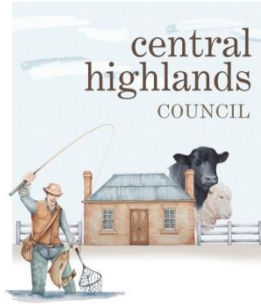




# **PLANNING COMMITTEE MEETING**

## **AGENDA**

**Tuesday 14<sup>th</sup> June 2022**



## NOTICE OF MEETING

**Council Representatives:**

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

Dear Councillors,

Notice is hereby given that the next Planning Committee Meeting will be held at the Bothwell Town Hall, 19 Alexander Street, Bothwell at 9.00 a.m. on Tuesday, 14<sup>th</sup> June 2022, to discuss business as printed below.

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

Lyn Eyles  
**GENERAL MANAGER**

# PLANNING COMMITTEE AGENDA

## 1.0 PRESENT

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## 2.0 APOLOGIES

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## 3.0 PECUNIARY INTEREST DECLARATIONS

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

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## 4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 10<sup>th</sup> May 2022 to be confirmed.

*Carried*

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## 5.0 QUESTION TIME & DEPUTATIONS

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## 6.0 DA2022/11: SUBDIVISION 38 LOTS: JOHNSONS ROAD (CT152719/622) AND ROBERTSON ROAD (CT134100/1,CT130056/1) MIENA

### Report by

Louisa Brown (Planning Officer)

### Applicant

P H Thiessen

### Owner

P H Thiessen & others

### Discretions

12.5.1 Lot Design - P2 & P3

12.5.2 Roads - P1

### Proposal

An application for a 38 lot (plus balance) subdivision at two separate title areas in Miena, was made to council in February 2022 by the applicant P H Thiessen. The subdivision comprises of the following:

- 26 lot subdivision accessed via Robertson Road, Miena (CT:130056/1);
- 12 lot subdivision accessed via Johnsons Road, Miena (CT:152719/622): and
- Associated infrastructure.

The proposal is to be staged, with stage 1 being the subdivision on Johnson Road and stages 2, 3, 4, 5 and 6 proposed to the Robertson Road area.

- Stage 1 – 12 lots Johnson road.
- Stage 2 – 6 lots to the south west of Robertson Road, junction to Robertson Road and southern section of new road;

- Stage 3 – 6 lots and new section of road, including emergency access point onto Robertson Road;
- Stage 4 – 4 lots;
- Stage 5 – 6 lots: and
- Stage 6 – 4 lots.

The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Low Density Residential pursuant to section 12.0 of the Central Highlands Interim Planning Scheme 2015.

Additional documents provided with the Development Application include;

- A Traffic Impact Assessment prepared by Midson Traffic Pty Ltd May 2022;
- Bushfire Hazard Assessment prepared by Gifford Bushfire Risk Assessment 04/12/2021;
- Desktop Natural values Assessments prepared by North Barker Ecosystem Services 23/09/2020: and
- Preliminary Onsite Wastewater Rationale prepared by Rock Solid Geotechnics 110/2/2021.

DA2019/45 Boundary Adjustment was approved in 2019 to enable a through road for emergency access on Robertson Road, for this proposed subdivision.

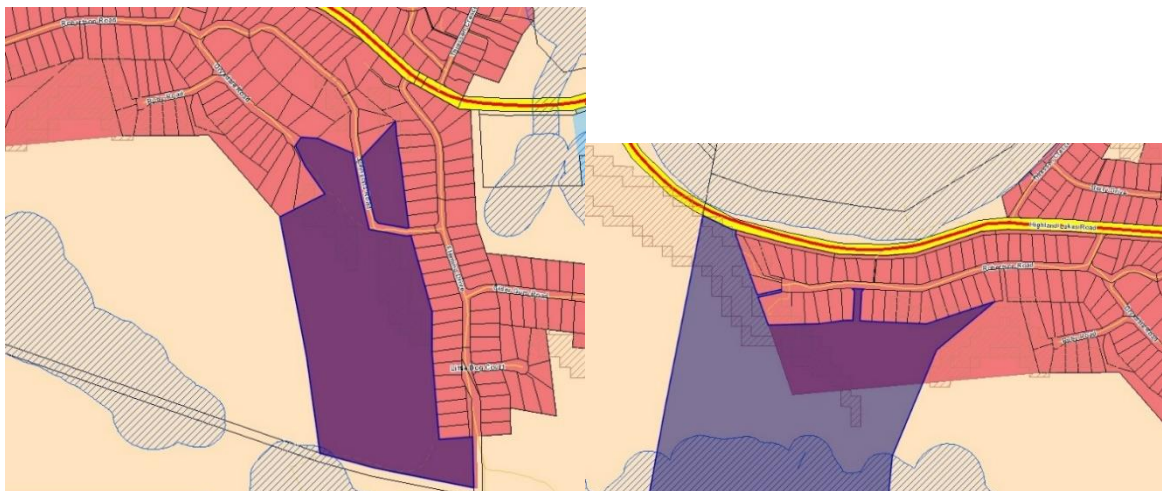
### **Subject site and Locality.**

The site is located in two locations in Miena. One component is on the southern side of Robertson Road ( parts of CT134100/1 and CT130056/1) and includes 26 lots and the second located on both sides of Johnsons Road (CT152719/622), situated behind Fleming Drive for 12 lots.

The area is characterised as low density dwellings, which is predominantly used for 'shack' accommodation long the southern banks of the Great Lake at Swan Bay and Mackersey Head, Miena. The majority of established dwellings are not fully occupied throughout the year.

The topography of the area is hilly, ranging in 1075m to 1115m above sea level. The land falls downslope towards Swan Bay and rises upslope to a marshy plateau to the south.

Vegetation of the area is predominantly Eucalyptus forest/woodland, with some small areas of alpine heathland.



**Fig 1.** Location and zoning of the existing two titles, indicating the Low density Residential (red) Rural Resource zone (Cream). Waterway and Coastal Protection Code Overlay in blue lines and Landslide Overlay Code in brown lines (Source: LISTmap, accessed 09/06/2022).



**Fig 2.** Aerial photo of the subject land and surrounding area, (Source: LISTmap, accessed 09/06/2022).

### **Exemptions**

Nil

### **Special Provisions**

Nil

### **Use standards**

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

#### **12.5 Development Standards for Subdivision**

<b>12.5.1 Lot Design</b>		
To provide for new lots that:		
(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;		
(b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;		
(c) are not internal lots, except if the only reasonable way to provide for desired residential density.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities: as specified in Table 12.1.	<b>P1</b> No Performance Criteria.	Each lot shown on the proposed plan of subdivision is a minimum of 1500 m <sup>2</sup> , which is the minimum lot size in table 12.1.  The acceptable solution is met.
<b>A2</b> The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;  (a) clear of the frontage, side and rear boundary setbacks;	<b>P2</b> The design of each lot must to satisfy all of the following: (a) is reasonably capable of accommodating residential use and development; (b) meets any applicable standards in codes in this planning scheme; (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land; (d) minimises the requirement for earth works, retaining walls, and cut & fill	The proposal is assessed against the Performance Criteria.  The lot sizes for the subdivision range from the minimum lot size for the zone 1500m <sup>2</sup> to 7570m <sup>2</sup> . The size of the lots allow for residential development and wastewater requirements within lots.  All applicable standards in the scheme are met.  The proposed layout of the subdivision allows for the continuation of roads and/or follows existing roads, therefore

