



## Central Highlands Council

### AGENDA

### PLANNING COMMITTEE MEETING – 9<sup>TH</sup> JANUARY 2024

#### Council Representatives:

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

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 9<sup>th</sup> January 2024**, commencing at **9.00am**.

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

Dated at Bothwell this **4<sup>th</sup> day** of **January 2024**.

Kim Hossack  
**General Manager**

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## 1.0 PRESENT

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## 2.0 APOLOGIES

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## 3.0 PECUNIARY INTEREST DECLARATIONS

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

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## 4.0 PERCEIVED INTEREST DECLARATIONS

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

### **PART 2 – Conflict of Interest that are not Pecuniary**

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

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
  - (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
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## 5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 5<sup>TH</sup> DECEMBER 2023

### RECOMMENDATION 01/01.2024/PC

**Moved:** Cr

**Seconded:** Cr

***THAT*** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 5<sup>th</sup> December 2023 to be confirmed.

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## 6.0 PUBLIC QUESTION TIME

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

Speakers should follow the procedure below:

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

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

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

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

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

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## 7.0 PLANNING REPORTS

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## **7.1 DEVELOPMENT APPLICATION (DA2023/63) FOR SUBDIVISION (2 LOTS & BALANCE LOT) AT LOT 2 ELLENDALE ROAD, WESTERWAY OWNED BY T CLARK & S GATENBY-CLARK**

### **AUTHOR**

Senior Planning Officer (Louisa Brown)

### **AUTHORISED BY**

Manager Development & Environmental Services (Graham Rogers)

### **ATTACHMENTS**

- Development Application documents
- Planning Compliance Report
- Bushfire Hazard Assessment
- Copy of Title
- Site plan/plan of subdivision

### **PROPOSAL**

Council is in receipt of a Development Application for a 2 Lot and Balance subdivision at Lot 2 Ellendale Road, Westerway.

PDA Surveyors, Engineers and Planners, have applied to the Central Highlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to subdivide the land.

The existing property is made up of one title (CT: 177709/2) with a total area of 50.59ha. The property is vacant of any structures and an existing vehicular access is provided from Ellendale Road.

The application seeks to subdivide the site to create a total of two (2) lots and the balance lot in the following arrangement:

Lot 1 – 8.85ha, 272m of frontage to Ellendale Road, new shared vehicular access from the Road;

Lot 2 – 5.66ha, 186m of frontage to Ellendale Road, new shared vehicular access from the Road; and

Balance Lot – 36.08ha, 71m frontage to Ellendale Road and exiting vehicular access from the Road.

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

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

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

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

## THE SITE

The property is located within the settlement of Ellendale, 1km north of the bridge junction with Gordon River Road. Several existing dwellings adjoin the north-eastern property boundary, the northern boundary is defined by Ellendale Road.

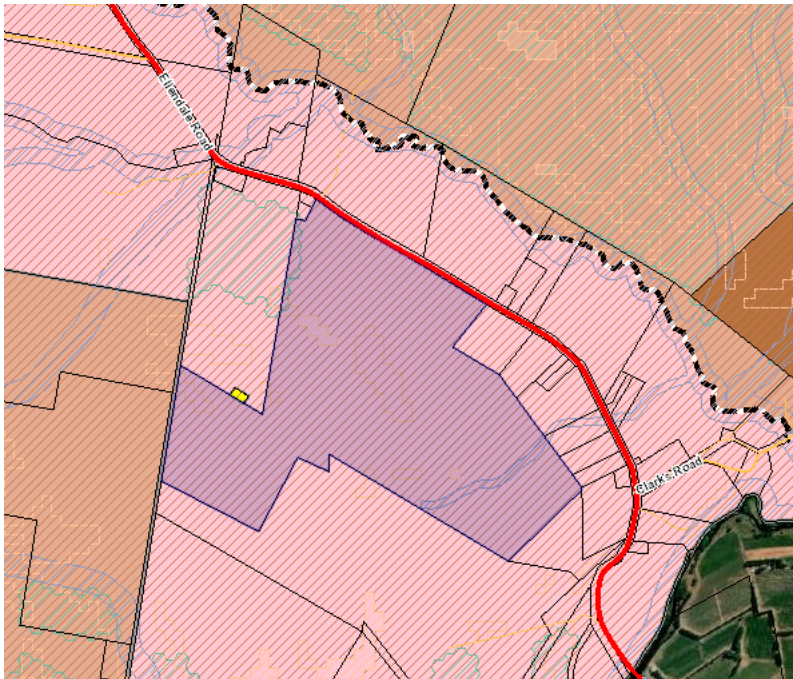
Agricultural uses, predominantly pastoral are characteristic of the area, with adjacent properties also within the Rural Living Zone of the Planning Scheme.

