

**MINUTES OF THE PLANNING COMMITTEE MEETING
OF THE CENTRAL HIGHLANDS COUNCIL HELD
AT THE BOHTWELL TOWN HALL,
AT 9.00AM ON TUESDAY 10TH MAY 2022**

1.0 PRESENT

Deputy Mayor Allwright (Chairperson), Mayor Triffitt, Clr Cassidy & Clr Archer

IN ATTENDANCE

Clr Honner, Mrs L Eyles (General Manager), Ms J Tyson (Senior Planning Officer) Mr G Rogers (Manager DES), Ms L van Amstel, Mr P Sasse, Mr D Steers, Mr J Smith, Mr S Thorpe & Mrs K Bradburn (Minutes Secretary)

2.0 APOLOGIES

Clr Bailey

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.

Nil

4.0 CONFIRMATION OF MINUTES

Moved **Clr Cassidy**

Seconded **Mayor Triffitt**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 5th April 2022 to be confirmed.

Carried

For the Motion: Deputy Mayor Allwright, Mayor Triffitt, Clr Cassidy & Clr Archer

5.0 QUESTION TIME & DEPUTATIONS

Item 6.0 – Mr J Smith

- This is a Car Club and they do a lot of charity work, like Speak Up Stay Chatty.
- Will only be holding burnouts twice a year.
- Family orientated group.
- Non-alcoholic events & no anti-social behaviour will be tolerated.
- Have relevant insurances.
- Low Fire Risk. Have enquired and was told that a report was not required.
- Fencing around whole facility.
- Have had a Traffic Impact Assessment undertaken and a slip lane is required.

- There will be smoke but happy to work with Council to only hold when wind is blowing away from residences.
- There will be economic benefits for the Ouse Township.
- These types of facilities are mostly located in rural areas. There is one located 500m from the livestock facility at Powranna.
- Concrete area is over 500m from the nearest house.
- There is some tree screening to help reduce noise.
- Carpark has the capability of holding 500 cars but in reality there will be nowhere near that many cars attending events.
- Rang Council on numerous occasions and was told we had enough information. Happy to provide any information required.

Item 6.0 – Ms L van Amstel

- Adjoining property owner.
- Concerned about anti-social behaviour.
- Concerned about noise, pollution, impact on her animals, impact on wildlife.
- There is a Wedgetail Eagle next nearby.
- Main concerns are environmental issues and the effect on herself.

Item 6.0 – Mr D Steers

- Owner of property opposite the proposed site.
- Have built a dwelling on his land as a second home.
- Support the recommended refusal due to the impacts on surrounding land.
- Noise, light, odour, anti-social behaviour concerns.
- Non-compliance with the Environmental Protection Authority.
- Lack of information and conflicting information about parking.
- Out of character for the area.
- Invited Council to visit his property to help understand the concerns.

6.0 DA2021/61: MOTOR RACING FACILITY: 8735 LYELL HIGHWAY, OUSE (CT 236669/1)

Report by

Louisa Brown (Planning Officer)

Applicant

S Thorpe

Owner

S B & P A Knight

Discretions

26.3.3 Discretionary Use

26.4.2 A2 (b) Building Setbacks

26.4.3 A2 Design

E5.5.1 A2 Existing Road Access

E6.7.2 A1 Design of Vehicular Access & Junctions

E6.7.3 A1 Vehicular Passing Areas

E6.7.5 Layout of Parking Areas

E8.7.1 Development within the electricity transmission corridor

Proposal

The Motorsport Complex application proposes to provide a Concrete Burnout Pad for monthly events/competitions one day during the weekend, operating between the hours of 10am and 6pm (extended to 10pm occasionally). It is estimated that 50 to 100 people/cars will be attending the events.

Development & Works include;

- 1,480m² Concrete 'Burnout' Pad;
- 4 Grandstands (location only shown on plans, no elevations provided);
- Scrutineering Bay (10m x 10m concrete pad);
- Two toilet blocks (12m x 2.5m, location only shown on plans, no elevations provided);
- 500 car parking Spaces;
- Two new access from the existing access track; and
- Upgrade to the existing junction with the Lyell Highway and the property access.

An organisation called Tas Skidders will run the facility. The applicant Mr Thorpe represents the organisation and has several years of experience running similar events and promoting events at Powranna.

Application

An application for Planning Approval was received by Council for a Motorsport Complex on 20th July 2021, by the applicant. However, the application did not include Crown Consent for lodging of the Development Application. This was later received on 16th December 2021.

The invoice for the Development Application was issued and paid on 5th December 2021, the application became "live" and was referred to the Department of State Growth (DSG) on 7th January 2022. A Request for Further Information asking for a Traffic Impact Assessment (TIA) was sent to the applicant on the 12th January 2022 as requested by DSG. The TIA was received by Council in March and accepted by DSG. The findings of the TIA are discussed later in this report.

Subject site and Locality.

The site is located 18km north west of Ouse on the Lyell Highway and 40m west of the junction with Black Bobs Road. The property is zoned Rural Resource, as is the surrounding land. Areas of Private Timber Reserves are located 700m to the south of the property. Forestry Tasmania have large land holdings in the area, including land adjacent to the western property boundary and to the North of the Lyell Highway. Please refer to Figure 1 below.

Dwellings are located within properties to the eastern and northern site boundaries. The closest dwelling to the site is 217m from the northern site boundary.

The site is level and sits at the top of a hill. Rural Resource properties to the east and south east are toward the valley that follows Black Bobs Rivulet and the Lyell Highway.

An Electricity Transmission Infrastructure Protection area falls under existing Transmission Lines to an area of the site running parallel to the northern boundary. This protection area ranges in width between 80 – 120m on the site and also includes the majority of the access road to the property. A proposed 200m x 50m parking area and new access is proposed under the Transmission Wires and within the corridor.

The site is clear of vegetation to the centre, with areas of trees to the periphery. Some dense areas of trees are located to the western section of the property access and to the eastern and south eastern boundary. Please refer to Figures 2 & 3 below. An area of Threatened Native Vegetation, (*Eucalyptus viminalis*) wet forest is located on the property to the south east corner. Please refer to Figure 4 below.

The site is vacant and contains numerous tyres and a vehicle.

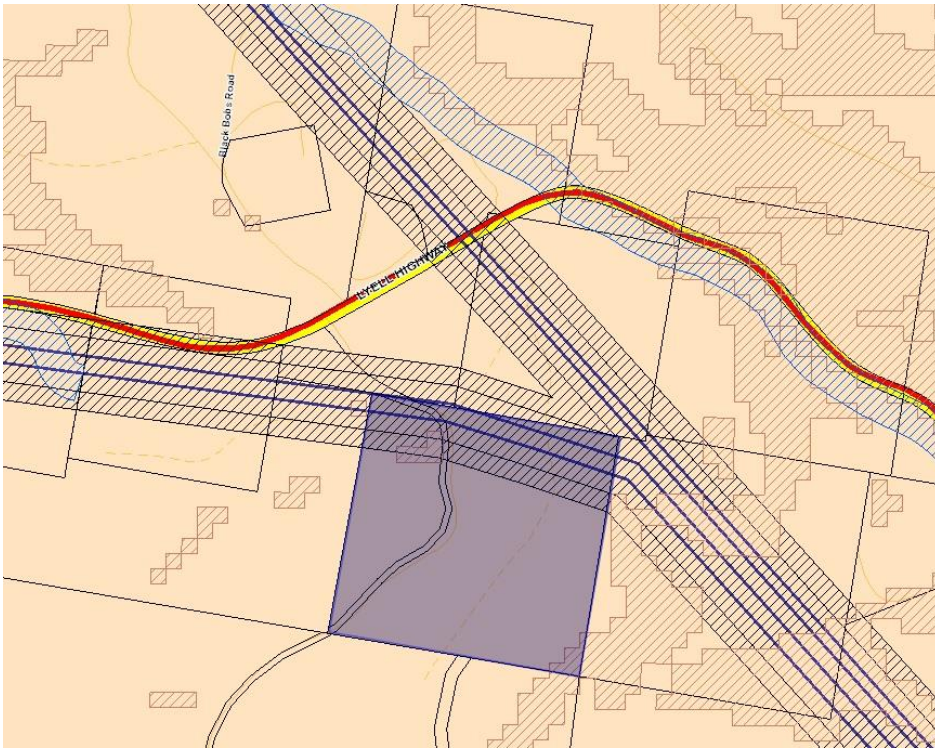


Fig 1. Location and zoning of the subject land in the Rural Resource zone (Cream), site area is shown in blue. Black stripe and blue lines indicate Transmission Lines and Electricity Transmission Infrastructure Protection Code. Brown stripe lines indicate Landslide Code (Source: LISTmap)