<p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p>associated with future development;</p>	<p>minimising the need for earthworks, where possible.</p> <p>The layout and orientation of the subdivision and the generous size of the blocks, will enable dwellings to achieve solar access through the orientation of dwellings.</p> <p>The Performance Criteria is met.</p>
<p><b>A3</b></p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot: 30m.</p>	<p><b>P3</b></p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6 m.</p>	<p>The majority of the lots will meet the acceptable solution, however one lot will have an access of not less than 6m.</p> <p>The performance criteria is met.</p>
<p><b>A4</b></p> <p>No lot is an internal lot [R1].</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances along the access</p>	<p>The acceptable solution is met, no lot is an internal lot.</p>

	<p>strip to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<p>A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5 Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p>There are no existing buildings on the property.</p>

#### 12.5.2 Roads

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

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

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b> The subdivision includes no new road.</p>	<p><b>P1</b> The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <p>(a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p> <p>(c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</p> <p>(d) an acceptable level of access, safety, convenience and legibility is</p>	<p>The subdivision will require new roads, therefore the application is assessed against the Performance Criteria.</p> <p>The proposed layout of roads makes efficient use of the available land, whilst not compromising any future subdivision of the balance lots.</p> <p>All new roads will be conditioned to meet Council standards and will be to the satisfaction of the Council's General manager.</p> <p>Existing roads will be connected through the subdivision, to join with connector roads where possible.</p> <p>All new roads will be legible for road users, roads will be direct and will connect to existing roads where possible.</p> <p>A turning area to the Robertson Road site is required for emergency vehicles.</p>



	<p>provided through a consistent road function hierarchy;</p> <p>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</p> <p>(f) connectivity with the neighbourhood road network is maximised;</p> <p>(g) the travel distance between key destinations such as shops and services is minimised;</p> <p>(h) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p> <p>(j) multiple escape routes are provided if in a bushfire prone area.</p>	<p>No other cul-de-sac arrangements in the road layout is required.</p> <p>Roads and emergency access points will be direct and will connect to the existing road network.</p> <p>Segregated footpaths will not be provided, as the road serves vehicles, pedestrians and cyclists combined. Low vehicle numbers are predicted, based on the findings of the Traffic Impact Report.</p> <p>The Traffic Impact Assessment indicates that the likely additional traffic movements created by the development will not create significant detrimental road safety impacts.</p> <p>An emergency access only is created on Robertson Road.</p>
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### 12.5.3 Ways and Public Open Space

To ensure that the arrangement of ways and public open space provides for all of the following:

- (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;
- (c) the adequate accommodation of equestrian traffic.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <p>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</p> <p>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</p> <p>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</p> <p>(d) new ways are designed so that adequate passive surveillance will be provided from development on</p>	<p>The proposal must be assessed against the Performance Criteria.</p> <p>All new roads will connect to existing roads where possible. Roads and emergency access points will be direct and will connect to the existing road network.</p> <p>Segregated footpaths will not be provided, as the road serves vehicles, pedestrians and cyclists combined. Low vehicle numbers are predicted, based on the findings of the Traffic Impact Report.</p> <p>Ways will be created on common boundaries if applicable.</p> <p>All lots will front onto the public, creating opportunities for passive surveillance.</p> <p>The Performance Criteria is met.</p>



	<p>neighbouring land and public roads as appropriate;</p> <p>(e) topographical and other physical conditions of the site are appropriately accommodated in the design;</p> <p>(f) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</p> <p>(g) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <p>(i) the width of the way;  (ii) the length of the way;  (iii) landscaping within the way;  (iv) lighting;  (v) provision of opportunities for 'loitering';  (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</p> <p>(h) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</p>	
<b>A2</b> No Acceptable Solution.	<b>P2</b> Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.	The Performance criteria is met.

#### 12.5.4 Services

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

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b> Each lot must be connected to a reticulated potable water supply where such a supply is available. R1	<b>P1</b> No Performance Criteria.	Reticulated water by a water corporation is not available to the area. Static water supply will be necessary.
<b>A2</b> Each lot must be connected to a reticulated sewerage system where available. R1	<b>P2</b> Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<p>Reticulated sewerage systems are not available in the area, therefore each lot will accommodate an on-site wastewater treatment system.</p> <p>A Preliminary onsite wastewater report has been prepared and confirms that lots can sustain an onsite wastewater system for a 3 bedroom dwelling.</p>

		The Performance Criteria is met.
<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity. R2	<b>P3</b> Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.	The Performance Criteria is met. Stormwater will be managed on-site.
<b>A4</b> The subdivision includes no new road.	<b>P4</b> The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.	The Performance Criteria is met.

## **Codes**

### **E1 Bushfire-Prone Areas Code**

The Bushfire-Prone Code applies to subdivision of land that is located within a bushfire-prone area. E1.6 Development Standards, E1.6.1 Subdivision: Provision of Hazard Management Areas requires that a Bushfire Risk and Hazard Management Plan be prepared by TFS or an accredited person.

A Bushfire Hazard Report has been submitted as a part of the application, prepared by Gifford Bushfire Risk Assessment 04/12/2021. This report includes a Certificate confirming that both lots Provides BAL-19 or BAL-12.5, access complies with requirements and static water supply complies requirements. The report has been certified by an accredited Bushfire Assessor.

### **E3.0 Landslide Code**

Some parts of the subject land are identified as Low Landslide Risk Areas. As the areas are small and no works will be required for the subdivision further assessment is not required.

### **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.

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

<b>Development Standards</b>		
<b>E5.6.2 Road accesses and junctions</b>		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	<b>P1</b> For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and	Proposed lots on Johnsons road will be accessed via an existing formed gravel public road and connects to Fleming Drive. This will provide access to lots in stage 1.  Stages 2-6 will be accessed via Robertson Road which is a formed gravel public road that connects to Highland Lakes Road and terminates in a cul-de-sac. A partially formed track leads from Robertson Road to the site.  Access to stages 2-6 of the proposed subdivision will

	(g) any written advice received from the road authority.	<p>require a new public access road.</p> <p>A Traffic Impact Assessment has been prepared for the subdivision. The TIA has been reviewed by the Department of State Growth, whom have no concerns with the proposal.</p> <p>The Performance Criteria is met.</p>
<p><b>A2</b></p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p><b>P2</b></p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access to a road;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	<p>Proposed lots on Johnsons road will be accessed via an existing formed gravel public road and connects to Fleming Drive. This will provide access to lots in stage 1.</p> <p>Stages 2-6 will be accessed via Robertson Road which is a formed gravel public road that connects to Highland Lakes Road and terminates in a cul-de-sac. A partially formed track leads from Robertson Road to the site.</p> <p>Access to stages 2-6 of the proposed subdivision will require a new public access road.</p> <p>A Traffic Impact Assessment has been prepared for the subdivision. The TIA has been reviewed by the Department of State Growth, whom have no concerns with the proposal.</p> <p>The Performance Criteria is met.</p>

### **Representations**

The proposal was advertised for the statutory 14 days period, plus additional days to take into consideration the Public Holidays during Christmas, from 15 February until 1 March 2022. A total of 8 representations have been received. A summary of the main objections from each representation is below, with Council's Planning Officer response. Please see attached document Representations received for a full copy of the representations.

