



Central Highlands Council

AGENDA

PLANNING COMMITTEE MEETING – 14TH MAY 2024

Council Representatives:

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

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Council Chambers, 19 Alexander Street, **Bothwell** on **Tuesday 14th May 2024**, commencing at **9.00am**.

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

Dated at Bothwell this **9th day of May 2024**.

Adam Wilson
Acting General Manager

1.0 PRESENT

2.0 APOLOGIES

3.0 PECUNIARY INTEREST DECLARATIONS

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

4.0 PERCEIVED INTEREST DECLARATIONS

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

PART 2 – Conflict of Interest that are not Pecuniary

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

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
 - (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
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5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 12TH MARCH 2024

RECOMMENDATION 01/05.2024/PC

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 12th March 2024 to be confirmed.

6.0 PUBLIC QUESTION TIME

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

Speakers should follow the procedure below:

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

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

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

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

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

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

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

7.0 PLANNING REPORTS

7.1 DEVELOPMENT APPLICATION (DA2023/68) FOR DEMOLITION, CONSTRUCTION OF A NEW DWELLING, OUTBUILDING, VISITOR ACCOMMODATION (4 CABINS) AND ASSOCIATED INFRASTRUCTURE AT 14246 LYELL HIGHWAY, BRONTE PARK (CT 241772/1), OWNED BY J BUTT & R PARKER

AUTHOR

Senior Planning Officer (Louisa Brown)

APPROVED BY

Manger of Development & Environmental Services (Graham Rogers)

ATTACHMENTS

- Development Application Documents
- Representation 1
- Representation 2
- Representation 3

DISCRETIONS

- 20.3.1 P1, P2, P3 & P4
- C7.6.1 P1.1, P3
- C7.6.2 P1.1 & P1.2

PROPOSAL

An application has been made to Council by the property owners J Butt & R Parker to demolish the existing dwelling, construct a new dwelling, outbuilding and 4 cabins to be used as Visitor Accommodation on the property 14246 Lyell Highway (CT 241772/1). The application also includes internal roads as infrastructure.

The documents provided with the Development Application include the following:

- Completed Development Application Form
- Certificate of Title documents
- Site Plans and Elevations
- Response to Discretionary Use of Rural Zone
- Flora & Fauna Report Prepared by RMCG, Launceston
- Bushfire Hazard Report prepared by ES & D
- Geo-Environmental Assessment prepared by GES

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

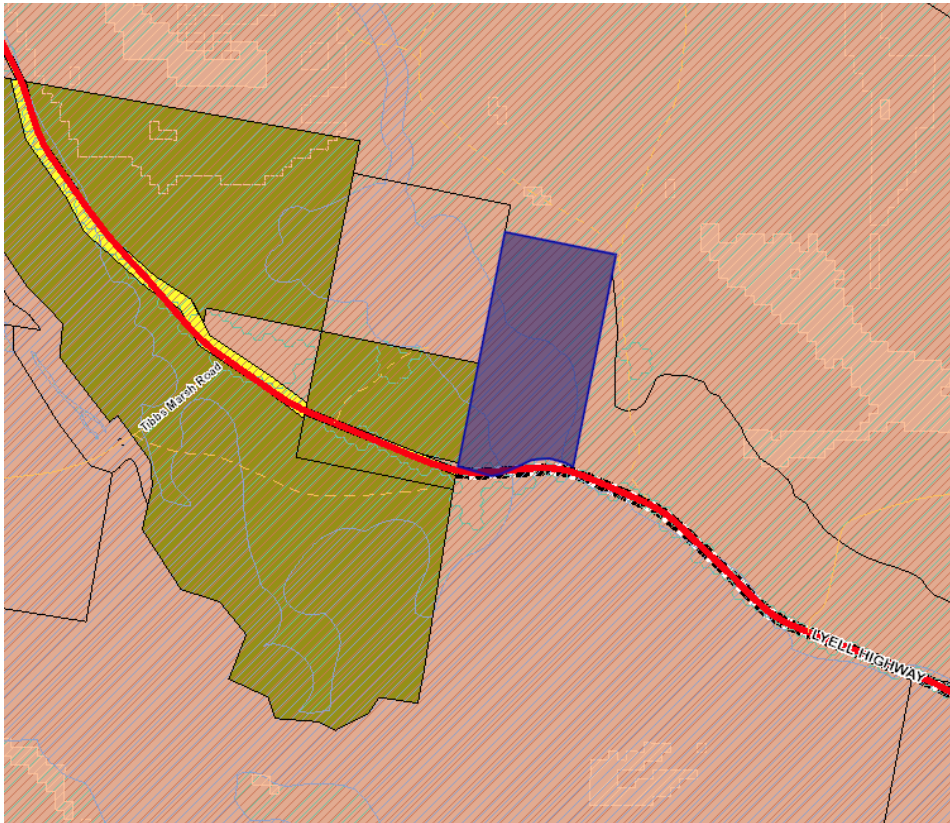
THE SITE

The property has an area of 19.91ha and is located from the Lyell Highway, 7km west of the junction of the Lyell Highway with Fourteen Mile Road and 10km east of 'The Wall' Derwent Bridge.

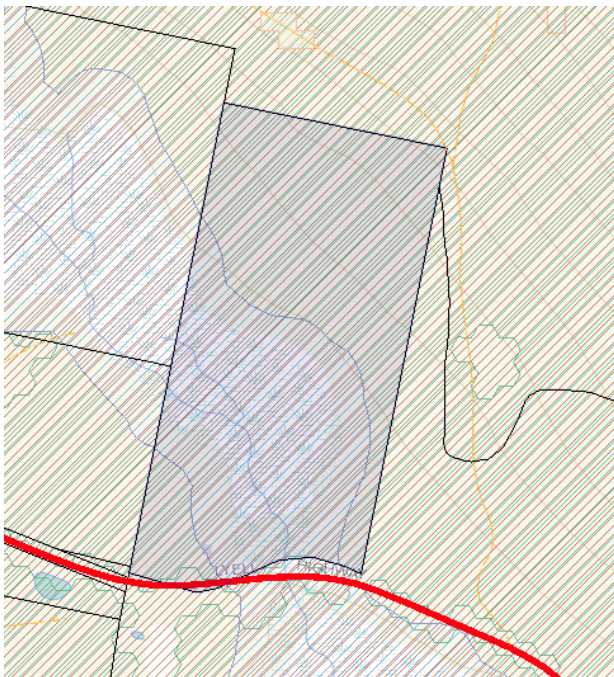
An existing dwelling is located 50m parallel to the Highway in the bottom north west corner of the property, it is proposed to be removed. An existing vehicular access to this structure is also present, however this will be removed or blocked and a new access provided.

Areas of Private Timber Production land form the northern and eastern property boundaries and land identified as Future Potential Production Forest form the Southern property boundary. Adjacent to the western boundary is a property zoned Landscape Conservation in the Tasmanian Planning Scheme and a second title under the property address, which is zoned Rural.

Maps 1, 2 and 3 below indicate the location, zoning and code overlays of the property and immediate area.



