of 3,000m between a motor racing facility and the nearest sensitive receiver. Encroachment requires demonstration that nuisance does not arise. A further example is found in relation to the Baskerville Raceway, where the Specific Area Plan excludes sensitive uses from establishing within approximately 650m of the track. These references provide a reasonable basis to conclude that there is a risk of conflict arising from noise emissions.

Further, it may reasonably be concluded that the noise from a burnout exceeds the noise from track racing. Noise emissions are an incident of racing however an intended outcome of burnouts.

The application proposes the introduction of a use that will create land use conflict or at the very least fails to provide the planning authority with any information that enables a conclusion to be drawn that the proposed use would not give rise to land use conflict.

## **2 Conflict with surrounding agricultural activity**

As a discretionary use, the proposed motorsport facility is to be considered by reference to the purpose of the Rural Resource zone. The zone makes express provision for tourism and recreation type uses where these support primary industry. There is no information in the application that enables a conclusion to be drawn that the proposed use provides such support.

The purpose of the zone further focuses on the protection of agricultural use and protection of agricultural land. This necessarily requires a consideration of both existing and future potential use of the land. Cl.26.3.3 provides a further standard to guide the assessment of the impact upon agricultural use.

The application contains no information that enables an assessment of whether the proposal fetters or adequately protects agricultural use and agricultural land. At the very least some form of assessment from an agronomist would be required.

There is no information to demonstrate how noise from motorists may impact the surrounding agricultural activity, such as startling livestock. There is no information that demonstrates how the proposal impacts the agricultural use or potential agricultural use of the subject land.

### 3 Inadequate Application

I record that the proposal is not accurately described as a Motor racing facility. There is no contention that this is not the appropriate use classification, however, the application document describes a "Motor Sport Facility" with the plans depicting a "Concrete burnout pad". This is something that is quite different from racing. As I understand it, when racing, motorists drive around a track, often at high speeds. This may give rise to noise. Conversely, when undertaking a burnout, in competition or display, the objectives include creating noise. The 2 uses and their associated impacts are distinctly different and it may reasonably be concluded that noise emissions from a burnout pad will exceed those from a racing venue.

The application discloses that 1 "event" per month is proposed with 50-100 people/cars in attendance. The plans however provide parking for 500 cars in addition to 2.5ha of separate parking and pits for participants.

The application discloses that "events" would operate between 10am-10pm or 10am to 6pm on weekends. There is no indication of whether lighting is proposed.

The application proposes 4 grandstands (height unknown), each located approximately 30m from the burnout pad. Given the size of the grandstands, assuming an area of 1m<sup>2</sup> per person, 160 people could be accommodated as spectators alone.

No information is provided regarding the use of amplified audio equipment for announcers or music.

The application provides no description of the activity that will occur on the site. If we assume that the Concrete burnout pad is to be used for burnouts, we are still left with no information regarding the frequency of burnouts – are we to assume 1 every 10-minutes over the course of the 12hours of operation? One might also ask how the participant parking and pits are to be used, will there be revving of engines for display or other activity within this area?

The application contains no information concerning the noise that may be generated by the proposed activity on the site. There is no information in the application to enable others to make an informed judgment as to what the noise might be.

Doing the best we can with the information that we have been given, it is our submission that the application can only be refused. The discretionary use is likely to give rise to land use conflict with both the surrounding residential and agricultural uses. The lack of information detailing the proposed use and the conflicting information as to the intensity (number of people proposed compared to parking and spectator provision) combine to suggest that if approved, the use will be incapable of effective regulation. Detailed permit conditions would be required to ensure noise emissions and patronage were capped. However, given the absence of information, I would suggest that any such conditions would be tantamount to a refusal as the planning authority simply cannot be satisfied that reasonable noise limits could be set that could be complied with.

We submit that the application should be refused.

Yours faithfully  


Naomi Billett

Principal | Billett Legal

Email: [naomi@billettlegal.com.au](mailto:naomi@billettlegal.com.au)





4 April 2022

Naomi Billett  
 Billett Legal

By email: [naomi@billettlegal.com.au](mailto:naomi@billettlegal.com.au)

Dear Naomi

### REPRESENTATION - 8735 LYELL HIGHWAY, OUSE - MOTOR RACING FACILITY

I have completed a review of the application documents related to the proposed Motor Racing Facility, at 8735 Lyell Highway, Ouse and assessed them against the provisions of the planning Scheme and statutory requirements. I provide the following comments:

#### INSUFFICIENT INFORMATION

The application site has been identified on the application form and as advertised as 8735 Lyell Highway, Ouse, this land is described in the figure below (left):

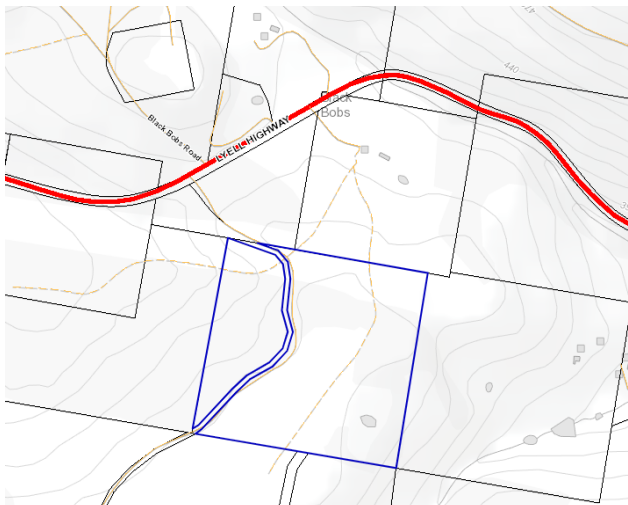


Figure 1: Location of 8735 Lyell Highway, with topographic and cadastre from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania

