



Central Highlands Council

AGENDA

PLANNING COMMITTEE MEETING – 13TH AUGUST 2024

Council Representatives:

Cr R Cassidy (Chairperson), Mayor L Triffitt, Deputy Mayor J Allwright & Cr J Hall.
(Cr A Archer – Proxy)

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Council Chambers, 19 Alexander Street, **Bothwell** on **Tuesday 13TH August 2024**, commencing at **9.00am**.

I certify under Section 65 of the *Local Government Act 1993*, that the matters to be discussed under this Agenda have been, where necessary, subject of advice from a suitably qualified person and that such advice has been taken into account in providing advice to the Council.

Dated at Bothwell this **7th day** of **August 2024**.

Jason Branch
Acting General Manager

1.0 PRESENT

2.0 APOLOGIES

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.

4.0 PERCEIVED INTEREST DECLARATIONS

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary

(6) A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
 - (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
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5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 14TH MAY 2024

RECOMMENDATION 01/08.2024/PC

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 14th May 2024 to be confirmed.

6.0 PUBLIC QUESTION TIME

In accordance with Council's Policy No 2017-49 *Public Comment on Planning Agenda Items at Committee Meetings* a person may speak about an item on the agenda to be considered by the Planning Committee during public question time or at the beginning of the item, as determined by the Chairperson.

Speakers should follow the procedure below:

1. Only those people that have:
 - (a) Initiated the planning decision under the *Land Use Planning and Approvals Act 1993* (Act) ("Applicant"); or
 - (b) The owner of the land subject to the planning decision ("Owner"); or

- (c) made a representation within the statutory notice period in relation to a planning decision (“Representor”)

will be entitled to speak at a Planning Committee Meeting (“Meeting”).

2. Prior to the commencement of the Meeting a person who wishes to address the Meeting must:
 - i. Notify the Council in writing by close of business on the Friday prior to the Planning Committee meeting of the person’s intention to address the Meeting, including with the following detail:
 - (a) Identify whether the person is the Applicant or a Representor;
 - (b) If a Representor, the date the person made a representation in respect to the planning decision; and
 - (c) the relevant planning decision by the Council allocated number, or by reference to the land to which it relates (eg, by certificate of title, PID or address);
 - (d) the question or topic on which the person wishes to speak.
 - ii. Notify the Chairperson of his or her arrival prior to the commencement of the PCM and complete a register.
3. If a person has complied with the procedure in 2 above, the person will be entitled speak at the meeting.
4. The Chairperson will determine the order of speakers.
5. All people entitled to speak will be given equal opportunity to speak.
6. Each person will be limited to **5 minutes** unless otherwise allowed by the Chairperson.
7. A person may make a statement only or ask questions that are directed through the Chairperson.
8. A person may not direct questions to staff members unless directed through the Chairperson. The Chairperson may ask staff members to answer any question.
9. The Council is under no obligation to answer questions. Questions may be taken on notice by the Planning Committee. The Planning Committee may answer such questions at its discretion.
10. (a) Planning Committee members may ask questions of the person speaking.
(b) Councillors present who are not members of the Planning Committee may ask questions or seek clarification only at the discretion of the Chairperson.
11. The Applicant may be given notice of a person’s intention to speak. The Applicant will be given an opportunity to speak in reply, limited to 5 minutes unless otherwise allowed by the Chairperson. If the Applicant is not present at the Meeting, the Planning Committee may provide the Applicant with an opportunity to respond.
12. No debate or argument is permitted at any time.
13. Members of the gallery must not interject while another party is speaking.

Weight to be given to verbal representations made at Planning Committee Meetings in planning decisions:

1. The Planning Committee is under no obligation to consider or to give any weight to any oral submission or questions made at its Meeting.
2. The Planning Committee is under no obligation to give reasons if it chooses not to rely upon or give weight to a verbal representation made pursuant to this Policy.
3. The hearing of an oral submission at a Meeting by the Planning Committee does not take any special weight or precedence over the written application and representations made.

Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

7.0 PLANNING REPORTS

7.1 DEVELOPMENT APPLICATION (DA2024/43) FOR SUBDIVISION (3 LOTS) AT 1204 ELLENDALE ROAD, ELLENDALE & LOT 1 ELLENDALE ROAD, ELLENDALE (CT'S 244823/1 & 43479/1) SUBMITTED BY PDA SURVEYORS, ENGINEERS & PLANNERS OBO BY T & S WALLACE

REPORT BY

Senior Planning Officer (Louisa Brown)

APPROVED BY

Manger of Development & Environmental Services (Graham Rogers)

DATE

Tuesday 14th May

Enclosure

Development Application Documents
Representation 1

Discretions

- 11.5.1 P2
- 11.5.3 P2
- 20.5.1 P1

PROPOSAL

Council is in receipt of an application for a planning permit for a 3 lot Subdivision at Lot 1 Ellendale Road and 1204 Ellendale Road, Ellendale (CT 244823/1 and CT 43479/1).

The proposal seeks that Lot 1 Ellendal Road (CT 244823/1) which is currently 64.98ha be subdivided into 3 lots (Lot 1, 2 and 3). The property 1204 Ellendale Road be consolidated with proposed Lot 5, as illustrated on the plan of subdivision.

Lot 1 Ellendale Road is currently split zoned, Rural and Rural Living A with the zone boundary formed by an existing water course. The proposal will bring the new lots 1,2 and 3 into alignment with the existing Rural Living (A) Zone boundary. The proposed Lot 5 and balance of CT 244823/1 encompasses all of the Rural Zone.

It is propsoed that;

Lot 1 - area of 1ha, access via new Right of Way, frontage 12.9m.

Lot 2 - area of 1.36ha, access via new Right of Way, frontage 8.22m.

Lot 3 - area of 3.06ha, access via new Right of Way, frontage 8.3m.

Balance of lot CT 244823/1 – area of 47.83ha, access via exitsing Right of Way, frontage 90m.

Lot 5 is to be consolidated with CT 43479/1 to form a single parcel of 14.62ha, containing the existing residential dwelling, existing access and frontage of 6m.

The documents provided with the Development Application include the following:

- Completed Development Application Form;
- Certificate of Title documents;
- Proposed Plan of Subdivision: PDA-52416CT-P4;
- Bushfire Hazard Report, prepared by GES Solutions, J10343v1 dated June 2024: and
- Planning Compliance Report, Subdivision 3 Lots by PDA Surveyors, Engineers & Planners.

This report to Council will assess the proposal against the relevant provisions of the Act and the Tasmanian Planning Scheme – Central Highlands. It is recommended that Council grant a planning permit for the development application subject to conditions.

THE SITE

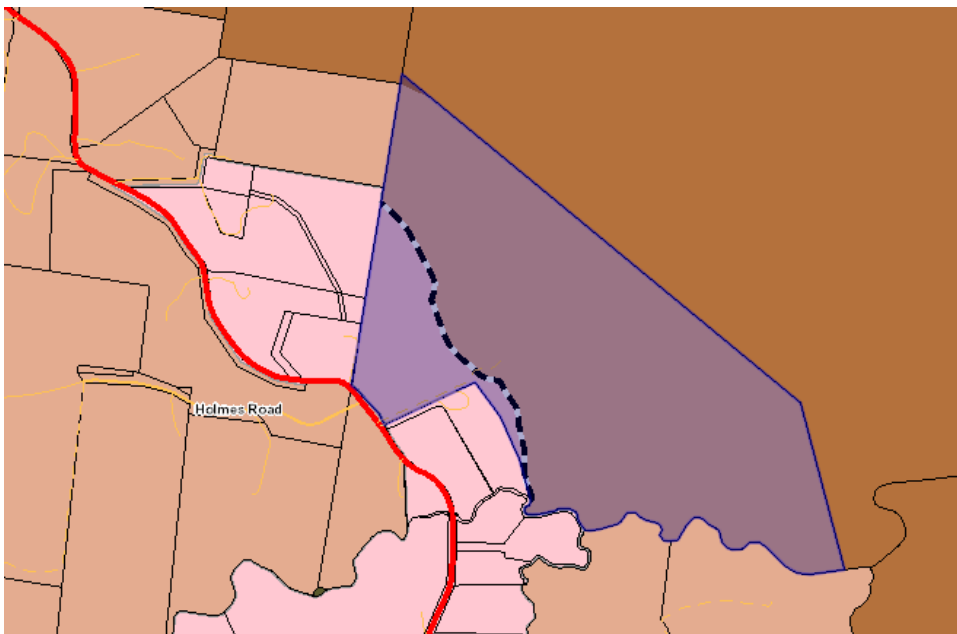
The properties are located at Lot 1 Ellendale Road, Ellendale, CT 244823/1 and is 64.98ha. The property 1204 Ellendale Road, Ellendale CT 43479/1 is currently 2.88ha. Both properties are located off the Ellendale Road, opposite the junction with Holmes Road to the north of the settlement of Ellendale.

