



Central Highlands Council

AGENDA

PLANNING COMMITTEE MEETING – 8TH OCTOBER 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 8TH October 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 **3rd day** of **October 2024**.

Stephen Mackey
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.
-

5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 13TH AUGUST 2024

RECOMMENDATION 01/10.2024/PC

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13th August 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 (DA2024/00003) : BOUNDARY REORGANISATION : 580 AND 575 DAWSON ROAD (CT179591/7) OUSE : SUBMITTED BY DG POTTER SURVEYOR ON BEHALF OF SUNRAY STRAWBERRIES LTD AND RL & KL CRAWFORD

REPORT BY

Senior Planning Officer (Grant Finn)

APPROVED BY

Manger of Development & Environmental Services (Graham Rogers)

DATE

1 October 2024

ATTACHMENTS

- *Development Application documents*
- *Agronomy report – prepared by Nicholbrook Consulting*
- *Bushfire Hazard report – prepared by Chris Lyne (date April 2024)*

TPS DISCRETIONS

20.5.1 – Lot Design

21.5.1 – Lot Design

PROPOSAL

The applicant DG Potter Surveyor on behalf of the owners, Sunray Strawberries Ltd and RL & KL Crawford have applied for a Permit under the Land Use Planning and Approvals Act 1993 ("the Act") to undertake an adjustment (reorganisation) of existing property boundaries on land at 575 and 580 Dawson Road, Ouse.

The proposal is for a boundary reorganisation between the existing titles to enable the excision of 9.2ha of productive Class 4 land from 580 Dawson Road being adhered to 575 Dawson Road, Ouse. The purpose of the application is for increased horticultural production.

580 Dawson Road is zoned Rural whilst 575 Dawson Road is zoned Agriculture.

Water rights held by Sunray Strawberries allow for the development and intensive horticulture on a parcel of land that is currently dryland grazing.

The application has been lodged under the Tasmanian Planning Scheme – Central Highlands ("the Planning Scheme").

The land is zoned Rural and Agriculture and is affected by the following Planning Code overlays:

- Low landslip hazard band,
- Waterway and Coastal protection area, and
- Bushfire-prone areas

The proposal is to be assessed against both the development standards of the zone and applicable Codes within the Planning Scheme and the LPS. These matters are described and assessed in this report.

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

It is recommended that Council grant a permit for the proposed boundary adjustment, subject to conditions.

THE SITE

580 Dawson Road, Ouse is situated on the southern side of Cluny Lagoon approximately 4km from the Ouse township. It is bordered by HEC title to the north encompassing Cluny lagoon, Rural zoned land to the west and east and Agriculture zoned land owned by Sunray Strawberries PL to the south.

580 Dawson Road has a total area of 23.95ha whilst 575 Dawson Road is 31.48ha but forms part of a property of 4 Titles totalling 100.97ha owned and operated by Sunray Strawberries.

The land is currently vacant and is used as paddocks. The vegetation species are predominantly exotic and the site has been modified.



Map 1_The subject land on the northern side of Dawson Road is zoned Rural. Land to the south including 575 Dawson Road is in the Agriculture Zone (brown). Source: LISTmap (taken on 30/09/2024)



Map 2_The land is subject to the following overlays, with Bush-fire prone being applicable
Source: LISTmap (taken on 30/9/2024).



Map 3 _ Aerial image of the subject land and surrounding area.
Source: LISTmap (taken on 30/9/2024)

THE APPLICATION

In addition to the DA form and Certificate of Title documents, the Applicant has submitted the following in support of the proposed development:

- Cover Letter from DG Potter Surveyor
- Bushfire Hazard report – prepared by Chris Lyne (date April 2024)
- Agronomy report – prepared Nicholbrook Horticultural Consulting (date August 2024)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined as a boundary adjustment under the Planning Scheme.