<b>Representation Received</b>	<b>Officer Comment</b>
<p><b>Representation 1</b></p> <p>Our main concern about the development is the access road , 'Set apart for emergency access'. What is the intention under the current development application for this easement?</p> <p>In a previous subdivision part of the original proposal, but was knocked back on the basis that there was insufficient Land Application Area to allow construction on this lot and/or that there would be unacceptable drainage of waste water</p>	<p>DA2019/45 Boundary Adjustment was approved in 2019 to enable a through road for emergency access on Robertson Road, for this proposed subdivision. This infrastructure is critical to</p>

<p>into our property. The boundaries of the lot may have changed some since the Ruby Lane subdivision was constructed, but the properties of proposed lot 915 have not; there is almost no suitable ground for drainage purposes – all of lot 915 is soil class 6 bedrock.</p> <p>In the schedule of easements that is attached to our property (SP111877) we note that we are not permitted to erect any building closer than 40 m to the Roberston Road boundary and it is our understanding that this was to allow space for the absorption trenches and septic system to infiltrate properly so as to ensure that there is no flow of effluent onto Robertson Road or our neighbours property. If a similar setback is required for lot 915 then there is clearly no suitable ground for infiltration – it is all bedrock.</p> <p>We note that the Natural Values Assessment to date has been a desk-top appraisal only. Given the likely occurrence of a number of threatened plant and animal species in the area, we assume that prior to approval of the subdivision or part thereof, that there will be a thorough ground-based Natural Values Assessment?</p> <p>We are interested to understand what is the planning process from here? Can affected neighbours such as ourselves expect to be kept updated? We note that the part of the development adjacent to our property is listed as Stage 1. Is there any obligation on the developer to make public the expected timeframe for implementation should it be approved? Presumably the stages will proceed in order, 1 through 6 so that stage 6 may be some time away?</p>	<p>providing additional access for emergency services. It will be for emergency vehicle access only. The proposed carriage width is 4m, which is sufficient for the purpose and in line with the standards of the Bushfire Prone Area Code.</p> <p>A Preliminary onsite wastewater report has been prepared for the proposed subdivision with a soil category estimated to be 5 or 6. The report confirms that lots can sustain an onsite wastewater system for a 3 bedroom dwelling. In addition, once dwellings come forward for development, all dwellings will require a permit for an on-site waste disposal system in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.</p> <p>A desk top Natural Values has been carried out. A further Ground based assessment will be required and conditioned as a part of any planning permit granted.</p> <p>The planning process from here on, if the subdivision is approved by Council, then the applicant has 2 years in which to 'substantially commence' the development.</p> <p>The submission of Final Plans for Sealing by Council will be the next step in the development process, this may take several months and will require any infrastructure to be approved by Council.</p> <p>After which, the development will progress in stages, as approved in the Planning Application documents. Of which there are no timescales.</p>
<p><b>Representation 2</b> increase dust that is already a nuisance. This problem could be overcome by sealing the roadway or resurfacing with a less dusty gravel or an alternative surface coating.</p>	<p>The area is characterised by rural, low density 'shack' development. Sealing the roads are not practical for</p>

<p>The entry point of the new road on to Robertson's road is located in a position such that if an accident occurs person's residing at Numbers 37 and 39 would be in danger of having a vehicle (s) crash into their shacks.</p> <p>The current junction of Robertson's "road "on to the Highland Lakes road is also of a dubious standard and I am aware of several near misses including cars sliding down the road and onto the main road in icy conditions. Increased traffic will obviously increase the risk factor.</p> <p>You are no doubt aware that the "connector" part of Robertson's road is in fact built on what is actually a 1.8 metre walkway to the lake.</p>	<p>Council. All roads existing or proposed will meet the Council's standards for Rural Roads and will be to the satisfaction of Council's manager of Works and Infrastructure.</p> <p>A Traffic impact Assessment prepared for the Development Application does not raise any road safety concerns and concludes that the proposed development will not create significant detrimental road safety impacts.</p>
<p><b>Representation 3</b> Covenants which states that blocks cannot be subdivided. Now we expect the council and the applicant to honour that and uphold that covenant in this case.</p>	<p>Covenants on certificates of titles can not prevent planning permits from being granted. However, Any covenant on a title will remain as an agreement between the owner and all parties, until the Certificate of Title is amended. The owner is bound by the covenant. To conclude, a Planning Permit maybe issued for the development, however the owner is bound by the covenant until it is removed, at the agreement of Council.</p>
<p><b>Representation 4</b> We are concerned about the stormwater runoff from the proposed blocks down to our block.</p>	<p>It is proposed that storm water run off will be collected in storage facilities. Lot sizes are generous and provide for adequate space for septic systems and storm water run off.</p>
<p><b>Representation 5</b> We wish to object to the proposed development on the grounds that is doesn't adequately address the problems of drainage, sewerage, electricity distribution, road width, gutters, footpaths and it does not allow for the adequate protection of native trees and shrubs.</p> <p>Miena is the largest town in the Central Highlands yet its infrastructure is poor, no town sewerage system, water, waste collection, no underground electricity supply, footpaths or proper gutters. It has no areas marked for public open spaces and parks. Surely all of this needs to be addressed before approving this development.</p> <p>The drainage for the proposed access road above our property must be sufficient to divert all runoff from entering our properties.</p> <p>We are very concerned that the development is not allowing for the protection of the native trees and shrubs that are just recovering from the 2019 fires.</p>	<p>The area is characterised by rural, low density 'shack' development. Reticulated water and sewage systems are not possible in the area.</p> <p>All roads existing or proposed will meet the Council's standards for Rural Roads and will be to the satisfaction of Council's manager of Works and Infrastructure.</p> <p>Public open space requirements do not necessitate parks, contribution towards open space is also acceptable. This contribution allows council to allocate</p>

	<p>funds to maintain existing facilities and open spaces in the area.</p> <p>Lot sizes are generous and provide for adequate space for septic systems and storm water runoff.</p> <p>A desk top Natural Values has been carried out. A further Ground based assessment will be required and conditioned as a part of any planning permit granted.</p>
<p><b>Representation 6</b> Concerned regarding the access to proposed properties, steepness of driveways and dangerous conditions in winter.</p> <p>Better solution would be to switch main access on Rorbertson Road with emergency access.</p>	<p>A Traffic impact Assessment prepared for the Development Application does not raise any road safety concerns and concludes that the proposed development will not create significant detrimental road safety impacts.</p>
<p><b>Representation 7</b> I am writing in support of this development application</p> <p>I support the development application for the following reasons:</p> <p>1) I have a concern for the social development of the Central Highlands community.</p> <p>2) By the end of this decade the climate in Hobart will mirror that of inland southern Victoria, and major parts of the mainland will become only marginally habitable. Climate change refugees will find living in the Highlands increasingly attractive.</p> <p>3) When the Epuron wind farm and Great Lake Adventure Trail become developed, there will be increased demand for housing for the staff in both ventures. The income from those enterprises will help balance the high reliance on Commonwealth benefits evident in the present permanent population.</p> <p>I do have a concern that I'm not sure Council can address. I suspect many residential blocks here are purchased by speculators, This development will put downward pressure on prices. I presume the land, when sold, will have a caveat that residential building will start in x years. In addition to those caveats, I urge Council to consider whatever measures are possible to stem demand by speculators.</p>	<p>Comments are noted.</p> <p>Planning Permits will remain for 2 years, within which the development must be substantially commenced. There are no other timeframes relating to the timings of development.</p>
<p><b>Representation 8</b> Easement 'Set apart for emergency access'. We assume that this access will be upgraded as part of the subdivision.</p> <p>Will this emergency access have a gate at one or both ends? If the track is upgraded to a navigable standard*, what is to stop residents of the new subdivision using it as a convenient route/shortcut between the new road for the subdivision and Robertson Road?</p> <p>We have significant concerns that development of Lot 915 in this proposed subdivision, would create unacceptable (and illegal) drainage of wastewater and stormwater onto our property.</p>	<p>The emergency access will be upgraded in line with the requirements of the Bushfire hazard Management Plan and the Bushfire Prone Area Code.</p> <p>Lot sizes are generous and provide for adequate space for</p>



	septic systems and storm water runoff.
<b>Representation 9</b> Department of State Growth recommends a traffic Impact Assessment be provided.	A traffic Impact Assessment has since been prepared and sent to DSG for comment. DSG have no concerns with the findings of the report or the proposed subdivision.

