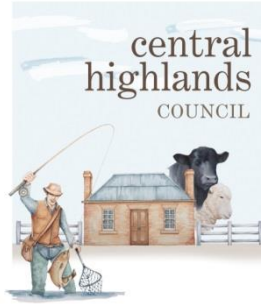




# **PLANNING COMMITTEE MEETING**

## **AGENDA**

**Tuesday 5<sup>th</sup> April 2022**



## NOTICE OF MEETING

**Council Representatives:**

Clr Allwright (Chairperson); Mayor Triffitt, Clr Cassidy &  
Clr Bailey (Clr Archer – Proxy)

Dear Councillors,

Notice is hereby given that the next Planning Committee Meeting will be held at the Bothwell Town Hall, 19 Alexander Street, Bothwell at 9.30 a.m. on Tuesday, 5<sup>th</sup> April 2022, to discuss business as printed below.

I certify that the contents of the reports have been provided in accordance with section 65 of the Local Government Act 1993.

Lyn Eyles  
**GENERAL MANAGER**

# PLANNING COMMITTEE AGENDA

## 1.0 PRESENT

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## 2.0 APOLOGIES

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## 3.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

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## 4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 9<sup>th</sup> November 2021 to be confirmed.

*Carried*

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## 5.0 QUESTION TIME & DEPUTATIONS

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### 6.0 DA2022/04 : SUBDIVISION (1 LOT & BALANCE) : 18 PATRICK STREET, BOTHWELL

#### **Report by**

Louisa Brown (Planning Officer)

#### **Applicant**

T N Woolford & Associates

#### **Owner**

M Gordon & S Noonan

#### **Discretions**

16.5.1 A2 (b) Development Standards Subdivision (Village Zone)  
E13.8.3 A1 & A2 Subdivision in Heritage Precinct

#### **Proposal**

The proposal is to subdivide a 1000m<sup>2</sup> lot off the existing garden to the rear of 18 Patrick Street, Bothwell (the General Store). Certificate of Title 23244/8 is currently 2120m<sup>2</sup>, therefore the balance of the lot will be 1120m<sup>2</sup>.

The existing property access from William Street will remain to serve the Balance Lot (the General Store) and a new access for the proposed Lot 1 will be created from William Street.

A sewer line runs parallel to the eastern boundary through the Balance Lot (General Store) and cuts diagonally across the south east corner of the proposed Lot1.

An existing stone building (Barn) is located in the south west corner of the property and will be within the proposed Lot 1. This building may require some remediation, as a large crack to the north facing gable can be seen from the street. The building is prominent within the street scene. Stone from the White Hart which burnt down in 1936, was used to construct the Barn.

A large tree is located within the property, to the rear of the stone building within the south west corner of the site. The tree is prominent from Patrick Street and William Street.

The property is located within the Bothwell Heritage Precinct.

An existing drainage easement (open earth drain) is situated to the southern property boundary. The rights of drainage to the easement is within the schedule of easements within the certificate of title document.

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.7.2 of the Central Highlands Interim Planning Scheme 2015.

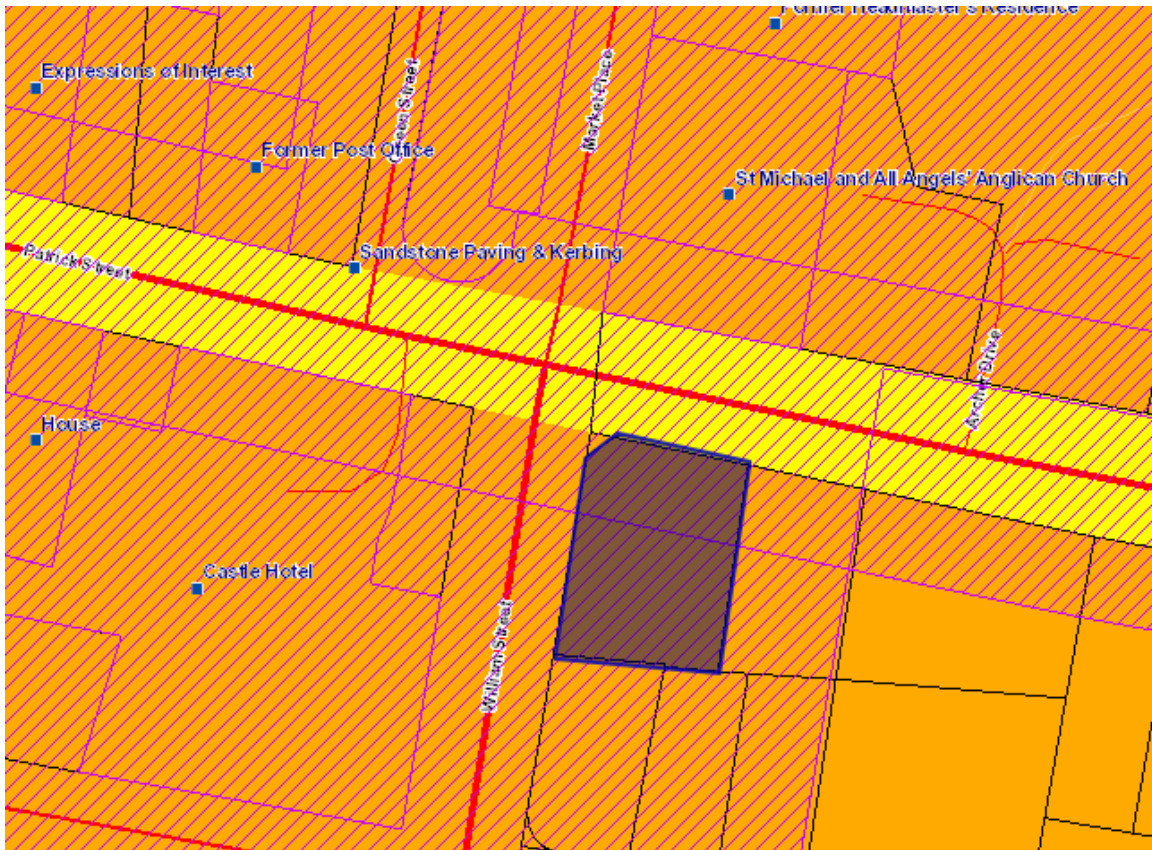
The proposal is also discretionary owing to the Heritage Precinct Overlay, as subdivision discretionary within this Code. The proposal is assessed against the subdivision standards for the Village Zone to section 16.0 and the Heritage Code pursuant of the Central Highlands Interim Planning Scheme 2015.

### **Subject Site and Locality**

The property is located on the corner of Patrick and William Street and includes the General Store and a dwelling. Access to the General Store is via Patrick Street. A driveway to the side of the property allows for car parking for the dwelling and an additional access to the rear of the property exists from William Street.

Patrick Street is the main street of Bothwell and is characterised by historic and modern mixed use development. The property is prominent within the street scene.

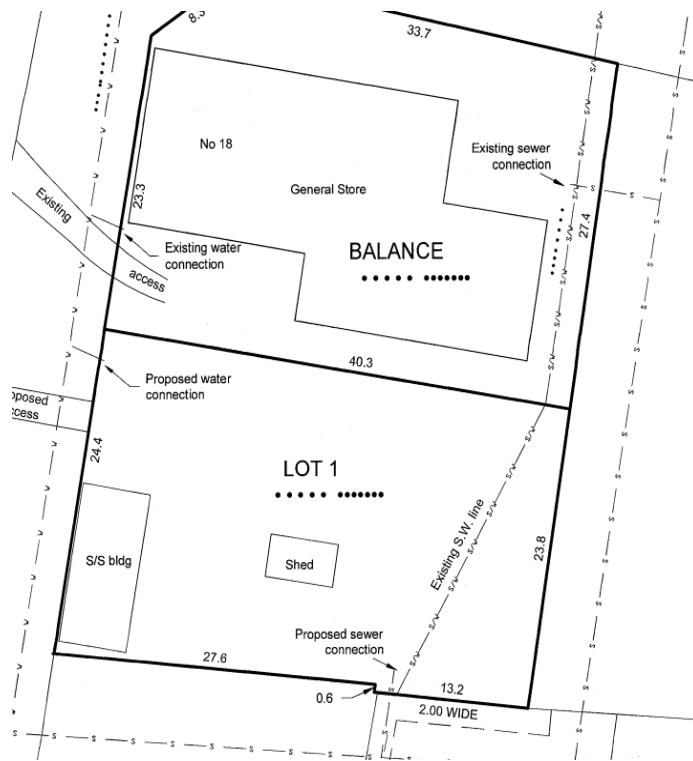
Lot sizes in the close proximity to the property, vary from 3,000m<sup>2</sup> to 1,000m<sup>2</sup>. The majority of properties are zoned Village and are within the Heritage Precinct.



Map 1\_ The subject land and surrounding properties on Patrick Street are in the Village Zone (orange). Patrick Street (Yellow) is identified as a Utility. The Bothwell Heritage Precinct Code Overlay is shown as the purple hatched area. The subject title is marked with a blue. Source: theLIST



Map 2 \_ Aerial image of the subject land and surrounding area, with the approximate boundaries marked in blue. Source: theLIST



Drawing 1. Proposed plan of Subdivision, 18 Patrick Street

**Exemptions**

Nil

**Special Provisions**

Nil

**Use standards**

There are no applicable use standards for subdivision.

**ASSESSMENT - THE CENTRAL HIGHLANDS INTERIM PLANNING SCHEME 2015**

**16.0 Village Zone**

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

**16.5 Development Standards – Subdivision**

**16.5.1 Lot Design**

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for development, consistent with the Zone Purpose, located to avoid hazards and values;
- (c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;
- (d) are not internal lots, except if the only reasonable way to provide for efficient use of land;

(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>Officer Comment</b>
<p>A1</p> <p>The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) no less than 1,000 m2.</p>	<p>P1</p> <p>No Performance Criteria.</p>	<p>The proposal is for 1 lot plus balance, of which both lot sizes meet the minimum size of 1000 m2.</p> <p>The Acceptable Solution A1 (a) is met.</p>
<p>A2</p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p>The property is within the Heritage Precinct Code, therefore the proposal must be assessed against the Performance Criteria P2.</p> <p>(a) Performance Criteria is met, the proposed lot 1 is 1000m<sup>2</sup> and is capable of accommodating a dwelling.</p> <p>(b) Performance Criteria is met, the proposed lot 1 meets the Applicable Standards of the Historic Heritage Code.</p> <p>(c) Performance Criteria is met, the proposed Lot 1 is a level lot, is orientated north-south parallel to the street, will not be overshadowed by adjacent properties and will therefore have good solar access.</p> <p>(d) Performance Criteria is met, earthworks, fill and excavation will be minimal as the property is level.</p> <p>(e) Performance Criteria is met, the size of the lot will provide opportunity for on site car parking and manoeuvring. There is adequate opportunity to provide private open space on Lot 1. The balance lot also has adequate private open space.</p>
<p>A3</p> <p>The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p>P3</p> <p>The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between</p>	<p>The Acceptable Solution A3 is met, frontages for Lot 1 and the balance lot are greater than 15m. Lot 1 frontage is 24.4m and the balance is 33.7m</p>

	residential development on the lot and the public road, (c) is no less than 6m.	
A4 No lot is an internal lot.	<p>P4</p> <p>An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	The Acceptable Solution A4 is met, there are no internal lots.
A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	<p>P5</p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	The Acceptable Solution A5 is met.



**Development Standards - Subdivision****16.5.2 Roads**

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

- (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;
- (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The subdivision includes no new road.</p>	<p>P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</li> <li>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</li> <li>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian lanes, where appropriate, to common boundaries;</li> <li>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</li> <li>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</li> <li>(f) connectivity with the neighbourhood road network is maximised;</li> <li>(g) the travel distance between key destinations such as shops and services is minimised;</li> <li>(h) walking, cycling and the efficient movement of public transport is facilitated;</li> <li>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</li> <li>(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.</li> </ul>	<p>The Acceptable Solution A1 is met, no new roads are required.</p>

## Development Standards – Subdivision

### 16.5.4 Services

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 It is not necessary to connect a lot to a reticulated potable water supply.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution A1.</i>  <i>The application was referred to TasWater who have provided a Submission to Planning Authority Notice (SPAN).</i>
A2 Each lot must be connected to a reticulated sewerage system where available.	P2 Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution A2.</i>  <i>The application was referred to TasWater who have provided a Submission to Planning Authority Notice (SPAN).</i>
A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution A3, a drainage easement is situated to the southern property boundary.</i>

## Codes

### E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- protect the safety and efficiency of the road and railway networks; and
- reduce conflicts between sensitive uses and major roads and the rail network.