The provisions of Part 7.3 – Adjustment of a Boundary provide for the following:

7.3 Adjustment of a Boundary

7.3.1 An application for a boundary adjustment is Permitted and a permit must be granted if:

- no additional lots are created;
- there is only minor change to the relative size, shape and orientation of the existing lots;
- no setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;
- no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;
- no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and
- no lot boundary that aligns with a zone boundary will be changed.

I note that Part 7.3.1(b) refers to 'only a minor change to the relative size' whereas in this instance the proposal seeks to excise 9.20ha from 580 Dawson Road and its adhesion to 575 Dawson Road. It has been determined that this does not constitute a 'minor change to the relative size.'

As such the proposal is to be assessed as a Subdivision where the reliance on Performance Criteria defaults to a Discretionary Development activity status.

Council therefore has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit subject to the notification and determination provisions of the Act.

Use/Development Status under the Planning Scheme

The application was advertised in accordance with Section 57(3) of the Act.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised in The Mercury Newspaper on 16th September 2024 for a period not exceeding 14 days.

No representations were received during the 14 day notification period which expired on 30 September 2024.

ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Zone & Overlays

The subject site is zoned both Rural and Agriculture and the following overlays also affect the sites:

- Low landslip hazard band
- Waterway and coastal protection

- Bushfire-prone areas

The purpose of the Rural Zone is as follows:

20.1 Zone Purpose

The purpose of the Rural Zone is:

- 20.1.1 To provide for a range of use or development in a rural location:
- where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
 - that requires a rural location for operational reasons;
 - is compatible with agricultural use if occurring on agricultural land; and
 - minimises adverse impacts on surrounding uses.
- 20.1.2 To minimise conversion of agricultural land for non-agricultural use.
- 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The purpose of the Agriculture Zone is as follows:

21.1 Zone Purpose

The purpose of the Agriculture Zone is:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To protect land for the use or development of agricultural use by minimising:
- conflict with or interference from non-agricultural uses;
 - non-agricultural use or development that precludes the return of the land to agricultural use; and
 - use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use.

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

| 20.5 Development Standards for Subdivision | | |
|--|--|--|
| 20.5.1 Lot Design | | |
| Objective: To provide for subdivision that: | | |
| (a) relates to public use, irrigation or utilities | | |
| (b) facilitates use and development for allowable uses in the zone | | |
| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; | P1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have sufficient useable area and dimensions suitable for the intended purpose, excluding | Acceptable Solution A1 cannot be met. The 9.20ha area of land to be excised from 580 Dawson Road is to be adhered to 575 Dawson Road. |

| | | |
|---|--|---|
| <p>(b) be required for the provision of Utilities or irrigation infrastructure;</p> <p>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or</p> <p>(d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2</p> | <p>Residential or Visitor Accommodation, that:</p> <p>(i) requires the rural location for operational reasons;</p> <p>(ii) minimises the conversion of agricultural land for a non-agricultural use;</p> <p>(iii) minimises adverse impacts on non-sensitive uses on adjoining properties; and</p> <p>(iv) is appropriate for a rural location; or</p> <p>(b) be for the excision of a dwelling or Visitor Accommodation existing at the effective date that satisfies all of the following:</p> <p>(i) the balance lot provides for the sustainable operation of a Resource Development use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the balance lot for productive agricultural use; and</p> <p>c. any topographical constraints to agricultural use;</p> <p>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</p> <p>(iii) the existing dwelling or Visitor Accommodation must meet the setbacks required by subclause 20.4.2 A2 or P2 in relation to setbacks to new boundaries;</p> <p>(iv) it is demonstrated that the new lot will not unreasonably confine</p> | <p>The purpose of the application is to increase the area under horticultural production.</p> <p>The subject land is currently being transformed from forestry to intensive horticultural production.</p> <p>The productive capacity of the Class 5 land will be enhanced through this subdivision proposal. If this 9.2ha were to remain as part of the current property it will have reduced growing potential.</p> <p>Contrastingly, as an addition to 575 Dawson Road the productive capacity would be much greater. The increased size, access to irrigation water, plant and equipment and management resources under the purchase proposal will allow this 9.2ha much greater value to primary production.</p> <p>The agronomy report states that <i>'580 Dawson road title is predominantly Class 4s and the balance Class 5 which is not suitable for cropping. Whilst the area of Class 4 is suitable for cropping, unless irrigation is available it is also only suitable for grazing, which is the current situation.'</i></p> <p>The utilisation of water rights and infrastructure that Sunray Strawberries possesses enables the 9.20ha portion of land to also be developed. This portion of land is currently under-utilised as dryland grazing.</p> <p>As the agricultural productivity of either property will not be materially diminished through this boundary adjustment this proposal meets the requirements of P1 (a).</p> <p>In terms of P1 (a) (iii), irrigation is currently available to the 575 Dawson Road (Sunray Strawberries property) and not available of 580 Dawson Road.</p> |
|---|--|---|