The land slopes downwards from the highest point in the southwest corner towards Ellendale Road. The property is currently vacant of any structures.

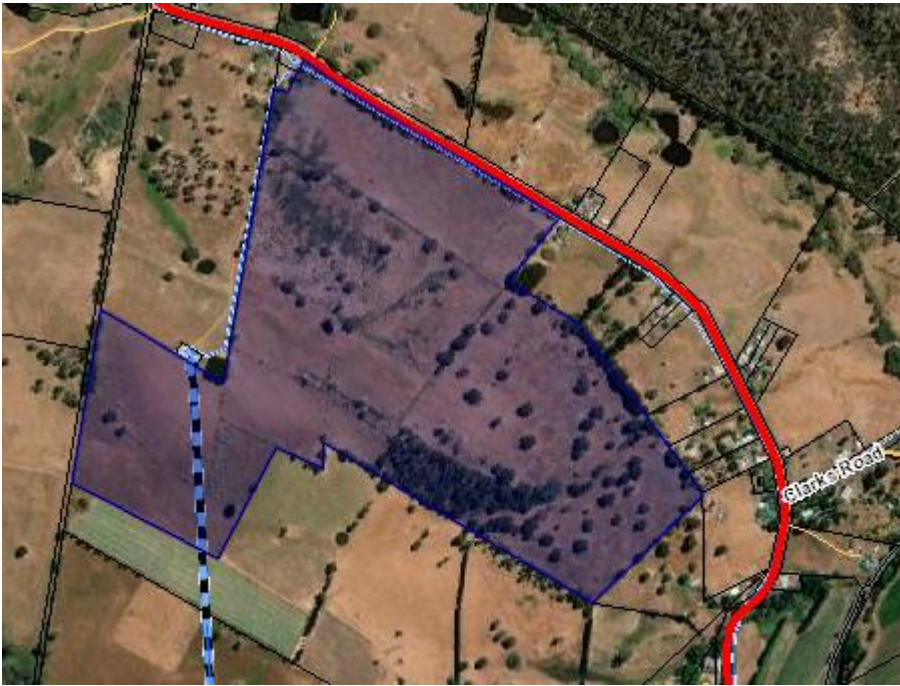
A “wayleave easement” runs south-west from Ellendale Road through the property, this accommodates TasWater infrastructure on adjacent land to the north-west.

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

Map 2 is an aerial image of the property and surrounds, with the TasWater infrastructure shown.



*Map 1\_ The subject land and most surrounding properties are in the Rural Living Zone (pink). Adjoining land to the west and further north, north-east is in the Rural Zone (light brown). The pink colour represents the Rural Living Zone. The subject title is identified by the blue line. Source: LISTmap (02/01/24)*



*Map 2\_Aerial image of the subject land and surrounding area. Subject titles marked with blue line. TasWater infrastructure is shown as blue and black line. Source: LISTmap (02/01/24)*

## THE APPLICATION

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

Specific matters relevant to the application are discussed below.

### Access

New Lots 1 and 2 lots will require new access crossovers and the balance lot will use the existing access.

### Stormwater and Sewer

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

Stormwater will either be retained on site or discharge to the storm in line with ant future Plumbing Permits.

### Bushfire

The entirety of the land is identified as bushfire prone.

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

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

### Public Open Space

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

### TasWater

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

The developer will need to provide new water connections for all lots and in accordance with the requirements of TasWater.

## USE/DEVELOPMENT DEFINITION

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

### Use/Development Status under the Planning Scheme

As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Council has the discretion to grant a permit for this proposal with or without conditions or refuse to grant a permit.

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised for 14 days until the 6<sup>th</sup> December 2023.

No representations were received.