Map 1_ The subject land area and surrounds shown in pink is zoned Rural, surrounding properties are in the Landscape Conservation Zone (green) (source: thelist. 05/05/24)



Map 2_ The subject land area shaded blue with the Bushfire Prone Area Code Overlay (black lines), Natural Assets Code, Waterway and Coastal Protection Area (light blue lines) Natural Assets Code, Priority Vegetation (green lines) (source:thelist. 05/05/24)



Map 3_ The subject land area aerial photograph (source: thelist. 05/05/24)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Tasmanian Planning Scheme (The Planning Scheme), as 'residential' and 'Visitor Accommodation' as below:

Residential use of land for self-contained or shared accommodation. Examples include a single dwelling.

Visitor Accommodation use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include holiday cabin.

(Extract: Tasmanian Planning Scheme – Central Highlands May 2024)

Use/Development Status under the Planning Scheme

Under the Tasmanian Planning Scheme – Central Highlands, a Development Application for Residential development and Visitor Accommodation in the Rural Zone is permitted with Qualifications. These qualifications cannot be met, therefore the application is Discretionary.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Council has the discretion to grant a permit or refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from 19th March until 8th April, the notification period was extended beyond the 14 days to allow for the Easter Public Holidays. During which time three (3) representations were received and are summarised in the table below. Please refer to enclosure to view the full copies of representations received.

Public Notice Period 19th March to 8th April	
Representation 1	Council Planning Officer Comment
<p>Opposes the development due to several non-compliances with the Tasmanian Planning Scheme and inconsistency with the Southern Tasmania Regional Land Use Strategy (STRLUS).</p> <p>1. Visitor accommodation is incompatible with the zone purpose and does not meet the</p>	<p><i>The Southern Tasmania Regional Land Use Strategy documents are intended to guide land use, development, and infrastructure investment decision across the region. The STRLUS guides growth and informs the Tasmanian Planning Scheme – Central Highlands and the</i></p>

<p>Performance Criteria for a Discretionary use in the zone. A lack of information has been provided by the applicant to address the Performance Criteria, therefore a Planning permit should be refused.</p> <ol style="list-style-type: none"> 2. The location of the Visitor Accommodation fails to; <ol style="list-style-type: none"> a) Minimise adverse impacts on surrounding uses as required in the zone; b) Avoid or minimise adverse impacts on natural assets within the waterway & coastal protection area; and c) Minimise adverse impacts on priority vegetation within a Priority vegetation area. 3. The location of the visitor accommodation away from the existing settlement is inconsistent with STRLUS policy T1.3, SRD1 and Table 3. 4. The Flora & Fauna Report, including its Planning Scheme Assessment contains errors of fact and lacks objectivity in its findings. 5. As there are no permit conditions that could make the proposed development compliant with the Planning Provisions and STRLUS policies, it is contended that the Planning Authority should refuse to grant a permit. 	<p><i>Local Provisional Strategy (LPS) for Central Highlands. The Dwelling and Visitor Accommodation is not assessed against the STLUS, but the Planning Scheme and the LPS.</i></p> <p><i>As a discretionary development application, the decision to grant or refuse a Planning Permit will be determined by Council. This decision will be based upon the assessment of the information provided by the applicant to Council by Council's Planning Officer. Council has determined that there is adequate information to assess the proposal against the Planning Scheme.</i></p> <p><i>Assessment against the objectives and Standards of the applicable Zone and Codes of the Scheme is provided below in this report.</i></p> <p><i>The applicant has provided a Flora and Fauna Report prepared by a suitably qualified person, as required by the Scheme. The information contained within the report is adequate and informs the assessment of the proposal against the Scheme in the remainder of this report.</i></p> <p><i>Within the representation, reference is also made to the Bushfire Hazard Management Plan, however as the dwelling and Visitor Accommodation is not a Vulnerable Use or Hazardous Use as defined in the Code, Bushfire Risk is not assessed at the Planning Stage.</i></p> <p><i>The representation also discusses the hazard of the existing vehicular access. As a State Growth Road, the Department of State Growth have been referred the Development Application and placed Conditions on the blocking of the existing access and the creation of a new access, these are contained with the recommended Conditions of the Planning Permit.</i></p>
<p>Representation 2</p>	<p>Council Planning Officer Comment</p>
<p>Because of the zoning of our land, we have signed a Covenant Agreement with the state government as a part of the Private Land Conservation Programme.</p> <ol style="list-style-type: none"> 1. Perhaps the land owner would consider a formal covenant placed on their property to enhance their application and complement the natural beauty of the area. 2. There are many animals, some listed on the NRE threatened species act found in the 	<p><i>14246 Lyell Highway does not contain any Covenants on the land. The adoption of Covenants would be for the property owner to consider, outside of the Planning Process.</i></p>

<p>locality. I am concerned of the effect of the development on these species in terms of habitat range and feeding areas.</p> <p>3. The application lacks detail in terms of reference to 'low impact'. In such a sensitive environment I would expect no impact.</p> <p>4. Some works have already been undertaken.</p> <p>5. The area floods, this is problematic for residential activity.</p>	<p><i>The comment regarding existing fauna and loss of habitat is noted. These concerns are addressed in the zone assessment and Code assessment in this report to Council.</i></p> <p><i>The wording in the Zone Assessment of the Tasmanian Planning Scheme is 'low impact', therefore Council can only respond to the wording in the scheme.</i></p> <p><i>Council takes note of the comment that some works have already been undertaken.</i></p> <p><i>The property contains areas which are within the Waterway & Coastal Protection Area, however they are not identified as Flood Zone. The Waterway & Coastal Protection Area assessment is provided below.</i></p>
<p>Representation 3</p>	<p>Council Planning Officer Comment</p>
<p>The property is adjacent to a Permeant Timber Production Zone Land (PTPZL) and will be subject to noise and heavy vehicle movements outside of business hours.</p> <p>It should also be noted that as Timber Production land, once harvested, the visual amenity of the area will change.</p>	<p><i>Comment noted.</i></p>

ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Rural Zone

The subject site is in the Rural Zone of the Tasmanian Planning Scheme – Central Highlands.

The use of the proposal residential and visitor accommodation are both discretionary uses in this zone. Accordingly, the proposal must satisfy the requirements of the following relevant use and development standards of this zone:

<p>20.3 Use Standards</p> <p>20.3.1 Discretionary Uses</p> <p>That the location, scale and intensity of a use listed as Discretionary:</p> <p>(a) is required for operational reasons;</p> <p>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;</p> <p>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and</p> <p>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:</p> <p>(a) the gross floor area does not increase by more</p>	<p>P1</p> <p>A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:</p>	<p><i>Visitor accommodation is discretionary, as the permitted qualification could not be met. The proposal must be assessed against Performance</i></p>