Fig 2. Aerial photo of the subject land and surrounding area, site area is shown in blue. (Source: LISTmap)



Fig 3. Topography of the site in the context of the nearby surrounding landscape, site area is shown in blue (Source: LISTmap)



Fig 4. Threatened Native Vegetation Community (TNVC 2020), site area is shown in blue (Source: LISTmap)

Exemptions

Nil

Special Provisions

Nil

Use standards

Within the Central Highlands Interim Planning Scheme 2015 Motor Racing Facility is defined as;

“use of land (other than public roads) to race, rally, scramble or test vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports.”

The status of the use within the Rural Resource Zone is Discretionary.

Development standards for Rural Resource Zone

The proposal must satisfy the requirements of the following Zone Purpose and Development Standards, relevant to Motor Racing Facility.

26.1.1 Rural Resource Zone Purpose Statements

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.

26.1.1.4 To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:

- (a) fetter existing or potential rural resource use and development on other land;
- (b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;
- (c) contribute to the incremental loss of productive rural resources.

26.1.1.5 To provide for protection of rural land so future resource development opportunities are no lost.

Within the Rural Resource Zone, Motor Racing Facility is a discretionary use and is therefore assessed against the following discretionary use standards and development standards of the scheme.

26.3.3 Discretionary Use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable solution.	P1 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following: (a) the characteristics of the proposed non-agricultural use; (b) the characteristics of the existing or likely agricultural use;	The proposal does not meet the Acceptable Solution and must be assessed against the Performance Criteria. (a) Information not provided to enable assessment against the characteristics of the proposed non-agricultural use. (b) Information not provided to enable assessment against the characteristics of existing or future agricultural use on adjoining properties or the proposed site. Several properties to the northern and eastern site boundary contain dwellings and some keep livestock or could keep livestock.

	<p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p>(c) Information not provided regarding setbacks and separation distances between the Motor Racing Facility and existing or future agricultural use on adjacent properties.</p> <p>d) Information not provided regarding any site characteristics that may buffer the proposed use from nearby agricultural use.</p>
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26.4 Development Standards for Buildings and Works

26.4.1 Building Height

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

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building height must be no more than:</p> <p>8.5 m if for a residential use.</p> <p>10 m otherwise.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;</p> <p>(c) if for a non-residential use, the height is necessary for that use.</p>	<p>Information not provided to enable assessment against the Acceptable Solutions.</p> <p>(a) There are no Desired Future Character Statements for the area.</p> <p>(b) Information not provided to enable assessment against the impacts on residential amenity on adjoining lots.</p> <p>(c) Information not provided to enable assessment Council to make an assessment.</p>

26.4.2 Setback

To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building setback from frontage must be no less than:</p> <p>20 m.</p>	<p>P1</p> <p>Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <p>(a) the topography of the site;</p>	<p>Complies with the Acceptable Solution.</p>

	<p>(b) the size and shape of the site;</p> <p>(c) the prevailing setbacks of existing buildings on nearby lots;</p> <p>(d) the location of existing buildings on the site;</p> <p>(e) the proposed colours and external materials of the building;</p> <p>(f) the visual impact of the building when viewed from an adjoining road;</p> <p>(g) retention of vegetation.</p>	
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p> <p>50 m.</p>	<p>P2</p> <p>Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the size and shape of the site;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) the proposed colours and external materials of the building;</p> <p>(e) visual impact on skylines and prominent ridgelines;</p> <p>(f) impact on native vegetation.</p>	<p>The proposal does not meet the Acceptable Solution and must be assessed against the Performance Criteria.</p> <p>(a) Information not provided to enable assessment.</p> <p>(b) Complies – the size and shape of the site is comparable to rural lots.</p> <p>(c) NA – the site is clear and contains no permanent structures.</p> <p>(d) Information not provided to enable assessment regarding the materials and colours of buildings.</p> <p>(e) Information not provided to enable assessment of the visual impact.</p> <p>(f) Information not provided to enable assessment. Although Council notes that a car park is proposed in a location of Threatened Native Vegetation.</p>
<p>A3</p> <p>Building setback for buildings for sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from a plantation forest, Private Timber Reserve or State Forest of 100 m;</p>	<p>P3</p> <p>Building setback for buildings for sensitive use (including residential use) must prevent conflict or fettering of primary industry uses on adjoining land, having regard to all of the following:</p> <p>(a) the topography of the site;</p>	<p>The proposal meets the Acceptable Solution:</p> <p>(a) the Private Timber Reserve is over 500m from the Property;</p> <p>(b) NA – there is no land zoned Significant Agricultural in the area.</p>

<p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture of 200 m.</p>	<p>(b) the prevailing setbacks of existing buildings on nearby lots;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) retention of vegetation;</p> <p>(e) the zoning of adjoining and immediately opposite land;</p> <p>(f) the existing use on adjoining and immediately opposite sites;</p> <p>(g) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots;</p> <p>(h) any proposed attenuation measures;</p> <p>(i) any buffers created by natural or other features.</p>	
<p>A4</p> <p>Buildings and works must be setback from land zoned Environmental Management no less than:</p> <p>100 m.</p>	<p>P4</p> <p>Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following:</p> <p>(a) the size of the site;</p> <p>(b) the potential for the spread of weeds or soil pathogens;</p> <p>(c) the potential for contamination or sedimentation from water runoff;</p> <p>(d) any alternatives for development.</p>	<p>The proposal meets the Acceptable Solution, land zoned Environmental Management is over 2km to the west of the site.</p>

26.4.3 Design

To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <p>(a) be located on a skyline or ridgeline only if:</p>	<p>The proposal does not meet the Acceptable Solution and must be assessed against the Performance Criteria.</p> <p>(a) the proposal is on a skyline;</p>

<p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area not require the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(b) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(c) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.</p>	<p>(i) Information not provided to enable assessment on alternative site locations for the Motor Racing Facility or other site constraints such as the location of the electricity transmission lines.</p> <p>(ii) Information not provided to enable assessment against the Performance Criteria.</p> <p>(b) NA – there is no Desired Future Character Statement in the Planning Scheme.</p>
<p>A2</p> <p>Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2</p> <p>Buildings must have external finishes that are non-reflective and coloured to blend with the rural landscape.</p>	<p>Information not provided to enable assessment.</p>
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p>	<p>The proposal meets the Acceptable Solution, the site is level and excavation and or fill of more than 2m from ground level is not required.</p>

	(c) does not affect land stability on the lot or adjoining areas.	
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Codes

The following Code Overlays of the Scheme apply to the proposed Motor Racing Facility.

E5.0 Road and Railway Assets Code

The purpose of this provision is to:

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

This Code applies to the development of land that intensifies the use of an existing access.

