



Central Highlands Council

AGENDA

PLANNING COMMITTEE MEETING – 5TH DECEMBER 2023

Council Representatives:

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

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 5th December 2023**, 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 **30th** day of **November 2023**.

Kim Hossack
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 10th OCTOBER 2023

RECOMMENDATION 01/12.2023/PC

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 10th October 2023 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.

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 (DA2023/50) FOR SUBDIVISION (8 LOTS & BALANCE LOT) AT 937 ELLENDALE ROAD, ELLENDALE OWNED BY J & A DALLEY

Author

Senior Planning Officer (Louisa Brown)

Authorised By

Development & Environmental Services Manager (Graham Rogers)

ATTACHMENTS

Development Application documents

- Bushfire Assessment
- Wastewater Report
- Copy of Title
- Site plan/plan of subdivision

PROPOSAL

The owners J & A Dalley, have applied to the Central Highlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to subdivide the land at 937 Ellendale Road, Ellendale.

The existing property is made up of one title (CT: 170358/1) with a total area of 2.010ha and includes a dwelling and outbuildings. Vehicular access is from Ellendale Road.

The application seeks to subdivide the site to create a total of eight lots in the following arrangement:

Lot 1 – 1742.13m², existing shed to be removed, 27m of frontage, new vehicular access from The Avenue;

Lot 2 – 1364.5m², vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 3 – 1414.83m², vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 4 – 1440.00 m², vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 5 – 5035.78m², vacant, 7m of frontage, new vehicular access from The Avenue;

Lot 6 – 4007.90m², vacant, 6.5m of frontage, new vehicular access from Ellendale Road;

Lot 7 – 1611m², vacant, 14m of frontage, new vehicular access from Ellendale Road, easement for existing wastewater for Town Hall;

Lot 8 – 2003.94m², vacant, 29.32m of frontage, new vehicular access from Ellendale Road; and

Balance Lot – 1494.06m², includes existing dwelling, outbuilding, and vehicular access from Ellendale Road.

The proposal is to stage the development as follows:

Stage 1. Balance lot to be divided.

Stage 2. Divide lots 1 to 4 and 7

Stage 3. Divide lots 5,6 and 8

The land is currently used for residential purposes. There is a dwelling, outbuildings, fencing, gardens and associated infrastructure on the land.

The application has been lodged under the *Tasmanian Planning Scheme – Central Highlands* ("the Planning Scheme") and the property is zoned Village within the Planning Scheme.

Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

This is a discretionary application under the Planning Scheme. The Council gave notice of the application for public comment as required by the Act. During the notification period no representations were received.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council grant a permit for the subdivision subject to conditions.