The applicable standards of the Code are addressed in the following tables:

Development Standards		
E5.6.2 Road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:	<i>Acceptable Solution A1 is met.</i>

	<ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the nature of the road;</li> <li>(c) the speed limit and traffic flow of the road;</li> <li>(d) any alternative access;</li> <li>(e) the need for the access or junction;</li> <li>(f) any traffic impact assessment; and</li> <li>(g) any written advice received from the road authority.</li> </ul>	
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the nature of the road;</li> <li>(c) the speed limit and traffic flow of the road;</li> <li>(d) any alternative access to a road;</li> <li>(e) the need for the access or junction;</li> <li>(f) any traffic impact assessment; and</li> <li>(g) any written advice received from the road authority.</li> </ul>	<p><i>Complies with Acceptable Solution A2, one access to William Street is proposed for Lot 1, the existing access for the Balance Lot will remain on William Street.</i></p>

## E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development.

The location and design of the new vehicle access to Lot 1 onto William Street will comply with the relevant Acceptable Solutions of the Code and are addressed in the proposed conditions.

The number of car parking spaces and the location of car parking is relevant to future Development Applications.

## Historic Heritage Code

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

In this case the proposed subdivision is located within the Bothwell Heritage Precinct.

### E13.8 Development Standards for Heritage Precincts

#### E13.8.3 Subdivision

Objective: To ensure that subdivision within a Heritage Precinct is consistent with historic patterns of development and does not create potential for future incompatible development.

Performance Criteria	Comments
<p>P1</p> <p>Subdivision must not result in any of the following:</p> <p>(a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;</p> <p>(b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;</p> <p>(c) potential for a confused understanding of the development of the precinct;</p> <p>(d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.</p>	<p><i>It is considered that the proposed subdivision of Lot 1 of 1,000m<sup>2</sup> is in keeping with the lot sizes in the immediate vicinity of the property. The proposed subdivision is sympathetic to the heritage of the precinct.</i></p> <p><i>The proposed subdivision will enable future development that can respect the townscape qualities of the precinct and can be sympathetic to the visual amenity of the street scene.</i></p> <p><i>Future Development Applications for Lot 1 will be assessed against the Development Standards for Heritage Precincts.</i></p>
<p>P2</p> <p>Subdivision must comply with any relevant design criteria / conservation policy listed in Table E13.2.</p>	<p><i>It is considered that any Future Development for Lot 1 will be able to satisfy the design standards of table E13.2 (see below) and will be assessed against the Development Standards for Heritage Precincts.</i></p>

### **Table E13.2 Heritage Precincts**

#### **Bothwell Heritage Precinct**

Development must satisfy all of the following:

- (a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the historical heritage values of the town setting;
- (b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;
- (c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;
- (d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;
- (e) New buildings must not visually dominating neighbouring historic buildings; and
- (f) Where feasible, additions and new buildings must be confined to the rear of existing buildings.

### **Representations**

The proposal was advertised for the statutory 14 days period, from the 23 February 2022 to the 9 March 2022. No representations have been received.

## **Conclusion**

The proposal for the 1000m<sup>2</sup> single lot Subdivision at 18 Patrick Street, CT 28244/8 is assessed to comply with the applicable standards of the Village Zone and the relevant codes of the *Central Highlands interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for 14 days for public comment, no representations have been received.

It is recommended that the application be approved, subject to conditions.

## **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/4 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 22 April 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

## **Options**

The Planning Authority must determine the Development Application DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8 in accordance with one of the following options:

### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, subject to conditions in accordance with the Recommendation.

### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

### **3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

## **Recommended Conditions**

### **General**

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

### **Easements**

- 3) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

### **Endorsements**

- 4) The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.
- 5) Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

### **Services**

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

### **Stormwater**

- 7) The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's Manager Works and Services.

### **Access**

- 8) A separate vehicle access must be provided from William Street to Lot 1. Access must be sealed with a minimum width of 3.6 metres at the property boundary to meet the existing Council sealed road reserve.
- 9) The access must be constructed in accordance with the construction and sight distance standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's Manager Works and Services.

### **TasWater**

- 10) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2022/00223-CHL, dated 18/02/2022.

### **Final Plan**

- 11) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 12) A fee in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.

- 13) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey.
- 14) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

#### **Public Open Space**

- 15) As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of both subdivision lots and must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
- 16) The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

#### **Telecommunications and Electrical Reticulation**

Electrical and telecommunications services must be provided to Lot 1 in accordance with the requirements of the responsible authority and to the satisfaction of Council's Manager Works and Services.

- 17) Prior to the work being carried out a drawing of the electrical reticulation and street lighting and telecommunications reticulation and in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Manager Works and Services.

#### **Construction**

- 18) The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Works and Services before commencing construction works on-site or within a council roadway.

#### **Construction amenity**

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

Monday to Friday      7:00 AM to 6:00 PM  
Saturday              8:00 AM to 6:00 PM  
Sunday and State-wide public holidays   10:00 AM to 6:00 PM

- 20) All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
  - (b) Transport of materials, goods or commodities to or from the land.
  - (c) Appearance of any building, works or materials.
- 21) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
- 22) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

#### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.

- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- D. The proposed works are located within The Bothwell Heritage Precinct. Separate planning approval is required for any works, or development, including vegetation removal.

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**6.1 DA2022/10: REPLACEMENT WINDOWS, FENCE AND WEATHERBOARDS, DEMOLITION OUTBUILDING & REPLACEMENT OUTBUILDING (SHIPPING CONTAINER) AND CONSTRUCTION OF COVERED AREA: 4 DENNISTOUN ROAD, BOTHWELL**

**Report by**

Louisa Brown (Planning Officer)

**Applicant**

P J Rainbird

**Owner**

P J Rainbird

**Discretions**

16.4.2 Setbacks P2

E13.8.1 Demolition P1

E13.8.2 Building & Works other than Demolition P1, P2

**Proposal**

A Development Application has been submitted to Council for the following:

- Demolition of existing outbuilding & replacement with shipping container (20ft);
- Construction of covered area between existing shipping container (20ft) and proposed outbuilding (shipping container (20ft));
- Replacement of Boundary fence with aluminium picket fence;
- Replacement wooden windows of the dwelling with aluminium windows; and
- Replacement weatherboard cladding on the dwelling with colourbond.

The property currently is developed with an extended weatherboard cottage, outbuilding (wooden shed) and outbuilding (20ft shipping container).

It is proposed that the existing outbuilding (wooden shed) which is in a poor state of repair, be demolished and replaced with a 20ft shipping container. The proposed shipping container will be parallel to the existing shipping container on the property. It is also proposed as a part of this application that a covered area be constructed between the two outbuildings.

Alterations to the dwelling are proposed and include replacing the broken wooden windows with aluminium windows and the removal of the existing timber weatherboards and replacing with colourbond. It is noted that some of the existing timber boards are in a poor state of repair. The alterations are intended to insulate the house and stop drafts.

The existing steel mesh fence will also be replaced with an aluminium picket fence.



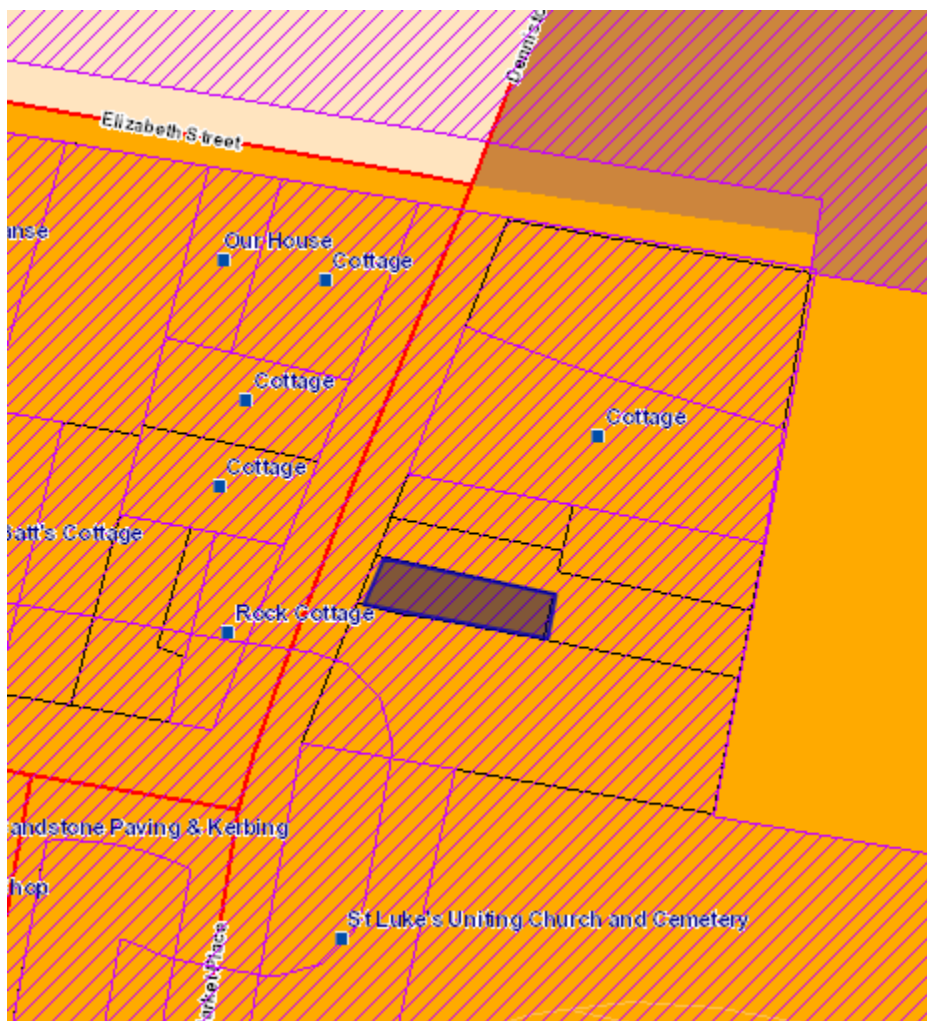
There are no easements on the property.

The proposal is discretionary owing to the side setback of the proposed replacement outbuilding being 1m from the side boundary. The property is also within the Bothwell Heritage Precinct, however the property is not on the Heritage Register.

The Development Application is assessed against the Development Standards for the Village Zone pursuant to section 16.0 of the Central Highlands Interim Planning Scheme 2015.

### **Subject site and Locality.**

The property is located on Dennistoun Road, 50m from the Market Place and the junction with Alexander Street. The property is setback from the street frontage by 1m. Several Heritage Registered Properties are located on the street, as shown on the image below. Village Zone surrounds the property, with areas of Rural Resource and Significant Agriculture located on Dennistoun Road leading north out of the town.



Map 1\_The subject property and surrounding properties on Dennistoun Road are in the Village Zone (orange). The Historic Heritage Code Overlay is shown as purple hatched area. The subject title is marked in blue line. Source: theLIST



Map 2 \_ Aerial image of the subject property and surrounding area, with the approximate boundaries marked in blue. Source: theLIST



Image 1. The subject property – 4 Dennistoun Road, Bothwell

**Exemptions**

Nil

**Special Provisions**

Nil

**Use standards**

There are no applicable Use Standards.

## **Development standards for Buildings & Works**

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

### **16.0 Village Zone**

#### **16.1 Zone Purpose**

##### **16.1.1 Zone Purpose Statements**

16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

16.1.1.2 To provide for residential and associated development in small communities.

16.1.1.3 To ensure development is accessible by walking and cycling.

16.1.1.4 To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services.

16.1.1.5 To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage.

16.1.1.6 To provide for the efficient utilisation of existing reticulated services in the serviced villages of Bothwell, Hamilton, Ouse, Gretna, Derwent Bridge, Ellendale, Tarraleah, Bronty Park, Waddamana and Wayatinah.