## ASSESSMENT - THE TASMANIAN PLANNING SCHEME – CENTRAL HIGHLAND

### RURAL LIVING ZONE 'A'

The land is in the Rural Living Zone A. The proposal is a discretionary land use and development in this zone. The proposal must satisfy the requirements of the following relevant provisions of this zone:

11.5 Development Standards for Subdivision		
11.5.1 Lot design		
That each lot:		
(a) has an area and dimensions appropriate for use and development in the zone;		
(b) is provided with appropriate access to a road; and		
(c) contains areas which are suitable for residential development.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> <li>(a) have an area not less than 1ha;</li> <li>(i) be able to contain a minimum area of 15m x 20m clear of:               <ul style="list-style-type: none"> <li>a. all setbacks required by clause 11.4.2 A2 and A3; and</li> <li>b. easements or other title restrictions that limit or restrict development; and</li> </ul> </li> <li>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</li> <li>(b) be required for public use by the Crown, a Council or a State Authority;</li> <li>(c) be required for the provision of Utilities; or</li> <li>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul>	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> <li>(a) the relevant requirements for development of existing buildings on the lots;</li> <li>(b) the intended location of buildings on the lots;</li> <li>(c) the topography of the site;</li> <li>(d) any natural or landscape values;</li> <li>(e) adequate provision of private open space; and</li> <li>(f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</li> </ul>	<i>All lots are in excess of the minimum lot size of 1ha and can accommodate a minimum building area of 15mx20m, clear of setback requirement and existing easements.</i>  <i>There are no existing structures on the property.</i>  <i>The Acceptable Solution A1 is met.</i>

<p><b>A2</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</p>	<p><b>P2</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to: (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>	<p><i>The proposed new Lots 1 and 2 and the balance lot have frontages over than 40m. The Acceptable Solution A2 is met.</i></p>
<p><b>A3</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P3</b> Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the length of the access; (c) the distance between the lot or building area and the carriageway; (d) the nature of the road and the traffic; (e) the anticipated nature of vehicles likely to access the site; and (f) the ability for emergency services to access the site.</p>	<p><i>Lots 1 and 2 will be provided with a new shared vehicular access from Ellendale Road, a Council Maintained Road. The balance lot will maintain the existing access from Ellendale Road.</i></p> <p><i>The Acceptable Solution A3 is met.</i></p>

<p><b>11.5.2 Roads</b> That the arrangement of new roads with a subdivision provides:</p> <ul style="list-style-type: none"> <li>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</li> <li>(b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</li> <li>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</li> </ul>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>	<b>P1</b>	

The subdivision includes no new roads.	The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to: (a) any relevant road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) maximising connectivity with the surrounding road network; (d) appropriate access to public transport; and (e) access for pedestrians and cyclists.	<i>Acceptable solution A1 is met as no new roads are proposed as a part of this subdivision.</i>
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<b>11.5.3 Services</b> That the subdivision of land provides services for the future use and development of the land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>Officer Comment</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must: (a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or (b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.	<b>P1</b> No Performance Criterion.	<i>Lot 1 and Lot 2 will be provided with Water connections as these are within 30m of an existing service.</i>  <i>The proposal meets the acceptable solution A1.</i>
<b>A2</b> Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must: (a) be connected to a reticulated sewerage system; or (b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.	<b>P2</b> Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<i>The Performance Criteria P2 is met for both lots 1 and 2, as there is no reticulated sewerage systems available in the area. The size of the lots are more than adequate to accommodate the requirements of a wastewater treatment system.</i>

## C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- To ensure that an appropriate level of parking facilities is provided to service use and development.
- To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- To ensure that parking spaces and accesses meet appropriate standards.
- To provide for parking precincts and pedestrian priority streets.

<b>C2.6.3 Number of accesses for vehicles</b>		
That:		
(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;		
(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and		
(c) the number of accesses minimise impacts on the streetscape.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> The number of accesses provided for each frontage must: <ul style="list-style-type: none"> <li>(a) be no more than 1; or</li> <li>(b) no more than the existing number of accesses,</li> </ul> whichever is the greater.	<b>P1</b> The number of accesses for each frontage must be minimised, having regard to: <ul style="list-style-type: none"> <li>(a) any loss of on-street parking; and</li> <li>(b) pedestrian safety and amenity;</li> <li>(c) traffic safety;</li> <li>(d) residential amenity on adjoining land; and</li> <li>(e) the impact on the streetscape.</li> </ul>	<i>The proposal complies with Acceptable Solution A1, as a new shared access is proposed for Lots 1 and 2. The Balance of the lot will be served by the existing access.</i>
<b>A2</b> Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	<b>P2</b> Within the Central Business Zone or in a pedestrian priority street, any new accesses must: <ul style="list-style-type: none"> <li>(a) not have an adverse impact on:               <ul style="list-style-type: none"> <li>(i) pedestrian safety and amenity; or</li> <li>(ii) traffic safety; and</li> </ul> </li> <li>(b) be compatible with the streetscape.</li> </ul>	<i>Not applicable.</i>

## C7.0 Natural Assets Code

The application of this Code applies to development on land within a Waterway & Coastal Protection Area and a Priority Vegetation within the Rural Living Zone.