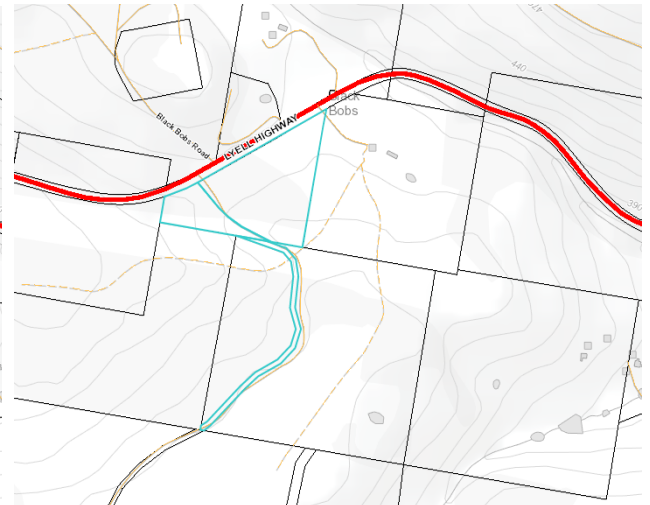


Figure 2: Location of Crown land relied upon for, access with topographic and cadastre from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania

However, as 8735 Lyell Highway does not have direct frontage or access to a public road, the application relies on other land, being Crown land, mapped as three separate parcels described in the figure above (right). The application site therefore includes both the private lot 8735 Lyell Highway (CT 236669/1) and the three Crown land parcels (reserved and 2 other described lots).

As the application relies on Crown land for use and development related to access, consent is required in accordance with S52 of the *Land Use Planning & Approval Act 1993*. It is noted that the application includes consent granted on 16 December 2021, for lodgement of a planning application for a "Motorsport complex - Lot 1 Lyell Highway, Ouse". However, based on the application information it is unclear what documents formed the basis of the provided Crown consent.

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It is further noted that the TIA, which provides the more detailed application plans, including some works and upgrades within the Crown land, is dated 28 February 2022, some months after the date of the Crown consent. It is therefore unclear if the consent provided covers the application as submitted and advertised, and therefore if the application is valid.

Further, the application for the proposed Motor Racing Facility must, but does not, satisfy cl.8.1.2 of the *Central Highlands Interim Planning Scheme 2015* (the planning scheme) in that the application materials do not provide a full description of the use and development proposed, given:

- The intensity of the proposed use is unclear:
  - The application includes a description of events having 50-100 people/cars however it is unclear if this number is intended to reflect participants or participants and spectators;
  - The TIA included with the application has assessed the traffic on the basis of 50-100 ‘guests’ although also assessing that the two car parking areas described (being estimated to be some 2.5ha in area) can accommodate 500 parking spaces.
  - The application includes a further 2.5ha (approximated) in the drivers parking and pit area, which based on the Tia assessment would presumably be able to accommodate further hundreds of car parking areas.

The application therefore does not sufficient information to demonstrate that the intensity of the use is consistent with the Zone purpose or Cl 26.3.3.

- Lack of plans describing proposed structures

The application site plans include reference to proposed toilet blocks and grandstands, however there is no detail provided on these structures and no further plans or elevations which demonstrate that the applicable development standards are met. The site plans also include a 100m<sup>2</sup> area described as ‘scrutineering bay, however there is no information on what this area is and if it intended another structure or building.

- Lack of information detailing compliance with Code standards

- The plans include notation to the effect that one parking area is to be sealed as a ‘gravel and cement wash base’, the same notation applies to the upgrade to the Crown access and the new access to the two parking areas. There is however no information provided on the construction method for the second parking area (approx. 1ha), the drivers parking and pit area (approx. 2.5ha) or other accesses between the crown access and the driver’s area, and between the drivers’ area and the burnout pad, or off the other end of the burnout pad or the pedestrian areas and walkways.

The full extent of paved and or gravel surfaces is therefore unclear, and therefore there is no information as to how the application will comply with the applicable development standards of either the Parking and Access Code or the Stormwater Management Code.

- Under E1.3 Bushfire-Prone Areas Code, a Hazardous Use includes:

*the amount of hazardous chemicals used, handled, generated or stored on a site exceeds the manifest quantity as specified in the Work Health and Safety Regulations 2012*

Given the number of vehicles and the unspecified extent of portable refuelling which would be associated with the application, it is considered that the amounts of fuel used and handled may exceed the manifest quantities and therefore meet this definition.

There is no bushfire assessment which accompanies the application and no information to demonstrate that the Code does not apply.