| | | |
|--|---|--|
| <p>A2. Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p> | <p>or restrain the operation of any adjoining site used for agricultural use; and</p> <p>(c) be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> i. the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; ii. the topography of the site; iii. the functionality and useability of the frontage; iv. the anticipated nature of vehicles likely to access the site; v. the ability to manoeuvre vehicles on the site; vi. the ability for emergency services to access the site; and (vii) the pattern of development existing on established properties in the area. <p>P2 Each lot, or a lot proposed in a plan of subdivision, is provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area | <p>With the adhesion of the 9.20ha of Class 4 land to 580 Dawson Road it will enable irrigation of this land parcel.</p> <p>The subject lots have existing access and frontage arrangements with Dawson Road which is a gravel constructed, Council maintained road.</p> <p>Each lot will retain existing accesses.</p> <p>P1(c) is both satisfied and met.</p> <p><i>As per P1(c) above, A2 is satisfied.</i></p> |
|--|---|--|

| |
|--|
| <p>21.5 Development Standards for Subdivision 21.5.1 Lot Design Objective: To provide for subdivision that: (a) relates to public use, irrigation or utilities (b) protects the long term productive capacity of agricultural land</p> |
|--|

| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
|---|---|--|
| <p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities or irrigation infrastructure; or</p> <p>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p> | <p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) provide for the operation of an agricultural use, having regard to:</p> <p>(i) not materially diminishing the agricultural productivity of the land;</p> <p>(ii) the capacity of the new lots for productive agricultural use;</p> <p>(iii) any topographical constraints to agricultural use; and</p> <p>(iv) current irrigation practices and the potential for irrigation;</p> <p>(b) be for the reorganisation of lot boundaries that satisfies all of the following:</p> <p>(i) provides for the operation of an agricultural use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the new lots for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p> <p>d. current irrigation practices and the potential for irrigation;</p> <p>(ii) all new lots must be not less than 1ha in area;</p> <p>(iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;</p> <p>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and</p> <p>(v) it does not create any additional lots; or</p> | <p>(i) As detailed above, the productive capacity of the Class 4 land will be enhanced through this subdivision proposal and its ability to access irrigation.</p> <p>The balance 15ha will remain pastured with no access to irrigation. This land will remain under the current land use of occasional grazing and will be unaffected by the proposed excision as the different land uses are subdivide and adhered for productive capacity and management efficiency.</p> <p>It is not considered that the agricultural productivity of 580 Dawson Road will be materially diminished.</p> <p>(ii) The new lots will result in enhanced capacity for productive horticultural uses on 575 Dawson road for the reasons outlined in 21.5.1 P1 (a) (i).</p> <p>(iii) The proposal provides a more appropriate division of land use classes given the existing supporting infrastructure that is required for horticultural production. As both properties will retain their relevant infrastructure to continue their respective enterprise operations after the completion of the boundary adjustment, it is considered that this proposal meets the requirements of 21.5.1 P1 (a) (iii).</p> |