The land and that of the surrounding area is predominantly pasture, agricultural land use, including some hardwood and softwood plantation forestry. A water course runs diagonally through the properties, north-west to south-east. The land form increases in height from the water course towards the rear property boundary.

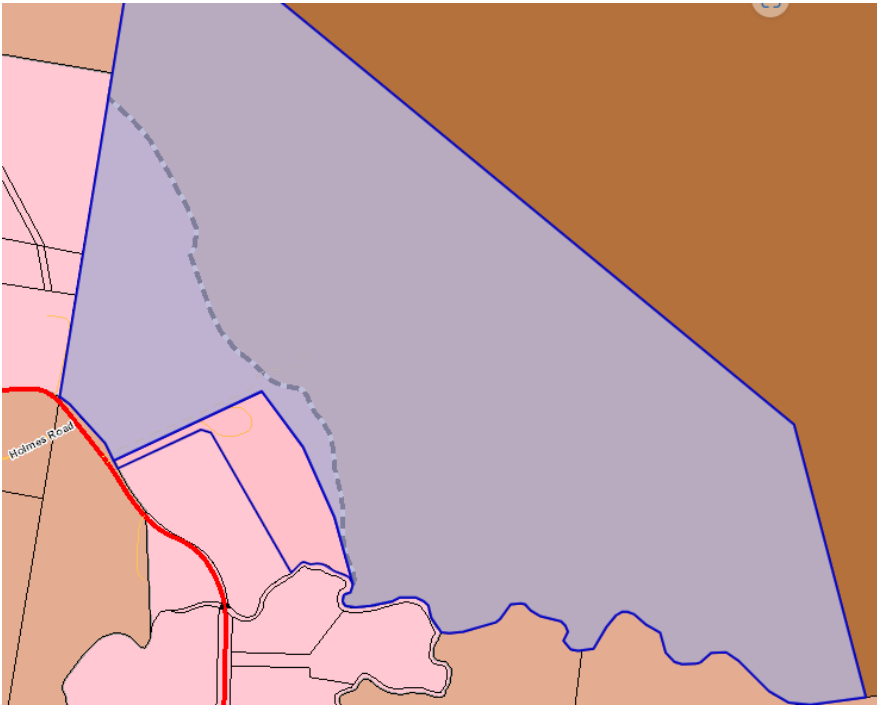
An existing dwelling and outbuilding is located on the property 1204 Ellendale Road. The existing access to the property 1204 Ellendale Road is lined with mature trees.

An outbuilding on the property Lot 1 Ellendale Road is located within 80m to the west of the existing dwelling.