- The application does not demonstrate it complies with Cl 26.3.3 P1 as a discretionary use which must not conflict with adjoining land, or fetter agricultural use on the site or adjoining land, given:
  - The surrounding area contains rural properties which contain existing residential uses as well as grazing land which characterises the area
  - The footprint of the proposed development and activity is estimated to be 40-50% of the area of the site and therefore one which fetters the use of the site from future agricultural use.
- In addition no natural values assessment has been provided and therefore the application does not satisfy cl 8.1.3 of the planning scheme, in that it does not include sufficient information to demonstrate that Cl 26.4.3 can be met.

## NOISE

Parts of the proposed activity related to the motorsport are within 500m of nearby dwellings and therefore do not comply with the requirements of the *Environmental Management & Pollutions Control (Noise) Regulations 2016*. The hours proposed for events also extend beyond the permitted house of Schedule 1 of the Noise Regulations. The application provides no acoustic assessment to demonstrate the impacts of the proposed activity and how the requirements of the Noise Regulations can be met.

The State Planning Provisions include a 3km attenuation area for Motor Racing Facilities. There are 6 properties containing dwellings which are located within 3km of the application. The application may therefore result in an unreasonable loss of amenity of existing properties adjacent to the site.

## IMPACT OF NATURAL VALUES

The application does not comply with Cl 26.4.3 in that it does not comply with A1 and does not demonstrate that P1 is met given the development is not located in an area clear of native vegetation, or that the extent of clearing has been minimised.

## THREATENED VEGETATION COMMUNITY IMPACT

Further it is noted that the area proposed as the drivers parking and pit area, an area of some 2.5ha, includes an area mapped as containing between 8000-9000m<sup>2</sup> threatened vegetation community *Eucalyptus viminalis* wet forest, as well as a water body.

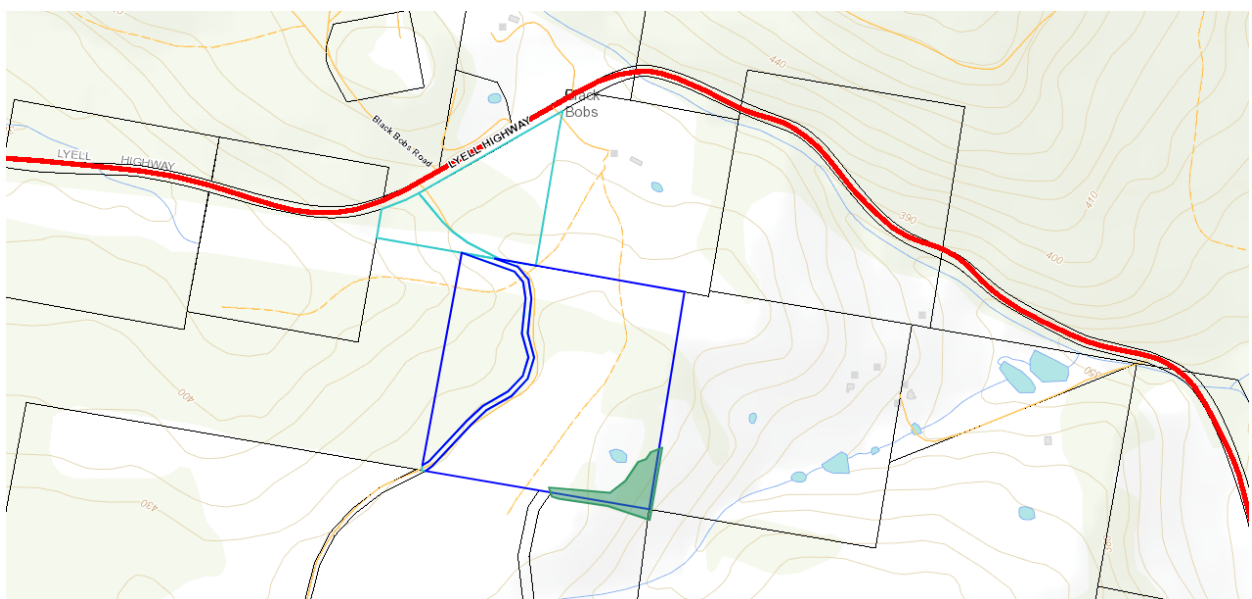


Figure 3: Location of *Eucalyptus viminalis* wet forest community (green), including topographic and cadastre from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania

It would appear from the plans that this community would be fully impacted by the development proposed.



## THREATENED SPECIES IMPACT - WEDGE-TAILED EAGLE

The Wedge-tailed Eagle is listed as endangered in both the State *Threatened Species Protection Act 1995*, and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The subject site is located in close proximity to significant areas of medium to high potential nesting habitat for the Tasmanian Wedge-tailed Eagle (*Aquila audax subsp. Fleayi*) as described in figure 4 below.

Further as detailed in figure 4, there are five known mapped nest sites within 3km of the site identified on the available mapping from ListMap, the nearest of these known nest sites is within 1km.