##### **16.1.2 Local Area Objectives**

###### **Bothwell, Hamilton and Ouse**

Retain and develop the commercial and community functions that service the local community. Residential infill is encouraged however limitations to services and infrastructure will determine the appropriate degree of intensification.

###### **Implementation Strategy**

Allow for appropriate use classes and implement use and development standards suitable to the area.

##### **16.1.3 Desired Future Character Statements**

- (a) To provide for use and development where the visual values of the historic streetscape and heritage values of buildings are protected.
- (b) To provide for economic opportunity through mixed uses, particularly the re-use of the heritage buildings.
- (c) Residential development is to be largely infill to ensure there is minimal impact on surrounding rural uses and to facilitate the efficient use of infrastructure.
- (d) Ensure commercial, retail and community developments and uses are located within the town centres.

###### **Implementation Strategy**

Use and development standards.

## 16.4 Development Standards for Buildings and Works

### 16.4.1 Building Height

To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on amenity of adjoining land.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1 Building height must be no more than:</p> <p>8.5 m.</p>	<p>P1 Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p>(i) overlooking and loss of privacy;</p> <p>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact when viewed from adjoining lots, due to bulk and height;</p> <p>(c) not unreasonably overshadow adjacent public space;</p> <p>(d) allow for a transition in height between adjoining buildings, where appropriate;</p> <p>(e) be no more than 9.5 m.</p>	<p>The outbuilding meets the Acceptable Solution A1.</p>

### 16.4.2 Setback

To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of adjoining land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Building setback from frontage must be parallel to the frontage and must be:</p> <p>no less than 4.5 m</p>	<p>P1 Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p>	<p>The outbuilding meets the Acceptable Solution A1, setback to the frontage is 30m.</p>

	(c) enhance the characteristics of the site, adjoining lots and the streetscape,	
A2 Building setback from side and rear boundaries must be no less than: (a) 2 m;  (b) half the height of the wall, whichever is the greater.	P2 Building setback from side and rear boundaries must satisfy all of the following: (a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; (iii) visual impact, when viewed from adjoining lots, through building bulk and massing; taking into account aspect and slope.	Setback to the side boundary is 1m, therefore the application will be assessed against the Performance Criteria P2. The rear boundary setback is 2m, which complies with the Acceptable Solution A2.  The setback of 1m to the side boundary, is the same as the existing outbuilding which will be demolished. The height of the proposed outbuilding (shipping container) will be less than the height of the existing wooden outbuilding. There is no sufficient unreasonable adverse impacts on adjoining lots, loss of privacy, overshadowing or visual impact from the street.

#### 16.4.6 Fencing

To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along side and rear boundaries must be no more than 2.1 m.	P1 Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of the area, having regard to all of the following: (a) the height of the fence; (b) the degree of transparency of the fence; (c) the location and extent of the fence; (d) the design of the fence; (e) the fence materials and construction; (f) the nature of the use; (g) the characteristics of the site, the streetscape and the locality, including fences; (h) any Desired Future Character Statements provided for the area.	The proposal meets Performance Criteria P1. The proposed aluminium picket fence will replace the existing metal mesh fence and will positively contribute to the streetscape and reinforce the heritage characteristics of the town. The fence will allow for a degree of transparency.  The Fence is Conditioned below.

## Codes

### Historic Heritage Code

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

In this case the proposed development is located within the Bothwell Heritage Precinct.

<b>E13.0 Historic Heritage Code</b>		
<b>E13.8 Development Standards for Heritage Precincts</b>		
<b>E13.8.1 Demolition</b>		
Objective: To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.		
Acceptable Solution	Performance Criteria	Comments
No Acceptable Solution.	P1 Demolition must not result in the loss of any of the following: (a) buildings or works that contribute to the historic cultural heritage significance of the precinct; (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct; unless all of the following apply; (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; (ii) there are no prudent or feasible alternatives; (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.	Outbuilding - Performance Criteria P1 is met.  The existing outbuilding is constructed from timber, is in a poor state of repair and is relatively modern. The demolition of the existing outbuilding will not have a detrimental impact on the heritage value of the street or the precinct.

<b>E.13.8.2 – Building and Works other than Demolition</b>		
To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.		
Acceptable Solutions	Performance Criteria	Comments
A1 No Acceptable Solution	<b>P1</b> Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.	Outbuilding - Performance Criteria P1 is met. The replaced outbuilding with the proposed 20 ft shipping container will be 30m set back from the street frontage. The container will be painted a uniform colour that is sympathetic to the precinct and

		<p>to the satisfaction of the Council's Planning Officer, therefore no loss of heritage significance will result.</p> <p>The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 of the Bothwell Heritage Precinct. These are considered to be unsympathetic to the heritage significance of the streetscape and the character of the town. In particular the proposed colourbond cladding is not a finish which is consistent with the historical heritage values of the town.</p> <p>Therefore, the replacement of the windows and weatherboards is not approved as proposed. Condition 4 below states that a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager prior to any commencement of works.</p>
A2 No Acceptable Solution	P2 Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.	<p>Outbuilding - Performance Criteria P2 is met. The location of the outbuilding will not be visible from the street, views to historic buildings will not be interrupted and finishes will be sympathetic to the precinct.</p> <p>The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 of the Bothwell Heritage Precinct. The replacement of the windows and weatherboards is not approved as proposed. Condition 4 below states that a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager prior to any commencement of works.</p>
A3 No Acceptable Solution	P3 Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.	Not applicable.

<p><b>A4</b> New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.</p>	<p><b>P4</b> New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.</p>	<p>Performance Criteria P4 is met, the replacement picket fence will be more sympathetic in design than the existing metal mesh fence.</p> <p>The fence is Conditioned below.</p>
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**Table E13.2 Heritage Precincts**

**Bothwell Heritage Precinct**

Development must satisfy all of the following:

- (a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the historical heritage values of the town setting;
- (b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;
- (c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;
- (d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;
- (e) New buildings must not visually dominating neighbouring historic buildings; and
- (f) Where feasible, additions and new buildings must be confined to the rear of existing buildings.

The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 (a), (b), (c) and (d) of the Bothwell Heritage Precinct. These are considered to be unsympathetic to the heritage significance of the streetscape and the character of the town. In particular the proposed colourbond cladding is not a finish which is consistent with the historical heritage values of the town. Therefore, the replacement of the windows and weatherboards is not approved as proposed.

**Representations**

The proposal was advertised for the statutory 14 days period, from 3<sup>rd</sup> March 2022 to 18 March 2022, during which time one (1) representation was received.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>My objection to this application is in the use of Colourbond Cladding replacing the original weatherboards and aluminium windows replacing the timber sash windows.</p> <p>I am concerned that the proposed alterations to this property will permanently and negatively alter the historic building's character and style. Given the fact that it is surrounded by heritage listed buildings in the immediate vicinity (1-3, 5, 7, 8-10 Dennistoun Road),</p>	<p><i>All properties on this section of Dennistoun Road are within the Heritage Precinct, number 4 Dennistoun Road is not on the Heritage Register. Council notes that there are 5 Heritage listed properties within the street that are on the Heritage Register.</i></p> <p><i>Table E13.2 Bothwell Heritage precinct provides development standards for development in the precinct. Section (b) of the standards seeks that additions and adaptations to existing dwellings in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town. It is</i></p>



<p>this would potentially devalue the heritage values of these listed buildings and the historic streetscape.</p> <p>Surely it is in Council's interest to see these charming old buildings faithfully restored and cared for, particularly the street frontages.</p> <p>Unfortunately, these objections probably do not relate back to any planning codes the council currently has in relation to non-heritage buildings – perhaps if this is the case we need to consider changes to the planning rules before the charm and character of this historic village is further degraded.</p>	<p><i>noted that a dwelling at 12 Dennistoun Road has colourbond as cladding to one elevation, which is uniform in colour to the dwelling.</i></p> <p><i>It is the responsibility of the property owner to maintain and repair their properties within their financial means. Colourbond cladding and aluminium windows are an affordable option for renovation.</i></p> <p><i>However, the replacement of the windows and weatherboards is not approved as proposed. Proposed Condition 4 below states that prior to commencement of works a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager. The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.</i></p>
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## **Conclusion**

The proposal for the following at 4 Dennistoun Road;

- Demolition of existing outbuilding & replacement with shipping container (20ft);
- Construction of covered area between existing shipping container (20ft) and proposed outbuilding (shipping container (20ft));
- Replacement of Boundary fence with aluminium picket fence;
- Replacement wooden windows to dwelling with aluminium windows; and
- Replacement weatherboards to dwelling with colourbond;

The proposal has been assessed to comply with the applicable standards of the Village Zone and the relevant codes of the *Central Highlands interim Planning Scheme 2015* as outlined in the body of this report. However, the replacement of the windows and weatherboards is not approved as proposed.

The proposal was advertised for public comment, during which time one (1) representation was received. This representation was concerned that the replacement of the wooden windows with aluminium windows and replacing the weatherboards with Colourbond, could negatively alter the historic building's character and style and that these changes could also affect the Historic Character of the town. Having considered this concern together with the requirements of the Historic Heritage Code, the replacement of the windows and weatherboards is not approved as proposed. Proposed Condition 4 below states that prior to commencement of works a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager. The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.

It is recommended that the application be approved, subject to conditions.

## **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/10 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 22 April 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell in accordance with one of the following options:

#### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, subject to conditions in accordance with the Recommendation.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

#### **3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

### **Recommended Conditions**

#### **General**

- 1) The use or development must be carried out substantially in accordance with the application for planning approval the endorsed drawings (except where modified by conditions below), and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

#### **Heritage**

- 3) The replacement of the windows and weatherboards is not approved as proposed. Prior to commencement of works a report prepared by a suitably qualified person with heritage

expertise, must be submitted to the satisfaction of Council's General Manager and will form part of this Permit once approved.

- 4) The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.

#### **Approved Use**

- 5) The outbuilding is approved as ancillary to the Residential use only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

#### **Front Fence**

- 6) Front fences must comply with all of the following:
  - (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;
  - (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;
  - (c) fences and gates must be sympathetic in design, (including height, form, scale and materials) to the style, period and characteristics of the precinct.

#### **Amenity**

- 7) The external metal building surfaces of the outbuilding (shipping container) and covered area must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's Planning Officer.

#### **Services**

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

#### **Stormwater**

- 9) Drainage from the proposed development must be retained on site or drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

#### **Construction Amenity**

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

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.
- 11) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
  - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b. The transportation of materials, goods and commodities to and from the land.
  - c. Obstruction of any public footway or highway.
  - d. Appearance of any building, works or materials.
  - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 12) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 13) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

**The following advice applies to this permit:**

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: Director's Determination - Categories of Building and Demolition Work (PDF, 504.4 KB) or for Low Risk Building Work information go to: Consumer Guide to Low Risk Building and Plumbing Work.
- C. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

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**6.2 DA2022/01: VISITOR ACCOMMODATION (3 UNITS): 1 CRAMPS BAY ESPLANADE, CRAMPS BAY**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

CBM Sustainable Design Pty Ltd

**Owner**

Simco (Tas) Pty Ltd

**Discretions**

Low Density Residential Zone – 12.3.2 Visitor accommodation

**Proposal**

The proposal is for development of three (3) Visitor accommodation units on a vacant property in Cramps Bay.

The land is located on the south eastern side of the intersection between Cramps Bay Road and Cramps Bay Esplanade and has frontage to both roads.

Under the proposal the land will be developed as follows:

- Construction of three (3) identical Visitor accommodation units, each containing 2 bedrooms, 2 bathrooms and open plan kitchen, dining and living space with a deck on the western elevation and solar panels on the roof;
- A new, gravel shared vehicle access driveway from Cramps Bay Road and two (2) parking spaces for each unit;
- A 19m<sup>2</sup> storage shed; and
- A wastewater treatment system.

The Visitor accommodation will have a maximum occupancy of twelve (12) guests at any time.

A new access driveway will be constructed from Cramps Bay Road to serve the development. The driveway and parking areas will be finished in local gravel, similar to roads in the area. The access will be required to be constructed to Council standard.