<p>than 30% from that existing at the effective date; and</p> <p>(b) the development area does not increase by more than 30% from that existing at the effective date.</p>	<p>(a) the nature, scale and intensity of the use;</p> <p>(b) the importance or significance of the proposed use for the local community;</p> <p>(c) whether the use supports an existing agricultural use;</p> <p>(d) whether the use requires close proximity to infrastructure or natural resources; and</p> <p>(e) whether the use requires separation from other uses to minimise impacts.</p>	<p><i>Criteria P1. Residential use is excluded from P1.</i></p> <p><i>There is no existing agriculture use on the property and the applicant states that due to existing vegetation and topography the property is unsuitable agricultural use.</i></p> <p><i>The proposed Visitor Accommodation is for 4 cabins of 110m² and 80m² and will include an access track and car parking. The property area is 19.91ha, the development of a section of the property for Visitor Accommodation use is considered to be small in scale and relative intensity.</i></p> <p><i>The visitor accommodation may bring additional employment opportunities to the local community and visitors to the wider community, therefore supporting local business.</i></p> <p><i>The use does not require to be close to infrastructure or natural resources, however it is noted that the surrounding natural resources are of benefit to the proposed use.</i></p> <p><i>As the land to the north and the east of the property is productive timber plantations, the location of the visitor accommodation away from these uses is beneficial. The remainder of the property then acts as a separation between the two uses.</i></p> <p><i>The application meets the Performance Criteria.</i></p>
<p>A2 No Acceptable Solution</p>	<p>P2 A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:</p> <p>(a) the location of the proposed use;</p> <p>(b) the nature, scale and intensity of the use;</p> <p>(c) the likelihood and nature of any adverse impacts on adjoining uses;</p>	<p><i>Both residential and visitor accommodation uses are listed as discretionary, as the permitted qualification could not be met. The proposal must be assessed against Performance Criteria P2.</i></p> <p><i>The use on adjoining properties is productive timber, of which the dwelling is located</i></p>

	<p>(d) whether the proposed use is required to support a use for security or operational reasons; and</p> <p>(e) any off site impacts from adjoining uses.</p>	<p><i>several hundred of meters away. AN advice note will be added to the conditions of the permit which states that the surrounding land maybe subject to noise.</i></p> <p><i>Land zoned Landscape Conservation is located adjoining the property to the western boundary. There are no existing uses on this property which will be effected. All proposed development will be contained within the property 14246 Lyell Highway.</i></p> <p><i>The application meets the Performance Criteria.</i></p>
<p>A3 No Acceptable Solution</p>	<p>P3 A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:</p> <p>(a) the nature, scale and intensity of the use;</p> <p>(b) the local or regional significance of the agricultural land; and</p> <p>(c) whether agricultural use on adjoining properties will be confined or restrained.</p>	<p><i>Both residential and visitor accommodation uses are listed as discretionary, as the permitted qualification could not be met. The proposal must be assessed against Performance Criteria P3</i></p> <p><i>The property is not used for agricultural purposes.</i></p> <p><i>No adjoining properties contain Agricultural land.</i></p> <p><i>The application meets the Performance Criteria.</i></p>
<p>A4 No Acceptable Solution.</p>	<p>P4 A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:</p> <p>(a) the nature, scale and intensity of the proposed use;</p> <p>(b) whether the use will compromise or distort the activity centre hierarchy;</p> <p>(c) whether the use could reasonably be located on land zoned for that purpose;</p>	<p><i>Visitor accommodation is discretionary, as the permitted qualification could not be met. The proposal must be assessed against Performance Criteria P4.</i></p> <p><i>The proposed visitor accommodation is appropriate for the property as it is a small scale development on a larger property.</i></p> <p><i>There is no "hierarchy of activity centres, therefore the proposal will not compromise the function of surrounding settlements.</i></p>

	<p>(d) the capacity of the local road network to accommodate the traffic generated by the use; and</p> <p>(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.</p>	<p><i>The visitor accommodation could not be located on land zoned for that purpose because the predominant zoning of land within the area is Rural.</i></p> <p><i>Traffic generated by the proposal is relatively low and is therefore likely to be accommodated on the Lyell Highway.</i></p> <p><i>The use does not require a rural location to minimise impacts from the use.</i></p> <p><i>The application meets the Performance Criteria.</i></p>
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<p>20.4 Development Standards for Buildings and Works</p> <p>20.4.1 Building height</p> <p>To provide for a building height that:</p> <p>(a) is necessary for the operation of the use; and</p> <p>(b) minimises adverse impacts on adjoining properties.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building height must be not more than 12m.</p>	<p>P1</p> <p>Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:</p> <p>(a) the proposed height of the building;</p> <p>(b) the bulk and form of the building;</p> <p>(c) the separation from existing uses on adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p>	<p><i>The height of the proposed development, dwelling, outbuilding and cabins are under 12m.</i></p> <p><i>The proposal complies with the Acceptable Solution A1.</i></p>

<p>20.4.2 Setbacks</p> <p>That the siting of buildings minimises potential conflict with use on adjoining sites.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Buildings must have a setback from all boundaries of:</p> <p>(a) not less than 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P1</p> <p>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p>	<p><i>The development of dwelling, outbuilding and cabins meets the minimum setback of 5m to all boundaries.</i></p> <p><i>The proposal complies with the Acceptable Solution A1.</i></p>

	(c) separation from existing use on the adjoining properties; and (d) any buffers created by natural or other features.	
A2 Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: (a) not less than 200m; or (b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	P2 Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: (a) the size, shape and topography of the site; (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) the location of existing buildings on the site; (d) the existing and potential use of adjoining properties; (e) any proposed attenuation measures; and (f) any buffers created by natural or other features.	<i>The proposal does include a sensitive use, a dwelling, however the surrounding zones are not Agriculture.</i> <i>The proposal complies with the Acceptable Solution A1.</i>

20.4.3 Access for New Dwellings

That new dwellings have appropriate vehicular access to a road maintained by a road authority.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	P1 New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to: (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; (g) the construction, maintenance and usage of the road; and (h) any advice from a road authority.	<i>The proposal complies with the Acceptable Solution A1.</i>

Parking and Sustainable Transport Code

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

C2.5 Use Standards		
C2.5.1 Car parking numbers		
That an appropriate level of car parking spaces are provided to meet the needs of the use.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p>	<p><i>The number of car parking spaces required for the dwelling is two (2) which are easily accommodated on the property adjacent to the dwelling or outbuilding.</i></p> <p><i>The number of car parking spaces required for visitor accommodation is One (1) space per accommodation unit. The proposal allows for two spaces per unit.</i></p> <p><i>The proposal meets the acceptable solution A1.</i></p>

	(c) the pattern of parking in the surrounding area.	
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C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas		
That parking areas are constructed to an appropriate standard.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	<p><i>The access driveways throughout the proposed development will be conditioned to be constructed from an all weather pavement and drained to a stormwater system as required by a Plumbing Permit issued by the authority.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>

C2.6.2 Design and layout of parking areas		
That parking areas are designed and laid out to provide convenient, safe and efficient parking.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p>	<p><i>Car parking areas are relatively level and will meet the Australian Standard AS 2890.</i></p> <p><i>All vehicles will be able to exit the property in a forward direction.</i></p> <p><i>The width of the access roads meets the standards of the Code and the Bushfire Prone Code.</i></p> <p><i>Car parking space dimensions meet the requirements, as indicated in the application plans.</i></p> <p><i>The combined access and manoeuvring width adjacent to parking spaces meets the requirements of the scheme.</i></p>