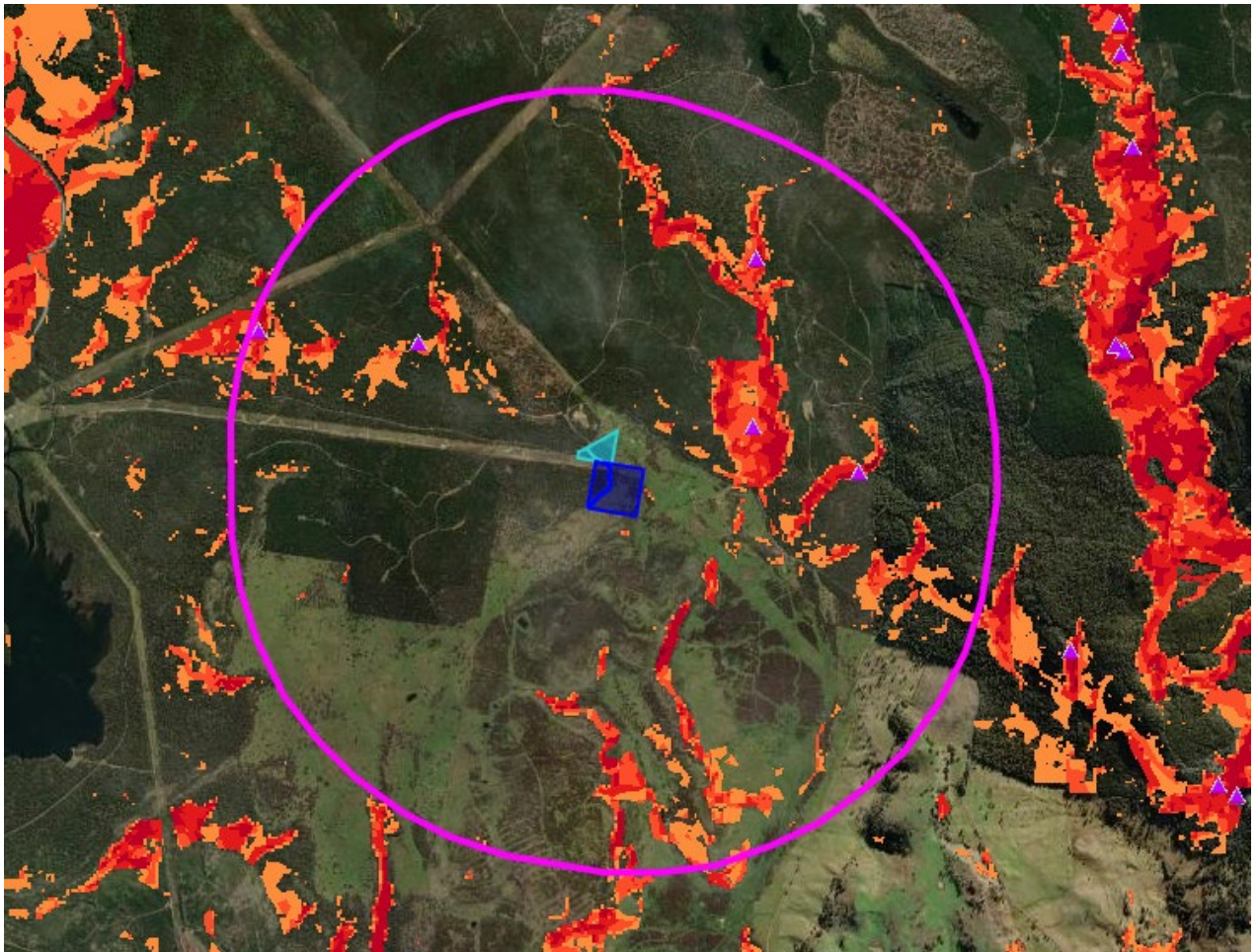


Figure 4: 3km range from site, with ESRI imagery, raptor nests & Wedge-tailed Eagle nesting habitat Elevation Model (4-8) from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania

The main breeding season is July through to January however, can extend to February or March when young birds are fully fledged. Disturbance during nesting can cause nests to be deserted resulting on egg or chick deaths, and potential desertion of nest sites for some years. Visible people and noisy activities are known disturbances and when disturbances occur intermittently after nesting has started, they can be less tolerated than ongoing activity occurring before nesting starts.<sup>1</sup>

The application proposes a form of activity which would be likely to be highly impacting given the numbers of people, the noise and activity associated with the use, and the regular monthly event timetable through the year.

<sup>1</sup> Threatened Species Section (2022). *Aquila audax subsp. fleayi* (Tasmanian Wedge-tailed Eagle): Species Management Profile for Tasmania's Threatened Species Link. [www.threatenedspecieslink.tas.gov.au/Pages/Wedge-tailed-Eagle.aspx](http://www.threatenedspecieslink.tas.gov.au/Pages/Wedge-tailed-Eagle.aspx). Department of Primary Industries, Parks, Water and Environment, Tasmania. Accessed on 31/3/2022



On the basis of the above it is considered that the activity should be referred for assessment under the EPBC given its potential to significantly impact upon nesting habitat in the area.

If there are any queries in relation to the above or you wish to discuss any of the detail, please contact our office on 03 6234 9281 or email me at jacqui@ireneinc.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jacqui Blowfield', written in a cursive style.

Jacqui Blowfield  
SENIOR PLANNER  
IRENEINC PLANNING & URBAN DESIGN



The General Manager  
Ms Lyn Eyles  
Central Highlands Council  
development@centralhighlands.tas.gov.au

Dear Ms Eyles,

**RE – Development application DA 2021 / 00061 – 8735 Lyell Highway, Ouse**

This submission is an objection to the above development application. I am the user of a property in the Black Bobs area for both recreational and residential purposes.