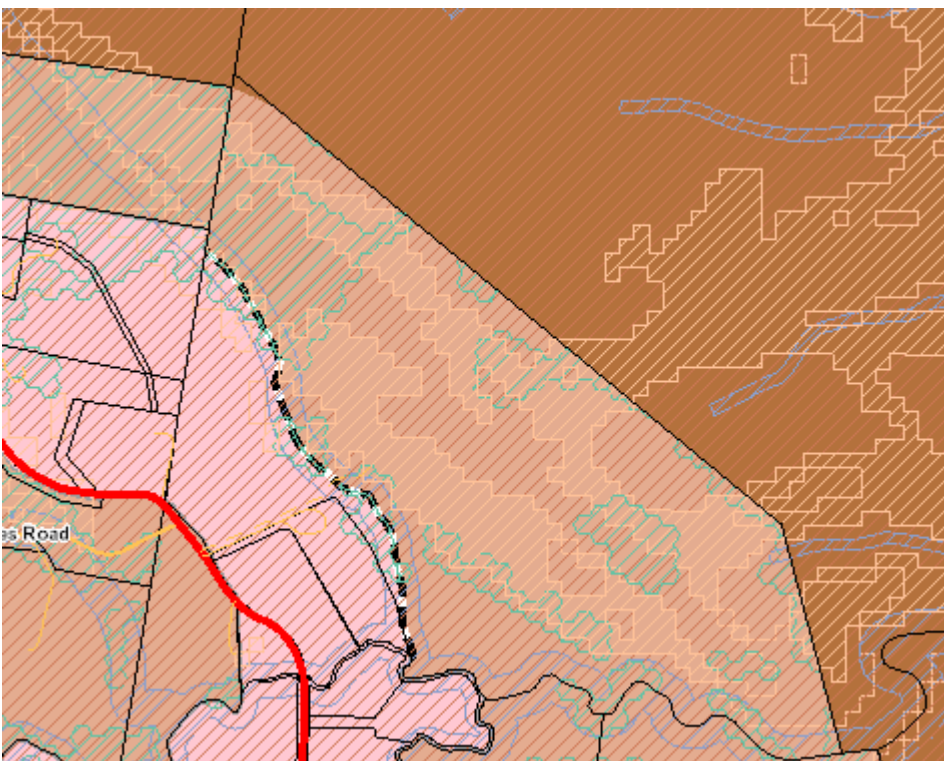
1204 Ellendale Road is zoned Rural Living (A) in the Tasmanian Planning Scheme – Central Highlands. The zone boundary within Lot 1 Ellendale Road is divided by a water course, where land to the south of the watercourse is zoned Rural Living (A) and the north is zoned Rural.



Map 1_ Lot 1 Ellendale Road is highlighted in blue. The dashed white and black line indicates the line of the split Zone. Light pink represents the Rural Living Zone, the light brown colour represents the Rural Zone and Brown is the Agriculture Zone of the Tasmanian Planning Scheme. (source: thelist. 07/08/24)



Map 2_ 1204 Ellendale Road property boundary is shown with a blue line and Lot 1 highlighted in blue. (source: thelist. 07/08/24)



Map 3_ The subject land area with the Bushfire Prone Area Code Overlay (brown lines), Natural Assets Code, Waterway and Coastal Protection Area (light blue lines) Natural Assets Code, Priority Vegetation (green lines) (source:thelist. 07/08/24)



Map 4_ The subject land area aerial photograph (source: thelist. 07/08/24)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined in the Tasmanian Planning Scheme (The Scheme), as below:

“means the act of subdividing or the lot subject to an act of subdividing”.

Subdivision is a Discretionary development, in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 6.8.1 (b) of the *Tasmanian Planning Scheme – Central Highlands*. Council has the discretion to grant a permit or refuse to grant a permit.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised for 14 days from 23rd July until the 6th August 2024.

During which time one (1) representation was received. This is summarised in the table below. Please refer to enclosure to view the full copy of representation received.

Public Notice Period 23/7/24 – 6/8/24	
Representation 1	Council Planning Officer Comment
<p>Concerned that the proposed Rights of Way for the numerous new lots will potentially increase traffic noise and disturbance to existing nearby residences.</p> <p>We are greatly concerned there will be a lack of privacy and security with cars passing, and if houses are built close to the boundary.</p> <p>A housing subdivision this close will greatly diminish our ability to enjoy the rural lifestyle that we have established and enjoyed for decades. And this</p>	<p><i>The proposed number of lots and access arrangements have been assessed against the development standards of the Tasmanian Planning Scheme (The Scheme) for the Rural Zone and the Rural Living Zone. This assessment forms part of the following sections of this Report to Council. The proposal meets the requirements of The Scheme.</i></p>