THE SITE

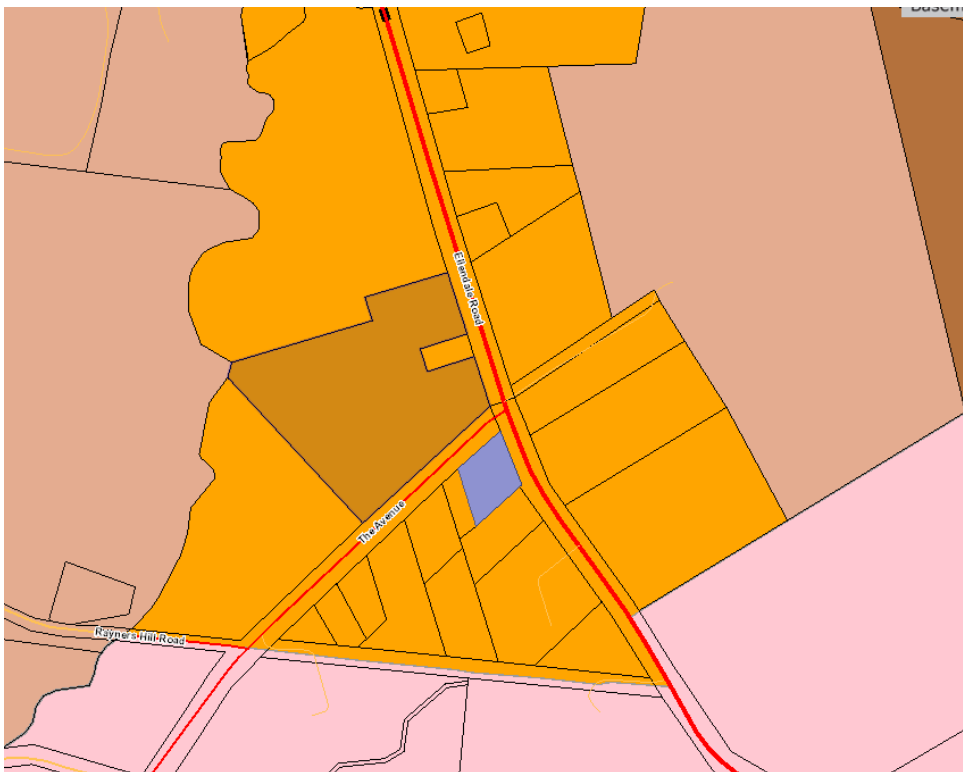
The property is located within the settlement of Ellendale, on the corner of Ellendale Road and The Avenue. The Ellendale Town Hall is situated towards the centre of the property to the Ellendale Frontage. The Town Hall is on a separate title and does not form a part of this application. Ellendale Recreation Ground is situated on the opposite side to the property on Ellendale Road.

The surrounding landscape is characterised by grasslands with some scattered native vegetation and forests. Land use adjacent to the proposal comprises residential development on lots of various sizes and grassland vegetation.

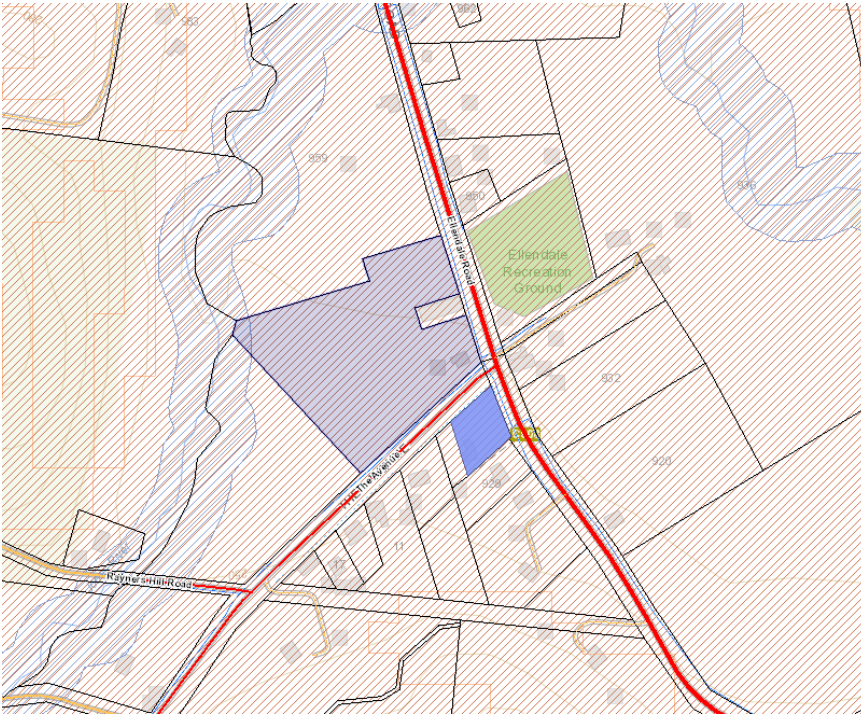
The land is relatively level to gently sloping with an average slope of 4% to the Northeast.

Map 1 below shows the land zoning and location of the property.

Map 2 shows the planning overlays and Map 3 an aerial image of the property and surrounds.