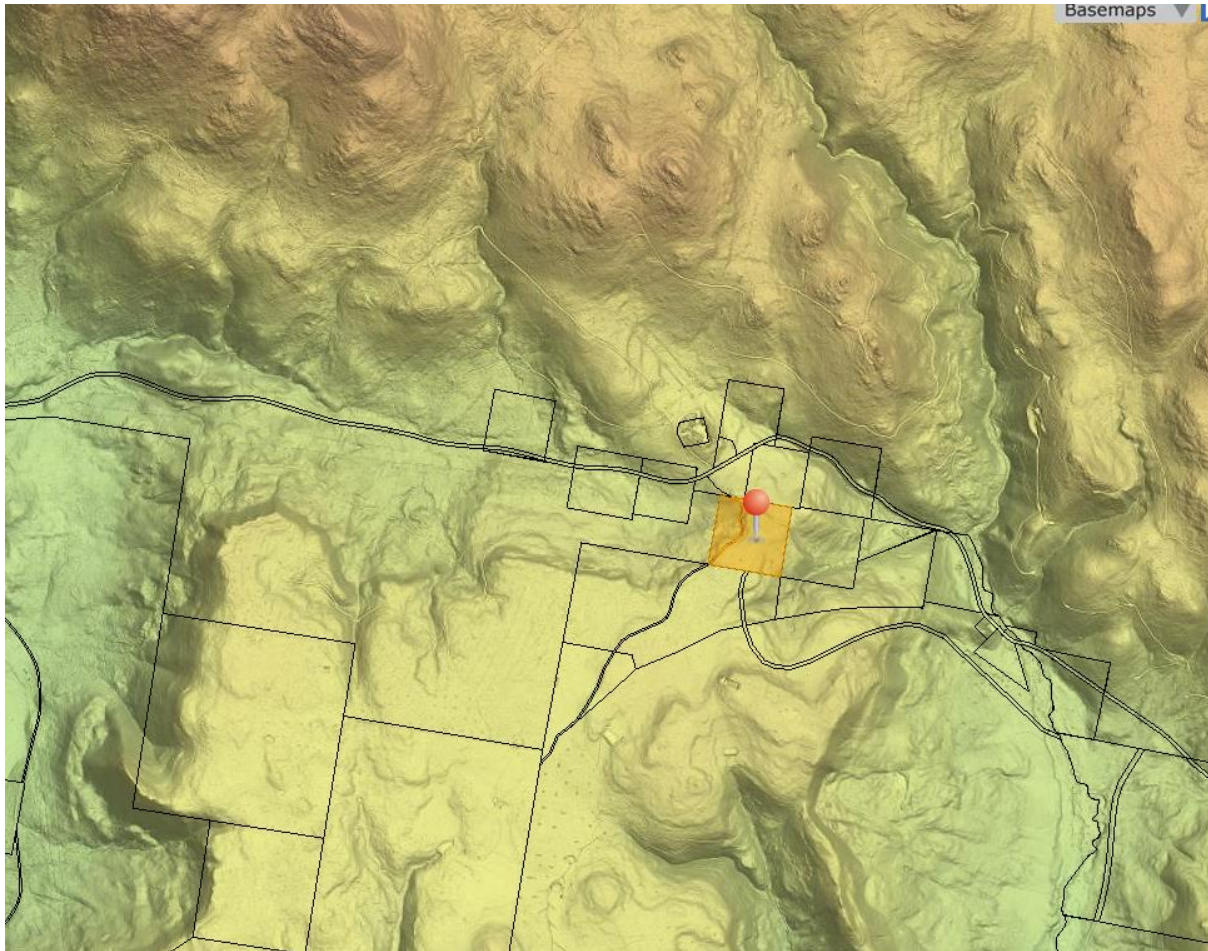
It is difficult to submit a detailed submission due to the lack of particulars provided on the application. Accordingly, if the matter is returned to the applicant to request further information I request that I am given the opportunity to expand on this submission.

The reasons for my objection are numbered below.

1. Central Highlands Planning Scheme 26.3.3 - Discretionary

P1(a) the application does not meet characteristics of the area due to:

- Black Bobs area is mainly residential and grazing land
- The proposed development area is in a valley therefore sound from the motor racing facility would echo through the valley, significantly impacting the existing residents and amenity of the area. This may be more prominent in colder months. An acoustic/sound assessment should be sought in this regard.



**Map P1(a) – Black Bobs area showing elevations including valleys. Source: LIST map.**

**A more appropriate location for this type of development would be in an open area (not a valley) with heavily vegetated buffer surrounding the motor racing.**

P1(b) This type of development would remove the opportunity for both residential and grazing use on a parcel of land that is similar size (15ha) to nearby neighbouring properties in the Black Bobs community (see also E9.7.2). There are 15 properties that make up this community with 9 of those currently being used for residential and/or grazing purposes. **The proposed development and use are completely out-of-character for this community.** In the map in P1(a) above the cluster of smaller properties that make up the community is shown.