E5.5 Use Standards		
E5.5.1 Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P1 Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority. 	Not applicable – The Lyell Highway is a Category 3 Highway.
A2	P2	

<p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p> <p>(e) the speed limit and traffic flow of the road;</p> <p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p>	<p>The proposal does not meet the Acceptable Solution and must be assessed against the Performance Criteria. The Traffic Impact Assessment (TIA) provided with the Development Application states the following response;</p> <p>(a) Complies – traffic generation will increase by 50-100 vehicles on event days, which are one day a month on weekends. This will not unreasonably impact on the road.</p> <p>(b) Complies – the facility will generate light vehicles which can be catered for on the surrounding road network.</p> <p>(c) Complies - site observations show that the existing access and road operates well. If the proposals are approved, then vehicles are expected to enter and exit site efficiently.</p> <p>(d) Complies - the proposed development is not expected to have a significant impact on the Highway due to its low traffic activity in the vicinity of the site.</p> <p>(e) Complies - Improvements to the Basic left Turn (BAL) have been recommended and are detailed in the TIA. If installed the BAL will reduce possible obstruction to through traffic, preserving the flow of traffic at the AM peak hour on event days.</p> <p>PM peak hour on event days is expected to remain safe and efficient access to the proposed development.</p> <p>(f) Complies - there is no alternative access;</p> <p>(g) Information not provided to enable assessment.</p> <p>(h) Complies - The TIA concludes that the proposed Motor Racing Facility is not expected to have major impacts on the safety and operation of the road network; and</p>
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	(i) any written advice received from the road authority.	(i) Complies- DSG requested the preparation of the TIA and have assessed the document and the Development Application. DSG have requested 3 conditions be added to any Planning Permit. These include: 1) Upgrading the site access in line with the recommendations of the TIA. 2) The installation of warning signs (temporary) on event days. 3) A permit for works within the Highway be obtained from DSG prior to any work.
A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.	Not applicable – The Lyell Highway is a Category 3 Highway.

E5.6 Development Standards

E5.6.1 Development adjacent to roads and railways

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1.1</p> <p>Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. <p>A1.2</p> <p>Buildings, may be:</p> <ul style="list-style-type: none"> (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building. 	<p>P1</p> <p>The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the proposed setback; (b) the existing setback of buildings on the site; (c) the frequency of use of the rail network; (d) the speed limit and traffic volume of the road; (e) any noise, vibration, light and air emissions from the rail network or road; (f) the nature of the road; (g) the nature of the development; (h) the need for the development; (i) any traffic impact assessment; (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and (k) any written advice received from the rail or road authority. 	<p>The proposal meets the Acceptable Solution, the Motor Racing Facility is over 50m from the Highway.</p>

E5.6 Development Standards

E5.6.4 Sight distance at accesses, junctions and level crossings

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

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1	P1	

<p>Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	<p>The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>	<p>The proposal meets the Acceptable Solution A1, recorded sight distances at the site access are equal to or in excess of the requirements.</p>
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E6.0 Parking and Access Code

The purpose of this provision is to ensure enough parking is provided for a use or development to meet the reasonable requirements of users and are designed in conformity with recognised. This code applies to all use and development.

E6.6 Use Standards

E6.6.1 Number of Car Parking Spaces

To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
- (i) preventing regular parking overspill;
 - (ii) minimising the impact of car parking on heritage and local character.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) 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;</p>	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p>(a) car parking demand;</p> <p>(b) the availability of on-street and public car parking in the locality;</p> <p>(c) the availability and frequency of public transport within a 400m walking distance of the site;</p>	<p>The proposal complies with the Acceptable Solution A1. The TIA assess that the proposed number of car parking spaces, 500, is in excess of the requirements.</p>

	<p>(d) the availability and likely use of other modes of transport;</p> <p>(e) the availability and suitability of alternative arrangements for car parking provision;</p> <p>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</p> <p>(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) any relevant parking plan for the area adopted by Council;</p> <p>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p>	
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E6.7.1 Number of Vehicular Accesses

To ensure that:

- (a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:
 - (i) the number of vehicle access points; and
 - (ii) loss of on-street car parking spaces;
- (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;
- (c) vehicle access points do not have a dominating impact on local streetscape and character.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1	P1	

<p>The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	<p>The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</p> <p>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</p> <p>(b) whether the additional access points can be provided without compromising any of the following:</p> <p>(i) pedestrian safety, amenity and convenience;</p> <p>(ii) traffic safety;</p> <p>(iii) residential amenity on adjoining land;</p> <p>(iv) streetscape;</p> <p>(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;</p> <p>(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.</p>	<p>The proposal complies with the Acceptable Solution A1. The proposal has an existing vehicular access point.</p>
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E6.7.2 Design of Vehicular Accesses

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off</p>	<p>P1</p> <p>Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>The proposal does not comply with the Acceptable Solution A1, as no designs for the vehicular access have been provided.</p> <p>However the proposal could meet the Performance Criteria through Conditions in the planning Permit. The access is from the Lyell Highway which is a DSG road. DSG have requested a condition to any permit which states the following:</p> <p>1) Upgrading the site access in line with the recommendations of the TIA.</p> <p>2) The installation of warning signs (temporary) on event days.</p>

street commercial vehicle facilities.		3) A permit for works within the Highway be obtained from DSG prior to any work.
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E6.7.3 Vehicular Passing Areas Along an Access

To ensure that:

- (a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;
- (b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Vehicular passing areas must:</p> <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access. 	<p>P1</p> <p>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users. 	<p>The proposal does not comply with the Acceptable Solution A1. Therefore assessment against the Performance Criteria is required;</p> <ul style="list-style-type: none"> (a) Complies – four passing bays are proposed, conflicts are expected to be avoided. (b) Complies – four passing bays are proposed. The Lyell Highway has a low volume of traffic at the site, therefore it is unlikely that the flow of traffic will be affected. (c) Complies – as the proposal is to meet once a month on a weekend, the number of passing bays is suitable. (d) Complies – the passing bays are easily accessible.

E6.7.4 On-Site Turning

To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access</p>	<p>P1</p> <p>On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:</p>	<p>Complies with Acceptable Solution A1. There is adequate space and access roads for vehicular turning.</p>

<p>complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p> <p>(b) it meets a road carrying less than 6000 vehicles per day.</p>	<p>(a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users;</p> <p>(e) suitability of the location of the access point and the traffic volumes on the road.</p>	
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E6.7.5 Layout of Parking Areas

To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	<p>P1</p> <p>The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.</p>	<p>The proposal does not comply with the Acceptable Solution A1 and must therefore be assessed against the Performance Criteria.</p> <p>Information not provided to enable assessment against the Performance Criteria.</p>

E.6.7.6 Surface Treatment of Parking Areas

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p>	<p>P1</p> <p>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</p>	<p>The proposal complies with the Acceptable Solution A1. The surface will be gravel and cement wash base.</p>

(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	(a) the suitability of the surface treatment; (b) the characteristics of the use or development; (c) measures to mitigate mud or dust generation or sediment transport.	
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E8.0 Electricity Transmission Infrastructure Protection Code

The purpose of this provision is to:

- (a) Ensure protection of use and development against hazard associated with proximity to electricity transmission infrastructure;
- (b) Ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;
- (c) Maintain future opportunities for electricity transmission infrastructure.

This code applies to use and development within an electricity transmission corridor.

E8.7 Development Standards for Buildings and Works

E8.7.1 Development within the electricity transmission corridor

To ensure that development is located appropriate distances from electricity transmission infrastructure to:

- (a) ensure operational efficiencies, access and security of existing or future electricity transmission infrastructure;
- (b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Development is not within: (a) an inner protection area; or (b) a registered electricity easement.	P1 Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following: (a) the need to ensure operational efficiencies of electricity transmission infrastructure; (b) the provision of access and security to existing or future electricity transmission infrastructure; (c) safety hazards associated with proximity to existing or future electricity transmission infrastructure; (d) the requirements of the electricity transmission entity.	The proposal does not meet the Acceptable Solution and must be assessed against the Performance Criteria. (a) Complies – the Motor racing facility is proposed to operate on a weekend, one day a month. (b) Complies – Access to the existing infrastructure may be sought from the property. (c) Information not provided to enable assessment against the Performance Criteria. (d) Information not provided to enable assessment against the Performance Criteria.