<p>adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</p>	<p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>	<p><i>The proposal meets the Acceptable Solution A1.</i></p>
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C2.6.3 Number of accesses for vehicles		
<p>That:</p> <p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses;</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>	<p><i>The acceptable solution A1 is met as no more than the one access point is proposed. The old access will be blocked and a new access provided to standard.</i></p>
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <p>(a) not have an adverse impact on:</p>	<p><i>Not applicable, the zone is Rural.</i></p>

	(i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.	
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Road and Railway Assets Code

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

C3.5 Use Standards		
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction		
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <p>(a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.</p> <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.</p>	<p><i>The proposed visitor accommodation and new dwelling will require a new access from Lyell Highway. The Department of State Growth as provided Conditions for the upgrading of the existing vehicular access, including increasing the width to 5.5m to allow for two vehicles to pass each other and 6m seal. The existing access will be decommissioned.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

Natural Assets Code

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

The purpose of the Natural Assets Code is:

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

The Tasmanian Planning Scheme – Central Highlands defines the Waterway and Coastal Protection Area as land:

- shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or
- within the relevant distance from a watercourse, wetland, lake or the coast shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line. If an inconsistency for the width exists between Table C7.3 and the area shown on the overlay map, the greater distance prevails, excluding the width measured from the high water mark of tidal waters where the distance shown on the overlay map in the relevant Local Provisions Schedule prevails. The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local Provisions Schedule, is definitive regardless of the actual area of the catchment

The Tasmanian Planning Scheme – Central Highlands defines the Priority Vegetation Area as land shown on an overlay map in the relevant Local Provisions Schedule, as within a Priority Vegetation Area.

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

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

C7.6 Development Standards for Buildings and Works		
C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area		
That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
A1 Buildings and works within a waterway and coastal protection area must: <ol style="list-style-type: none"> be within a building area on a sealed plan approved under this planning scheme; in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or if within the spatial extent of tidal waters, be an extension to an existing boat 	P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: <ol style="list-style-type: none"> impacts caused by erosion, siltation, sedimentation and runoff; impacts on riparian or littoral vegetation; 	<i>The proposal must be assessed against the Performance Criteria P1.</i> <i>The documents provided in the application state that it is unlikely that proposal will result in adverse impacts caused by erosion, siltation, sedimentation and runoff. However, conditions have been added based on the recommendations of the Fauna & Flora Report.</i>

<p>ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date..</p>	<p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p> <p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p>	<p><i>Impacts on riparian or littoral vegetation will be limited to the width of the access track to the Visitor Accommodation where it crosses the watercourse (5m). This is considered minimal impact as the watercourse is 330m through the title. No littoral vegetation will be impacted.</i></p> <p><i>The proposal includes a vehicular crossing of a shallow tributary, this is not considered to significantly impact the natural flow or drainage. Additional conditions will be contained in the planning permit to ensure that the crossing is engineered and installed to the satisfaction of Council's Manager of Infrastructure & Works.</i></p> <p><i>It is noted that water is not constantly present on the property, however the installation of a vehicle crossing and culvert will not impede fish passage.</i></p> <p><i>No fill of the wetland area is proposed.</i></p> <p><i>The proposed visitor accommodation units are grouped together and located on an area previously disturbed, that of the existing dwelling to be demolished.</i></p> <p><i>The visitor accommodation is contained within a small area of the 19.91ha, on relatively level ground within the property. It is therefore considered that the building design is not required to respond to the size, shape, contours or slope of the land.</i></p> <p><i>A Soil & Water Management Plan will form a part of the conditions of a planning permit.</i></p> <p><i>The proposal meets the performance criteria. P1.1</i></p> <p><i>P1.2 is not applicable.</i></p>
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	<p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; or</p> <p>(f) provisions of open space or for marine-related educational, research, or recreational facilities.</p>	
<p>A2 Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2.1 Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas;</p> <p>(b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation;</p> <p>(c) allowing the coastal processes of sand deposition or erosion to continue to occur;</p> <p>(d) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(e) the impacts on native vegetation;</p> <p>(f) minimising cut and fill;</p> <p>(g) building design that responds to the particular size, shape, contours or slope of the land;</p>	<p><i>Not applicable.</i></p>

	<p>(h) the impacts of sea-level rise on natural coastal processes and coastal habitat;</p> <p>(i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(j) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P2.2 Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p> <p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; and</p> <p>(f) provision of open space or for marine-related educational, research, or recreational facilities.</p>	
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to minimise impacts on water quality; and</p> <p>(b) the need to mitigate and manage any impacts likely</p>	<p><i>Additional stormwater discharge is proposed to the existing waterbody.</i></p> <p><i>It is considered that impacts will be negligible, however it is recommended that a Stormwater Management Plan and A Soil & Water Management Plan form a part of the conditions of a planning permit.</i></p> <p><i>The proposal meets the performance criteria P3.</i></p>

	to arise from erosion, sedimentation or runoff.	
A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.	<p>P4.1 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) the need to avoid land filling of wetlands; (d) impacts on sand movement and wave action; and (e) the potential for increased risk to inundation of adjacent land. <p>P4.2 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary:</p> <ul style="list-style-type: none"> (a) to continue an existing use or development on adjacent land; or (b) for a use which relies upon a coastal location to fulfil its purpose, having regard to: <ul style="list-style-type: none"> (i) the need to access a specific resource in a coastal location; (ii) the need to operate a marine farming shore facility; (iii) the need to access infrastructure available in a coastal location; (iv) the need to service a marine or coastal related activity; (v) provision of essential utility or marine infrastructure; and (vi) provision of open space or for marine-related educational, research, or recreational facilities. 	<i>The proposal meets the acceptable solution A4, no dredging or reclamation will occur in the watercourse.</i>
A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a	P5 Coastal protection works or watercourse erosion or inundation protection works within a waterway and coastal	<i>Not applicable.</i>

<p>waterway and coastal protection area or a future coastal refugia area.</p>	<p>protection area or a future coastal refugia area must be designed by a suitably qualified person and minimise adverse impacts on natural coastal processes, having regard to:</p> <p>(a) impacts on sand movement and wave action; and</p> <p>(b) the potential for increased risk of inundation to adjacent land.</p>	
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C7.6.2 Clearance within a priority vegetation area		
<p>That clearance of native vegetation within a priority vegetation area:</p> <p>(a) does not result in unreasonable loss of priority vegetation;</p> <p>(b) is appropriately managed to adequately protect identified priority vegetation; and</p> <p>(c) minimises and appropriately manages impacts from construction and development activities.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <p>(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing</p>	<p><i>The new dwelling, outbuilding and sections of the access road will be cleared, meeting P1.1 (b).</i></p> <p><i>The area of native vegetation on the property to be cleared for visitor accommodation is not for an existing use.</i></p> <p><i>A Bushfire Hazard Report has been provided and has informed the Fauna & Flora Report for the proposal.</i></p> <p><i>The supporting Flora & Fauna Assessment Report states that the clearance of the existing native vegetation on the property for the Visitor Accommodation is limited, 8.5% of the total area of priority vegetation will be cleared. The report also states that it is likely that the priority vegetation species will persist within the hazard management area.</i></p> <p><i>Clearance of native vegetation will be limited to the area surrounding the visitor accommodation, which is located adjacent to an existing dwelling to be demolished, which includes areas of already disturbed land. Clearance of</i></p>