The proposed wastewater system has been designed by a suitably qualified agent. The system includes onsite greywater treatment in a septic tank and then disposal by onsite irrigation. Due to the challenging terrain, black water (sewerage) will be pumped to a single containment tank which will then be pumped out by a contractor on a regular basis. The tank is designed to have capacity for 1 month in peak occupancy. Each unit will also have a fresh water tank for water supply.

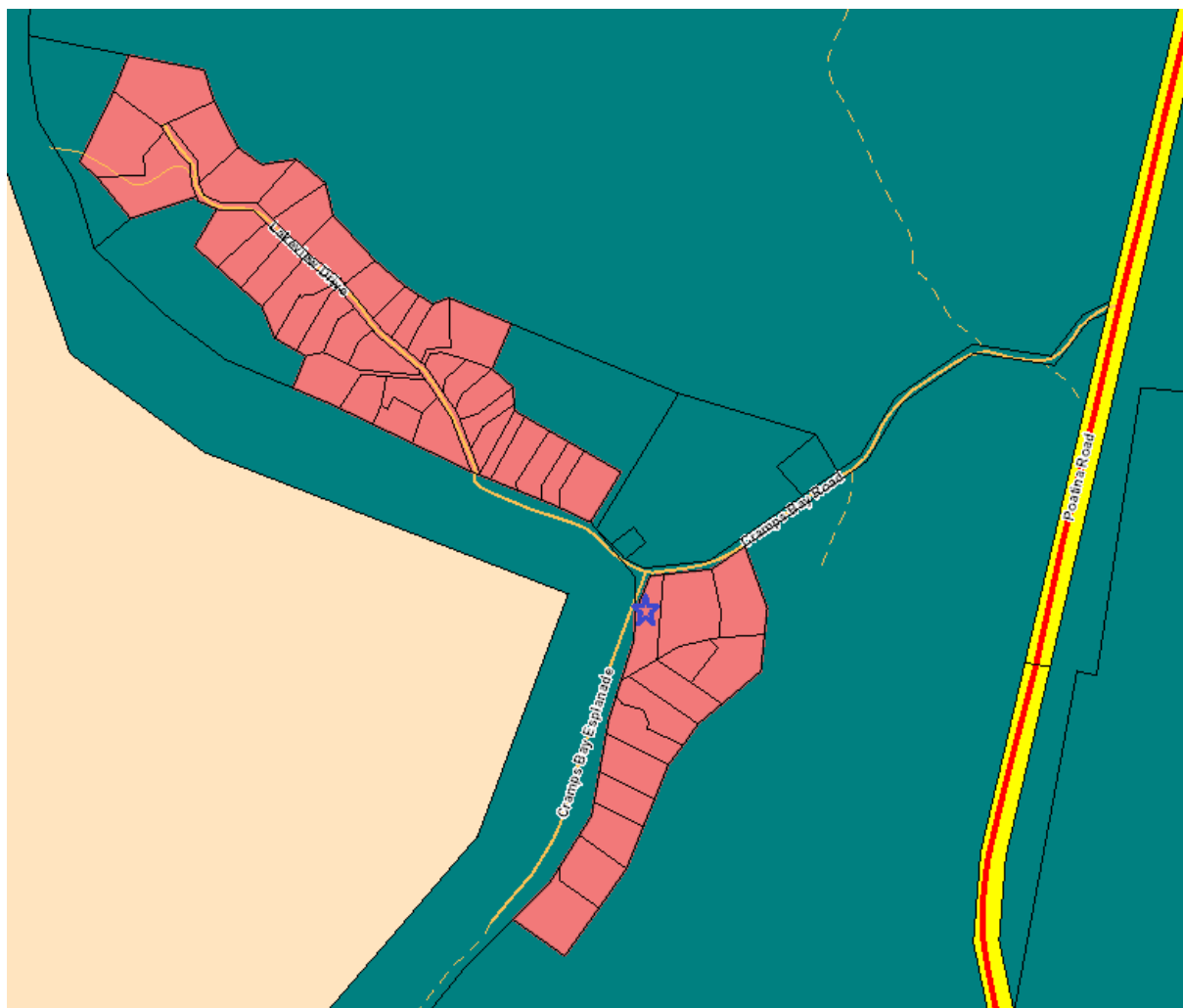
Use for Visitor accommodation has a Permitted use status in the Low Density Residential Zone. In this case the proposal is Discretionary due to reliance on Performance Criteria, including for Clause 12.3.2 - Visitor accommodation.

### **Subject site and Locality.**

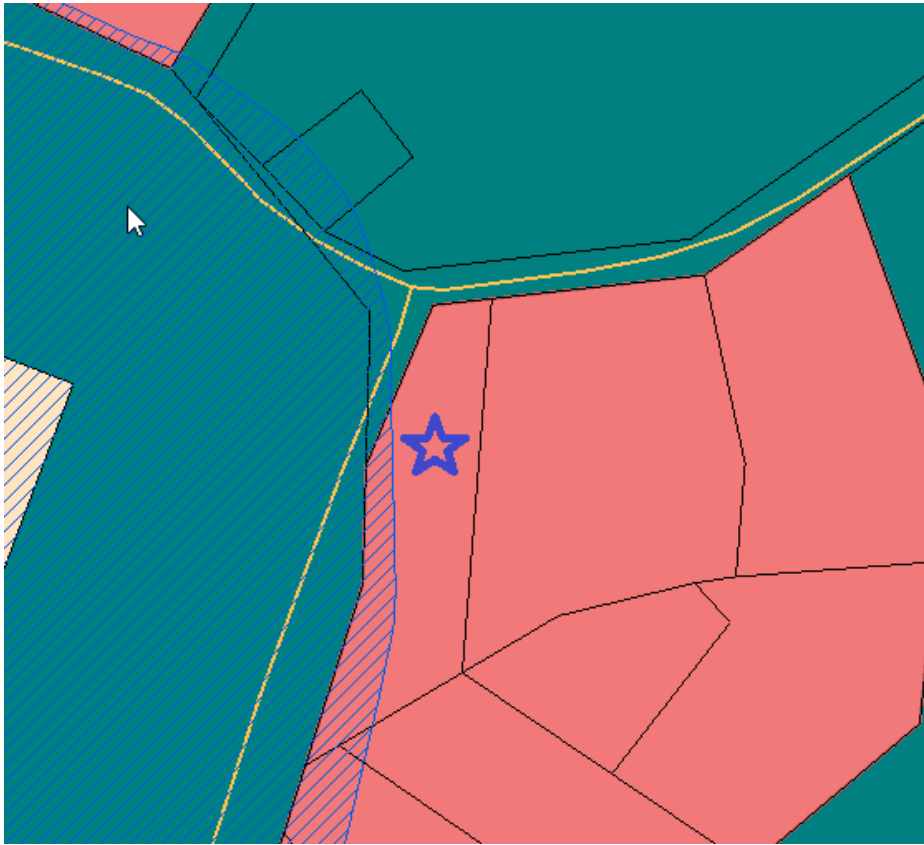
The subject site is described in Certificate of Title 134169 Folio 13. The title has an area of 3100m<sup>2</sup> and is currently vacant. The title is largely vegetated with highland dry eucalyptus forest.

The property is located at the intersection of Cramps Bay Road and Cramps Bay Esplanade, around 600m west of Poatina Road. Cramps Bay is a small settlement on the eastern shore of Great Lake. Most properties in the area are used for permanent or shack residential purposes.

Land around the lake foreshore is owned and managed by Hydro Tasmania. Land around the residential properties of the Cramps Bay settlement is largely Crown land managed by the Parks and Wildlife Service. Cramps Bay is just outside the Tasmanian Wilderness World Heritage Area, with the boundary on the eastern side of Poatina Road, less than 1km from the site.



**Fig 1.** Location and zoning of the subject land (marked with a blue star) in the Low Density Residential Zone (pink). Surrounding land includes Great Lake in the Rural Resource Zone (cream), Environmental Management Zone (green) and Utilities Zone (yellow). (Source: LISTmap)



**Fig 2.** The subject land (marked with a blue star) is partly covered by a Waterway Protection Area due to the proximity to Great Lake (Source: LISTmap)



**Fig 3.** Aerial photo of the subject land and surrounding area (Source: LISTmap)

**Exemptions**

Nil

**Special Provisions**

Nil

**Low Density Residential Zone - Development standards**

The subject land is located in the Low Density Residential Zone. The proposal must satisfy the requirements of the following use and development standards, relevant to subdivisions:

<b>12.3.1 Non-Residential Development</b>		
To ensure that non-residential use does not unreasonably impact residential amenity.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Hours of operation must be within:</p> <p>(a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12.00 noon Saturdays;</p> <p>(c) nil Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p><b>P1</b></p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p>The proposal is for Visitor accommodation, which complies with A1.</p>
<p><b>A2</b></p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p>	<p><b>P2</b></p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>	<p>Noise emissions from the Visitor accommodation are expected to comply with A2.</p>
<p><b>A3</b></p>	<p><b>P3</b></p>	<p>Any external lighting will be suitably sited and baffled to</p>

<p>External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>	<p>avoid impacting adjoining properties. A condition addressing this matter is recommended.</p>
<p><b>A4</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12 noon Saturdays;</p> <p>(c) nil on Sundays and Public Holidays.</p>	<p><b>P4</b></p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>	<p>No commercial vehicle movements will be required for the proposed use.</p>

### 12.3.2 Visitor accommodation

To ensure visitor accommodation is of a scale that accords with the residential character and use of the area.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
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<p><b>A1</b></p> <p>Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m<sup>2</sup>.</p>	<p><b>P1</b></p> <p>Visitor accommodation must satisfy all of the following:</p> <p>(a) not adversely impact residential amenity and privacy of adjoining properties;</p> <p>(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) be of an intensity that respects the character of use of the area;</p> <p>(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.</p>	<p>The proposed Visitor accommodation is not accommodated in existing buildings and has a total floor area in excess of 160m<sup>2</sup>, therefore assessment against the Performance Criterion P1 is required.</p> <p>(a) The proposed Visitor accommodation is not expected to adversely impact residential amenity and privacy.</p> <p>The units are oriented toward Great Lake and will not directly overlook any adjoining property. The smallest separation between a unit and adjoining dwelling is 27m, with vegetation adding additional visual separation. Properties to the east are at a higher elevation, looking over the site towards the lake.</p> <p>While of a modern architectural design, the overall size and elevation of the units (single storey, modest floor plans) is similar to the established character of development in the area. The units are designed with colours fit within the environment and will be largely recessive when viewed from the lake and surrounding areas.</p> <p>While some vegetation will be lost to allow for the development, this is will be minimised as much as possible and is consistent with other properties in the area.</p> <p>(b) The proposed layout provides for parking and access that complies with the Parking and Access Code, as assessed in the Code section below.</p> <p>(c) While this development is unusual for the immediate area, it is not considered to be of an inappropriate intensity. The proposal is for 3 accommodation units each with 2 bedrooms, across a 3100m<sup>2</sup> site and with site coverage of less than 15%. The maximum occupation is 12 people – which wouldn't be unusual in a private shack used by extended family</p>
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		<p>or the like. Visitor accommodation rarely operates at full capacity in any case. Overall it is considered that the proposal is appropriate for the site and surrounds.</p> <p>(d) The amount of traffic to be generated by the proposal is well within the capacity of the road network and is not expected to impact the safety or efficiency of the roads.</p> <p>Access to the site is to be provided from Cramps Bay Road in a suitable location with sufficient sight distances for the low speed environment.</p> <p>The title is subject to a 5m wide right of way along the southern boundary which provides access to an adjoining property from Cramps Bay Esplanade. The proposed Visitor accommodation and associated infrastructure has been sited to avoid impacting on this right of way. The accommodation will use an alternative access from Cramps Bay Road so use of the right of way is not impacted at all.</p>
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<b>12.4.1 Non-dwelling development</b>		
To ensure that all non-dwelling development is sympathetic to the form and scale of residential development and does not significantly affect the amenity of nearby residential properties.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Non-dwelling development must comply with the following acceptable solutions as if it were a dwelling:</p> <p>(a) 12.4.2 A1 and A3; (b) 12.4.3 A1 (a) and (b); (c) 12.4.7 A1.</p> <p><b>For ease of reference these clauses are reproduced below:</b></p>	<p><b>P1</b></p> <p>Non-dwelling development must comply with the related performance criteria as if it were a dwelling.</p> <p><b>For ease of reference these clauses are reproduced below:</b></p>	<p>The proposal is for Visitor accommodation, which is non-dwelling development. The Acceptable Solution requires assessment against the same clauses relevant to a dwelling, as listed in A1. The relevant clauses are reproduced in full below for ease of reference.</p> <p>(a) 12.4.2 Setbacks A1 The units and shed are setback more than 4.5m from the primary frontage (Cramps Bay Road) and more than 3m from the secondary frontage (Cramps Bay Esplanade) in compliance with 12.4.2 A1.</p>