Representations

The proposal was advertised for the statutory 14 days period from 21 March until the 4 April 2022. A total of four (4) representations were received during this time.

The representations are discussed in the table below.

Representation Received	Officer Comment
<p>Representation 1</p> <p>Accuracy of description. The application is for development of a “motorsport facility”. In reality, the “sport” involved is doing burnouts; that is, spinning car wheels and creating smoke, noise and rubber debris. The application states that 100/150 people are anticipated to be in attendance at any one time, but the plan proposes car parking for up to 500 vehicles. Although the proposal states that these events will be held on a monthly basis, there appears to be no way of ensuring that it won’t occur more frequently, e.g. every weekend.</p> <p>Environmental impacts. There will be a loss of trees, plus the proposed activity could impact on nearby conservation areas. Cars doing burnouts will also generate sparks, creating a risk of bushfire.</p> <p>Excess noise. The noise generated from a large number of cars doing burnouts over a period ranging from between 8 hours to 12 hours will be excessive, especially at night. Add to this the noise from hundreds of spectators and it will be intolerable. People are not going to sit quietly and simply observe what the cars are doing. They are going to be cheering, shouting, etc. This is predominantly a quiet rural area, and the noise from this facility will override everything else. Noise carries in open spaces, especially at night.</p> <p>Highway safety and road access. As stated in the application, the traffic volume in this area is not high. However, many of the vehicles using the highway are log trucks, campervans/caravans, delivery trucks and tour buses. If a turning lane from the highway is built, as proposed, this will cause traffic disruption. The turning lane itself will most likely impact on use of my driveway. This will affect not only the people who live here but also visitors to the farm and Tas Networks staff who regularly access the power lines and pylons near the driveway and also on, and across, the boundary between my property and where the burnout facility is proposed to be built.</p> <p>Impact on the peace of the rural community. There are half a dozen residences within a kilometre of the proposed facility. All of us chose to live here because it is a quiet rural area.</p> <p>Antisocial behaviour. The kind of event proposed is widely known to attract irresponsible young men in particular. They are the ones who perform illegal burnouts on public roads. This application states that it will provide a designated area for doing burnouts, but if you factor in alcohol consumed (legally or illegally) over several hours, you have a recipe for disaster. Imagine over 100 excited drivers - some intoxicated - making their way back towards Hobart. Are some of them not going to continue doing burnouts along the way? It would take a very large police presence to control that kind of behaviour over many kilometres of highway. There is also likely to be rubbish and drink cans left on the ground, not only on the development site but also along the access road and the highway.</p>	<p>The Central Highlands Interim Planning Scheme 2015 (the Scheme) defines Motor Racing Facility as <i>“use of land (other than public roads) to race, rally, scramble or test vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports.”</i> Burnouts are considered included under “other competitive motor sports”.</p> <p>There appears to be a discrepancy in the information provided with the Development Application (50-100 people/cars) and the latest Site Plan in the Traffic Impact Assessment which allows car parking for 500 cars.</p> <p>Frequency of use of the facility, if approved would be defined within the Conditions of any Planning Permit, if granted. Further information provided by the applicant states that the events will be patrolled by security and any anti-social behaviour will not be tolerated.</p> <p>Information not provided to enable Council to assess the noise levels. Noise levels could conflict with adjacent existing residential and agricultural land uses. The applicant has stated that noise levels are anticipated to be 95db or below.</p> <p>A Traffic Impact Assessment has been prepared by a suitably qualified person. This assessment concludes that the proposed upgrades to the access, will not impact on traffic flow.</p> <p>No application for the sale of Food or Drink on the site has been received to Council. This would require additional Permits from Council and other Licenses from organisations.</p>

Loss of privacy. I am concerned that visitors to the development site will trespass property. According to the plan, the site is to be fenced, but it is not a boundary fence so it will not prevent people accessing property from outside the fenced-in area., so privacy and noise concerns are even greater than would be experienced inside a house 500 metres from the burnout site.

Use of hazardous materials. I am assuming a supply of petrol will need to be kept on hand, as the nearest service station is in Ouse, as well as possibly other hazardous chemicals. Despite the application mentioning firefighting crews, there is no guarantee that they would be able to control a major chemical spill or fire.

Air pollution. There will be a large number of vehicles burning rubber and creating acrid smoke. I am an asthmatic and also have damaged lungs, so I am concerned about the effect of air pollution. It is one of the reasons I chose to buy a property in this area, away from urban pollution.

Impact on native marsupials. There is abundant wildlife in this area. At night there are many pademelons, wallabies, possums, bettongs and quolls that come down from the southern part of my property (and presumably the proposed development site) to eat the vegetation growing on the farm. There is also a wombat that walks down from the same area during the day to drink from the creek near the Lyell Highway, and there are several Tasmanian devils living on or close to my property. If the development went ahead they would be at risk due to habitat disturbance, noise pollution and traffic. There is already too much roadkill along the Lyell Highway.

Impact on native birds. There are regular sightings of both wedge-tailed eagles and goshawks in this area, particularly above farmland on either side of the highway. Eagles have been seen on the highway itself, feasting on roadkill, and goshawks are often spotted in tall trees. Eagles, in particular, are very sensitive to noise: "If a nesting eagle perceives a disturbance as a threat, even from hundreds of metres away, it may leave its eggs or chicks at risk of cold, heat and predation. It may desert its nest site for years and long after the disturbance has ceased. A disturbance is more likely to disrupt breeding if: visible; louder; more intense; closer (either vertically or horizontally); over a longer period; more frequent; across a larger area; earlier in the breeding season; above the nest; people are visible; people are looking towards the nest; during the day; helicopters are involved; during extreme weather."

(<https://www.threatenedspecieslink.tas.gov.au/Pages/Wedge-tailed-Eagle.aspx>)

Danger to farm animals. There are free-ranging goats and poultry. The goats especially like to graze close to the boundaries. I am concerned that these animals may be harmed. The goats in particular have shown that they are afraid of loud noises and, if spooked, they will run fearfully and have been known to injure themselves when panicked.

Property values. Having a car burnout site right next to my farm will be detrimental to property value, and will also affect other properties in the area.

Peripheral activity. I did not notice on the proposed plan that any accommodation has been made for supplying food and drink to patrons. I am concerned that there will be increased traffic (and

There is no indication that the storage of hazardous materials will take place on site.

Information not provided to enable Council to assess odour and airborne particles. These could conflict with adjacent existing/future residential and agricultural land uses.

Comments regarding native animals in the area have been noted.

Comments regarding potential dangers to all animals in the area have been noted. It is anticipated that the property will be adequately fence for security reasons.

Property Values are not taken into consideration during Planning Assessments, as there is no standard in the scheme which applies.

No application for accommodation on the site has been received to Council. This would require additional Permits from Council.