	<p>management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>	<p><i>large areas of Priority Vegetation has been avoided.</i></p> <p><i>The designs enable the car parking and manoeuvring spaces for the visitor accommodation to be contained within the Bushfire Hazard management Area. The Hazard area is also expected to continue support the priority vegetation.</i></p> <p><i>The Flora & Fauna report makes recommendations to minimise the residual impacts on priority vegetation, which have been included in the conditions of the Planning Permit.</i></p> <p><i>In addition, A Soil & Water Management Plan will form a part of the conditions of a planning permit.</i></p> <p><i>Conditions for Weed Management will also be included in the Planning Permit.</i></p> <p><i>The proposal meets the performance criteria.</i></p>
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CONCLUSION

This report has assessed a Development Application to demolish the existing dwelling, construct a new dwelling, outbuilding and four (4) cabins to be used as Visitor Accommodation on the property 14246 Lyell Highway (CT 241772/1).

Three representations were received to Council during the notice period and these have been addressed in this report.

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

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

RECOMMENDATION 02/05.2024/PC

Moved: Cr

Seconded: Cr

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

THAT in accordance with the provisions of the Tasmanian Planning Scheme – *Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2023/68) to demolish the existing dwelling, construct a new dwelling, outbuilding, four (4) cabins to be used as Visitor Accommodation and associated infrastructure at the property described as 14246 Lyell Highway (CT 241772/1), owned by J Butt & R Parker and that a permit be issued with the following 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, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Amenity

- 3) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development and Environmental Services.
- 4) No vegetation other than that necessary for the construction of the development, associated access and services is to be cleared without the approval of Council.
- 5) The proposed outbuilding is approved as ancillary to the Residential and is to be used for domestic storage only. It is not to be used for commercial, industrial or habitable purposes, unless in accordance with a permit issued by Council or as otherwise permitted by Council's Planning Scheme.

Parking and Access

- 6) Detailed design drawings of the culvert over the watercourse prepared by a suitably qualified person (engineer), are to be provided and approved by Council's Manager of Infrastructure and Works before application for permits under the *Building Act 2016* are lodged.
- 7) The siting of vehicular accesses and car parking spaces must generally accord with the endorsed plans.
- 8) At least four (4) car parking spaces must be provided for the use of the visitor accommodation and must be available for car parking at all times. Car parking must be in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 9) 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 to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement;
 - b) Minimum carriageway width of 4 metres;
 - c) Drained to an approved stormwater system; and
 - d) Vehicular passing areas 6 metres wide (total) x 20 metres long every 200 metres.
 or as otherwise required by an approved Bushfire Plan.
- 10) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

Access to State Road

- 11) The Access to the Lyell Highway is to be a minimum 5.5m wide to permit two vehicles to pass each other.
- 12) The Access is to be sealed a minimum of 6.0m from the edge of the existing seal of the Lyell Highway.
- 13) The existing B2 Centre line (double continuous line) is to be modified to create a break in the line to permit vehicles to legally turn right into the access from the Lyell Highway.
- 14) The existing access where the structure to be demolished is located, must be either removed or blocked to prevent future use.
- 15) Any conditions imposed by the Department of State Growth for works affecting the road reserve shall form part of this permit and must be adhered to.
- 16) Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935. Application for Permits can be located at;
https://www.transport.tas.gov.au/road_permits/permits_and_bookings
- 17) Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

Services

- 18) 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

- 19) A Stormwater Management Plan prepared by a suitably qualified person must be prepared and submitted to Councils Municipal Engineer for approval. Once approved the plans shall form part of the permit.
- 20) Prior to the commencement of use and the issuing of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, retention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Councils Plumbing Surveyor for approval. Once approved the plans shall form part of the permit.
- 21) Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Wastewater

- 22) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

Protection of Water Quality

- 23) 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 Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 24) 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 Development and Environmental Services.

Natural Values

- 25) Unless otherwise agreed by the Council's General Manager, the development and works must be carried out in accordance with the recommendations made in the Flora and Fauna Report, prepared by RMCC and dated 27 February 2024.

Weed Management

- 26) Prior to the carrying out of any works approved or required by this approval, the property owner must provide a weed management plan detailing measures to be adopted to 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 Manager of Development & Environmental Services.

Construction Amenity

- 27) 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. |
- 28) 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:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - The transportation of materials, goods and commodities to and from the land.
 - Obstruction of any public footway or highway.
 - Appearance of any building, works or materials.
 - 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.
- 29) 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.
- 30) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

ADVICE NOTES

The following advice applies to this permit:

- 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 CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- 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.
- This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.

- 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 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.
- F. 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.
- G. 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.
- H. Land on adjacent properties are Timber Production Zone Land (PTPZL) and will be subject to noise and heavy vehicle movements outside of business hours. It should also be noted that as Timber Production land, once harvested, the visual amenity of the area will change.
- I. A separate application may be required for Signage.
-

7.2 DEVELOPMENT APPLICATION (DA2024/18) BOAT RAMP & JETTY AT LAND DESCRIBED AS 475 ROCKMOUNT ROAD, ELLENDALE (182981/0) SUBMITTED BY PDA SURVEYORS AND OWNED BY STRATA CORPORATION 182981 “PARADISE”

AUTHOR

Senior Planning Officer (Louisa Brown)

AUTHORISED BY

Manager Development & Environmental Services (Graham Rogers)

ATTACHMENTS

- Application for Planning Permit Documents
- Title Plan and Folio
- Site Plan & Designs
- Planning Assessment prepared by PDA
- Cultural Heritage Management letter
- Representation 1

DISCRETIONS

- CHI-S1.6.1 Discretionary use P1, P2
- CHI-S1.7.5 Aquatic structures P1
- CHI-S1.7.6 Aboriginal Heritage P1
- CHI-S1.7.7 Protection of Lake Operation P1

PROPOSAL

Council is in receipt of an application for a Planning Permit for a Boat Ramp and Launching Jetty at the property 475 Rockmount Road, Ellendale also known as “Paradise”.

An informal boat ramp area exists on the property, this development application seeks to formalise and upgrade the facility, to include a boat ramp and launching jetty.

The proposal is to be assessed against the development standards of the Tasmanian Planning Scheme – Central Highlands, the Act and Central Highlands Local Provisions Schedule, CHI-S1.0 Meadowbank Lake Specific Area Plan.

This is a discretionary application under the CHI-S1.0 Meadowbank Lake Specific Area Plan.

The Council gave notice of the application for public comment as required by the Act. During the notification period one representation was received. The representation is summarised below and response from Council’s planning Officer included.