## **Conclusion**

The proposal DA2022/11: Subdivision 38 Lots: Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena has been assessed to comply with the applicable standards of the Low Density Residential Zone and the relevant codes of the *Central Highlands interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment, 8 representations have been received.

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

## **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/11: Subdivision 38 Lots: Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

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

This determination has to be made no later than 24 June 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

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

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

## **Options**

The Planning Authority must determine the Development Application DA2022/11: Subdivision 38 Lots: Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena in accordance with one of the following options:

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the DA2022/11: Subdivision 38 Lots: Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena, subject to conditions in accordance with the Recommendation.

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/11: Subdivision 38 Lots:



Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena, subject to conditions as specified below.

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

Alteration to Conditions:-

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2022/11: Subdivision 38 Lots: Johnsons Road (CT152719/622) and Robertson Road (CT134100/1,CT130056/1) Miena, for the reasons detailed below.

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

Reasons :-

**Recommended Conditions**

**CONDITIONS**

**General**

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

**Bushfire Hazard Management**

3. The development and works must be carried out in accordance with:  
Bushfire Hazard Assessment, Proposed Subdivision dated 04/12/2021, prepared by Gifford Bushfire Risk.
4. 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**

5. Prior to the sealing of the Final Plan of Survey an agreement 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.

**Staged development**

6. The subdivision must be carried out in the approved stages or in accordance with a staged development plan submitted to and approved by Council's General Manager.

**Natural Values**

7. Prior to any work being carried out the ground survey for natural values as recommended by the submitted Desktop Natural values Assessments prepared by North Barker Ecosystem Services 23/09/2020 must be completed. The results are to be submitted to and approved by the Council's Planning Officer prior to commencement of works and any recommendations must be complied with.

**Public open space**

8. 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 being subdivided in the plan of subdivision 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.

9. 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.

#### Transfer of reserves

10. Land shown as public open space on the final plan of survey must be transferred to the Central Highlands Council by Memorandum of Transfer submitted with the final plan of survey.
11. All roads or footways must be shown as "Road" or "Footway" on the final plan of survey and transferred to the Central Highlands Council by Memorandum of Transfer submitted with the final plan.

#### Easements

12. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

#### Endorsements

13. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

#### Covenants

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

#### Final plan

15. 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.
16. A fee of \$180.00, 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.
17. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Central Highlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer.
18. 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.
19. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

#### Water quality

20. Where a development exceeds a total of 250 square metres of ground disturbance a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.

21. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
22. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
23. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

#### Weed management

24. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to control any weeds on the site and limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

#### Property Services

25. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

#### Existing services

26. 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.

#### Sizing of services

27. All services must be sized and located to service the ultimate potential development of the site to the satisfaction of Council's Municipal Engineer or the responsible authority.

#### Telecommunications, electrical and gas reticulation

28. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's Municipal Engineer.
29. Prior to the work being carried out a drawing of the electrical reticulation and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
30. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the final plan of survey.

#### Roadwork's

31. The corners of each road intersection must be splayed or rounded by chords of a circle with a radius of not less than 6.00 metres in accordance with Sections 85(d)(viii) and 108 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and the requirements of the Council's Municipal Engineer.
32. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.

#### Rural Access

33. A separate vehicle access must be provided from the road carriageway to each lot. Accesses must be sealed with a minimum width of 3 metres at the property boundary and located and constructed in accordance with the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.
34. Road construction standards may be varied by Council's Municipal Engineer.

#### Engineering drawings

35. Engineering design drawings to the satisfaction of the Council's Municipal Engineer must be submitted to and approved by the Central Highlands Council before development of the land commences.
36. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with Standards Australia (1992): *Australian Standard AS1100.101 Technical Drawing – General principles*, Homebush, and Standards Australia (1984): *Australian Standard AS1100.401 Technical Drawing – Engineering survey and engineering survey design drawing*, Homebush, and must show -
- (a) All existing and proposed services required by this permit;
  - (b) All existing and proposed roadwork required by this permit;
  - (c) Measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) Measures to be taken to limit or control erosion and sedimentation;
  - (e) Any other work required by this permit.
37. Two sets of preliminary engineering design drawings are to be initially submitted to Council for inspection and comment. Following this, four (4) sets of final engineering plans are to be submitted for final approval by Council. The approved engineering design drawings shall form part of this permit when approved.

Council will keep two (2) sets of approved drawings and two (2) sets will be returned to the subdivider's engineer. One (1) set of the approved engineering design drawings must be kept on site at all times during construction.

38. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
39. All new public infrastructure and subdivision work must be designed and constructed to the satisfaction of Council's Municipal Engineer and in accordance with the following -
- *Local Government (Building & Miscellaneous Provisions) Act 1993*;
  - *Local Government (Highways) Act*;
  - *Drains Act 1954*;
  - *Waterworks Clauses Act*;
  - Australian Standards;
  - Building and Plumbing Regulations;
  - Relevant By-laws and Council Policy;
  - Current IPWEA (Tasmanian Division) and central Highlands Council Municipal Standard Drawings;
  - Current IPWEA and central Highlands Council Municipal Standard Specification.

#### Construction amenity

40. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
- Monday to Friday 7:00 AM to 6:00 PM
  - Saturday 8:00 AM to 6:00 PM
  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
41. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -

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

#### Construction

44. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.
45. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.
46. A fee for supervision of any works to which Section 10 of the *Local Government (Highways) Council 1982* applies must be paid to the Central Highlands Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

#### Survey pegs

47. Survey pegs to be stamped with lot numbers and marked for ease of identification.
48. Prior to the works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

#### 'As constructed' drawings

49. Prior to the works being placed on the maintenance period an "as constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer and provided in both digital and "hard copy" format.

#### Defects Liability Period

50. The subdivision must be placed onto a 6 month statutory defects liability period in accordance with section 86 of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993*, Councils Specification and Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

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

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Environmental Protection and Biodiversity Protection Act 1999* (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Tourism, Arts and the Environment or the Commonwealth Minister for a permit.



- D. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- E. The SWMP must show the following:
- (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
  - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
  - (c) Estimated dates of the start and completion of the works;
  - (d) Timing of the site rehabilitation or landscape program;
  - (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
  - (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
  - (g) Temporary erosion and sedimentation controls to be used on the site.
  - (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.
- Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):
- Minimise site disturbance and vegetation removal;
  - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
  - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
  - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
  - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and
  - Rehabilitation of all disturbed areas as soon as possible.
- F. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$220.00, must be paid to Council in accordance with Council's fee schedule.
- G. 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.