<p>increased noise) due to people driving to Ouse and back again for food and drinks, as well as fuel. The proposed facility would be totally out of place in a rural area comprised of farmlands and protected forests, and I urge the council to reject the development application.</p>	
<p>Representation 2 We own property it is an operational rural farm approximately 2000ha in size and involved in sheep and cattle production together with private forestry. It comprises of open grazing land, private forestry together with vast amounts of native vegetation and forests which is home to numerous native species including the wedge tailed eagle.</p> <p>It is of the highest concern that within 200 meters of the boundary that there could be a "burn out pad" where it is proposed that vehicle tyres are spun until burnt out.</p> <p>It is a significant risk to our property that a fire could easily start due to the proposed use of the land in question and cause massive amounts of damage to surrounding properties including ours and potentially the entire Derwent Valley.</p> <p>The Upper Derwent Valley is considered one of Australia's highest risk areas for bush fire. It would not be appropriate to have the risk of this activity in this area and unfair on our personnel operating already stretched resources at peak times. Black Bobs is a pristine tiny town in a very environmentally sensitive area. There are significant water ways in the area that all lead into the Derwent River system where Hobart and its surrounds is supplied with fresh drinking water.</p> <p>Black Bobs is a peaceful and quite town/community. To have unusually very noisy, smoking, burning vehicles there, with hundreds of people from 10am until 10pm will destroy the peace and quite not only for people but the native and farmed animals within the vicinity. Not only is this cruel but would cause significant economic losses to the surrounding farms. I would question the suitability of such an activity within a rural agricultural zone. This development would impact on future residential and rural/grazing development.</p> <p>There are plenty of existing motorsport facilities located around the state to undertake this activity. There is the Hobart Race Way, located at Sorell Creek, 1159 Lyell Hwy, in the Lower Derwent Valley. A far more appropriate place to have such an activity with minimal fire risk and already set up facilities. There is Baskerville Raceway, located at Old Beach. This is another far more appropriate venue for such an activity and again with all the facilities and minimal risks. Thank you for the opportunity to raise our concerns.</p>	<p>A Bushfire Assessment is not required for the Development, as no storage of Hazardous materials, such as fuel, is proposed on site. The applicant has stated that a Trained Fire Crew will be attending all events, with suitable equipment. The applicant has also stated that the property will be maintained to reduce the risk of Bushfire.</p> <p>Information not provided to enable Council to assess the noise, odour and airborne particles. These could conflict with adjacent existing residential and agricultural land uses. The applicant has stated that noise levels are anticipated to be 95db or below.</p> <p>The Scheme allows for Motor Racing Facility within the Rural resource Zone, where such development does not constrain or conflict with resource development uses (agricultural).</p>
<p>Representation 3 I act forwho owns property This representation is made pursuant to s.57(5) of the Land Use Planning and Approvals Act 1993 (LUPA Act) on their behalf and concerns the proposed "Motor Racing Facility" on the property at 8735 Lyell Highway, Ouse. My client has further sought input from a planning consultant, Ireneinc, in this matter and I attach the report which I have been provided.</p> <p>This representation is not provided as a complete review of the application but rather seeks to highlight the key concerns that my</p>	<p>Information not provided to enable Council to assess the noise, odour and airborne particles. These could conflict with adjacent existing/future residential and agricultural land uses. The applicant has stated that noise levels are anticipated to be 95db or below.</p>

client holds in relation to the application. Those concerns may be summarised as follows:

(a) Conflict with existing residential use: The proposed activity is located approximately 508m and 575m from the 2 nearest dwellings. My client's dwelling is located approximately 600m from the proposed activity (measured by reference to what has been described as the Concrete Burnout Pad). There are a further 3 dwellings within 3km of the facility. The noise from the proposed activity has not been quantified however it is submitted that such noise readily understood to be incompatible with the bucolic amenity of the area.

(b) Conflict with surrounding agricultural activity. The site sits within a land use context that accommodates both residential use and existing agricultural activity. The residences enjoy a bucolic amenity that is based on this context. The impact of the proposal upon the underlying agricultural use of the surrounding land, and indeed the capacity for agricultural use on those adjoining sites, has not been assessed. The agricultural capacity of the subject site has not been assessed.

(c) The application provides insufficient information to enable an assessment of the proposed use and development under the Central Highlands Interim Planning Scheme 2015 (Scheme) or to enable a permit to provide effective regulation if the application were to be approved.

1 Conflict with Residential Use

A motor racing facility is a discretionary use within the Rural Resource zone. The planning authority accordingly has the discretion to grant or refuse to grant the permit; cl.8.8.1(a). This discretion arises independently of an assessment of the proposal's compliance or non-compliance with standards under the Scheme, noting of course that non-compliance with a standard will necessitate refusal of the application in any event. A discretionary use requires assessment in accordance with cl.8.10.2 which identifies a list of considerations that the planning authority must "have regard to". Cl.8.10.2 provides a series of mandatory considerations however does not otherwise operate to limit the considerations that inform the exercise of the discretion.

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

The purpose of the Rural Resource zone describes a focus on providing and protecting agricultural type use and uses that support agricultural activity. Recreation and tourism uses are identified to be supported where they support agriculture, aquaculture, forestry, mining and other primary industries; cl.26.1.1.3.

Residential use is identified to be allowed where it does not fetter rural resource use or lead to the loss of productive rural land;

cl.26.1.1.4.

When reviewing the Use Table under cl.26.2, it is immediately apparent that opportunities for land use conflict are created by the divergent list of discretionary uses. There is no standard within the zone that provides a direct test to manage and protect against land use conflict. The zone purpose statements identify that priority is to be given to primary industry and agricultural use, allowance is made for residential use, and other uses such as

Information not provided to enable Council to assess the conflict with existing or future agricultural uses and residential uses on adjacent properties.

There appears to be a discrepancy in the information provided with the Development Application (50-100 people/cars) and the latest Site Plan in the Traffic Impact Assessment which allows car parking for 500 cars.

tourism and recreation may be facilitated to support primary industry. Outside of this general approach, the purpose statement does not provide a framework to manage conflict between incompatible uses.

S.5 of the LUPA Act should be noted insofar that it requires that the planning authority exercise its functions and powers so as to further the objectives of the Resource Management and Planning System.

Those objectives include providing for the fair, orderly and sustainable use and development of land. It is plainly contrary to those objectives to exercise the discretion under cl.8.8.1(a) and cl.26.2 in a way that creates land use conflict.

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

Taking some guidance from available sources, it is observed that the Tasmanian Planning Scheme requires an attenuation distance of 3,000m between a motor racing facility and the nearest sensitive receiver.

Encroachment requires demonstration that nuisance does not arise. A further example is found in relation to the Baskerville Raceway, where the Specific Area Plan excludes sensitive uses from establishing within approximately 650m of the track. These references provide a reasonable basis to conclude that there is a risk of conflict arising from noise emissions.

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

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

2 Conflict with surrounding agricultural activity

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

The purpose of the zone further focuses on the protection of agricultural use and protection of agricultural land. This necessarily requires a consideration of both existing and future potential use of the land.

Cl.26.3.3 provides a further standard to guide the assessment of the impact upon agricultural use.

The application contains no information that enables an assessment of whether the proposal fetters or adequately

protects agricultural use and agricultural land. At the very least some form of assessment from an agronomist would be required.

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

3 Inadequate Application

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

The application discloses that 1 "event" per month is proposed with 50-100 people/cars in attendance.

The plans however provide parking for 500 cars in addition to 2.5ha of separate parking and pits for participants.

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

The application proposes 4 grandstands (height unknown), each located approximately 30m from the burnout pad. Given the size of the grandstands, assuming an area of 1m² per person, 160 people could be accommodated as spectators alone.

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

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

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

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

We submit that the application should be refused.

Representation 4

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

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

The reasons for my objection are numbered below.

1. Central Highlands Planning Scheme 26.3.3 - Discretionary P1(a) the application does not meet characteristics of the area due to:

- Black Bobs area is mainly residential and grazing land the proposed development area is in a valley therefore sound from the motor racing facility would echo through the valley, significantly impacting the existing residents and amenity of the area. This may be more prominent in colder months. An acoustic/sound assessment should be sought in this regard. A more appropriate location for this type of development would be in an open area (not a valley) with heavily vegetated buffer surrounding the motor racing.