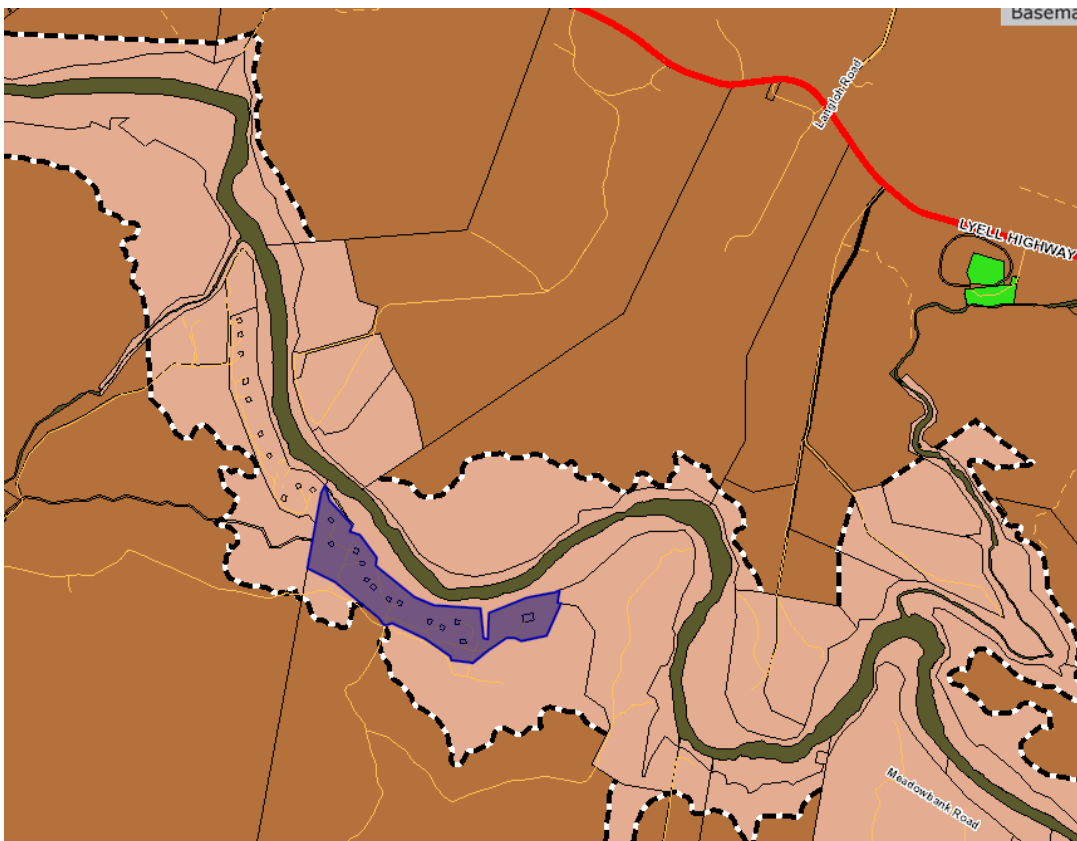
It is recommended that Council grant a planning permit for the development application subject to conditions.

THE SITE

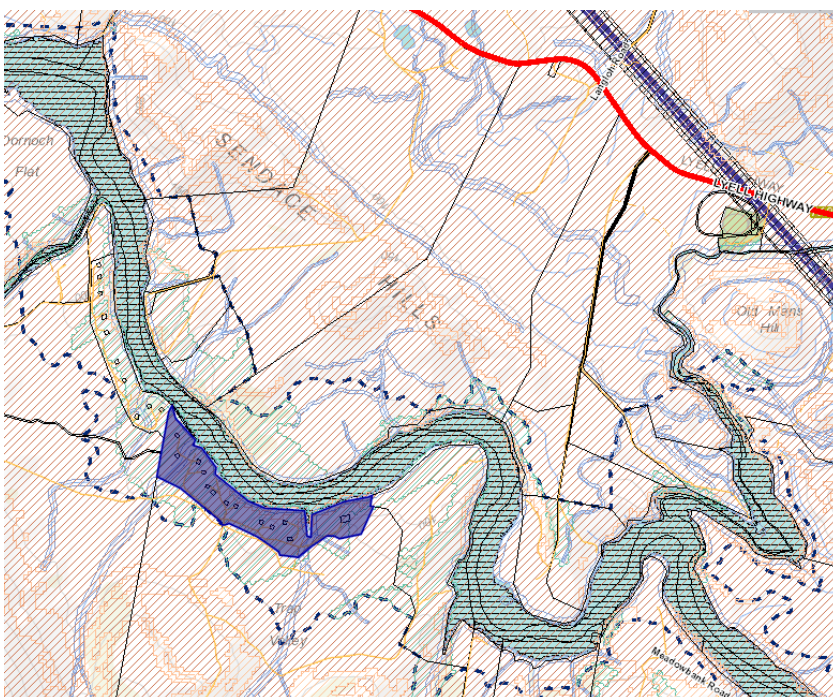
The property is located on the banks of the Meadowbank Lake, some 5km south-west of Hamilton. The scheme is a strata scheme for 13 Visitor Accommodation Units known as “Paradise”.

An existing boat ramp is located to the North West corner of the property. This proposal seeks to formalise the launching area and provide upgraded facilities, such as a launching jetting.

Map 1 and 2 below shows the land zoning, code overlays and location of the property. Map 3 is an aerial image of the property and surrounds. Map 4 identifies the proposed upgrade of facilities.



Map 1_The subject land in blue. Surrounding land is in the Rural Zone (light brown). The brown colour represents the Agriculture Zone. line. Source: LISTmap (09/05/24)



Map 1_The subject land in blue. The Black dashed line represents the Lake Meadow Bank Specific Area Plan. Blue lines represent the Waterway & Coastal Protection Area, Green Lines represent Priority Vegetation of the Natural Assets Code. Source: LISTmap (09/05/24)



Map 2_Aerial image of the subject land and surrounding area. Subject titles marked with blue line. Source The List (09/05/24)



Map 4_Aerial image of the subject land and the location of the Boat Ramp and jetty indicated in red. Source The List (09/05/24)

USE/DEVELOPMENT DEFINITION

The property is within the Rural Zone of the Tasmanian Planning Scheme – Central Highlands and also within the Central Highlands Local Provisions Schedule, CHI-S1.0 Meadowbank Lake Specific Area Plan.

In the area of land to which the SAP applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of the Rural Zone.

Within the Meadowbank Lake Specific Area Plan, Pleasure boat facility is a discretionary use and is defined as “*If for a boat ramp, jetty, pontoon*”.

Source CHI-S1.0 Meadowbank Lake Specific Area Plan

Use/Development Status under the Planning Scheme

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

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from 26th March until 16th April, the notification period was extended beyond the 14 days to allow for the Easter Public Holidays. During this time, one representation was received.

A summary of the representation received and the response from Council’s planning Officer is provided below.