| | | |
|--|--|---|
| <p>A2. Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p> | <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <ul style="list-style-type: none"> (i) the balance lot provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> a. not materially diminishing the agricultural productivity of the land; b. the capacity of the balance lot for productive agricultural use; c. any topographical constraints to agricultural use; and d. current irrigation practices and the potential for irrigation; (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot; (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use <p>P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; | <p>(iv) Irrigation is available to 575 Dawson Road and Sunray Strawberries are developing the neighbouring property predominantly for runner production on the basis of large water rights from the Derwent River. The adhesion to the neighbouring property is the best option to enable irrigation for the land satisfying the requirement of 21.5.1 (a) (iv).</p> <p>Each lot will retain existing accesses.</p> <p>This proposal meets the requirements of 21.5.1 A2.</p> |
|--|--|---|

| | | |
|--|--|--|
| | (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area. | |
|--|--|--|

Summary:

Sections 20 and 21 of the TPS address development of land in the Rural and Agriculture Zones to among other things protect land for the use or development for agricultural use. The following points are observed:

1. The reason for the subdivision proposal is for Sunray Strawberries to purchase a 9.20ha paddock adjacent to their property. This land is classified as Class 4 that continues into 575 Dawson Road. This property is currently being transformed from forestry to intensive horticultural production. The utilisation of water rights and infrastructure that Sunray possesses enables this portion of land to also be developed. It is currently under-utilised as dry-land grazing.
2. This proposal meets the requirements of 20.5.1 P1 (a), (b), (c) and 21.5.1 P1 (a) i, ii, iii & iv. The subdivision proposal will not materially diminish the agricultural productivity of the land. In fact, the productive capacity of 575 Dawson Road will be enhanced as access to irrigation and management resources will be applied. The agricultural productivity of the 15ha balance will remain unaffected as it can continue as dryland pasture based grazing system.
3. This proposal also meets the requirements of 20.5.2 A2 and 21.5.2 A2. Both properties will maintain current road accesses sufficient for intended land uses.
4. No news lots will be created under this proposal.

CODE ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

C7.0 Natural Assets Code

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

| | | |
|--|--|--|
| C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area That: (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets. | | |
| Acceptable Solutions A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; | Performance Criteria P1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to: (a) the need to locate building areas and any associated bushfire hazard management area to be | Officer Comment A small section of 580 Dawson Road on the northern boundary is within the Priority Vegetation Area. A section of the Balance lot is within the Waterway & Coastal Protection Area. As there is no works proposed within these areas, the proposal meets the Acceptable Solution A1. |

| | | |
|--|--|--|
| <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p> | <p>outside a waterway and coastal protection area or a future coastal refugia area; and</p> <p>(b) future development likely to be facilitated by the subdivision.</p> | |
|--|--|--|

C13.0 Bushfire Prone Area Code

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

A Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan for the proposed defacto subdivision (boundary adjustment), has been prepared by David Lyne (certificate No. 1501/24), dated April 2024 (version 2.0) 2023, was provided with the Development Application.

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

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

| C13.4 Use or Development Exempt from this Code | | |
|--|-----------------------------|--|
| <p>C13.4.1 The following use or development is exempt from this code:</p> <p>(a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and</p> <p>(b) adjustment of a boundary in accordance with clause 7.3 of this planning scheme</p> | | |
| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| <p>A1 N/A</p> | <p>P1 N/A</p> | <p>The proposal generally accords with the provisions of Clause 7.3 insofar as no additional lots are to be created, however it has been determined the reconfiguration does not constitute ‘...<i>only a minor change to the relative size, shape and orientation of the existing lots.</i>’</p> <p>The provided Report/Certificate confirms the following: ‘<i>Insufficient increase in risk.</i>’</p> |