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

P1(c) The setback is proposed to be 500m to existing residences. It is within this distance to the residence at number 8731 Lyell Highway. Further, this does not take into consideration the future potential of residential and grazing development to undeveloped properties to the south. The vegetation surrounding the proposed development is sparse and is believed to not be sufficient to suppress or buffer the noise from the motor racing facility. The valley and cold dense air in the area would keep sound in the valley and would echo off surrounding mountains exacerbating the noise and amenity for the existing residential use in the community. Refer to P1(a).

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

2. Central Highland Planning Scheme E9.0 Attenuation Code

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

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

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

Information not provided to enable Council to assess the noise, odour and airborne particles. These could conflict with adjacent existing/future residential and agricultural land uses. The applicant has stated that noise levels are anticipated to be 95db or below.

No details regarding flood lights has been provided with the Development Application. However, if a Planning Permit was granted, light could form part of the conditions.

A Bushfire Assessment is not required for the Development, as no storage of Hazardous materials, such as fuel, is proposed on site.

The applicant has stated that a Trained Fire Crew will be attending all events, with suitable equipment. The applicant has also stated that the property will be maintained to reduce the risk of Bushfire.

Comments regarding potential dangers to all animals in the area have been noted. It is anticipated that the property will be adequately fence for security reasons.

If a decision to grant a Planning Permit was made, Wastewater treatment would be Conditioned in line with the requirements of a Plumbing Permit.

The applicant has stated that a St John's Ambulance team and Fire Crew will be in attendance at all events.

Information not provided to enable Council to assess the requirements of the Electricity Transmission Infrastructure Protection Code.

include participants as well or is it just 'spectators'? Such questions raise issues regarding the intensity of the proposal.

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

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

P1 (e) and (f) light, noise and odour impacts – see P1(c) above. Further, the proposed development area is in a valley and in particular during colder months sound from the motor racing facility would echo through the valley, significantly impacting the existing residents and amenity of the area. Anlighting, but given the proposed hours of operation, it is assumed that this will be a requirement.

Accordingly, an assessment regarding the impact of light pollution on surrounding residences and farming land should be obtained. Only natural lighting is currently available in the area; there are no street lights or similar.

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

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

4. The development will impact on nature values such as eucalyptus vegetation which is on the land. Again, a report from a suitably qualified professional should be sought to determine the impact on threatened vegetation.

5. Very little information is provided regarding bush fire management. A Bushfire Management Report should be provided to Council for consideration. The Bush Fire Attack level is required to then determine the scope of any development and to develop any emergency management policies and storage is

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

6. No environmental assessment was included with the development application. Such assessment will outline the requirements for disposal of sewage to ensure that it does not affect adjoining properties. The design of the sewage system is an assessable item at the DA stage.

7. The lack of a business case and failure to provide a clear intent of use is of concern. The commentary provided in the application refers to 'we' yet only one person is listed as the applicant. It is not clear if there is a committee, corporation or other entity behind or involved in the proposed activity. This leads to such questions as:

- How is the proposed activity funded?
- Will a fee be charged to attend? If so, will it be operated on a for-profit basis or are proceeds being offered to the community/a charity?
- How will the operator enforce the suggested capacity limits and do these numbers include staff/personnel?
- Will it operate with appropriate insurances such as personal injury, public liability etc?
- Will signage on Lyell Highway be erected? This may constitute a separate application.
- If approved, how will Council enforce the proposed times of operation?
- Consideration should be given regarding the use of the facility for a 'public event' compared to when it may be used for private use. Any 'use' should be consistent with the suggested hours of operation
- If 50 to 100 people/cars are expected, why is parking proposed for 500 vehicles?
- Will food and drink/alcohol be served or available for purchase at the facility? If so, is it the intention of the applicant to apply to Council for appropriate permits?
- It is anticipated that users of the site will stay/camp overnight after an event at the facility. This will continue the impact on neighbouring properties past the proposed operational hours
- Does the applicant or any proposed users of the site hold membership in a motor racing accreditation body? Generally, a Motorsport Australia General Officials Licence or similar would be required to conduct such activities at a professional level.
- Will electricity be connected to the site?
- What safety barriers, if any, are required around the 'burnout' pad to reduce the chance of injury to spectators and therefore reduce potential impact on emergency services?
- Will the proposed structures including concrete pad require a Building Application?
- Are there any emergency evacuation plans?
- Will the site have adequate security measures in place for when the facility is not in use to prevent unauthorised access/use of the facility?
- Will security guards be engaged during events?

8. The above questions seek to determine that the proposed activity is being offered at a professional level, which is what the applicant seems to suggest when he refers to adding value to

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

9. The applicant makes a false representation in the commentary by referring to 'a block of land we have purchased'. The title to the property which is included in the application shows that the owners of the property are Stephen Brian Knight and Peter Andrew Knight; neither are the applicant.

10. The remote location of the site means it has limited access to emergency services. Given the nature of the proposed activity, there will be an increased likelihood for police to attend if there is a disturbance, for ambulance to attend to an injury or fire brigade in case of fire, than the current demand.

11. The area of the development is a very peaceful community which is used by residents and visitors predominantly for its relaxed environment. The introduction of such an activity will radically transform the character of the area. It may impact land values which are already low compared to other areas of the LGA and indeed greater Tasmania. It may also introduce people of poor character to the area which may impose a security risk to residents and land owners if any anti-social behaviour is evident. The proposed activity is an illegal activity when it is conducted on a public road and tends to be performed by those that have an ignorance to the law.

12. Further information is also required regarding any odours that will be generated from the proposed activity. Smells such as burning rubber will impact neighbouring properties and have affect on residences and livestock.

13. The application makes no mention regarding the disposal of waste generated on site such as garbage and blown tyres.

14. There are overhead transmission (electricity) lines on the property of the proposal. They are not marked on the plans therefore any distance and potential is not addressed. The figure below shows the electricity transmission corridor on the property. Information from Tas Networks should be sought in this regard. It appears the proposed access road passes through/under this zoning.

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

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

The proposal for a Motorsport Complex to hold monthly events/competitions one day during the weekend, operating between the hours of 10am and 6pm has been assessed against the applicable standards of the Rural Resource Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

This report concludes that information has not been provided to enable Council to assess the Development Application against the Central Highlands Interim Planning Scheme 2015.

In addition, several representations were received which also raise objections regarding potential land use conflict between the proposal and existing/future residential and agricultural uses. Representors have raised concerns regarding noise levels, odour, the effect on the natural environment and an increase in anti-social behaviour in the quite community.

It is recommended that the Development Application be refused a Planning Permit.

Reasons :-

1. The application provides insufficient information to enable Council to assess the Motor Racing Facility against the Central Highlands Interim Planning Scheme 2015.
2. Due to the insufficient information provided to Council, Council is not satisfied that the proposal does not create a land use conflict between the proposed Motor Racing Facility and the existing or future residential use and surrounding agricultural activity.

Legislative Context

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2021/61 in accordance with the requirements of the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Refusal. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation for refusal, or (2) replace a refusal with approval.

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

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

Options

The Planning Authority must determine the Development Application DA2021/61 in accordance with one of the following options:

1. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority Refuse the Development Application DA2021/61 for a Motor Racing Facility at 8735 Lyell Highway, for the reasons detailed below.

Reasons :-

1. The application provides insufficient information to enable Council to assess the Motor Racing Facility against the Central Highlands Interim Planning Scheme 2015.
2. Due to the insufficient information provided to Council, Council is not satisfied that the proposal does not create a land use conflict between the proposed Motor Racing Facility and the existing or future residential use and surrounding agricultural activity.

2. Approve to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority Approve the Development Application DA2021/61 for a Motor Racing Facility at 8735 Lyell Highway, with conditions, for the reasons detailed below.