		<p>A3 The units and shed are located within the relevant building envelope in compliance with A3.</p> <p>(b) 12.4.3 A1 The site coverage is less than 15% and more than 25% of the site will be free of impervious surfaces, complying with 12.4.3 A1 (a) and (b).</p> <p>(c)12.4.7 A1 The proposal does not include any frontage fences so this clause is not relevant to the assessment.</p> <p>Overall, the proposal complies with the requirements of 12.4.1 A1.</p>
<p><b>12.4.2 Setbacks A1</b></p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.</p>	<p><b>12.4.2 P1</b></p> <p>A dwelling must:</p> <p>(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and</p> <p>(b) have regard to streetscape qualities or assist the integration of new development into the streetscape.</p>	

<p><b>12.4.2 Setbacks A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p><b>12.4.2 P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity by:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</p> <p>(iii) overshadowing of an adjoining vacant lot; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</p> <p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>	
<p><b>12.4.3 Site coverage and private open space A1</b></p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 25% (excluding eaves up to 0.6m); and</p> <p>(b) a site area of which at least 25% of the site area is free from impervious surfaces;</p>	<p><b>12.4.3 P1</b></p> <p>Dwellings must have:</p> <p>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p>(i) outdoor recreational space consistent with the projected requirements of the occupants; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p>	

	<p>(b) have reasonable space for the planting of gardens and landscaping.</p> <p>(c) not be out of character with the pattern of development in the surrounding area; and</p> <p>(d) not result in an unreasonable loss of natural or landscape values.</p>	
<p><b>12.4.7 Frontage fences A1</b></p> <p>A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2 m if the fence is solid; or</p> <p>(b) 1.5 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p><b>12.4.7 P1</b></p> <p>A fence (including a free-standing wall) within 4.5 m of a frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.</p>	

## **Codes**

### ***E5.0 Road and Railway Assets Code:***

This Code applies to use and development that involves changes to access arrangements.

The proposal includes construction of a new access from Cramps Bay Road.

The applicable standards are addressed below.

<b>E5.6.2 Road accesses and junctions</b>		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A2</b></p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p><b>P2</b></p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p>	<p>The proposal includes once access point for the Visitor accommodation providing both entry and exit. This complies with the Acceptable Solution.</p>

	<p>(d) any alternative access to a road;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	
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#### **E5.6.4 Sight distance at accesses, junctions and level crossings**

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	<p><b>P1</b></p> <p>The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>	<p>The site is a low speed environment, being a gravel road and close to the intersection of Cramps Bay Road and Cramps Bay Esplanade.</p> <p>The Safe Intersection Sight Distance shown in Table E5.1 for this area is 80m.</p> <p>The sight distance is estimated to be 60m to the east along Cramps Bay Road and 30-40m to the intersection of Cramps Bay Road and Cramps Bay Esplanade.</p> <p>Given the low traffic and low speed environment, this is considered to be in accordance with Performance Criteria P1.</p>

#### **E6.0 Parking and Access Code**

This Code applies to all use and development.

Table E6.1 of the Code requires parking at the following rate for Visitor accommodation use:

*1 space for each unit and 1 space for a manager's dwelling*

In this case the proposal includes two (2) dedicated spaces for each accommodation unit, which exceeds the requirement.

The proposed design of the vehicle access road appears to comply with the development standards of the Code.

It is noted that the site is considered to be bushfire prone and as such a bushfire management plan will be required for the development as part of the Building permit process. The access will need to be designed in accordance with the requirements for building in bushfire prone areas.

A condition is included in the recommendation to require the final design of the access and parking areas to be provided and approved prior to the development commencing.

### E11.0 Waterway and Coastal Protection Code

The site is partly within a Waterway Protection Area overlay due to the proximity to Great Lake.

The applicable standards are addressed below.

<b>E11.7.1 Buildings and Works</b>		
To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>	<p><b>P1</b></p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <p>(a) avoid or mitigate impact on natural values;</p> <p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p> <p>(c) avoid or mitigate impacts on riparian or littoral vegetation;</p> <p>(d) maintain natural streambank and streambed condition, (where it exists);</p> <p>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(f) avoid significantly impeding natural flow and drainage;</p> <p>(g) maintain fish passage (where applicable);</p> <p>(h) avoid landfilling of wetlands;</p> <p>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</p>	<p>The title does not contain a building area as referred to in A1, so assessment against the Performance Criteria P1 is required.</p> <p>The development is located near and uphill from Great Lake and is separated from the lake edge by a road.</p> <p>There are no protected species or communities identified on the site. The applicant has indicated that vegetation removal will be limited to the minimum required for construction and bushfire management purposes.</p> <p>The wastewater system design, with black water to be contained and pumped for disposal offsite, greatly reduces potential risk of pollutants to enter Great Lake.</p> <p>The greywater system has been designed with consideration of the environment including proximity to the lake, with very low application rates.</p> <p>It is also noted that the wastewater design report has is considered satisfactory by Council's Environmental Health Officer and plumbing approval will be required from Council prior to construction, which will be conditioned appropriately.</p> <p>The proposal will have no impact on riparian vegetation or directly on a waterway or wetland.</p> <p>Overall the proposal is considered to be in accordance with Performance Criteria P1.</p>

## Representations

The proposal was advertised for the statutory 14 days period from 3<sup>rd</sup> March 2022 until 18 March 2022.

A total of eleven (11) representations were received. Two (2) of the representations were received outside the 14 day time period, however they have been considered.

The issues raised in the representations are presented in the table below.

<b>Representation 1</b>	
<b>Issues</b>	<b>Officer comments</b>
<p>Friends of Great Lake (FOGL) would like to make a representation objecting to the Development</p> <p>Application relating to 1 Cramps Bay Esplanade, Cramps Bay.</p> <p>Our organisation was formed to act on behalf of land users of the yingina/Great Lake area and our core focus is to preserve and protect the current and traditional use and culture of the Lake and surrounding environment.</p> <p>Cramps Bay is a small and quiet grouping of mainly shacks and several permanent residents, many of whom have raised concerns with us regarding this Development Application.</p> <p>The main concern is the potential impact on the location in its current state of use. The visitor accommodation will likely be heavily used and with 3 separate dwellings will also significantly increase traffic and noise in the area.</p> <p>The proposed dwellings are not separate residences being built independently of one another, they are being established as a group to be utilised as short-term accommodation (likely Airbnb type) which is in direct conflict with the current usage of this area, where quiet and peace is respected and enjoyed by permanent residents and shack owners alike.</p> <p>Such a disproportionately large development cannot be of an intensity to respect the character of the use of the area which is the requirement under Performance Criteria 1 c) as per the Central Highlands Interim Planning Scheme, and we respectfully ask Council to carefully consider the negative impact this will have on the privacy and quiet enjoyment of existing land owners.</p>	<p><i>It is recognised that the proposed Visitor accommodation is a different type of development than currently exists in Cramps Bay.</i></p> <p><i>However it must be appreciated that Visitor accommodation is a Permitted (as of right) use class in the Low Density Residential Zone, indicating that development of this type is to be expected.</i></p> <p><i>The proposal is for 3 Visitor accommodation units on a title that is 3100m<sup>2</sup> in area, which is still quite a low density at over 1000m<sup>2</sup> per unit.</i></p> <p><i>Traffic to the development is expected to be higher than for a typical single occupancy shack. However, even at peak occupancy if each unit were to be occupied by two couples with their own cars that would be 6 cars per day entering and leaving, or 12 traffic movements. Allowing for a second trip to sight see or for a meal would still only create 24 traffic movements each day. This is well within the capacity of the road. It is also noted that given the location of the site on Cramps Bay Road, traffic to the site will only pass two (2) residential properties before reaching the driveway.</i></p> <p><i>The design of the Visitor accommodation units with two bedrooms each (total of 6 bedrooms) will tend to cater to couples and small family/friend groups rather than larger groups or parties that can cause noise disturbances in some areas. Visitors will generally be seeking a similar experience to the locals – quite, secluded and enjoying the natural environment of the area.</i></p>
<p>Three new dwellings are being proposed (as opposed to a single, existing residence simply undergoing a change of use to visitor accommodation) and this leads to immense concern over the future of Cramps Bay and potential further arbitrary disposal of Crown Land to more developers.</p>	<p><i>Crown land disposal is not a matter for Council to address, though it is noted that Crown land disposals must go through a public advertising process.</i></p> <p><i>In this case the subject property has been in private ownership for fifteen years, since 2007. The title was created at the same time as the rest of the properties in Cramps Bay and has always</i></p>



<p>Once this type of development is approved, it naturally sets a precedent for future changes to the existing residential amenity and privacy enjoyed by current rate payers.</p> <p>There is still much Crown Land in the yingina/Great Lake area and it has been made clear following previous processes that no more freehold blocks would be sold around the lake, however as the Minister may dispose of the land at his discretion under the Crown Lands Act 1976, there is nothing to prevent more and more blocks being sold for commercial development.</p> <p>Once one Development Application is approved under these circumstances, the flood gates have been opened so to speak, and there will be little room to prevent the future development and commercialism of one of the last truly unique shack communities in Tasmania.</p> <p>We respectfully submit that this Development Application does not align with the current residential amenity of adjoining properties and is not of an intensity that respects the character of the area and request that approval of Development Application DA 2022 / 00001 be denied.</p>	<p><i>had potential for development as it was not set aside for public open space or other reserve.</i></p> <p><i>Development Applications are each examined and assessed on their own merits under the planning scheme rules that apply. Precedent is not generally a relevant consideration. The owners of the subject property are also ratepayers.</i></p>
<b>Representation 2</b>	
<b>Issues</b>	<b>Officer comments</b>
<p>As a shack owner at Cramps Bay I'm writing to advise you of my concerns and that I'm definitely against the above development application.</p> <p>When we purchased our shack we were told there was to be no more new blocks to be built on. The land for this proposed development is supposed to be a reserve and to left untouched. Why has this changed?</p>	<p><i>As mentioned above, the title for this property was created at the same time as those for other properties in the area and it was not designated as a reserve.</i></p> <p><i>The property has been in private ownership since 2007 and has been in a residential type zoning at least since the previous planning scheme.</i></p> <p><i>Under the Central Highlands Planning Scheme 1998 the lot was zoned Holiday Residential. In this zone Visitor accommodation was Permitted for 1 unit or Discretionary for more.</i></p> <p><i>Therefore, the land has been in a zone that allows for Visitor accommodation for more than 20 years.</i></p>
<p>Mr Steven Simeoni has admitted that the visitors units will be a source of income for him and his family. This is of great concern to many of the residents of Cramps Bay.</p> <p>Is Mr Simeoni to be registered as a business with ABN and all the necessary safety requirements?</p> <p>Is the area zoned for such a business?</p> <p>This opens up so many concerns than just a private shack/dwelling being constructed!!</p>	<p><i>Visitor accommodation is generally a commercial enterprise.</i></p> <p><i>The registering of a business is not a planning matter.</i></p> <p><i>Visitor accommodation will require approval under the Building Act 2016 which covers safety matters under the National Construction Code such as exits, fire alarms and bushfire management.</i></p> <p><i>The land is in the Low Density Residential Zone. Visitor accommodation is a Permitted (as of right) use class in this zone. As commented above, the</i></p>