Map 1_ The subject land and most surrounding properties are in the Village Zone (orange). Adjoining land to the west and further east is in the Rural Zone (light brown). The pink colour represents the Rural Living Zone. The subject title is identified by the blue line. Source: LISTmap (28/11/23)



Map 2_ The land is subject to the following overlays: Bushfire-prone areas (brown stripe), Waterway and coastal protection area (light blue stripe). Source: LISTmap (28/11/23)



Map 3 _ Aerial image of the subject land and surrounding area. Subject titles marked with blue line. Source: LISTmap (28/11/23)

THE APPLICATION

The Applicant has submitted the attached Plans and reports to accompany the Development Application form.

A cover letter detailing the proposed subdivision and staging plan have been provided by owner. In addition a Wastewater Report and Bushfire Hazard Report have also been prepared by a qualified persons.

Specific matters relevant to the application are discussed below.

Access

All proposed lots will require new access crossovers and the balance lot will use the existing access.

Stormwater and Sewer

Reticulated sewer is not available in this location; therefore all proposed lots are sized sufficiently for wastewater to be managed onsite. This will be assessed as part of any future proposals to develop the vacant lots.

A new Stormwater connection will serve all lots and connect to an existing pit on Ellendale Road.

Bushfire

The entirety of the land is identified as bushfire prone.

As such, a Bushfire Hazard Report and Management Plan has been provided to address the requirements of the Bushfire Prone Areas Code (assessed below).

In summary, the proposed subdivision is able to meet the requirements of the Code.

Public Open Space

No land will be provided for Public Open Space in this subdivision. A condition requiring payment of cash in lieu of 5% of the value in accordance with the *Local Government (Building and Miscellaneous Provisions) Act 1994* is included in the recommendation.

TASwater

Water reticulation is available to the land, with the main running along The Avenue and Ellendale Road.

The developer will need to provide a new water connection for all lots and in accordance with the requirements of TASwater.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with the *Tasmanian Planning Scheme – Central Highlands*.

Use/Development Status under the Planning Scheme

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

Council has the discretion to grant a permit for this proposal with or without conditions or refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from the 13 November 2023 until the 27 November 2023.

No representations were received.

ASSESSMENT – TASMANIAN PLANNING SCHEME – Central Highlands

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:

Development Standards – Village Zone		
12.5.1 Lot Design		
Objective: That each lot has an appropriate area and dimensions for use and development consistent with the purpose of this specific area plan.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 600m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m, with a gradient of not more than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 12.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 12.4.3 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	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: <ul style="list-style-type: none"> (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area. 	<i>Each of the proposed lots are significantly larger than the minimum lot size of 600m².</i> <i>The Acceptable Solution A1 is satisfied.</i>
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 10m.	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: <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; 	<i>Lots 5 and 6 have frontage less than 10m. Lot 5 frontage is to The Avenue and Lot 6 is to Ellendale Road. Therefore the proposal meets Performance Criteria (a), (c), (d), (e), (f) and access are more than 3.6m wide.</i>

	<p>(b) the topography of the site;</p> <p>(c) the functionality and useability of the frontage;</p> <p>(d) the anticipated nature of vehicles likely to access the site;</p> <p>(e) the ability to manoeuvre vehicles on the site;</p> <p>(f) the ability for emergency services to access the site; and</p> <p>(g) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</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 distance between the lot or building area and the carriageway;</p> <p>(c) the nature of the road and the traffic; and</p> <p>(d) the pattern of development existing on established properties in the area.</p>	<p><i>Each of the proposed lots will be provided with a vehicular access in accordance with Council requirements, satisfying Acceptable Solution A3.</i></p> <p><i>Conditions to this effect are included in the recommendation.</i></p>

Development Standards – Village Zone

12.5.3 Services

Objective:

That the subdivision of land provides services for the future use and development of the land.