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

RECOMMENDATION

Moved **Mayor Triffitt**

Seconded **Clr Cassidy**

THAT the following recommendation be made to Council:

1. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority Refuse the Development Application DA2021/61 for a Motor Racing Facility at 8735 Lyell Highway, for the reasons detailed below.

Reasons :-

1. The application provides insufficient information to enable Council to assess the Motor Racing Facility against the Central Highlands Interim Planning Scheme 2015.
2. Due to the insufficient information provided to Council, Council is not satisfied that the proposal does not create a land use conflict between the proposed Motor Racing Facility and the existing or future residential use and surrounding agricultural activity.

Carried 3/1

For the Motion: Mayor Triffitt, Clr Cassidy & Clr Archer

Against the Motion: Deputy Mayor Allwright

Mr J Smith & Mr S Thorpe left the Meeting at 9.57am
Ms Lyn van Amstel & Mr P Sasse left the Meeting at 9.58

6.1 DA2022/15 : REPLACEMENT ROOF & CLADDING : 36 HIGH STREET, BOTHWELL (CT:233745/7)

Report by

Louisa Brown (Planning Officer)

Owner

W Dexter

Purpose

The purpose of this report is to provide further information to Council regarding DA2022/15 Replacement Cladding & Roof at 36 High Street, Bothwell.

Planning Permit DA2022/15 was granted by Council acting as planning Authority on 6 April 2022. Condition 3 & 4 (Heritage) of the permit requires that a report be submitted to the satisfaction of Council's General Manger. The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct. The report and quote are attached.

Streetscape & Landscape

The report submitted by the property owner provides information regarding the streetscape and landscape of the town. It is observed that there are a range of dwelling types and materials on High Street. Colourbond and zinc alum are existing materials on the street, several colourbond outbuildings are located on a property opposite 36 High Street. However it is noted that the property opposite is not within the Heritage Precinct.

Feasible Alternative Materials

The owner has explored two alternative materials. These are treated pine weatherboards and cement sheet weatherboards. A quote to replace the cladding with pine weatherboards has also been provided. The cost to use these materials are around \$30,000 which are out of budget for the owner.

Colourbond offers an affordable alternative, with additional low maintenance benefits.

Bothwell Heritage Precinct

Communication with/from the owner does not include any requirements of the Bothwell Heritage Precinct.

The Central highlands Interim planning Scheme defines the Heritage Precinct as *"an area shown on the planning scheme maps as a heritage precinct and described in Table E13.2 as having particular historic cultural heritage significance because of the collective heritage value of individual places as a group for their streetscape or townscape values."*

The Bothwell Heritage Precinct is defined as follows:

Table E13.2 Heritage Precincts, Bothwell Heritage Precinct

Development must satisfy all of the following:

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

It should be noted that the existing PVC weatherboards have been removed and that the dwelling currently has no cladding at all.

In assessing the replacement cladding and roof for 36 High Street, Bothwell the following development standards apply:

E13.8 Development Standards for Heritage Precincts
E13.8.1 Demolition

Objective: To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>Demolition must not result in the loss of any of the following:</p> <p>(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;</p> <p>(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;</p> <p>unless all of the following apply;</p> <p>(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</p> <p>(ii) there are no prudent or feasible alternatives;</p> <p>(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.</p>	<p>There are no Acceptable Solutions, the proposal must be assessed against the Performance Criteria P1;</p> <p>(a) Information has not been provided to demonstrate compliance with P1.</p> <p>(b) Information has not been provided to demonstrate compliance with P1.</p> <p>(i) Complies. The previous PVC weatherboards have been removed and the dwelling currently has no cladding. The proposal is to replace these with colourbond as this is achievable within the owners budget. In this situation economic reasons are of greater value to the community and the heritage values.</p> <p>(ii) Complies. Council is satisfied that the owner has explored feasible alternatives.</p> <p>(iii) Not applicable, as the dwelling is not being replaced, only the cladding.</p>

Conclusion

The information provided by the owner satisfies in most part the Heritage Conditions 3 & 4 of Planning Permit DA2022/15. Additional assessment against E13.8 Development Standards for Heritage Precincts, 13.8.1 Demolition of the Scheme concludes that the proposal meets the Performance Criteria P1.

RECOMMENDATION

Moved: Mayor Triffitt

Seconded: Deputy Mayor Allwright

THAT the following recommendation be made to Council:

In accordance with Condition 3 & 4 (Heritage) on Planning Permit DA2022/15 Council approve the use of Colourbond for the replacement cladding and roof for 36 High Street, Bothwell.

Motion Lost 2/2

For the Motion: Mayor Triffitt & Deputy Mayor Allwright

Against the Motion: Clr Cassidy & Clr Archer

It was agreed that the Manager Development & Environmental Services obtain a costing for weatherboard profile colourbond prior to the May Council Meeting.

6.2 ASSESSMENT OF ST PATRICKS PLAIN WINDFARM

As you are aware Council Resource Shares Planning Officers from Southern Midlands Council, with a Planner working from the Bothwell Office one day per week.

The assessment of the St Patricks Plain Windfarm has been discussed by the Planning Officers and they have decided, with the support of the General Manager from Southern Midlands Council, that assessment of the St Patricks Plain Windfarm should be undertaken by an external consultant.. They have advised they are happy to assist with the admin processing side of the application if required.

This decision has been made based on a number of factors including the expected work load it will represent, Councillors as land owners and the need for full confidence of Council in the independence of the assessment and recommendation.

The cost to engage an external consultant is difficult to calculate as the amount of time required to undertake the assessment and any subsequent appeal, if required, is unknown.

It is being recommended that Council engage a Consultant Planner to undertake the assessment of any future application for the St Patricks Plain Windfarm and that an amount of \$25,000 be allocated in the 2022/2023 Budget.

RECOMMENDATION

Moved: Clr Archer

Seconded: Mayor Triffitt

THAT the following recommendation be made to Council:

THAT a review of Council's Planning Services be undertaken.

Carried

For the Motion: Deputy Mayor Allwright, Mayor Triffitt Clr Cassidy & Clr Archer

Mr D Steers left the Meeting at 10.34am

Clr Archer left the Meeting at 10.35am and returned at 10.38am

6.3 PROPOSED BOTHWELL, OUSE AND HAMILTON STRUCTURE PLANNING PROJECTS

Report By:

Council Planning Consultant (SMC) Damian Mackey

Attachments:

1. Funding offer from the State Planning Office, 29 April 2022.
2. Draft Project Plan - 3 May 2022.

Purpose:

The purpose of this report is to progress an initiative to develop 'structure plans' for the townships of Bothwell, Ouse, Hamilton and Gretna, and possibly Miena.

Background:

The feedback received during last year's public notification of the Central Highlands Draft Local Provisions Schedule has brought into focus a need to undertake strategic land use planning exercises for the townships of Bothwell and Ouse, with several of the representations raising potential rezoning issues.

In considering the Bothwell and Ouse representations, Council noted the following:

Council intends to pursue a structure plan for Bothwell once the LPS work is completed, potentially with financial support from the State Government. This should follow completion of the Local Provisions Schedule development process and is to set out the preferred future development of the town and any subsequent zoning changes that ought to be made.

and

A structure plan for the township of Ouse, with input from the local community should be developed. This should follow completion of the Local Provisions Schedule development process and is to set out the preferred future development of the town and any subsequent zoning changes that ought to be made.

As Councillors are aware, the public exhibition of the Draft Local Provisions Schedule included planning scheme zone maps. However, the zoning of our townships had been directed by the State to simply be a direct transition from the current planning scheme zones. In other words, no fundamental zone changes were able to be considered. Nevertheless, members of the community lodged representations requesting such changes.