<b>C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area</b> That: (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.		
Acceptable Solutions	Performance Criteria	Officer Comment
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to: (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.	<i>A small section of Lot 1 on the western boundary is within the Priority Vegetation Area. A section of the Balance lot is within the Waterway &amp; Coastal protection Area.</i>  <i>As there is no works proposed within these areas, the proposal meets the Acceptable Solution A1.</i>

### C13.0 Bushfire prone Area Code

This code applies to subdivision of land that is located within a bushfire-prone area, which the property is located within.

A Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan for the proposed 2 Lot and balance Subdivision, has been prepared by GES Geo-Environmental Solutions, dated October 2023, J9134v2 was provided with the Development Application.

This report makes several recommendations which form a part of the planning conditions of the permit, and which must be completed prior to Council sealing the final plan of survey.

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

<b>Development Standards - Subdivision</b> <b>C13.6.1 Subdivision: Provision of hazard management areas</b>  Objective:  That subdivision provides for hazard management areas that:  (a) facilitate an integrated approach between subdivision and subsequent building on a lot;  (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
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(c) provide protection for lots at any stage of a staged subdivision.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or  (b) The proposed plan of subdivision:  (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;  (ii) shows the building area for each lot;  (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and  (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and	<b>P1</b> A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:  (a) the dimensions of hazard management areas;  (b) a bushfire risk assessment of each lot at any stage of staged subdivision;  (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;  (d) the topography, including site slope;  (e) any other potential forms of fuel and ignition sources;  (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;  (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and  (h) any advice from the TFS.	<i>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority must accept any certificate issued by an accredited person that certifies the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</i>  <i>The provided Certificate and Report demonstrates that Hazard Management Areas can be provided to a BAL-12.5 risk level for all lots including the balance.</i>  <i>The proposal therefore complies with A1 (b) and sub criteria.</i>  <i>There is no need to extend hazard management areas into the adjoining land and therefore A1 (c) is not applicable.</i>  <i>The proposal meets Acceptable Solution A1.</i>

(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.		
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<b>Development Standards - Subdivision</b> <b>C13.6.2 Subdivision: Public and fire-fighting access</b>		
<p>Objective:</p> <p>Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>(a) allow safe access and egress for residents, firefighters and emergency service personnel;</li> <li>(b) provide access to the bushfire-prone vegetation that enables both the property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>(d) provide access to water supplies for fire appliances; and</li> <li>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of firefighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <ul style="list-style-type: none"> <li>(i) demonstrates proposed roads will comply with Table E1, proposed private</li> </ul>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> <li>(a) appropriate design measures, including: <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> </ul> </li> </ul>	<p>The provided Report/Certificate states that the access will comply with the relevant standards for road access.</p> <p>The proposal therefore complies with A1 (b) and sub criteria.</p>

<p>accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>(viii) use of through roads to provide for connectivity;</p> <p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire-fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>	
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<b>Development Standards - Subdivision</b> <b>C13.6.3 Subdivision: Provision of water supply for fire-fighting purposes</b>		
<p>Objective:</p> <p>Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b></p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>	<p>The provided Report/Certificate states that the static water supply complies with the relevant table.</p> <p>The proposal therefore complies with Acceptable Solution A1.</p>

sufficient to manage the risks to property and lives in the event of a bushfire.		
<b>A2</b> In areas that are not serviced by reticulated water by the water corporation:  (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire-fighting purposes;  (b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire-fighting, will be provided and located compliant with Table E5; or  (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.	<b>P2</b> No Performance Criterion.	<i>The provided Report/Certificate states that the static water supply complies with the relevant table.</i>  <i>The proposal therefore complies with Acceptable Solution A2.</i>

### C15.0 Landslip Hazard Code

The purpose of this code is to ensure a tolerable risk can be achieved and maintained for the type, scale and intensity of use or development on land within a landslip hazard area.

The proposal is exempt from this code, as the development is subdivision within a low landslip hazard band and does not involve significant works.

### CONCLUSION

The report has assessed a Development Application for (DA2023/63) for subdivision (2 lots & balance lot) at Lot 2 Ellendale Road, Westerway owned by T Clark & S Gatenby-Clark.

No representations were received.