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## **6.1 DA2022/05 : VISITOR ACCOMODATION & OUTBUILDING: LOT 3 & 4 MEADOWBANK ROAD, MEADOWBANK**

### **Report by**

Louisa Brown (Planning Officer)

### **Applicant**

M Overeem

### **Owner**

### **Discretions**

26.2 Use

26.3.2 Visitor Accommodation – P1

26.3.3 Discretionary Use – P1

F1.4 Use

F1.7.1 Tourism Operations and Visitor Accommodation – P1, P3

### **Proposal**

An application for three (3) Visitor Accommodation Units and an Outbuilding at Lot 3 Meadowbank Road, Meadowbank was submitted to Council by the applicant M Overeem in February 2022. The proposal includes;

- Three (3) one bedroom transportable cabins for visitor accommodation;
- Each cabin has two separate car parking spaces;
- Outbuilding, with an area of 120m<sup>2</sup>;
- Construction of private access road within the property; and
- Proposed septic tank and trenches, with associated pump station.

It is noted that the supporting application documents, make reference to the construction of a Boat Ramp and Jetty. However, this is not included in the description of use or development in the application form and is not considered as a part of this Development Application.

Additional documents provided with the Development Application include;

- Aboriginal Heritage Assessment Report prepared by Cultural Heritage Australia 24.9.2021:
- Wastewater Assessment report prepared by GES Solutions October 2021: and
- Bushfire Hazard report prepared by GES Solutions December 2021.

The Visitor accommodation will have a maximum occupancy of six (6) guests at any time. The three cabins, are small, transportable units which will be constructed off site. The cabins will overlook Lake Meadowbank and are proposed to be situated 23m, 45m, and 40m from the rear property boundary. The location of which is within the 100m setback from the lake full supply area. Each cabin is approximate 49m<sup>2</sup> and includes an additional 28m<sup>2</sup> covered deck to the northern elevation overlooking Lake Meadowbank. The total height of the cabins are 4.09m. The northern elevations of the cabins will be clad in natural weather rough sawn timber, which will reduce the visual impact of the development when viewed from the lake. The natural timber finish will age and blend with the surroundings over time. The southern, eastern and western elevations will be clad in non reflective sheet cladding. A single bathroom window is proposed to the southern elevation of each cabin, with the majority of windows to the northern elevation, taking advantage of views. Limited window openings to the southern elevation, allows for privacy to adjacent properties.

An outbuilding of 12m by 11m is proposed for storage of equipment and is approximately 4.05m high. The outbuilding will be clad in non reflective sheet cladding and is located outside of the 100m setback from lake full supply level. A septic tank and trenches are proposed next to the outbuilding.

The proposed wastewater system has been designed by a suitably qualified agent. The system includes a dual purpose septic tank and absorption trench, which are proposed to be located outside of the 100m Lake Full Supply Line. A pump station with effluent grinder pump will be required on each cabin to deliver effluent to the septic via a rising main.

A new access road will be constructed on the property to serve the development. The road and passing areas will be required to be constructed to the standards within the Bushfire Hazard Report and the recommendations of which are included in the proposed planning permit conditions below.

Covenants exist on the property between the owner of the lot and Central Highlands Council within the certificate of title document SP163527. There are two relevant covenants to this DA which state the following;

1. Not to construct any building on such lot north east of the line marked 100 METRE SET BACK FROM MEADOWBANK LAKE FULL SUPPLY LINE on the plan
2. Not to construct or maintain any wastewater infrastructure on such lot north east of the line marked 100 METRE SET BACK FROM MEADOWBANK LAKE FULL SUPPLY LINE on the plan



Council has sort legal advice in relation to Covenants and this advice states that the determination of the Development Application is separate to the Covenants. Advice regarding the Covenants will be listed in any Planning Permit granted by Council.

The proposal is discretionary owing to being visitor accommodation and is assessed against the relevant standards for the Rural Resource Zone pursuant to section 26.0 and the Lake Meadowbank Specific Area Plan (SAP) of the Central Highlands Interim Planning Scheme 2015.

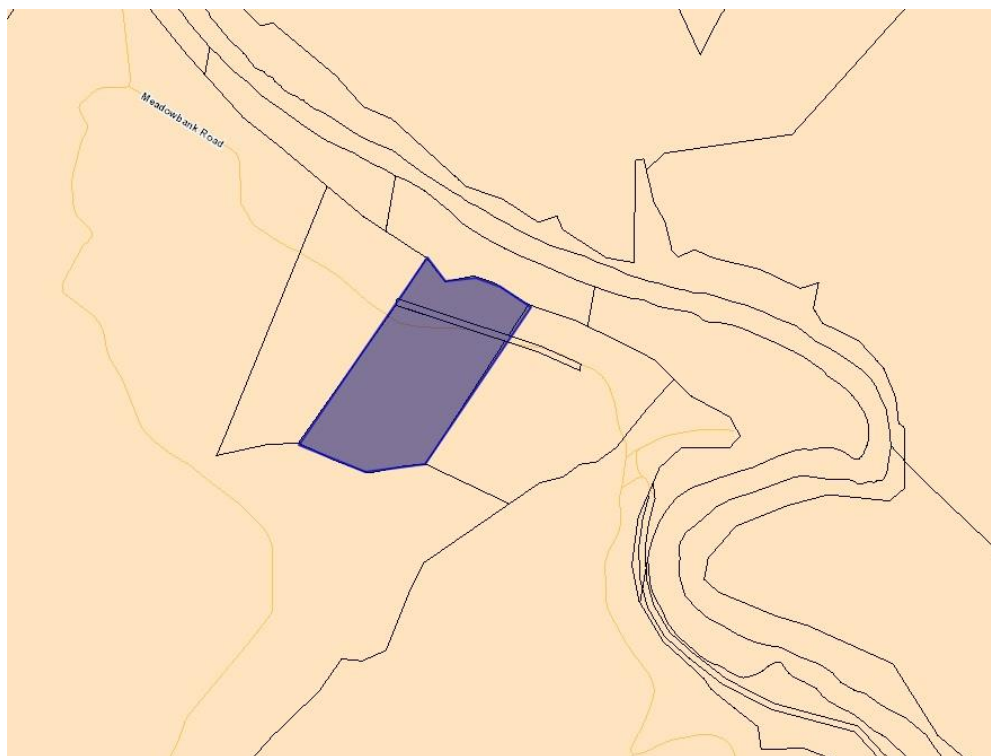
### **Subject site and Locality**

The site is currently vacant and located 4.2km south of Hamilton, adjacent to the southern banks of Lake Meadowbank. It is rectangular in shape, with the shorter side adjoining the Lake. The site has moderate slopes with a northerly aspect, vegetation on the property is predominately grassland.