<p>I hope the Bothwell Council takes on board all these concerns from all the residents at Cramps Bay and understands the impact they will have.</p>	<p><i>land was previously zoned Holiday Residential which also allowed for Visitor accommodation.</i></p>
<p><b>Representation 3</b></p>	
<p><b>Issues</b></p>	<p><b>Officer comments</b></p>
<p>Letter dated 2nd March received 9th March reply to be returned 18th March 2022 we feel Council should look at the policy on how much notice should be given to Shack owners 9 days to reply isn't much time to view plans get advice and submit.</p>	<p><i>Council give notice of Development Applications in 3 ways as required by legislations:</i></p> <ul style="list-style-type: none"> <li>• <i>direct mail to adjoining land owners (and often nearby land owners as well)</i></li> <li>• <i>Site notice on the land</i></li> <li>• <i>Notice in the relevant newspaper.</i></li> </ul> <p><i>Council also chooses to give notice of Development Applications and give electronic access to plans on the Council website, which is above and beyond the legislated requirements.</i></p>
<p>Year 2000 Shack owners were requested to distribute to the infrastructure of the roads &amp; sewerage in the Cramps Bay area costing thousands of dollars.</p> <p>Meeting shack owners were advised that 1 shack had to be removed a property offered and there would be no more developments in the area, If he has sold his allotted property why is assisting 1 still there, the 1 in question was told to remove his shack about 20 odd years ago yet it is still standing also used at times &amp; houses a caravan on the property. WHAT HAS CHANGED</p> <p>We were told that no trees were to be taken out. Our property must be a specific colour with no extensions, no other caravan or cabin could be housed on property.</p>	<p><i>Cramps Bay was subject to the shack sites project.</i></p> <p><i>As discussed above, this site has been zoned in a way that allows for a Visitor accommodation project since at least 1998.</i></p>
<p>Simco Tas Pty Mr Steven Simeoni openly commented on social media he brought this land of his friend his fishing mate and intents to rent unit to assist him in retirement isn't this a commercial driven venture ultimately to retreat an income to support retirement , commented he had been part of the community for 40 years yet most of us have no idea who he is, and wouldn't name his other fishing buddies he claims supports him, if he has been in the community this long surely, he will understand why shack owners are against this project.</p>	<p><i>This is not a planning matter.</i></p>
<p>Concerns:</p> <ul style="list-style-type: none"> <li>• Fire break can there be 1 there that won't allow unlawful access to other property</li> <li>• sewage will this affect other properties</li> <li>• grey water will it be disposed of properly</li> </ul>	<p><i>Bushfire management will be addressed at the building permit stage as required by the Building Act 2016. The Bushfire Prone Areas Code does not apply to Visitor accommodation at planning stage.</i></p> <p><i>However, the applicant has advised that there will be no reliance on adjoining land for bushfire management.</i></p> <p><i>Wastewater management is addressed in the design report submitted with the application. This will be subject to further assessment and conditioning in the building/plumbing assessment stage.</i></p>

<p>Will the roads accommodate the extra heavy trucks &amp; machinery.</p> <p>Will shack owners be able to proceed to their property without being held up.</p>	<p><i>I assume these questions apply to the construction stage.</i></p> <p><i>Cramps Bay road is a public road and there is nothing to indicate it would not be able to accommodate traffic during construction.</i></p> <p><i>Construction of the new access will require some traffic management on Cramps Bay Road however this is unlikely to require road closure and should not take a long time to complete.</i></p>
<p>Rates &amp; taxes will these increase with a higher price property in the area</p> <p>Insurances will they increase</p>	<p><i>Rates are calculated based on individual property values, so this development should not impact other rate payers.</i></p> <p><i>Taxes and insurances are not a matter for Council to consider, however there is no reason to believe they would rise as a result of this development.</i></p>
<p>Rubbish will this become a problem with renters or will it just be left laying around.</p>	<p><i>Visitor accommodation facilities generally have cleaners or the like that will remove rubbish between guests.</i></p>
<p>If snowed in who will be responsible cost wise for rescues to tourists etc., as you will be aware many don't know what the conditions can get like in the highlands.</p>	<p><i>This is not a planning matter.</i></p> <p><i>This would be no different than for any other resident or visitor to Central Highlands.</i></p>
<p>Looking around the central highlands area there is plenty of positions for the more modern design of development Swan- bay, Dollarmite drive or Wilburville to just to name a few, that the modern design would not look out of place.</p>	<p><i>Council must consider the application before it.</i></p>
<p>If this development is approved, then there will no doubt there will be other investor's looking to make the almighty dollar as soon this piece of paradise will become a development opportunity.</p> <p>Will every shack owner be able to lodge applications &amp; be approved to build extra accommodation on their property to rent to assist them in their retirement?</p>	<p><i>Most properties in the Central Highlands could make application to build Visitor accommodation if they have enough space to accommodate it.</i></p>
<p>And the biggest question will the Council be reimbursing all shack owners their infrastructure money as opening this to development should not have to be the responsibility of the shack owners to have funded council for sewage &amp; roads. We owned our shack &amp; was requested to pay for infrastructure with the understanding our piece of paradise would not be a development area what has changed for the proposal to be submitted.</p>	<p><i>This is not a planning matter relevant to this assessment.</i></p>
<p><b>Representation 4</b></p>	
<p><b>Issues</b></p>	<p><b>Officer comments</b></p>
<p>I wish to put in my concerns in relation to this development application, my husband and I own a shack at Cramps Bay and have done for 3 years, but my extended family have lived and</p>	<p><i>The proposed development is sited and designed to avoid impacting the privacy of adjoining properties. The Visitor accommodation units are oriented towards Great Lake and away from</i></p>

<p>frequently visited this remote, beautiful and quiet part of the world since the 70's. This area has been a small community for many years, its occupants are people who love their fishing, their hunting, their bushwalking and love the natural wilderness, the quiet, the serenity and remoteness of Cramps Bay. Many of the shack owners come to their site every 2-3 weeks, summer and winter and we all look out for each other but are very respectful of people's space up here as we understand many of the occupants are here for rest and relaxation and to get away from the hustle and bustle of normal life.</p> <p>I am extremely concerned that the amenities of all the shack owners within this area will be affected, in relation to our privacy, the noise, the increased traffic and rubbish/waste that will come from this site, specifically due to the construction of three visitor accommodation sites.</p>	<p><i>surrounding dwellings. The nearest adjoining dwelling is around 27m away, with vegetation providing some buffer between the properties.</i></p> <p><i>With regard to noise, there is no reason to expect significantly more noise from this site than others in the area. As discussed above, the accommodation is likely to cater to couples and small groups rather than large noisy gatherings.</i></p> <p><i>Traffic generation will be relatively small and well within the capacity of the road and is not a significant increase to current levels.</i></p> <p><i>Rubbish will be managed in the usual way for any property.</i></p>
<p>I note that there has been a risk management of site and soil constraints, and that it is quite detailed regarding 'no go' areas and what occupants should do if a situation occurs. As this development is for short term accommodation and will not be occupied by the owner. Who will be responsible for the maintenance of this site?</p> <p>How do the shack owners within this area, who will be the ones that identify any problems get in touch with the responsible person regarding problems with maintenance and amenities of this site. As a shack owner, I can attest to the need for the regular ongoing maintenance of our property due to the remote location and harsh climate. I would be expecting that Council would require an approved Visitor management plan providing details as to who is the responsible person should any problems arise, when and how short term accommodation occupants are notified of the requirements to comply with any restrictions or rules that may pertain to this site, and a list of the rules and requirements of the site and contact details of the responsible person, including alternative persons should responsible person not be available, to be supplied to all shack owners within this area.</p> <p>As a compliance officer, I have a clear understanding of the frustrations that short term accommodation have caused many neighbours and how hard it is to police, many of these problems occur at night and with the very limited police within this area and Council either closed or with no resources to gather evidence and enforce planning requirements.</p>	<p><i>The owner will ultimately be responsible for maintenance and management of the site.</i></p> <p><i>Any issues arising can be reported to Council in the usual manner for attention.</i></p>
<p>I am also concerned how this site, which will be absolutely filled to capacity with three new buildings, (obviously being used to make money for the owner), the required parking, wastewater disposals and landscaped areas for spray irrigation. It is not in keeping with this area with</p>	<p><i>The development is relatively low density, with more than 1000m<sup>2</sup> per unit and less than 15%.</i></p> <p><i>Many properties in the area are almost entirely cleared of vegetation to allow for the same requirements as this development – buildings,</i></p>

<p>the majority of shacks albeit some that are better maintained than others but each have one shack and a couple of sheds on the title.</p>	<p><i>parking, wastewater systems and bushfire safety.</i></p>
<p>The access roads to Cramps Bay run adjacent to this property on two sides and the Great Lake is just over the road, as there will obviously be intense excavation and soil disturbance (as the site is mainly rocks), it raises great concerns on the amount of heavy machinery that will need to get onto the site using the access road into Cramps Bay and the right of way onto the site. How will the road into Cramps Bay be protected from any damage caused by heavy machinery and if damaged during construction, who will be responsible and how will that be enforced? How will you ensure that all excavation works and building debris remain within the site, I would expect at a minimum that a detailed Soil and Water Management Plan would be required. What measures do you have in place to enforce and make sure they remain compliant within this very sensitive Waterway and Coastal Protection area. There is also a watercourse that runs beside this property and excavation and building debris will easily be picked up and dumped directly into the Great Lake.</p>	<p><i>Certainly some site works will be required to construct the units and access driveways.</i></p> <p><i>As indicated in the elevation drawings, the buildings are largely positioned above the natural ground level to limit excavation works.</i></p> <p><i>A Soil and Water Management Plan will be required by condition.</i></p>
<p>The winters up here are beautiful, but long and harsh, most of the shacks owners here understand to need to close off their pipes from their tanks to the shack at night to stop water freezing in the pipes, causing damage with the expansion of frozen water, our pipes are insulated and continually have to be maintained and we just know it is part of a winter up here, the application documentation provided also talks of spray irrigation to landscaped areas using wobbler sprinklers, the majority of the winter up here will mean that the spray irrigation will be frozen and wobbler sprinklers will be unable to function efficiently or effectively.</p> <p>The plans show a total of 456m<sup>2</sup> as waste water areas at each end of the site to which the Greywater is to be irrigated to after treatment and yet the geological evaluation shows the site is located on Mesozoic aged rock consisting of Tasmanian Dolorite and not being suitable for absorption, so where will that run-off go?</p> <p>The wastewater areas and any potential run-off are both very close to the boundaries of the site, one close to the access road into Cramps Bay and the other adjacent to the boundary of Cramps Bay Esplanade and the right of way used as access by several properties on Cramps Bay Esplanade, what measures will be put in place to protect those areas from potential run-off due to non-absorption or incapacitated irrigation systems?</p>	<p><i>The wastewater system has been designed by an accredited person specifically taking account of the limitations of the site including soils and climate variables and in accordance with the relevant Australian Standards.</i></p> <p><i>Council's EHO has considered and accepted the report.</i></p> <p><i>Further assessment will be undertaken at the building/plumbing stage and appropriate conditions put in place for things such as maintenance and ongoing evaluation of the operation of the system.</i></p>

I also note the documentation specifies that this is a mains powered site, there is no power up here, we are off the grid in Cramps Bay. Most of the shacks have solar panels and battery systems in place, some have the additional wind turbines for backup during winter as the sun is extremely limited through the winter months. Our hot water and cooking is gas or wood fire.

I also note in the applications documentation, that it is recommended for optimal performance of the system to reduce sludge build up in the irrigation system:

- Scrape all dishes to remove fats, grease etc prior to washing
- Keep all possible solids out of the system
- Do not use rubbish grinder or place hygiene products into the system
- Use bio-degradable soaps and low phosphorous detergents and only use recommended quantities
- Do not pour paint/oil or other chemicals into the system
- Install water saving fixtures
- De-sludge tank every 3 to 5 years or when sludge exceeds two thirds of tank volume
- Clean outlet filter
- Inspection of system by accredited plumber regularly

Can totally understand the benefits of using the recommendations for optimal performance of the irrigation system and as an owner/occupier would definitely be using those recommendations but the reality is that this is not a property being used by an owner/occupier, it will be used by transient people who would not care less about the recommendations for optimal performance of the irrigation system, which makes the inefficient use of this system less effective and a much higher risk to this sensitive environment.

This site is also within a Coastal protection Zone, so the safeguard of all flora and fauna within this area should be carefully considered throughout this application.