In addition to the matters raised in the representations, Council has been aware of other zoning issues in and around the towns for some time. It has been many years since whole-of-town future-looking strategic planning exercises have been undertaken for the towns in the municipality. There are also issues at Hamilton and the settlements of Gretna and Miena would also benefit from strategic land use planning.

It is now standard practice for the Tasmanian Planning Commission to require that proposed planning scheme amendments within towns are supported by wholistic strategic planning. In other words: 'structure plans.

At the February 2022 meeting, Council determined the following:

THAT:

- A. *Submissions be prepared and sent to the State Planning Office outlining the potential structure planning projects initially for Bothwell, Ouse, Hamilton and Gretna, with other settlements to follow, requesting 50% contributions from the State Government, based on a total cash budget for each project of approximately \$60,000.*
- B. *Draft project plans be prepared for the potential structure planning projects initially for Bothwell, Ouse, Hamilton and Gretna, with other settlements to follow, for consideration by Council. These are to include proposed steering committee arrangements.*
- C. *A report on the above points be provided to a future Council meeting, including budgetary implications for the coming financial year.*
- D. *Engage the services of Mr Damian Mackey (through the resource-sharing*

protocols with Southern Midlands Council) to facilitate the process on behalf of Council.

To pursue the above, a submission and draft project plan was prepared and forwarded to the State Planning Office, (formerly the State Planning Policy Unit), now within the Department of Premier and Cabinet, which has advised it has funds available to assist Councils with this kind of work. A total budget of \$240,000 was foreshadowed, with \$140,000 of this requested from the State.

THE STRUCTURE PLANNING PROCESS

The development of a structure plan is generally undertaken by suitable qualified and experienced independent consultants appointed by Council and working under the direction of a Council-appointed Project Steering Committee. At Central Highlands, this could potentially be the existing Planning Committee or specific steering committees set up for each town.

Prior to seeking quotes from potential consultants, Council would finalise the Project Plans setting out the key parts of the project, such as membership of the steering committee, community consultation components, any specific matters that it believes need to be addressed, specific and general outputs and the project budget.

Substantial community involvement is essential to ensure the vision developed for a town is the best it can be, and the local community ultimately have a level of ownership of it. There are usually two phases of community involvement. The first phase is a structured process run by the consultants calling for all manner of ideas, issues, problems, risks, opportunities, etc, from the community. This usually involves a community workshop and a submission process for those unable to attend. The second phase of community consultation is undertaken after the consultants (with Council endorsement) have developed a draft of the structure plan which is then put out to the community for comment.

Other inputs besides that from the community include research on population growth forecasts, residential land demand & supply analysis, demographic trends, gaps in social services, key infrastructure issues and system capacities (water, sewer, roads, etc.), employment trends including existing and future industry sectors and a range of other issues.

All inputs contribute to a collective 'visioning' phase of the process

BENEFITS

The final structure plans will set out an agreed vision for each town. Desirable zone changes will be highlighted and the strategic planning rationale underpinning these changes explained. Recommendations may also go to community infrastructure and/or facilities that may be missing or inadequate and where there is a demonstrated need. Where such facilities are within Council's purview, these recommendations can inform Council's future works program and budgeting and/or support grant applications to State or Federal Government. Where such facilities are State-level responsibilities, then the structure plan can be used to form the basis of Council's lobbying efforts.

DRAFT PROJECT BRIEF

A draft 'Project Brief' is attached for Councillors' consideration. This sets out how the project would unfold and includes the proposed membership for the Project Steering Committee.

To pursue this project, the first tasks for Council are to, firstly, confirm that it will proceed with the project, secondly to commit the budget and thirdly to appoint the Project Steering Committee.

The Project Steering Committee will then finalise the Project Brief and provide high level governance and direct. The Steering Committee will report back to full Council at key decision points, which will be specified in the Project Brief. The Steering Committee will also oversee the process to seek proposals from interested consultants to undertake the project, interview those on a short-listed and appoint the successful consultant.

Day-to-day liaison with the project consultants will be through a Project Manager, who will report to the Project Steering Committee.

It is proposed that Council's Planning Consultant (on Resource-Share from Southern Midlands) act as Project Manager.

FINANCIAL COMMITMENT

In its February 2022 determination Council foreshadowed that, subject to budgetary considerations, it wishes to embark on the project to undertake structure planning for the four towns of Bothwell, Ouse, Hamilton, and Gretna assuming an average cost for each town of \$60,000 with the State Government providing 50% of this.

For the four towns the total budget would therefore potentially be \$240,000, with the State and the Council each providing 50%. This could be split across two financial years, both for budgeting reasons and the practicalities of doing four structure plans.

Following officer-level discussions with the State Planning Office, an amended idea for developing the structure plans was developed. The key differences to that relayed at the February Council meeting are:

- Adding Miena. (So; the full list would be Bothwell, Ouse, Hamilton, Gretna and Miena.)
- Undertaking the initial components of the work collectively, as 'Part 1' of the project:
 - The background research: population growth forecasts, residential land demand & supply analysis, demographic trends, gaps in social services, key infrastructure issues and system capacities (water, sewer, roads, etc.), employment trends including existing and future industry sectors and a range of other issues., and
 - Identifying the issues and opportunities for each of the settlements. This would include the first phase of the public consultation for each town.
- Drafting the structure plans, undertaking the second phase public consultation, and finalising the structure plans as 'Part 2' of the project.
 - The Part 1 work would inform the scope and breadth of Part 2.
 - For example, it may be determined that one or more of the towns do not need a full structure planning process – but something less. (Noting that Bothwell, Hamilton and Ouse would almost certainly be identified as needing the full process).

By undertaking the initial work collectively, it was considered that the fifth town, Miena, could effectively be added for no additional cost.

As per Attachment 1, the State Planning Office has advised that it is prepared to provide \$70,000 this coming financial year, to assist with Part 1 of the project. This represents half of the \$140,000 requested by Council. The remainder would be provided in the following financial year for Part 2, and would be up to the remaining \$70,000, depending on the scope and breadth of the Part 2.

BUDGET CONSIDERATIONS

As outlined above, it is proposed that the project be split into Part 1 and Part 2 with each part occurring in each of the two coming financial years. The total cost of the project is anticipated to be \$240,000, with the State providing \$140,000 and Council providing \$100,000, across the two financial years.

Subject to any alternative split that might be put forward by tendering consultants, it is assumed that the two parts would be evenly split: \$120,000 each for each part.

This would require Council committing \$50,000 this coming financial year and a further \$50,000 in the next. The State Planning Office has confirmed its commitment of \$70,000 this coming financial year for Part 1, and up to \$70,000 in the next (subject to the outcomes of Part 1).

So; for each part of the project in each of the two financial years, the budget would be \$70,000 from the State and \$50,000 from Council: \$120,000.

RECOMMENDATION

Moved: Cllr Cassidy

Seconded: Mayor Triffitt

THAT:

- A. Council initiate a project to undertake structure planning projects for Bothwell, Ouse, Hamilton, Gretna and Miena, as outline in the Draft Project Brief, attached, (to be finalised by the Project Steering Committee).
- B. Recommend a budget commitment of \$50,000 for each of the two coming financial years, (noting the commitment from the State of \$70,000 in the first financial year and up to \$70,000 in the second).

AND the appointment of the Project Steering Committee be determined at a later date.

Carried

For the Motion: Deputy Mayor Allwright, Mayor Triffitt Clr Cassidy & Clr Archer

7.0 OTHER BUSINESS

Ms J Tyson advised that she had attended the LPS Hearing on behalf of Council with Damian Mackey last week. Further work has to be undertaken on the rural / agriculture zones which will be discussed at a future hearing.

8.0 CLOSURE

There being no further business the Chairperson thanked everyone for attending and closed the meeting at 10.52am.