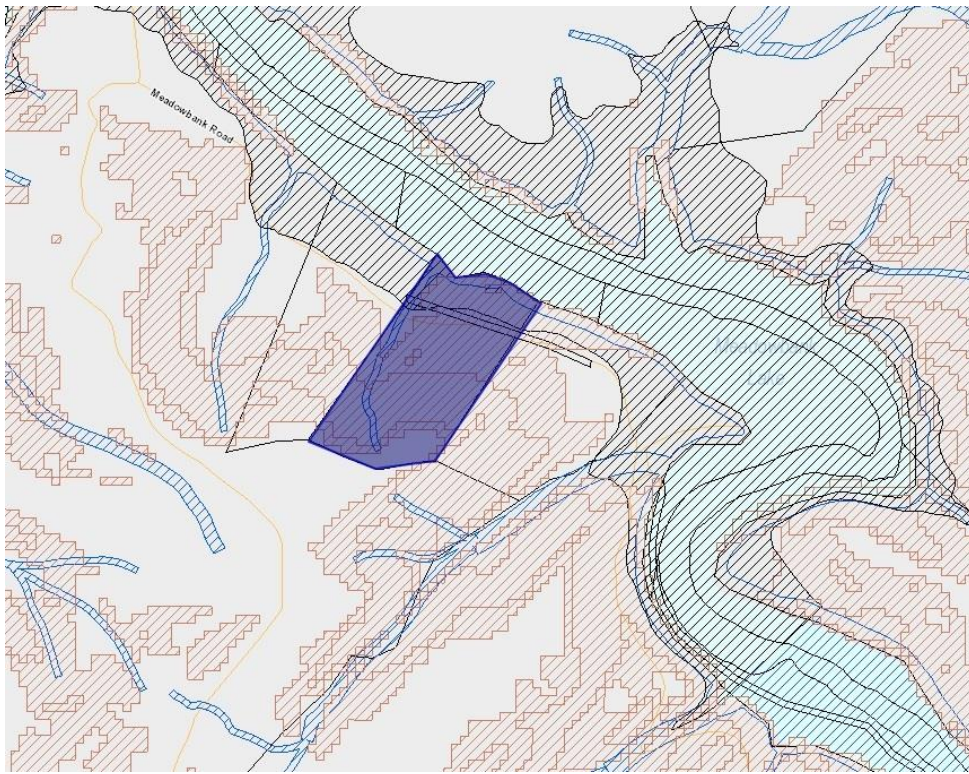
The property is accessed via a private Right Of Way (ROW) from Meadowbank Road, as described on the certificate of title documents. The ROW passes through Meadowbank Water Ski Club. In addition a 20m wide section of reserve road runs parallel to the lake, ranging some 90-150m from the property boundary. Crown consent for the lodging the application has been sought and forms a part of the application documents.

Adjacent land is classified as rural, with agriculture land use predominant in the surrounding area. Lake Meadowbank is used by various clubs and individuals for water sport recreation. Meadow Bank Water Ski Club is located 500m to the east of the site.

Adjacent lots 4 and 2 are currently vacant.



**Fig 1.** Location and zoning of Lot 3 Meadowbank Road indicating the Rural Resource zone (Cream). (Source: LISTmap, accessed 08/06/2022).

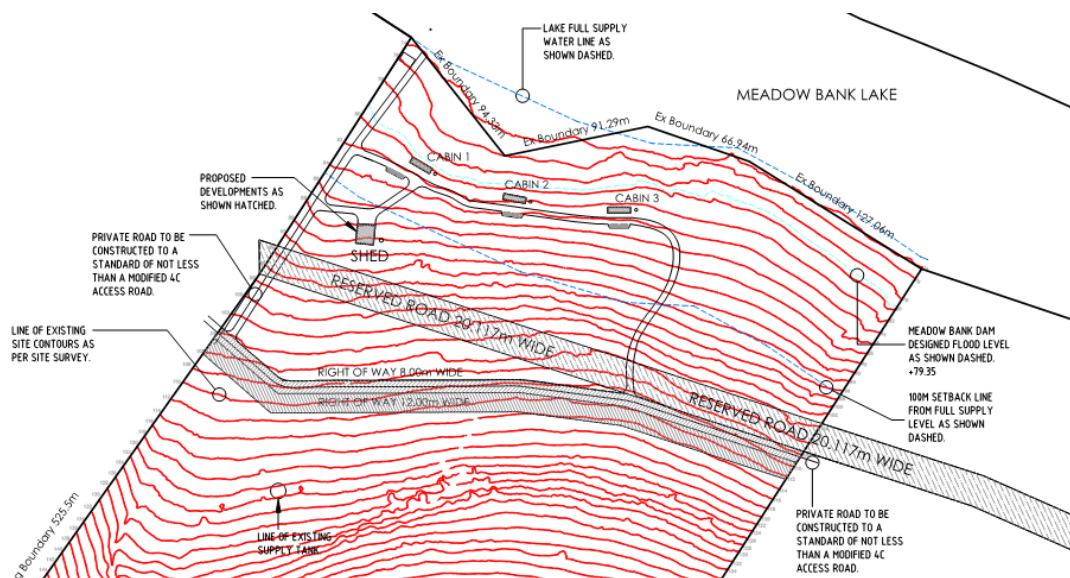


**Fig 2.** Meadow Bank SAP in black lines, Waterway and Coastal Protection Code Overlay in blue lines and Landslide Overlay Code in brown lines (Source: LISTmap, accessed 08/06/2022).).



**Fig 3** Aerial photo of the subject land and surrounding area. Lake Meadowbank Water Ski Club is located to the east of the site (Source: LISTmap, accessed 08/06/2022).





**Fig 3.** Plan of proposed development (Source: DA2022/05 StudioKo architecture design & drafting)

### Exemptions

Nil

### Special Provisions

Nil

### Use standards

The subject land is located in the Rural Resource Zone of the Central Highland Interim Planning Scheme 2015. The proposal must satisfy the requirements of the following use and development standards, relevant to visitor accommodation:

#### **26.3.2 Visitor Accommodation**

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

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b> Visitor accommodation must comply with all of the following:  (a) is accommodated in existing buildings;  (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;  (c) has a floor area of no more than 160m <sup>2</sup> .	<b>P1</b> Visitor accommodation must satisfy all of the following:  (a) not adversely impact residential amenity and privacy of adjoining properties;  (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;  (c) be of an intensity that respects the character of use of the area;	The proposal does not comply with the Acceptable Solution and must be assessed against the Performance Criteria.  (a) The closest residential dwelling is 1.5km to the western boundary. The proposal will not adversely impact the privacy or amenity of the dwelling.  (b) The property is 23ha and contains adequate space for car parking to meet the requirements of the Parking and Access Code. A new access road within the property will assist manoeuvring to and from the visitor accommodation units and the outbuilding.  (c) Given the size of the property, the proposed 3 cabins and an outbuilding are modest. The cabins themselves are single bedroomed and have an overall area of 49m <sup>2</sup> each. The cabins are spaced out along the rear boundary overlooking the lake and setback a