P1(c) The setback is proposed to be 500m to existing residences. It is within this distance to the residence at number Highway. Further, this does not take into consideration the future potential of residential and grazing development to undeveloped properties to the south. The vegetation surrounding the proposed development is sparse and is believed to not be sufficient to suppress or buffer the noise from the motor racing facility. The valley and cold dense air in the area would keep sound in the valley and would echo off

surrounding mountains exacerbating the noise and amenity for the existing residential use in the community. Refer to P1(a).

P1(d) Refer to P1(a), (b) and (c). The development is only around 300 metres from the northern boundary of the property 'Cooma' which is currently used for sheep and cattle grazing.

2. Central Highland Planning Scheme E9.0 Attenuation Code

The application fails to address how it complies with E9.6 Use Standards – use with potential to cause environmental harm:

P1 (a) the operational characteristics of the development (ie a facility for performing burnouts) does not correspond with the general amenity of the area which is made up of residential and farming land.

P1 (b) the scale and intensity of the development is difficult to determine as the proposed number of users of the facility is given as 50 to 100, yet parking is provided for 500 cars. This will result in a mass increase in the number of users of the local area; an area which is ordinarily occupied by perhaps 12-15 people over a number of properties. Does the 50 to 100 people include the personnel required to run the operation? Does it include participants as well or is it just 'spectators'? Such questions raise issues regarding the intensity of the proposal.

P1 (c) the fire risk for the area will significantly increase during times of operation of the proposed activity. Operating a vehicle to the point that the tyres blow out causes significant emissions of heat from various sections of the vehicle including the rubber tyres. Hot, exploding rubber being thrown into the air will significantly increase bush fire risk. The area contains significant areas of forest, scrub and areas of grasslands that due to their remote location and limited use may not always be kept maintained/slashed. Particulates from the tyres as they are 'burntout' will be added to the surrounding atmosphere. Air pollutants such as carbon monoxide, nitrogen oxides, particulate matter, volatile organic compounds and benzene are all emitted into the environment by motor vehicles which will be significantly increased during times of operation of the facility.

P1 (d) Any hours of operation and frequency of use should be listed as a condition if the application is approved. The breeding seasons of engaged species identified in the area (see point 3 below) should be addressed accordingly. Note the operation of motor vehicles for a purpose other than moving in and out of residential premises is prohibited after 6pm on Saturdays, Sundays and public holidays – refer to *Environmental Management and Pollution Control (Noise) Regulations 2016* Regulation 6. This suggests the proposed hours are in contravention of this legislation.

P1 (e) and (f) light, noise and odour impacts – see P1(c) above. Further, the proposed development area is in a valley and in particular during colder months sound from the motor racing facility would echo through the valley, significantly impacting the existing residents and amenity of the area. An

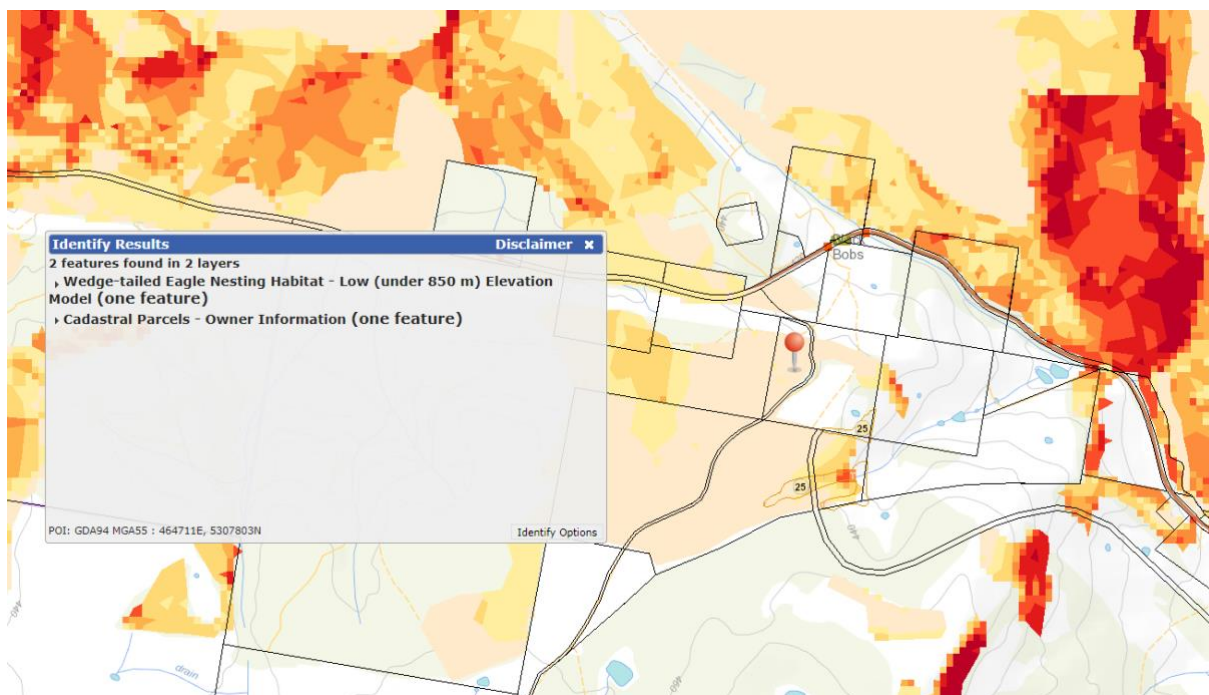


#### Representation 4

acoustic assessment should be sought in this regard. It is unclear if the development includes any lighting, but given the proposed hours of operation, it is assumed that this will be a requirement. Accordingly, an assessment regarding the impact of light pollution on surrounding residences and farming land should be obtained. Only natural lighting is currently available in the area; there are no street lights or similar.