Representation Received	Planning Officer Comments
<p>I wish to make the following points regarding the development application:</p> <ol style="list-style-type: none"> 1. That council in reviewing the application is consistent in its requirements and ruling based on similar applications from neighboring Jones River Strata Title development. 2. Aboriginal site inspections have been required in the past, and letters of support from Hydro. I do not see reference to these documents in the application submitted? 3. When similar applications have been put to Council, Council stated that this would be the last time council would approve additional pontoon constructions on the lake. 4. I ask Council to be consistent and align to previous decisions made regarding pontoons on the Lake. 	<p><i>This development application will be assessed under the current Planning Scheme which is in operation that is the Tasmanian Planning Scheme – Central Highlands and the Central Highlands Local Provisions Schedule, CHI-S1.0 Meadowbank Lake Specific Area Plan (SAP).</i></p> <p><i>The SAP has been updated and made clearer, requirements for applications are clear as is the process in which to seek approval.</i></p> <p><i>Council will assess this application based on the requirements and the standards of the Central Highlands Local Provisions Schedule, CHI-S1.0 Meadowbank Lake Specific Area Plan and the Tasmanian Planning Scheme.</i></p> <p><i>This assessment against the relevant standards of the scheme follows in this report.</i></p>

ASSESSMENT – CENTRAL HIGHLANDS LOCAL PROVISIONAL SCHEDULE CHI-S1.0 MEADOWBANK LAKE SPECIFIC AREA PLAN & THE TASMANIAN PLANNING SCHEME –

In the area of land to which this development application applies, the provisions of the Meadowbank Lake SAP are in substitution for, and in addition to the provisions of the Rural Zone.

The purpose of the Meadowbank Lake Specific Area Plan is:

- To recognise and protect the operation of the Meadowbank Lake Hydro-electric Power Station from incompatible use and development.
- To ensure that on-site wastewater management does not contribute to adverse impacts on water quality.

- To recognise Meadowbank Lake as the premier water-skiing facility in the State and to support associated use and development whilst managing other use and development to minimise conflict between activities.
- To encourage the use and development of Meadowbank Lake and the adjoining land for tourism, recreational and visitor accommodation purposes whilst maintaining and enhancing the natural, cultural and landscape values of the area.
- To recognise and protect Aboriginal heritage values.
- To encourage co-ownership and sharing of aquatic structures such as boat ramps, jetties, pontoons and water-based sports infrastructure.
- To protect the lake foreshore landscape, from becoming over-crowded with buildings for Visitor Accommodation.
- To encourage the orderly and strategic development of appropriately scaled and located Visitor Accommodation, particularly camping and caravan parks and overnight camping areas.
- To provide for Resource Development and Resource Processing compatible with recreation and tourism's use of the area.
- To provide for use and development which does not compromise the significant role the lake plays in the Greater Hobart drinking water system.

The Application of this Plan

The specific area plan applies to the area of land designated as Meadowbank Lake Specific Area Plan on the overlay maps.

In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of the Rural Zone.

CHI-S1.6 Use Standards		
CHI-S1.6.1 Discretionary use		
This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary Uses. That uses listed as Discretionary recognise and are compatible with the natural, cultural and landscape values of Meadowbank Lake and the plan purpose statements.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No Acceptable Solution	P1 A use listed as Discretionary must be consistent with the natural, cultural and landscape values of Meadowbank Lake and the plan purpose statements, having regard to: (a) the significance of the natural, cultural, and landscape values; (b) the protection, conservation and management of the values; (c) the location, intensity and scale of the use and impacts on existing use and other lake activities; (d) the characteristics and type of use; (e) impact of traffic generation and parking requirements; (f) any emissions and waste produced by the use; (g) the storage and holding of goods, materials and waste; and (h) the proximity of sensitive uses.	<i>Pleasure boat facility is a discretionary use and is defined as "If for a boat ramp, jetty, pontoon".</i> <i>The application seeks to formalise an existing boat ramp and upgrade the facility. The existing ramp has been used for many years and an opportunity improve the facilities has arisen.</i> <i>The scale of the improvements to that which is existing are relatively minimal in terms of the upgrading of the boat ramp. The proposed new launching jetty could increase the use of pleasure boats on the lake. However, this will be a private jetty for the existing Visitor Accommodation use on the property. It is therefore concluded that the intensification of the use is minimal.</i>

		<p><i>Sensitive uses include dwellings, of which Meadowbank View Strat Scheme is some 300m plus from the proposed jetty.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>
<p>A2 No Acceptable Solution</p>	<p>P2 A use listed as Discretionary must not confine or restrain existing agricultural use on adjoining properties, having regard to:</p> <p>(a) the location of the proposed use; (b) the nature, scale and intensity of the use; (c) the likelihood and nature of any adverse impacts on adjoining uses; and (d) any off site impacts from adjoining uses.</p>	<p><i>Agricultural activities take place on land surrounding the proposal. Uses include pasture.</i></p> <p><i>As Meadowbank Lake is a very popular area for recreational use of pleasure boats, it is anticipated that the addition of the proposed launching jetty will not intensify the existing use or adversely impact this adjoining agricultural use.</i></p> <p><i>The proposal meets the Performance Criteria P2.</i></p>

CHI-S1.7.5 Aquatic structures

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

That permanent aquatic structures such as pontoons, boat ramps and jetties on Meadowbank Lake or its foreshore are only constructed as necessary and are safe, functional, and do not detract from the natural, cultural and landscape values of the area or impede recreational use or the operational needs of Hydro Tasmania.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 An aquatic structure is: (a) for the replacement of an existing structure; (b) provided by or on behalf of the Crown, council or a State Authority; and (c) the rationalisation of two or more structures on Meadowbank Lake or its foreshore.</p>	<p>P1 Aquatic structures must avoid adverse impacts on the natural, cultural and landscape values of Meadowbank Lake and only be constructed as necessary and safe having regard to: (a) the advice and operational needs of Hydro Tasmania; (b) rationalising existing aquatic structures as far as practicable; (c) avoiding the proliferation of aquatic structures in the immediate vicinity; (d) the demonstrated need for the aquatic structure; and (e) the plan purpose statements.</p>	<p><i>Within the application documents submitted, an agreement for the lodgement of this Development Application is provided by Hydro. This is an in principle agreement to the upgrade and construction of the boat ramp and jetty.</i></p> <p><i>This application seeks to formalise an existing launching facility and upgrade facilities.</i></p> <p><i>The purpose of the SAP is to encourage the use and development of Meadowbank Lake and the adjoining land for tourism, recreational and visitor accommodation purposes whilst maintaining and enhancing the natural,</i></p>

		<p><i>cultural and landscape values of the area.</i></p> <p><i>The proposal will upgrade an existing facility, rationalising an existing facility for the adjacent strata owners.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>
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<p>CHI-S1.7.6 Aboriginal Heritage This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works That Aboriginal heritage is not inappropriately disturbed.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Building and works: (a) must not involve excavation; (b) the application is accompanied by a record of advice and Unanticipated Discovery Plan, issued by Aboriginal Heritage Tasmania; or (c) is in accordance with an Approved Permit issued by the Minister for Aboriginal Affairs under Section 14 of the Aboriginal Heritage Act 1975.</p>	<p>P1 Building and works must not inappropriately disturb Aboriginal heritage, having regard to any: (a) advice received from Aboriginal Heritage Tasmania; or (b) Aboriginal cultural heritage assessment by a suitably qualified person.</p>	<p><i>The application documents include a letter from Cultural Heritage Management Australia, which contains advice and supports the application.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>