<p>includes all the sights, sounds and smells of the rural lifestyle – horses, tractors, chainsaws, fire hazard reduction burnoffs, shooting vermin wallabies and rabbits and the like.</p> <p>We also have concerns about maintaining the wallaby proof integrity of our current boundary fence.</p> <p>We have had cordial discussions with the DA applicants recently voicing our concerns and discussed the viability of establishing a planted corridor along the boundary – to provide visual screening – for the mutual benefit of all parties. If this development must go ahead (which I still think will have a detrimental effect on our rural lifestyle and set a poor precedent for the area) can there be a provision inserted to guarantee the establishment of a planted screening corridor to separate the properties in question.</p>	<p><i>The exact location of any future dwelling on the proposed lots will be subject to future applications for Planning Permits. However, the side and rear setback for dwellings in the Rural Living Zone is 10m. A proposed dwelling with a setback less than 10m, would require a discretionary permit, therefore the application would be advertised, offering a further opportunity to voice concerns regarding the development.</i></p> <p><i>The property Lot 1 Ellendale Road and surrounding land is zoned Rural Living (A) which the minimum lot size is 1ha. The purpose of this zone is to provide for residential use in a rural setting where services are limited.</i></p> <p><i>Fencing agreements between neighbouring properties is outside of the scope of the Council as Planning Authority.</i></p> <p><i>Council notes that there is some existing mature vegetation to the western property boundary of Lot 1 Ellendale Road. However some of this maybe required to be removed to gain access to the proposed lots. A condition to maintain existing vegetation where possible and to supplement the existing with appropriate planting will be made.</i></p>
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ZONE ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

The subject sites are in the Rural Living Zone (A) and the Rural Zone of the Tasmanian Planning Scheme – Central Highlands.

Subdivision is a discretionary use in both zones. Accordingly, the proposal must satisfy the requirements of the Zone Purpose and the following relevant development standards of these zones and Codes:

11.0 Rural Living Zone

The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or
- (b) existing natural and landscape values are to be retained.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Development Standards for Subdivision		
11.5.1 Lot design		
That each lot:		
(a) has an area and dimensions appropriate for use and development in the zone;		
(b) is provided with appropriate access to a road; and		
(c) contains areas which are suitable for residential development.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than specified in Table 11.1 and:</p> <p>(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p>a. all setbacks required by clause 11.4.2 A2 and A3; and b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of existing buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) any natural or landscape values;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</p>	<p><i>All lots are no less than 1ha in area, as specified in table 11.1.</i></p> <p><i>All lots have a minimum area of 15m x 20m clear of required setbacks.</i></p> <p><i>The existing dwelling on 1204 Ellendale Road is clear of setbacks required.</i></p> <p><i>The proposal meets Acceptable Solution A1.</i></p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole</p>	<p><i>Lots 1, 2 and 3 do not have a frontage of 40m, therefore are assessed against the Performance Criteria P2.</i></p> <p><i>Lots 1, 2 and 3 are provided with Rights of Way and all are over 3.6m in wide. The proposed access strip is 6m wide with access shared for all 3 lots.</i></p> <p><i>Other similar arrangements for access strips are within the area.</i></p>

	<p>or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>	<p><i>The shared access for 3 lots has been designed to accommodate vehicles for the lots, providing adequate space for manoeuvring.</i></p> <p><i>The proposal meets the Performance Criteria P2.</i></p>
<p>A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the length of the access;</p> <p>(c) the distance between the lot or building area and the carriageway;</p> <p>(d) the nature of the road and the traffic;</p> <p>(e) the anticipated nature of vehicles likely to access the site; and</p> <p>(f) the ability for emergency services to access the site.</p>	<p><i>Lots 1, 2 and 3 will have a new access from Ellendale Road. The remaining lots have existing access.</i></p> <p><i>The proposal meets the Acceptable Solution A3.</i></p>

<p>11.5.2 Roads That the arrangement of new roads with a subdivision provides:</p> <p>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</p> <p>(b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</p> <p>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The subdivision includes no new roads.</p>	<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to:</p> <p>(a) any relevant road network plan adopted by the council;</p>	<p><i>No new roads are proposed, the Acceptable Solution A1 is met.</i></p>

	<p>(b) the existing and proposed road hierarchy;</p> <p>(c) maximising connectivity with the surrounding road network;</p> <p>(d) appropriate access to public transport; and</p> <p>(e) access for pedestrians and cyclists.</p>	
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11.5.3 Services		
That the subdivision of land provides services for the future use and development of the land.		
Acceptable Solution	Performance Criteria	Officer Comment
<p>A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p>P1 No Performance Criterion.</p>	<p><i>There is no full water supply service within 30m of the frontage to the proposed Lots. The proposed lots will have connect to a limited water supply, of which there is sufficient space within the lots.</i></p> <p><i>The acceptable solution A1 is met.</i></p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a reticulated sewerage system; or</p> <p>(b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>	<p><i>There is no reticulated sewerage system in the area, therefore on site wastewater systems will be required.</i></p> <p><i>The Performance Criteria P2 is met.</i></p>