P1 (g) Measures to eliminate, mitigate or manage emissions – the application fails to address such criteria. Consideration should be given to the noise standards in the Environmental Management and Pollution Control (Noise) Regulations 2016.

3. There are threatened species in this area. I have observed wedge-tailed eagles at an adjacent property in recent times. The shading in the map below shows the likelihood of wedge-tailed eagle nests in the area. Council should request that the applicant obtains a report from a suitably qualified professional to determine the impact on the eagles and any other threatened species. A vast increase in people and of course significant increases in noisy activities will disturb the species and will be particularly concerning during breeding/nesting season. This may result in death of the species by abandoning eggs/nests which may further endanger the species.



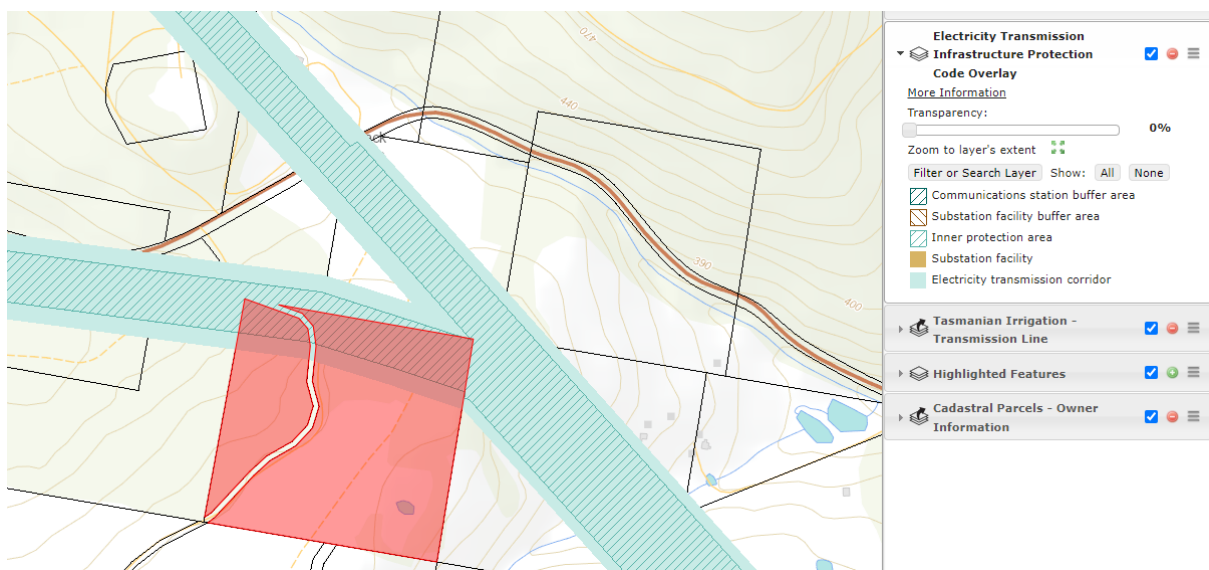
4. The development will impact on nature values such as eucalyptus vegetation which is on the land. Again, a report from a suitably qualified professional should be sought to determine the impact on threatened vegetation.
5. Very little information is provided regarding bush fire management. A Bushfire Management Report should be provided to Council for consideration. The Bush Fire Attack level is required to then determine the scope of any development and to develop any emergency management policies and

procedures. Such reports usually provide that water supplies are required for fire fighting; no water storage is noted on the included plans in the DA. Given that the proposed activities will introduce fire hazards it is critical that sound policies and procedures are in place before any development is considered. It is assumed that fuels and oils will be at least temporarily, if not, permanently stored on the site. There is no mention as to the type of materials to be used for the structures such as grandstands – will they consist of any timbers or similar combustible materials?