<p>CHI-S1.7.7 Protection of Lake Operation This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works. That the operation of the lake for hydro-electric power generation and as a major source of potable water for greater Hobart is not compromised.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Buildings and works within 20 metres of the full supply level must be accompanied by the written support of Hydro Tasmania, with or without conditions.</p>	<p>P1 Buildings and works within 20m of the full supply level must: (a) not hinder the operation of the lake for hydro-electric generation purposes; and (b) not compromise water quality; having regard to any advice received from Hydro Tasmania and/or relevant authority</p>	<p><i>The proposal meets the Performance Criteria P1, as the proposal seeks to formalise and improve existing facilities.</i></p>

ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Rural Zone

The subject site is in the Rural Zone of the Tasmanian Planning Scheme – Central Highlands. Accordingly, the proposal must satisfy the requirements of the following relevant use and development standards of this zone:

20.4 Development Standards for Buildings and Works		
20.4.1 Building height		
To provide for a building height that:		
(a) is necessary for the operation of the use; and		
(b) minimises adverse impacts on adjoining properties.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building height must be not more than 12m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the proposed height of the building; (b) the bulk and form of the building; (c) the separation from existing uses on adjoining properties; and (d) any buffers created by natural or other features.	<i>The height of the proposed development, is under 12m.</i> <i>The proposal complies with the Acceptable Solution A1.</i>

20.4.2 Setbacks		
That the siting of buildings minimises potential conflict with use on adjoining sites.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.	P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: (a) the bulk and form of the building; (b) the nature of existing use on the adjoining properties; (c) separation from existing use on the adjoining properties; and (d) any buffers created by natural or other features.	<i>The development will be on the boundary, therefore the proposal must satisfy the Performance Criteria P1.</i> <i>As stated, the proposal seeks to formalise and improve an existing boating facility. The area is popular for pleasure boating and the proposed facilities are for private use.</i> <i>The proposal complies with P1.</i>
A2 Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: (a) not less than 200m; or (b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	P2 Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: (a) the size, shape and topography of the site; (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) the location of existing buildings on the site; (d) the existing and potential use of adjoining properties;	<i>Not applicable, the proposal is not a building.</i>

	(e) any proposed attenuation measures; and (f) any buffers created by natural or other features.	
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20.4.3 Access for New Dwellings		
That new dwellings have appropriate vehicular access to a road maintained by a road authority.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	P1 New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to: (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; (g) the construction, maintenance and usage of the road; and (h) any advice from a road authority.	<i>Not applicable, no new dwellings are proposed.</i>

C7.0 Natural Assets Code

The purpose of the Natural Assets Code is:

To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

To minimise impacts on identified priority vegetation.

To manage impacts on threatened fauna species by minimising clearance of significant habitat.

This Code applies to development in the Rural Zone, in the Waterway & Coastal Protection Area overlays, therefore the proposal is assessed against the relevant standards of the scheme.

C7.6 Development Standards for Buildings and Works		
C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area.		
That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1 Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p> <p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p>	<p><i>The proposal is to upgrade an existing facility and is not more than 20% of the existing area (proposal is 4.8m</i></p> <p><i>The Acceptable Solution A1 is met.</i></p>

	<p>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; or (f) provisions of open space or for marine-related educational, research, or recreational facilities. 	
<p>A2 Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2.1 Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas; (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation; (c) allowing the coastal processes of sand deposition or erosion to continue to occur; (d) the need to group new facilities with existing facilities, where reasonably practical; (e) the impacts on native vegetation; (f) minimising cut and fill; (g) building design that responds to the particular 	<p><i>Not Applicable, the property is not within a coastal refugia area.</i></p>

	<p>size, shape, contours or slope of the land; (h) the impacts of sea-level rise on natural coastal</p> <p>P2.1 Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to: (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas; (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation; (c) allowing the coastal processes of sand deposition or erosion to continue to occur; (d) the need to group new facilities with existing facilities, where reasonably practical; (e) the impacts on native vegetation; (f) minimising cut and fill; (g) building design that responds to the particular size, shape, contours or slope of the land; (h) the impacts of sea-level rise on natural coastal.</p>	
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to: (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or</p>	<p><i>The proposal includes no new stormwater discharge points.</i></p> <p><i>The proposal meets the Acceptable Solution A3.</i></p>

<p>A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>runoff.</p> <p>P4.1 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to: (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) the need to avoid land filling of wetlands; (d) impacts on sand movement and wave action; and (e) the potential for increased risk to inundation of adjacent land.</p> <p>P4.2 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary: (a) to continue an existing use or development on adjacent land; or (b) for a use which relies upon a coastal location to fulfil its purpose, having regard to: (i) the need to access a specific resource in a coastal location; (ii) the need to operate a marine farming shore facility; (iii) the need to access infrastructure available in a coastal location; (iv) the need to service a marine or coastal related activity; (v) provision of essential utility or marine infrastructure; and (vi) provision of open space or for marine related educational, research, or recreational facilities.</p>	<p><i>Not applicable, no dredging is required.</i></p>
<p>C7.6.2 Clearance within a priority vegetation area</p> <p>That clearance of native vegetation within a priority vegetation area:</p>		

<p>(a) does not result in unreasonable loss of priority vegetation;</p> <p>(b) is appropriately managed to adequately protect identified priority vegetation;</p> <p>and</p> <p>(c) minimises and appropriately manages impacts from construction and development activities.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <p>(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p>	<p><i>Not applicable, no Priority Vegetation is present, the area is clear of vegetation.</i></p>

	<p>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>	
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CONCLUSION

This report has assessed a Development Application to construct a Boat Ramp & Jetty at land described as 475 Rockmount Road, Ellendale.

One representation was received to Council during the notice period and this has been addressed in this report.

The proposal has been found to comply with all the relevant standards of the Act, the Tasmanian Planning Scheme – Central Highlands, and the Central Highland Local Provisional Schedule.

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

RECOMMENDATION 03/05.2024/PC

Moved: Cr

Seconded: Cr

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

THAT, in accordance with the provisions of the Tasmanian Planning Scheme – *Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2024/18) Boat Ramp & Jetty at land described as 475 Rockmount Road, Ellendale (182981/0) submitted by PDA Surveyors and owned by Strata Corporation 182981 “Paradise” and that a permit be issued with the following 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, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

Amenity

- 3) No vegetation other than that necessary for the construction of the development, associated access and services is to be cleared without the approval of Council.

Services

- 4) 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.

Protection of Water Quality

- 5) 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 Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 6) 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 Development and Environmental Services.

Weed Management

- 7) Prior to the carrying out of any works approved or required by this approval, the property owner must provide a weed management plan detailing measures to be adopted to 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 Manager of Development & Environmental Services.

Construction Amenity

- 8) 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. |
- 9) 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:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - The transportation of materials, goods and commodities to and from the land.
 - Obstruction of any public footway or highway.
 - Appearance of any building, works or materials.
 - 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.
- 10) 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.
- 11) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

ADVICE NOTES

The following advice applies to this permit:

- A. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted. Including the relevant approvals from Hydro Tasmania.
- 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 CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- 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 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.
- F. 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.
- G. 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.

H. A separate application may be required for Signage.

8.0 OTHER BUSINESS

9.0 CLOSURE

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