	<p>(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way;</p> <p>(e) be located on the property's poorer quality agricultural land or within the farm homestead buildings precinct;</p> <p>(f) not fetter the rural resource use of the property or adjoining land.</p>	<p>minimum of 23m from the boundary. The small scale development will respect the rural character of the area.</p> <p>(d) Lake Meadowbank Road is partly maintained by Council, however the majority of the access into the property is via a private Right of Way (ROW), which serves Lots 4, 3 and 2. An additional six vehicles into the property will not disadvantage other users of the ROW.</p> <p>(e) The property is currently vacant and not used for agricultural purposes. The proposed visitor accommodation is a small section of the property, a further 17ha of the property may be used for agriculture.</p> <p>(f) As mentioned above, 17ha of the property may be used for agricultural purposes. The proposed 3 visitor accommodation units are located adjacent to Lake Meadowbank, creating a large separation distance between the accommodation and surrounding properties. It is not considered given the size of the property that the fettering of adjoining rural land will occur.</p>
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### 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
<p><b>A1</b> No acceptable solution.</p>	<p><b>P1</b> 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:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p>	<p>The proposal must be assessed against the Performance Criteria.</p> <p>(a) Conflicts with adjacent agricultural use is not considered a concern, as the property is 23ha in total, of which the proposed visitor accommodation will be located on a small area, providing a remaining 17ha to be used for agricultural purposes. The proposed development is adjacent to Lake Meadowbank, not on a part of the property which directly adjoins agricultural use or potential agricultural use.</p> <p>(b) It is likely that any potential agricultural use would be grazing as this is the predominant agricultural use of the area. A conflict between this and the proposed visitor accommodation is not anticipated.</p>

	<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) The development is setback 41m from the western property boundary, 150m from the eastern boundary and 500m to the adjoining agricultural property to the southern site boundary.</p> <p>(d) The property contains a large area of 17ha, providing adequate separation distances, whilst acting as a buffer. Lake Meadowbank also acts a physical buffer to agricultural uses on the other side of the Lake.</p>
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### **F1.0 Lake Meadowbank Specific Area Plan**

The development of the three cabins, associated road, car parking and outbuilding are within the Lake Meadowbank Specific Area Plan of the scheme and therefore must satisfy the requirements of the following use and development standards, relevant to the discretionary use visitor accommodation.

#### **Application Requirements**

An Aboriginal Heritage Assessment or statement from Aboriginal Heritage Tasmania is required for all discretionary applications. Aboriginal Heritage Assessment Report prepared by Cultural Heritage Australia 24.9.2021 has been prepared and is included in the application documents. The recommendations of the Aboriginal Heritage Assessment are within the proposed conditions of the Planning Permit below.

<b>F1.7 Development Standards for Tourism Operations and Visitor Accommodation</b>		
<b>F1.7.1 Tourism Operations and Visitor Accommodation</b>		
To provide the opportunity for small-scale tourism operations and visitor accommodation, whilst maintaining the characteristics and amenity of the rural landscape.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Development associated with tourist operation and visitor accommodation use classes must be in accordance with a development plan approved by Council that provides an overall site layout of buildings and infrastructure, and a total building footprint, and other relevant matters that are consistent with the provisions of this Specific Area Plan.	<b>P1</b> No performance criteria.	The application for Visitor Accommodation identifies the location of buildings and development, the proposed location of a wastewater system and report, the amount of cut required, confirmation that no native vegetation will be removed, provides adequate car parking spaces and includes an Aboriginal Heritage Assessment. These are consistent with the SAP, if approved, the acceptable solution will be met.
<b>A2</b> Building height must be no more than 5m.	<b>P2</b> No performance criteria.	The acceptable solution is met, no structures are more than 5m in height.
<b>A3</b> Buildings must be setback a minimum of 100m from all of the following:  (a) fully supply level; (b) maximum flood level.	<b>P3</b> Buildings setback must be sufficient to satisfy all of the following:  (a) have a waste treatment system suitable for the site conditions;	The proposed visitor accommodation units, associated car parking and access road, are within 100m of the full supply level of Lake Meadowbank. The proposal must be assessed against the Performance Criteria.  (a) The proposed wastewater system has been designed by a suitably

	(b) not compromise the visual amenity of the rural setting when viewed from adjoining lots, or from the lake.	<p>qualified agent and will form part of a Plumbing Permit, as conditioned with a Planning permit.</p> <p>(b) The cabins are modest in size, the materials chosen for the lake side elevation are natural, and will blend into the surrounding landscape visually over time. The buildings are spread out parallel to the rear boundary and set back at least 23m from the boundary.</p> <p>When viewed from the surrounding agricultural properties, the cabins will look similar to agricultural outbuildings, as the materials used to the elevations will be non reflective sheet cladding. A single bathroom window is proposed to the elevations adjacent to agricultural zoned land.</p> <p>The performance criteria is met.</p>
<b>A4</b> Buildings must not be developed on land with a slope greater than 1:5 or 20%.	<b>P4</b> No performance criteria.	An assessment provided with the application documents confirms that the acceptable solution is met.
<b>A5</b> Buildings and outbuildings must have external finishes that are non-reflective (excluding photovoltaic panels, solar panels, solar water heaters, windows and door glazing).	<b>P5</b> No performance criteria.	The proposed materials of natural sawn timber and non reflective sheet cladding meet the acceptable solution.

### **F1.7.2 Roads and Tracks**

To ensure that safe and practicable vehicular access is provided to visitor accommodation or tourism operations. The design, construction and arrangement of roads must:

- (a) provide safe connections from existing road infrastructure to visitor accommodation or tourism operations for visitors, fire fighters and other emergency personal;
- (b) minimise the total number of new roads and tracks within the Lake Meadowbank Precinct; and
- (c) be appropriate to the setting, and not substantially detract from the rural character of the area.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Visitor accommodation is to be accessed from existing road infrastructure by one main road, from which individual driveways will originate, all of which must comply with E1.0 Bushfire-Prone Areas Code.	<b>P1</b> No performance criteria.	<p>Lake Meadowbank road is partly maintained by Council. The remaining section of the road is a private right of way through Meadowbank Water Ski Club and onto lots 4, 3 and 2. This infrastructure is existing.</p> <p>A bushfire hazard assessment has been conducted and provided with the application. This document confirms that E1.0 of the Bushfire-Prone Areas Code can be met.</p>

		The Acceptable Solution is met.
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#### **F1.7.4 Outbuildings**

To ensure that outbuildings do not detract from the rural character of Lake Meadowbank and surrounds, do not visually dominate the [tourist operation](#) or visitor accommodation on the [site](#), or impact on the [amenity](#) of adjoining lots.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Outbuildings must not exceed a maximum <a href="#">gross floor area</a> of 50m <sup>2</sup> .	<b>P1</b> No performance criteria.	There is no Performance Criteria, therefore the Acceptable Solution must be met. It is proposed that the Outbuilding be conditioned in the Planning Permit if granted, to not exceed the maximum <a href="#">gross floor area</a> of 50m <sup>2</sup> .

### **Codes**

#### ***E3.0 Landslide Code***

Some parts of the subject land are identified as Low Landslide Risk Areas. Visitor accommodation is considered a vulnerable use within the Code. The vulnerable use satisfies the Performance Criteria as no part of the development is in a High Landslide Hazard Area and the risk is considered acceptable.

#### ***E11.0 Waterway and Coastal Protection Code:***

Parts of the site include minor creeks/drainage lines are covered by Waterway Protection Areas under the Waterway and Coastal Protection Code. The Code applies to all development, in this case the access road is within the WCPA. However this proposal meets the exemptions of the code owing to the works required for fire hazard management in accordance with the Bushfire Hazard report prepared by GES Solutions December 2021.

### **Representations**

The proposal was advertised for the statutory 14 days period, 7 March 2022 until 22 March 2022 during which, two (2) representations were received. These are discussed below.