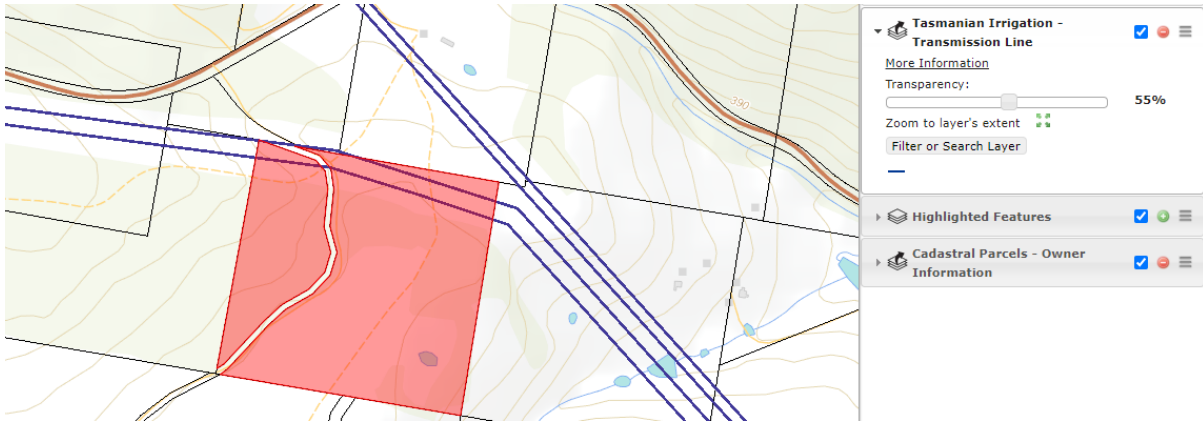
6. No environmental assessment was included with the development application. Such assessment will outline the requirements for disposal of sewage to ensure that it does not affect adjoining properties. The design of the sewage system is an assessable item at the DA stage.
7. The lack of a business case and failure to provide a clear intent of use is of concern. The commentary provided in the application refers to 'we' yet only one person is listed as the applicant. It is not clear if there is a committee, corporation or other entity behind or involved in the proposed activity. This leads to such questions as:
  - How is the proposed activity funded?
  - Will a fee be charged to attend? If so, will it be operated on a for-profit basis or are proceeds being offered to the community/a charity?
  - How will the operator enforce the suggested capacity limits and do these numbers include staff/personnel?
  - Will it operate with appropriate insurances such as personal injury, public liability etc?
  - Will signage on Lyell Highway be erected? This may constitute a separate application.
  - If approved, how will Council enforce the proposed times of operation?
  - Consideration should be given regarding the use of the facility for a 'public event' compared to when it may be used for private use. Any 'use' should be consistent with the suggested hours of operation
  - If 50 to 100 people/cars are expected, why is parking proposed for 500 vehicles?
  - Will food and drink/alcohol be served or available for purchase at the facility? If so, is it the intention of the applicant to apply to Council for appropriate permits?
  - It is anticipated that users of the site will stay/camp overnight after an event at the facility. This will continue the impact on neighbouring properties past the proposed operational hours
  - Does the applicant or any proposed users of the site hold membership in a motor racing accreditation body? Generally, a Motorsport Australia General Officials Licence or similar would be required to conduct such activities at a professional level.
  - Will electricity be connected to the site?
  - What safety barriers, if any, are required around the 'burnout' pad to reduce the chance of injury to spectators and therefore reduce potential impact on emergency services?
  - Will the proposed structures including concrete pad require a Building Application?
  - Are there any emergency evacuation plans?
  - Will the site have adequate security measures in place for when the facility is not in use to prevent unauthorised access/use of the facility?
  - Will security guards be engaged during events?
8. The above questions seek to determine that the proposed activity is being offered at a professional level, which is what the applicant seems to suggest when he refers to adding value to the local

community. Council needs to be satisfied that the activity is of value to the community.

9. The applicant makes a false representation in the commentary by referring to 'a block of land we have purchased'. The title to the property which is included in the application shows that the owners of the property are Stephen Brian Knight and Peter Andrew Knight; neither are the applicant.
10. The remote location of the site means it has limited access to emergency services. Given the nature of the proposed activity, there will be an increased likelihood for police to attend if there is a disturbance, for ambulance to attend to an injury or fire brigade in case of fire, than the current demand.
11. The area of the development is a very peaceful community which is used by residents and visitors predominately for its relaxed environment. The introduction of such an activity will radically transform the character of the area. It may impact land values which are already low compared to other areas of the LGA and indeed greater Tasmania. It may also introduce people of poor character to the area which may impose a security risk to residents and land owners if any anti-social behaviour is evident. The proposed activity is an illegal activity when it is conducted on a public road and tends to be performed by those that have an ignorance to the law.
12. Further information is also required regarding any odours that will be generated from the proposed activity. Smells such as burning rubber will impact neighbouring properties and have affect on residences and livestock.
13. The application makes no mention regarding the disposal of waste generated on site such as garbage and blown tyres.
14. There are overhead transmission (electricity) lines on the property of the proposal. They are not marked on the plans therefore any distance and potential is not addressed. The figure below shows the electricity transmission corridor on the property. Information from Tas Networks should be sought in this regard. It appears the proposed access road passes through/under this zoning.



**Above: Green areas show electricity transmission corridor on the property. Source: LIST map**



**Above: Blue lines show electricity transmission lines on the property. Source: LIST map**

In summary, the proposal is in conflict with the general amenity of the area which is made up of residential and farming land. Introducing such a facility will impact the peaceful character of the area and have natural environmental impacts as outlined above. It will reduce the potential for or even prevent further suitable development in the area such as hobby farms, residential and grazing. I feel the development is far suited to an area outside the applicable attenuation zones and where there is less risk to other users in terms of fire hazard, less impact on community members such as noise and pollution and where there will be reduced effect on natural values such as vegetation and wildlife including endangered species. It should be suggested to the applicant that a more appropriate location for this type of development would be in an open area (not a valley) with heavily vegetated buffer surrounding the motor racing.

For the reasons explained above, Council should reject the development application. If Council sees fit to approve the application, consideration should be given to conditions such as frequency of use, hours of operation and to the environmental concerns highlighted above.

I welcome any questions you may have in respect to my submission and can expand further at a planning committee meeting if I am given the opportunity.

Yours sincerely,

[Redacted signature]

2022-04-04