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

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

## RECOMMENDATION 02/01.2024/PC

**Moved:** Cr

**Seconded:** Cr

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

**THAT**, in accordance with the provisions of the *Tasmanian Planning Scheme – Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council **APPROVE** the Development Application (DA2023/63) for Subdivision (2 Lots & Balance Lot) at Lot 2 Ellendale Road, Westerway owned by T Clark & S Gatenby-Clark subject to conditions detailed below:

### CONDITIONS

#### General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. The development and works must be carried out in accordance with:  
*Bushfire Hazard Report, Proposed Subdivision Lot 2 Ellendale Road, Westerway (Mark Van den Berg, GES) J9134v2 dated October 2023.*
3. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

#### Agreements

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

#### Easements

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

#### Public Open Space

6. In accordance with the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey.

The cash contribution amount is to be equal to 5% of the value of the land (excluding the balance lot) at the date of lodgement of the Final Plan of Survey.

The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* at the developers' expense.

7. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

#### Covenants

8. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Development & Environmental Services Manager.

**Final Plan**

9. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
10. A fee of \$225.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
11. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

**Services**

13. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Development & Environmental Services Manager or responsible authority.
14. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.  
*Advice: Any redundant services under the subject land are to be removed.*

**Access**

15. A separate vehicle access must be provided from the road carriageway to the new Lots (lot 1 & lot 2). The existing access which serves the Balance Lot must be upgraded. Accesses must be located and constructed in accordance with the standards shown on standard drawings Standard Drawings TSD-R09-v2 Urban Roads Driveways, or as otherwise agreed by Council's Works & Services Manager.

**Water**

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

**TasWater**

17. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2023/01632-CHL, dated 01/12/2023.

**Telecommunications and Electrical Reticulation**

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

**Construction**

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

**Construction Amenity**

21. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager:
 

Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 6:00pm
Sunday and State-wide Public Holidays	10:00am to 6:00pm
22. All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -

- (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (b) transport of materials, goods or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
23. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
24. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA 2023/63	<b>Council notice date</b>	24/11/2023
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2023/01632-CHL	<b>Date of response</b>	01/12/2023
<b>TasWater Contact</b>	Timothy Carr	<b>Phone No.</b>	0419 306 130
<b>Response issued to</b>			
<b>Council name</b>	CENTRAL HIGHLANDS COUNCIL		
<b>Contact details</b>	kbradburn@centralhighlands.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	Lot 2 ELLENDALE RD, WESTERWAY	<b>Property ID (PID)</b>	9170139
<b>Description of development</b>	Subdivision( 2 Lots & Balance)		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
PDA	Proposal Plan – 49834CT - 1	-	01/11/2023
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. <b>Advice:</b> <i>The proposed water connection/meter for lot 2, must be located adjacent to the driveway.</i></li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>3. Plans submitted with the application for the Certificate for Certifiable Work (Building and/or Plumbing) must, to the satisfaction of TasWater show, all existing or proposed property services and mains. <ol style="list-style-type: none"> <li>a. An offset fire hydrant located in the road reserve, outside the proposed lots 1 &amp; 2 as to comply with the hydrant spacing standards outlined in the TasWater Supplement table 8.8.8. Rural Living Zone.</li> <li>b. Provide long section of the proposed driveways as to confirm depth of cover over the existing water main.</li> </ol> </li> </ol> <p><b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b></p> <ol style="list-style-type: none"> <li>4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <b>Advice:</b> <i>Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i></li> </ol>			



5. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
6. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
  - a. the exact location of the existing water infrastructure,
  - b. the easement protecting that infrastructure.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

#### **DEVELOPER CHARGES**

7. Prior to TasWater issuing a Consent to Register a Legal Document, the applicant or landowner as the case may be, must pay a developer charge totalling \$3,514.00 to TasWater for water infrastructure for 2.0 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.

#### **DEVELOPMENT ASSESSMENT FEES**

8. The applicant or landowner as the case may be, must pay a development assessment fee of \$389.86 and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

#### **Advice**

##### **General**

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

##### **Developer Charges**

For information on Developer Charges please visit the following webpage - <https://www.taswater.com.au/building-and-development/developer-charges>

##### **Service Locations**

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.

##### **Advice to Planning Authority (Council) and developer on fire coverage**

TasWater cannot provide a supply of water for the purposes of firefighting to the entirety of lots on the plan.



Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

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## **8.0 OTHER BUSINESS**

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## **9.0 CLOSURE**

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

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