*The proposal is assessed against the Waterway and Coastal Protection Code in this report.*

I also would also like to make comment and understand that this information will probably not be considered as it is not part of this application, but the developer who is the owner of the current property you are assessing has also just bought another property in Lake View Drive Cramps Bay, apparently to accommodate his workers who will be onsite during the construction of this development. I certainly hope that approval of this site will not set a precedence, in this area and leave the owners of shacks in Cramps Bay dealing with another application to come to demolish the existing shack on site and fill with

*This is not a matter relevant to the assessment of this proposal.*

<p>more short term accommodation, to the detriment of this small and unprotected community. Unfortunately, my job means I have had many dealing with arrogant and non-compliant developers, I can't help but feel that this is someone cashing in on the potential to provide short term accommodation in an area that is also currently being threatened by a bike trail on its doorstep. Unfortunately, we will say goodbye to this isolated and most wonderful part of the world.</p>	
<p><b>Representation 5</b></p>	
<p><b>Issues</b></p>	<p><b>Officer comments</b></p>
<p>As a shack owner at Cramps Bay who was told that there was to be no new developments this project is a slap in the face.</p>	<p><i>See previous comments above.</i></p>
<p>An article written about Mr Simeoni in the CEO Magazine 19th August 2021 stated that his company Tas City Building had acquired waterfront property at the Great Lake and planned to build three chalets. Rather presumptive of him I thought. Especially because the applicant is asking it to be considered while it's not accomodated in an existing building.</p> <p>This application shouldn't be permitted by just relying on the performance criteria alone. My concern is also these 3 New Units @ 118.6m2 ea = 355.8m2 total living area.</p>	<p><i>This is not relevant to the assessment of this application.</i></p> <p><i>Reliance on Performance Criteria is a legitimate way to demonstrate compliance with the Planning Scheme and does not indicate a deficient application.</i></p>
<p>The entrance to these units will be on the main road into Cramps Bay definitely a safety hazard for sure. Being unsealed and narrow in places it's not for two cars to pass safely in parts and very close to a T junction. During winter months this road is treacherous with snow n ice. Very slippery as the locals know. Many inexperienced tourists have ended sliding into the drains on the side of the roads or indeed onto the rocks. It's the shack owners they gone looking for to get them out of trouble. Which we do. Will we be expected to rescue more of these inexperienced visitors to these units by towing cars up the hill to the highway because of inadequate vehicles.</p>	<p><i>The proposed access is reasonably located and can be constructed in accordance with design requirements.</i></p>
<p>Mr Simeoni has stated that these units are for fishermen. Nowhere on the plans are there sufficient plans for boats on trailers n adequate turning circles. This will all be of great disruption to the adjoining properties/neighbours. Who's going police the noise/parties at the units? There is no resident manager on site. You can't just build them and walk away and expect the money to roll in. There is responsibility beyond the build. All shack owners have their names n contact number visible on their shacks for emergency purposes. Will this be a requirement for the units? Will there be some sort of visitors emergency plan?</p>	<p><i>The application does not indicate specific customers such as fishermen.</i></p> <p><i>The applicant has indicated that a management plan including emergency procedures will be developed for the proposal and can be provided to Council. This will be required by condition.</i></p>
<p>I'm concerned that Unit 2 and Unit 3 are constructed within the Waterways and Coastal</p>	<p><i>The proposal has been assessed against the requirements of the Waterway and Coastal Protection Code and found to comply.</i></p>

<p>Protection Area rather significantly. Damage to this area should be non negotiable.</p> <p>Also the irrigation areas for the grey water either side of Units 1 and Units 3 totalling 456m<sup>2</sup> is within the Waterways and Coastal Protection Area. Totally disagree with this. That area is there to protected for a reason.</p>	
<p>As stated in the Wastewater System Recommendation the Grey water will be piped into a tank for treatment. That treatment is a lint filter. I don't consider that to be enough treatment so close to the lake. This Grey water will then be irrigated on demand by wobble sprinkles onto the landscape area. Which is in the protected area!!! No other shack is permitted this. This is the Highlands pipes above ground freeze and burst in winter.</p> <p>Stated in the Geological Evaluation the site is located on Mesozoic aged rock and the rock is not suitable for absorption. So all the irrigated Grey water will/must end up washed into the beautiful Great Lake. Especially with the amount of rainfall and snow we receive. At what cost. Priority must be given to the health and well being of the water of the Great Lake not \$\$\$.</p> <p>The Black water tank only has a capacity for 1 month of full accommodation in peak season. Is there a guarantee of this tank being emptied or are we to expect overflow and stench.</p> <p>All the risk management falls back on the occupants of the units at the time. Seeing as there is no resident manager will there be some visitors guide as to what to do when the hydraulics fail, the pipes freeze, the sewage backs up etc. Or will there be a plumber on call? As shack owners we are all pretty handy and self sufficient it's part of the shack life. As a paying guest that's not a requirement. Will they just walk out with sewage overflowing every where. The project criteria also states that the Wastewater System is on Mains Power.</p> <p>Cramps Bay is NOT connected to Mains Power. All shacks are generators or solar.</p>	<p><i>See previous comments above.</i></p>
<p>The increase in waste will be of concern as well. Especially even now when the three bins that are currently at Cramps Bay are never emptied. It's always two of the three.</p> <p>Since the pontoon at the boat ramp was installed the amount of tourist n fishermen has increased. The bins are always overflowing. No lids don't help either with the wildlife spreading the rubbish. These units will only exasperate the situation.</p> <p>Please take all the points into consideration when deciding. We all love this place and want the best for it.</p>	<p><i>See previous comments above.</i></p>
<p><b>Representation 6</b></p>	
<p><b>Issues</b></p>	<p><b>Officer comments</b></p>



We would like to lodge an objection to the proposed building at 1 Cramps Bay Esplanade, Cramps Bay (DA 2022 / 00001)

Listed below are our concerns regarding the above application:-

#### Sewage

I understand that they are going to have a scheduled pump-out of this – how frequent and who will be monitoring that this does happen in an appropriately timely manner.

#### Fire escape

What will be put in place for escape from Cramps Bay should a fire event occur.

#### Power to the Units

What is the planned source of power for these units? Solar panels don't charge if the sun isn't shining – what is the back-up plan for this.

#### Grey water

Is the grey water distribution on the block by a sprinkler system the best fit for this location? And if it is how would that work?

Could there not be the opportunity here for harmful run off in a pristine area. Is there not some concern regarding pathogens and other contaminants from soap and detergents in grey water reticulation that has been raised about this method which precludes it from being widely used as a residential irrigation method.

Obviously in winter such a system would be frozen.

Who is going to monitor the area that this takes place on to ensure that the land doesn't get over "water saturated".

And if it's so good why isn't it widely used in the community.

Is it believable that short stay renters of these units will have the ability or common sense to adopt the water saving practices and waste removal from cooking practices outlined in the proposal?

We, the shack owners, have used and effectively maintained septic systems for many years. If it's accepted by a regulatory body as best available practice then I can see it becoming popular with everyone as a method of lawn and garden irrigation in other areas.

#### Road conditions

How will this development impact the Cramps Bay access road, which is the only road in or out of the Bay.

In winter this road becomes icy and extremely difficult, even for shack owner who have experience with this road, to negotiate.

*These matters are addressed in comments above.*

The option of sealing this road could create a catastrophe like Haulage Hill on the other end of Great Lake where there are repeated retrievals of inexperienced drivers slipping of the road. At some points Cramps Bay Road has very deep ditches at the edge of the road and over the many years that we have been using it erosion is making these ditches wider and closer to the driving surface. Will the council and other government entities be responsible for any capital outlay for any changes to the Status Quo or will any infrastructure/changes to roads and amenities be covered wholly by the proponents?

What effect will the lighting from this development have on the general ambience of Cramps Bay which is currently solely shacks powered by solar, wood fired heating and a few with generator power with minimal floodlighting of outside areas.

What procedures will be put in place for when people staying in the proposed visitor accommodation get snowed in? What resources will that require and who will be providing/financially responsible for them?

Is this proposed development fit for purpose for Cramps Bay.

The initial intention for Cramps Bay was, and still is as far as we residents feel, for this to be a traditional shack type community shared and cared for by a group of like-minded fishing enthusiasts that love and respect the environment they are privileged to share.

When we purchased our sites as part the government initiative I am pretty sure that we were assured that there would be no major expansion to the Cramps Bay settlement with numbers capped at the level at that time. I believe the number was between 30 and 40 shacks. It was meant to be for shacks that are self-sufficient, non-intrusive to the environment and self-maintained and respectful of the land that they are on. The proposed development will not meet this criteria, in fact, it will have a huge impact in all aspects of what Cramps Bay is about.

The conclusion being reached by many is that this is the thin end of the wedge that will alter and eventually destroy the traditional highland experience that we have enjoyed over the past 45 years.

The introduction of itinerant visitors that have no connection to, or affinity with, the area will cause a community disconnect with, and a loss of culture in general. Commercial development for profit via short term rental is not what this area is about. If sanctioned this trend could see all future development in the highland area being solely for income generating short term accommodation.

This appears to be the current path that developers are going down willy nilly in an attempt to attract tourists to areas that are not equipped to deal with the pressures of tourists. This application and the recent developments of site usage at Arthurs Lake along with the possibility of people riding bikes and walking a trail around the Great Lake (theres a whole different problem of waste disposal/camping areas and environmental damage) causes alarm and bewilderment at what the future holds for one of Tasmania's last bastions of uncommercialised wilderness type areas accessible to all users.

**Representation 7      David Dingemane**

**Issues**

**Officer comments**

We like to make the following representation as being the adjoining land owner of Lot 12. We raise the following concerns in relation to this submission.

*These matters are addressed in comments above.*

1: We have owned our property for over 30 years and when the Hydro Tas offered up the land for purchase we were told that Lot 13 will be put aside as reserve, the surveyor at the time confirmed this. SO its was quite a surprise that the land is now privately owned and has a development application underway.

This design does not fit the required allocation of the waterway and coastal protection area, in fact it clearly intruding into this zone.

2: There is misleading notations in relation to Bushfire Attack compliance .

It's noted that and I quote: ( Arrangement with Neighbour established to cull necessary vegetation for bushfire attack compliance ).

There has been no communication at all with any interested parties and for the record we will not allow any vegetation to be removed from our property.

We have rare species of Hakier , Native pepper Berry and some of the original Eucalyptus trees that survived the construction of the Lake . We also have nesting zones of rare honey eaters and Carrawong .

3: The location of 2 of the Units clearly are a visual intrusion of our view of the lake and our privacy . Our View was a fundamental reason for our purchase and we own the rights to that skyline and thus needs to remain untarnished and uninhibited .

I believe that 3 Buildings on such a small site is far too excessive .

4.The current Irrigation Area Zone 2, is not suitable , every winter that whole area is flooded by water run form the highway and the access

road, all this water flows into the lake, so All grey water will find its way to contaminate the lake.

5. The recommended Sewer management plan Table 9:1, is flawed. We are talking about a harsh environment where we have Snow, ice, heavy rain, power outages, internet access outages . and extreme freezing down to minus 10.

There is no way a client ## tenant will phone through a issue in relation to a failed sewer line , The rocky land can not handle any spillage so close to the waterway reserve so I have huge concerns with the fact that there can be 12 Adults putting load on the system daily . 12 Adults using ablutions, showering, washing up.. that a massive load on such a small site that is all rock, has no natural absorption and is clearly too small to construct 3 Buildings. So again any failure will immediately contaminate the lake and water ways.

We trust that you will take the time to consider our objections and concerns.

**Representation 8 Michael Paine**

**Issues**

I wish to voice my concerns regarding this development application.

We are shack owners at Cramps Bay, (for approximately 3 years) but our extended family has strong ties to the area going back to the 1970s. The community is a close knit group of people who come to the area for the peace and quiet, outstanding natural beauty of the lake and surrounds and to pursue activities, such as fishing, hunting and bushwalking. Most of the owners come to their site on a regular basis throughout the year and although we, “look out for one another” are respectful of peoples privacy and desire to get away from the normal demands of our increasingly busy lives.

I am extremely concerned that the amenities of all shack owners within this area will be affected in relation to privacy, noise, increased traffic and rubbish/waste that will be generated from this site, specifically due to the construction of three visitor accommodation units.