Acceptable Solutions	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>P1 No Performance Criteria.</p>	<p><i>The proposed lots will all be connected to a full water supply service, complying with part (a) of the Acceptable Solution A1.</i></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 connection to 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>A2</p> <p>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 connection to a reticulated sewerage system.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding 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>Ellendale does not have a reticulated sewerage system. Assessment against the Performance Criteria is necessary.</i></p> <p><i>The balance lot is serviced by an existing wastewater system. Each of the additional lots are sized generously and will be adequate for provision of on-site wastewater treatment for future development, with detailed design to be undertaken at the time of development. In addition, a Wastewater report has been provided with the documentation.</i></p> <p><i>The proposal complies with the Performance Criteria.</i></p>
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <p>(a) the size of the lot;</p> <p>(b) topography of the site;</p> <p>(c) soil conditions;</p> <p>(d) any existing buildings on the site;</p> <p>(e) any area of the site covered by impervious surfaces; and</p>	<p><i>The proposal includes connections from all new lots to the existing Stormwater connection on Ellendale Road.</i></p>

	(f) any watercourse on the land.	
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C2.0 Parking and Sustainable Transport Code

The proposed subdivision provides for adequate parking to be retained on the balance lot to serve the existing development and vehicle access for each lot will be provided in accordance with the requirements of this Code.

C7.0 Natural Assets Code

Part of the land is within a Waterway and coastal protection area identified under this Code.

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

Development Standards – Subdivision		
C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area Objective: That: (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 (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 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: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (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.	P1 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: (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 (b) future development likely to be facilitated by the subdivision.	<i>The proposed lots will all have sufficient area outside of the waterway protection area such that works are not necessary within the overlay, complying with part (e) of the Acceptable Solution A1.</i>

C13.0 Bushfire-Prone Area Code

The Code applies to the development as the land falls within a bushfire-prone area as identified by the overlay in the Scheme.

A Bushfire Hazard Assessment Report - *Bushfire Hazard Report, Proposed Subdivision 8 Lots & Balance, 937 Ellendale Road, Ellendale (Mark Van den Berg, GES) J9025v2 dated October 2023*, was provided with the Development Application.

The assessment against the development standards of the code is provided in the following tables.

Development Standards - Subdivision		
C13.6.1 Subdivision: Provision of hazard management areas		
Objective:		
That subdivision provides for hazard management areas that:		
<ul style="list-style-type: none"> (a) facilitate an integrated approach between subdivision and subsequent building on a lot; (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and (c) provide protection for lots at any stage of a staged subdivision. 		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision: <ul style="list-style-type: none"> (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in 	P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to: <ul style="list-style-type: none"> (a) the dimensions of hazard management areas; (b) a bushfire risk assessment of each lot at any stage of staged subdivision; (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (d) the topography, including site slope; (e) any other potential forms of fuel and ignition sources; (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development; 	<p><i>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority <u>must accept</u> any certificate issued by an accredited person that certifies the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</i></p> <p><i>The provided Certificate and Report demonstrates that Hazard Management Areas can be provided to a BAL-19 risk level for all lots including the balance.</i></p> <p><i>The proposal therefore complies with A1 (b) and sub criteria.</i></p> <p><i>There is no need to extend hazard management areas into the adjoining land and therefore A1 (c) is not applicable.</i></p>

<p>Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>	
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Development Standards - Subdivision

C13.6.2 Subdivision: Public and fire-fighting access

Objective:

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;

(d) provide access to water supplies for fire appliances; and		
(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <p>(i) two way traffic;</p> <p>(ii) all weather surfaces;</p> <p>(iii) height and width of any vegetation clearances;</p> <p>(iv) load capacity;</p> <p>(v) provision of passing bays;</p> <p>(vi) traffic control devices;</p> <p>(vii) geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) use of through roads to provide for connectivity;</p> <p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p>	<p>The _____ provided Report/Certificate states that the access will comply with the relevant standards for road access.</p> <p>The proposal therefore complies with A1 (b) and sub criteria.</p>

	(ii) fire-fighting water supplies; and	
	(c) any advice from the TFS.	