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

| (c) provide protection for lots at any stage of a staged subdivision. | | |
|---|--|---|
| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| <p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas; and</p> <p>(c) if hazard management areas are to be located on land external to the</p> | <p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p> | <p>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority <u>must accept</u> any certificate issued by an accredited person that certifies the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</p> <p>The provided Report/Certificate confirms the following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A1.</p> |

| | | |
|---|--|--|
| <p>proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan</p> | | |
|---|--|--|

| Development Standards - Subdivision | | |
|---|---|--|
| C13.6.2 Subdivision: Public and fire-fighting access | | |
| Objective: | | |
| Access roads to, and the layout of roads, tracks and trails, in a subdivision: | | |
| <ul style="list-style-type: none"> (a) allow safe access and egress for residents, firefighters and emergency service personnel; (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken; (c) are designed and constructed to allow for fire appliances to be manoeuvred; (d) provide access to water supplies for fire appliances; and (e) are designed to allow connectivity, and where needed, offering multiple evacuation points. | | |
| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
| <p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <ul style="list-style-type: none"> (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and (ii) is certified by the TFS or an accredited person. | <p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> (a) appropriate design measures, including: <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances; (iv) load capacity; (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; | <p>The provided Report/Certificate confirms the following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A1 (a).</p> |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails; <ul style="list-style-type: none"> (b) the provision of access to: <ul style="list-style-type: none"> (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and (ii) fire-fighting water supplies; and (c) any advice from the TFS. | |
|--|--|--|

Development Standards - Subdivision

C13.6.3 Subdivision: Provision of water supply for fire-fighting purposes

Objective:

Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

| Acceptable Solutions | Performance Criteria | OFFICER COMMENT |
|--|--|---|
| <p>A1 In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes; (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire. | <p>P1 No Performance Criterion.</p> | <p>N/A as the subject site is not serviced.</p> |
| <p>A2</p> | <p>P2 No Performance Criterion.</p> | <p>The provided Report/Certificate confirms the</p> |

| | | |
|---|--|---|
| <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire-fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire-fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p> | | <p>following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A2 (a).</p> |
|---|--|---|

C15.0 Landslip Hazard Code

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

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

CONCLUSION

The report has assessed a Development Application (DA2024/03) for subdivision (boundary adjustment) on land at 575 and 580 Dawson Road, Ouse owned by RL & KL Crawford and Sunray Strawberries P/L.

No representations were received.

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

It is recommended that the application be approved and a permit issued with conditions and advice.

RECOMMENDATION 02/10.2024/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 (DA2024/03) for subdivision (boundary adjustment) on land at 575 and 580 Dawson road, Ouse at Lot 2 owned by RL & KL Crawford and Sunray Strawberries P/L. subject to conditions detailed below.

CONDITIONS

General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. The development and works must be carried out in accordance with:
Bushfire Hazard Report, Richard Dawson Boundary Adjustment 580 & Lot 7 Dawson Road Ouse 7140 dated April 2024 (version 2.0)
3. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

Easements

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

Covenants

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

Final plan

6. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
7. A fee of \$315.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
8. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdividers responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
9. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Access

10. Unless approved otherwise by Council's General Manager the existing vehicular access to the portion of 580 Dawson Road that is to be adhered to 575 Dawson Road must be durable all-weather surface with a minimum width of 3 metres at the property boundary to the Road and must comply with Standard Drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance and to the satisfaction of Council's General Manager. Or as otherwise required by the approved Bushfire Hazard Report & Plan.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**Legal:**

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- C. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- E. Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

Asset Protection:

- F. In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- G. No works on or affecting any Council road reservation is to be commenced until the Central Highlands Council has issued a WORKS IN ROAD RESERVATION PERMIT.
- H. Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

Other Approvals:

- I. This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- J. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- K. That any excavations be monitored by a qualified historical archaeologist. If any archaeological indications of burials or any early buildings are found, then Council's Manager Heritage Projects is to be consulted on an appropriate action to mitigate archaeological impact.
- L. Separate Council approval is required for the subdivision or strata division of the land.
- M. This permit does not ensure compliance with the *Aboriginal Heritage Act 1975*. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>

Generally:

- N. All engineering related queries should be directed to the Works & Services Manager. The Council General Manager has delegated functions relevant to the permit to the Works & Services Manager.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street, Hobart 7000 Ph.: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

8.0 OTHER BUSINESS

9.0 CLOSURE

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