There has been a risk management of site and soil constraints, which is quite detailed in regards to “no go” areas and what steps occupants should take if a situation/problem occurs. This development is identified as specifically for short term accommodation and will not be occupied by the owner.

Who will be responsible for the maintenance of this site? How are they to be contacted should

**Officer comments**

*See comments to Representation 4 which is largely the same.*

inevitable problems with maintenance and amenities of the site arise? As a shack owner, I can attest to the need for the regular ongoing maintenance of our property due to the remote location and harsh climate.

I would also expect that council would require an approved Visitor Management Plan for the site.

This should include up to date contact details for the person responsible for the site. When and how short term accommodation occupants are notified of the requirements to comply with any restrictions or rules that may pertain to the site. A list of those rules and requirements and contact details for a person responsible for the site including alternative contacts if they not be available, should be distributed to all shack owners within this area. Unfortunately, due to the remote nature of Cramps Bay, it will be extremely difficult to police things like noise complaints, or anti-social behaviour, particularly on weekends as the Council offices will be closed and the nearest Police Officer is stationed at Liawenee.

Another concern for us is the density of the site, with three new buildings, their required parking areas and wastewater disposal for all three dwellings into landscaped areas for spray irrigation. It is not in keeping with the area where properties have one shack/dwelling and a couple of sheds on the title. We are concerned that should this proposal be passed, it will set a precedent whereby other properties could be acquired by developers solely for the potential of the land, the dwellings /sheds demolished and replaced with several buildings for short term accommodation built in their place. The access roads to Cramps Bay are gravel and are seeing an increase in traffic due to the recent upgrade of the boat ramp. We are concerned that, as there will need to be intense excavation and soil disturbance requiring heavy machinery due to the nature of the site, that there will arise issues with damage to the road surface and right of way onto the site. Who is responsible for any damage to the road as a result of the construction on the site and how will that be enforced? How will you ensure that all excavation works and building debris remain within the site. Is there a Soil and Water Management plan? What measures do you have in place to make sure that the developer remains compliant within this very sensitive Waterway and Coastal Protection area? There is a watercourse on the other side of the road of this property which runs directly into the lake and we are concerned about the possibility of excavated material and building debris ending up in it and inevitably making its way into Great Lake.

Winter in this area is long and harsh. Cramps bay is at an elevation of 1030m above sea level and is frequently subject to below freezing temperatures and heavy snowfall. Pipes freeze and can split due to ice expansion. We are concerned that part of the proposed grey water system, in the application documentation relies on the use of wobbler sprinklers for spray irrigation to landscaped areas. The efficiency and effectiveness of this system will be severely compromised in winter due to the freezing temperatures, particularly overnight.

The plans show a total of 456m<sup>2</sup> waste water absorption areas at each end of the site to which the Grey water is to be irrigated to after treatment, yet the geological evaluation shows that the site is located on "Mesozoic aged rock, consisting of Tasmanian Dolorite and not being suitable for absorption." Where will that run off go? The wastewater areas and therefore potential run off are very close to the boundaries of the site. What measures will be put in place to protect those areas from potential run off due to non absorption and non-functioning irrigation systems?

I also note in the applications documentation, that it is recommended for optimal performance of the system to reduce sludge build up in the irrigation system:

- Scrape all dishes to remove fats, grease etc prior to washing
- Keep all possible solids out of the system
- Do not use rubbish grinder or place hygiene products into the system
- Use bio-degradable soaps and low phosphorous detergents and only use recommended quantities
- Do not pour paint/oil or other chemicals into the system
- Install water saving fixtures
- De-sludge tank every 3 to 5 years or when sludge exceeds two thirds of tank volume
- Clean outlet filter
- Inspection of system by accredited plumber regularly

Can totally understand the benefits of using the recommendations for optimal performance of the irrigation system and as an owner/occupier would definitely be using those recommendations but the reality is that this is not a property being used by an owner/occupier, it will be used by transient people who would not care less about the recommendations for optimal performance of the irrigation system, which makes the inefficient use of this system less effective and a much higher risk to this sensitive environment.

I also note that Black water is to be retained on site and removed/pumped out following a regular maintenance schedule. This will need to be

monitored diligently. I do note that the system has been designed to cater to the requirements of the site, (based on the estimated number of people and length of stay), however this maintenance procedure will need to be given the utmost priority by the owner or any future owners of the property. I hope that the commercial nature of self contained accommodation does not mean that the costs associated with this extremely important maintenance, mean that it is given less priority over time.

I also note that the documentation specifies that this is a mains powered site, but there is no mains power at Cramps Bay. All the shacks are "off grid" Solar, 12 and 24V systems, gas cooking and wood fire. This is another aspect of living in the area and one that also requires maintenance and attention.

This site is also within a Coastal Protection Zone, so the safeguard of flora and fauna within this area should be carefully considered throughout this application.

**Representation 9**

**Issues**

As a family we are disappointed with the proposal for this development at cramps bay when we purchased the leased land from Hydro Tas it was stated that there would be no more development at Cramps Bay, owners couldn't subdivide any of their lots nor erect fences.

This development seems to make that null and void, when initially surveyed the surveyer told me this lot would be a foreshore reserve because if ever Great Lake would fill up to the top of the dam parts of the esplanade would be under water and cover the road in front of the proposed units.

The previous owner of this lot 13 had a shack on lot14 which was supposed to be demolished about 20 years ago, this shack is still standing and has been used over that period. The owner at the time had been given the opportunity to have lot 19 or 1 he chose lot 1. Who's responsibility is it to demolish that shack now? Maybe Simco should be given lot 19 and build there.

As for the 3 proposed units and having the family shack at 3 cramps bay esplanade, behind this development we don't understand why you would put 3 units there when one would suffice or eradicate the middle unit at least, seems to me a money making venture as the developer intends to rent them out .

We as a family will be very disappointed if this development proceeds and is approved.

**Officer comments**

*These matters are addressed in comments above.*

<p>We will be looking at 3 solar paneled roofs and have 3 fireplace flues blowing in our direction with the prevailing north westerlies.</p> <p>The modern style of the proposed units are not in keeping with the cramps bay shack image .</p> <p>On the site drawing it states that permission will be asked to remove vegetation for bushfire attack level of on our property, we will not allow any removal of any vegetation on our site The native flora is already under threat at cramps, especially the endemic hakea which is dying off in the area at an alarming rate, we feel any cull of vegetation is irresponsible</p> <p>I am in my mid seventies and love seeing my children, grandchildren and great grandchildren enjoy this environment and lifestyle for years to come as it will be handed down to them, We would ask council to carefully consider this proposal as I know many shack owners around the lake are opposed to new development, also the proposed bike track.</p>	
<p><b>Representation 10 (received late) McCullagh</b></p>	
<p><b>Issues</b></p>	<p><b>Officer comments</b></p>
<p>I would like to object to the planning development permit put forward to council regarding the commission of accommodation units in the area of cramps bay.</p> <p>It is our belief as long standing shack owners and recreation users of the Great Lake that these units will take away from the peaceful laid back lifestyle we are accustomed to in the central highlands. The three units will greatly affect the residents of cramps bay. With people constantly coming and going and as tourists and short time users generally do will not show the same respect for the environment as nearby residents and land as an owner occupier would.</p> <p>I also believe this was previously land owned by the crown, I understand it I perfectly legal for the crown to sell off parcels of land but what kind of precedent does this set. Will more and more land be sold off to the highest bidder, just so they can develop it to line their own pockets.</p> <p>This is not what the Great Lake is about, it is not a cash cow and should be kept as quiet and pristine. We get away and enjoy the Great Lake and surrounds as a shack style community as it has been used by many individuals for the last 3-4 generations. Everyone comments on how beautiful and quiet it is up there but it seems that some individuals want to commercialise on it to make a dollar, which at the end of the day changes it for the worst.</p>	<p><i>Comment noted.</i></p> <p><i>See responses above for further comments on specific matters.</i></p>



There are already two pubs and several other smaller accommodation type lodges around the Great Lake do we really need anymore?	
<b>Representation 11 (received late) Paul O'keefe</b>	
<b>Issues</b>	<b>Officer comments</b>
We would like to object to this application to build 3 units at the Cramps Bay address as we never expected commercialism to impact on the peace and tranquillity of Cramps Bay, where we have a holiday chalet nearby, which WE DONT rent out!	<i>Comments noted.</i>

## Conclusion

The proposed Visitor accommodation is assessed to comply with the applicable standards of the Low Density Residential Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and a number of representations were received. The matters raised in the representations have been considered in this report.

It is recommended that the application be approved, subject to conditions.

## Legislative Context

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/01 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

## Options

The Planning Authority must determine the Development Application DA2022/01 in accordance with one of the following options:

### **DA2022/01: VISITOR ACCOMMODATION (3 UNITS): 1 CRAMPS BAY ESPLANADE, CRAMPS BAY**

#### **1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, subject to conditions in accordance with the Recommendation.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

**3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

**Recommended Conditions**

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.

Approved Use

- 3) The development is approved for use as *Visitor accommodation* only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Management Plan

- 4) A management plan including emergency procedures and contact information for the site operator is to be kept on the premises at all times and provided to Council prior to first use of the approved use and development.

Amenity

- 5) The proposed colours and materials for the walls and roof as shown on the approved drawings are accepted. Any variation in the colours and materials must be submitted to and approved by Council's General Manager.
- 6) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's General Manager.
- 7) External lighting must be designed and baffled to ensure no light spill to surrounding properties to the satisfaction of the Council's General Manager.

Landscaping

- 8) Prior to building approval being issued by Council, a landscape plan is to be submitted, to the satisfaction of the Council's General Manager. The landscaping plan is to provide suitable landscape screening and visual softening of the outbuilding from adjoining properties to the south and from Wilburville Road. Plant numbers and species (common and botanical names) are to be described in the plan.
- 9) The landscaping works must be completed in accordance with the endorsed landscape plan, per condition 5 of this permit, within three (3) months of the date of this permit and to the satisfaction of the Planning Officer. All landscaping must continue to be maintained to the satisfaction of Council.

#### Parking & Access

- 10) At least six (6) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 11) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Tasmanian Municipal Standard Specifications and Drawings to the satisfaction of Council's General Manager, and must include all of the following;
  - a. Constructed with a durable all weather gravel pavement;
  - b. Appropriately drained, avoiding concentrated flows to the road; and
  - c. Be in accordance with an approved bushfire management plan.
- 12) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's General Manager.
- 13) Prior to construction of the access, design drawings to the satisfaction of the Council's General Manager, must be submitted to and approved by Council before any works associated with development of the land commence.
- 14) The developer must provide not less than forty eight (48) hours written notice to Council's Works Manager before commencing construction works on-site or within a council roadway.
- 15) Before any work begins in a public road reserve, a Traffic Management Plan prepared by a suitably qualified person in accordance with current Department of State Growth standards must be submitted to Council. The Traffic Management Plan shall form part of the permit when approved.

#### Services

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

#### Stormwater

- 17) Drainage from the proposed development must be retained on site or drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with any requirements of the Building Act 2016.

#### Wastewater

- 18) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

#### Weed management

- 19) Prior to or in conjunction with lodgement of a building application, a weed management plan prepared by a suitably qualified person (or as otherwise approved) must be submitted to the satisfaction of Council's General Manager.
- 20) The approved weed management plan will form part of this permit and is to be implemented during and after construction to the satisfaction of Council's General Manager.

#### Soil and Water Management

- 21) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- 22) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

## Construction Amenity

- 23) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:  
Monday to Friday 7:00 a.m. to 6:00 p.m.  
Saturday 8:00 a.m. to 6:00 p.m.  
Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- 24) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- 25) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- 26) The transportation of materials, goods and commodities to and from the land.
  - a. Obstruction of any public roadway or highway.
  - b. Appearance of any building, works or materials.
  - c. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 27) The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Works and Technical Services.

### The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the Customer Building and Occupational Services (CBOS) website.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Commonwealth Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Parks, Water & Environment or the Commonwealth Minister for a permit.
- E. This permit does not ensure compliance with the *Aboriginal Heritage Act 1975*. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details:  
<https://www.aboriginalheritage.tas.gov.au/assessment-process>
- F. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au).

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## 7.0 OTHER BUSINESS

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## 8.0 CLOSURE