<b>Representation Received</b>	<b>Officer Comment</b>
<p><b>Representation 1</b></p> <p>Our main concern about the development is the access road, which consists of a single lane right away which is shared by six property owners including the applicant.</p> <p>The road itself is approximately 6 kilometres long and it is of gravel construction, for many years now .....have spent a considerable amount of money to bring the road up to a suitable standard so its members are able to transgress over the road in a safe manner. Other land owners have made monetary contributions to its up keep as well.</p> <p>The recent sale of land to the applicant and his two neighbours have seen considerable more traffic on the road ,particularly heavy vehicles which has seen the condition of the road deteriorate much faster than it normally has .</p> <p>We have had discussions with these new landowners about the road maintenance, but they are a bit reluctant to commit a reasonably amount of funds to its up keep</p>	<p>The access road into the property is a private right of way and not a Council maintained road. Therefore Council has no involvement between land owners and road users regarding the maintenance of the access road.</p> <p>Further information received from the applicant states that the applicant will continue to negotiate contributions towards the maintenance of the road, to find a fair way of splitting costs according to usage.</p>



<p>Our concerns are that during the construction stage and the on going traffic this development is likely to attract ,the road will deteriorate and it will make it unsafe for all ,particularly emergency service vehicle's that may need to use the road in the case of an emergency ,such as fire and ambulance ,and as this is the only vehicular access to all the properties ,it does raise considerable concern</p> <p>It appears that this development is a commercial enterprise, therefore we ask that the Central Highlands take on board our concerns and maybe have the applicant commit to a continuing road maintenance plan ,to the satisfaction of all parties involved.</p>	<p>With respect to the access requirements for Fire Fighting vehicles, a Bushfire Hazard Report has been prepared and the recommendations of which are included in the proposed planning permit conditions below.</p>
<p><b>Representation 2</b></p> <p>I object to this because – It goes against the covenant on the land. Buildings within 100m of the water.</p> <p>If you look at the photos on the application, there has already been a lot of work done without council approval ie (toilet, water tank on hill, large amounts of land excavated)</p> <p>working farm close by, I am concerned about guests at the accommodation (pets etc chasing sheep)</p>	<p>The covenant cannot affect the determination of the Development Application. Any covenant on a title will remain as an agreement between the owner and Central Highlands Council, until the Certificate of Title is amended. The owner is bound by the covenant. To conclude, a Planning Permit maybe issued for the development, however the owner is bound by the covenant until it is removed, at the agreement of Council.</p> <p>Comments regarding work undertaken on site have been noted by Council. Some works on rural properties maybe exempt from requiring a Planning Permit.</p> <p>The property is fully fenced, therefore adjacent properties cannot be accessed by people at the visitor accommodation.</p>

## **Conclusion**

The proposal for three (3) Visitor Accommodation Units and an Outbuilding at Lot 3 Meadowbank Road, Meadowbank submitted by the applicant M Overeem has been assessed to comply with the applicable standards of the Rural Resource Zone, the Lake Meadowbank Specific Area Plan and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment, two representations were received.

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

## **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/5 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

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

This determination has to be made no later than 24 June 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

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

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

### **Options**

The Planning Authority must determine the Development Application DA2022/05 VISITOR ACCOMODATION & OUTBUILDING at Lot 3 Meadowbank Road, Meadowbank in accordance with one of the following options:

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/05 VISITOR ACCOMODATION & OUTBUILDING at Lot 3 Meadowbank Road, Meadowbank, subject to conditions in accordance with the Recommendation.

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/05 VISITOR ACCOMODATION & OUTBUILDING at Lot 3 Meadowbank Road, Meadowbank, subject to conditions as specified below.

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

Alteration to Conditions:-

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

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application Development Application DA2022/05 VISITOR ACCOMODATION & OUTBUILDING at Lot 3 Meadowbank Road, Meadowbank, for the reasons detailed below.

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

Reasons :-

### **Recommended Conditions**

## **CONDITIONS**

### **General**

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the Land Use Planning And Approvals Act 1993.

#### Approved Use

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

#### Outbuilding

- 4) The outbuilding must not exceed a maximum [gross floor area](#) of 50m<sup>2</sup> and must be used for the purposes detailed within the approved plan only, that is; a storage shed. It must not be used for habitable, industrial, commercial or other purposes without the prior written consent of Council.
- 5) The outbuilding is approved as *ancillary to the Visitor Accommodation* use only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

#### Bushfire

- 6) The development must be in accordance with the endorsed Bushfire Hazard Report prepared by GES Solutions December 2021 or as otherwise required by this permit, whichever standard is greater.

#### Aboriginal Heritage

- 7) The recommendations made within the Aboriginal Heritage Assessment Report must be implemented in accordance with the report prepared by Cultural Heritage Australia 24.9.2021.

#### Amenity

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

#### Parking & Access

- 11) At least three (3) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 12) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Tasmanian Municipal Standard Specifications and Drawings to the satisfaction of Council's General Manager, and must include all of the following;
  - a. Constructed with a durable all weather gravel pavement;
  - b. Appropriately drained, avoiding concentrated flows to the road; and
  - c. Be in accordance with an approved bushfire management plan.
- 13) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's General Manager.

#### Services

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

#### Stormwater

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

#### Wastewater

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

#### Weed management

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

#### Soil and Water Management

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

#### Construction Amenity

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

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

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the Customer Building and Occupational Services (CBOS) website.

- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. A covenant on the title restricts development, stating not to construct any building or construct or maintain any wastewater infrastructure on such lot north east of the line marked 100 METRE SET BACK FROM MEADOWBANK LAKE FULL SUPPLY LINE on the plan. The development approved by this permit may not be able to proceed without further written approval of the covenanter and Central Highlands Council.
- E. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Commonwealth Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Parks, Water & Environment or the Commonwealth Minister for a permit.
- F. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au).
- G. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

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## 6.2 SCOPING THE STATE PLANNING PROVISIONS REVIEW

Council is in receipt of a letter from Michael Ferguson MP Deputy Premier Minister for Planning advising as follows:

The Tasmanian Government is currently seeking your input to help scope the 5-yearly review of the State Planning Provisions (SPPs).

The SPPs are the statewide set of consistent planning rules in the Tasmanian Planning Scheme, which are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the Tasmanian Planning Scheme, along with the administrative, general, and exemption provisions.

Regular review of the SPPs is best practice ensuring we implement constant improvement and keep pace with emerging planning issues and pressures.

While the SPPs are not yet in effect across all areas of the State, a suitable period has now passed since the SPPs were drafted to initiate a review. The full suite of SPPs have been in effect in some local government areas for nearly 2 years, and some parts of the SPPs are also already in effect in the remaining interim planning schemes. This provides enough information and experience for conducting the review. The SPPs will also require review for consistency with the Tasmanian Planning Policies (TPPs) once they are made.

The SPPs Review Scoping Paper has been prepared to assist you with providing feedback. The Scoping Paper and a range of other information can be viewed through the Have Your Say on the Planning in Tasmania website : [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au).

The feedback you provide will assist in identifying the key themes or parts of the SPPs that require detailed review. This will be conducted through separate projects and will conclude in amendments to the SPPs.

The SPPs review will occur in two stages. Some matters may be addressed in the short-term through amendments to the SPPs, while others may require the finalisation of the TPPs before progressing.

Written submissions in response to the SPPs Review Scoping Paper can be made until close of business on Friday 29 July 2022.

## **For Discussion**

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### **7.0 OTHER BUSINESS**

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### **8.0 CLOSURE**

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