Development Standards - Subdivision C13.6.3 Subdivision: Provision of water supply for fire-fighting purposes		
Objective: Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 In areas serviced with reticulated water by the water corporation: (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes; (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire	P1 No Performance Criterion.	<i>The provided Report/Certificate states that the reticulated water supply complies with Table E4.</i> <i>The proposal therefore complies with Performance Criteria.</i>
A2 In areas that are not serviced by reticulated water by the water corporation: (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire-fighting purposes;	P2 No Performance Criterion.	<i>Insufficient increase in risk (lots 1 to 4 and 7 and 8 and balance lot).</i> <i>Static water supply complies with relevant Table (lots 5 and 6).</i> <i>The proposal therefore complies with Performance Criteria.</i>

<p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire-fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		
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CONCLUSION

The report has assessed a Development Application for **Development Subdivision (8 Lots & Balance Lot) at 937 Ellendale Road, Ellendale owned by J & A Dalley**.

No representations were received.

The proposal has been found to comply with all the relevant standards of the Village Zone and the applicable Codes.

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

RECOMMENDATION 02/12.2023/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 Subdivision (8 Lots & Balance Lot) at 937 Ellendale Road, Ellendale owned by J & A Dalley subject to conditions detailed below.

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 8 Lots & Balance, 937 Ellendale Road, Ellendale (Mark Van den Berg, GES) J9025v2 dated October 2023.
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 \$45.00 per lot (minimum fee \$225.00), 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.
Advice: Any redundant services under the subject land are to be removed.

Access

15. A separate vehicle access must be provided from the road carriageway to the 8 proposed Lots. Accesses must be located and constructed in accordance with the standards shown on standard drawings Standard Drawings TSD-R09-v2 Urban Roads Driveways, or as otherwise agreed by Council's Manager Infrastructure and Works.

Water

16. Each lot must be connected to a reticulated potable water supply.

Tas Water

17. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2023/01317-CHL, dated 26/09/2023.

Telecommunications and electrical reticulation

18. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

Construction

19. The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Infrastructure and Works before commencing construction works on-site or within a council roadway.
20. The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Infrastructure and Works before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Infrastructure and Works.

Construction amenity

21. 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 |
22. 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 -
- 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
 - transport of materials, goods or commodities to or from the land; and/or
 - appearance of any building, works or materials.
23. 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.
24. 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.



Submission to Planning Authority Notice

Council Planning Permit No.	DA 2023/50	Council notice date	20/09/2023
TasWater details			
TasWater Reference No.	TWDA 2023/01317-CHL	Date of response	26/09/2023
TasWater Contact	Phil Papps	Phone No.	0474 931 272
Response issued to			
Council name	CENTRAL HIGHLANDS COUNCIL		
Contact details	kbradburn@centralhighlands.tas.gov.au		
Development details			
Address	937 ELLENDALE RD, ELLENDALE	Property ID (PID)	3122492
Description of development	Subdivision (8 Lots+ Balance) - 3 Stages		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of issue
Unknown	Plan of Subdivision / 21031-C01	C	28/07/2023
GES	Staging Plan / A01	--	22/08/2023
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
DEVELOPER CHARGES			
<ol style="list-style-type: none"> 4. Prior to TasWater issuing a Consent to Register a Legal Document, the applicant or landowner as the case may be, must pay a developer charge totalling \$14,056.00 to TasWater for water infrastructure for 8.0 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater. 5. In the event Council approves a staging plan, prior to TasWater issuing a Consent to Register a Legal Document for each stage, the developer must pay the developer charges commensurate with the number of Equivalent Tenements in each stage, as approved by Council. 			
DEVELOPMENT ASSESSMENT FEES			
<ol style="list-style-type: none"> 6. The applicant or landowner as the case may be, must pay a development assessment fee of \$389.86 and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. 			



<p>The payment is required within 30 days of the issue of an invoice by TasWater.</p> <p>7. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.</p>			
Advice			
General			
<p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			
Developer Charges			
<p>For information on Developer Charges please visit the following webpage - https://www.taswater.com.au/building-and-development/developer-charges</p>			
Service Locations			
<p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.</p> <p>(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit https://www.taswater.com.au/building-and-development/service-locations for a list of companies.</p>			
Declaration			
<p>The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.</p>			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

8.0 OTHER BUSINESS

9.0 CLOSURE

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