20.0 Rural Zone

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land; and
- (d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements

Development Standards for Subdivision		
20.5.1 Lot design		
Objective: To provide for subdivision that:		
(a) relates to public use, irrigation or Utilities; or		
(b) facilitates use and development for allowable uses in the zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than specified in Table 11.1 and:</p> <p>(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p>a. all setbacks required by clause 11.4.2 A2 and A3; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have sufficient useable area and dimensions suitable for the intended purpose, excluding Residential or Visitor Accommodation, that:</p> <p>(i) requires the rural location for operational reasons;</p> <p>(ii) minimises the conversion of agricultural land for a non-agricultural use;</p> <p>(iii) minimises adverse impacts on nonsensitive uses on adjoining properties; and</p> <p>(iv) is appropriate for a rural location; or</p> <p>(b) be for the excision of a dwelling or Visitor Accommodation existing at the effective date that satisfies all of the following:</p> <p>(i) the balance lot provides for the sustainable operation of a Resource Development use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the balance lot for</p>	<p><i>The balance of Lot CT 244823/1 is 47.83 ha</i></p> <p><i>The proposed Lot 5 total area will be 14.62ha, therefore the Performance Criteria P1 applies.</i></p> <p><i>The application documents state that the 14.62ha lot will provide additional land for stock and is the exciting owner managing resources available to them.</i></p> <p><i>The proposal will not diminish the existing capacity of the land for stock.</i></p> <p><i>Existing vehicle access will be maintained.</i></p> <p><i>The agricultural capacity of the balance lot has not diminished.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>

	<p>productive agricultural use; and</p> <p>c. any topographical constraints to agricultural use;</p> <p>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot</p> <p>(iii) the existing dwelling or Visitor Accommodation must meet the setbacks required by subclause 20.4.2 A2 or P2 in relation to setbacks to new boundaries;</p> <p>(iv) it is demonstrated that the new lot will not unreasonably confine or restrain the operation of any adjoining site used for agricultural use; and</p> <p>(c) be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(i) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(ii) the topography of the site;</p> <p>(iii) the functionality and useability of the frontage;</p> <p>(iv) the anticipated nature of vehicles likely to access the site;</p> <p>(v) the ability to manoeuvre vehicles on the site;</p> <p>(vi) the ability for emergency services to access the site; and</p> <p>(vii) the pattern of development existing on established properties in the area.</p>	
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, is provided with reasonable vehicular access to a boundary of a lot or</p>	<p><i>The proposal meets the Acceptable Solution A2 as the balance lot and Lot 5 have existing vehicular access.</i></p>

with the requirements of the road authority.	building area on the lot, if any, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area. 	
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ZONE ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Parking and Sustainable Transport Code

The Code applies to all use and development. The proposal must satisfy the requirements of the following relevant development standards:

C2.5 Use Standards		
C2.5.1 Car parking numbers		
That an appropriate level of car parking spaces are provided to meet the needs of the use.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the 	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to 	<i>The number of car parking spaces required for the existing dwelling is met.</i> <i>At a minimum site area of 1ha, the proposed lots have adequate space to provide for car parking.</i> <i>The proposal meets the acceptable solution A1.</i>

<p>existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.</p>	
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C2.6 Development Standards for Buildings and Works C2.6.1 Construction of parking areas That parking areas are constructed to an appropriate standard.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.</p>	<p><i>The access driveways throughout the proposed development will be conditioned to be constructed from an all weather pavement and drained to a stormwater system as required by a Plumbing Permit issued by the authority.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

C2.6.2 Design and layout of parking areas		
That parking areas are designed and laid out to provide convenient, safe and efficient parking.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>	<p><i>Car parking, access and circulation space will be conditioned to meet the requirements of the Australian Standard AS 2890 - Parking facilities, Parts 1-6.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

C2.6.3 Number of accesses for vehicles		
That:		
(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;		
(b) accesses do not cause an unreasonable loss of amenity of adjoining uses;		
(c) the number of accesses minimise impacts on the streetscape.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
A1 The number of accesses provided for each frontage must: <ul style="list-style-type: none"> (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater. 	P1 The number of accesses for each frontage must be minimised, having regard to: <ul style="list-style-type: none"> (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape. 	<i>The acceptable solution A1 is met, the proposed Lots are provided with a single point of vehicular access. Existing access will serve the balance lot and Lot 5.</i>
A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must: <ul style="list-style-type: none"> (a) not have an adverse impact on: <ul style="list-style-type: none"> (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape. 	<i>Not applicable, the zone is Rural.</i>

Natural Assets Code

This Code applies as areas of Waterway & Coastal Protection Area and Priority Vegetation Overlay are located throughout the property.

The purpose of the Natural Assets Code is:

- To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- To minimise impacts on identified priority vegetation.
- To manage impacts on threatened fauna species by minimising clearance of significant habitat.

Both the Waterway & Coastal Protection Area and Priority Vegetation Area are shown on the overlay map of the Local Provisions Schedule.

The proposal must satisfy the requirements of the following relevant development standards:

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area		
<p>That:</p> <p>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</p> <p>(b) future development likely to be facilitated by the subdivision.</p>	<p><i>The proposal meets the Acceptable Solution as the subdivision does not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway area.</i></p>

C7.7.2 Subdivision within a priority vegetation area		
<p>That:</p> <p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p>	<p>P1.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <p>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to</p>	<p><i>The proposal meets the Acceptable Solution A1 as no works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</i></p>

<p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<p>provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) subdivision involving clearance of native vegetation where it is demonstrated that ongoing pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and</p>	
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	<p>fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>	
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CONCLUSION

The report has assessed the Development Application DA2024/43 for Subdivision (3 Lots) at 1204 Ellendale Road, Ellendale & Lot 1 Ellendale Road, Ellendale (CT's 244823/1 & 43479/1) submitted by PDA Surveyors, Engineers & Planners obo by T & S Wallace.

During the Public Notification period, one representation was received, the concerns of which have been addressed in this report.

The proposal has been found to comply with all the relevant standards of the Rural and Rural Living (A) Zone and the applicable Codes.

It is recommended that the Application be approved and a Permit issued with conditions and advice.

RECOMMENDATION 02/08.2024/PC

Moved: Cr

Seconded: Cr

THAT the Planning Committee make the following recommendation to Council acting as the Planning Authority:

THAT, in accordance with the provisions of the *Tasmanian Planning Scheme – Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2024/43) for Subdivision (3 Lots) at 1204 Ellendale Road, Ellendale & Lot 1 Ellendale Road, Ellendale (CT's 244823/1 & 43479/1)

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. The development and works must be carried out in accordance with:
Bushfire Hazard Report, Proposed Subdivision 1204 Ellendale Road, Ellendale (Mark Van den Berg, GES) J10343v1 dated June 2024.
3. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

Agreements

4. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

Easements

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

Public Open Space

6. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey.
The cash contribution amount is to be equal to 5% of the value of the land (excluding the balance lot) at the date of lodgement of the Final Plan of Survey.
The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.
7. 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.

Covenants

8. 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 Manager Environment and Development Services.

Final plan

9. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. 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.
10. A fee of \$237.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
11. 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 for each stage. 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.
12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Services

13. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Manager Environment and Development Services or responsible authority.
14. 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.

Access to Ellendale Road

15. Unless approved otherwise by Council's General Manager the proposed Vehicular access to Lots 1, 2, 3 and Balance Lot, Accesses must be sealed with a minimum width of 3 metres at the property boundary to the Road and must comply with Standard Drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance and to the satisfaction of Council's General Manager. Or as otherwise as required by the approved Bushfire Hazard Report & Plan.

Landscaping

16. No vegetation other than that necessary for the construction of the associated access and any services is to be cleared without the prior approval of Council's General Manager.
17. Any vegetation removed from the western property boundary to Lots 1, 2 and 3 must be replaced with appropriate planting. Planting must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for Bush Fire Prone areas.

Construction amenity

18. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
 - 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
19. All 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; and/or
 - (b) transport of materials, goods or commodities to or from the land; and/or
 - (c) appearance of any building, works or materials.
20. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
21. 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 subdivision 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 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.

8.0 OTHER BUSINESS

9.0 CLOSURE

The Chairperson thanked everyone for their contribution and declared the meeting closed at ____ am.
