SPECIAL MEETING
OF COUNCIL

MINUTES

6 SEPTEMBER 2004
“I certify that with respect to all advice, information or recommendations provided to Council with this agenda:-

1. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and

2. where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that persons general advice the advice from an appropriately qualified or experienced person.

Note: Section 65 (1) of the Local Government Act 1993, requires the General Manager to ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. Section 65 (2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.”

Paul West
GENERAL MANAGER
**TABLE OF CONTENTS**

234. PRESENT ................................................................................................................................. 5  
235. APOLOGIES:............................................................................................................................. 5  
236. DECLARATIONS OF PECUNIARY INTEREST ....................................................................... 6  
237. PUBLIC QUESTIONS AND STATEMENTS ............................................................................... 6  

PLANNING AUTHORITY REPORTS ................................................................................................ 8  
237.1 WYNYARD VISITOR INFORMATION / EXHIBITION CENTRE  
   - 37-39 DODGIN, 32A JACKSON & PART OF SAUNDERS  
   STREET CAR PARK, WYNYARD ................................................................................................ 8  
237.2 ALISON HARRISS MURFET HARRISS BUILDING CONSULTANTS  
   P/L - SUBDIVISION - 74 LOTS - INGLIS STREET, WYNYARD ..................................................... 24  
237.3 LESTER FRANKS SURVEY & GEOGRAPHIC PTY LTD  
   – SECTION 43A OF THE LAND USE PLANNING & APPROVALS  
   ACT 1993- REZONING LAND FROM PRIMARY INDUSTRIES TO RESIDENTIAL &  
   SUBDIVISION TO FORM 4 LOTS  
   - 40 BOURKES ROAD, WYNYARD .......................................................................................... 67  

COUNCIL ........................................................................................................................................... 92  
238. DRAFT AMENDMENT TO THE WARATAH-WYNYARD  
   PLANNING SCHEME 2000 SERIES AMENDMENT - 202.27  
   - REVIEW OF THE WARATAH-WYNYARD PLANNING  
   SCHEME 2000 - TEXTURAL AMENDMENTS ............................................................................. 92  
239. CLOSED COUNCIL MEETING .................................................................................................. 151  
240. RESUMPTION OF OPEN MEETING ......................................................................................... 151
WARATAH-WYNYARD COUNCIL

SPECIAL COUNCIL MEETING

6 SEPTEMBER 2004

MINUTES

VENUE: Council Chambers, 21 Saunders Street, Wynyard

HOUR: 7:30 p.m.

TIME OCCUPIED: 33 minutes

234. PRESENT

Councillors

ACTING MAYOR K HYLAND
CR A FRIEDERSDORFF
CR G BRAMICH
CR W FRENCH
CR C DIBLEY
CR D MOORE
CR D FAIRBROTHER
CR A RANSLEY OAM
CR M FENTON

In Attendance

General Manager
Director Corporate Services
Director Engineering Services
Director Development Services
Town Planner

235. APOLOGIES:

MAYOR R CHALK AM

MOVED BY CR FENTON
SECONDED BY CR BRAMICH

That the apology be accepted.

CARRIED
236. DECLARATIONS OF PECUNIARY INTEREST

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR RANSLEY</td>
<td>4.1</td>
</tr>
</tbody>
</table>

237. PUBLIC QUESTIONS AND STATEMENTS

QUESTIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison Harriss</td>
<td>128 Goldie Street, Wynyard</td>
<td>Inglis Street Subdivision</td>
</tr>
</tbody>
</table>
1. Recommendation

That Council approve the development of a Wynyard Visitor Information / Exhibition Centre at 37-39 Dodgin, 32A Jackson & over part of Saunders Street Car Park, WYNYARD, in accordance with the endorsed plans and subject to the following conditions:

1. The development as shown on the endorsed plans shall not be altered or modified for any reason without the consent of the Director Development Services and prior to the issue of a Building Permit for the development hereby permitted, a revised car parking layout and traffic management plan is to be prepared to the satisfaction of the Director Engineering Services and shall include as a minimum the following:

   (a) Assessment of traffic movement and its impact on the surrounding areas and measures to mitigate identified concerns;

   (b) Car parking spaces with minimum standard dimensions;

   (c) Bus and motor home parking spaces located away from the senior citizen club rooms, preferably to the western side of 37-39 Dodgin Street; and

   (d) All vehicles able to enter and egress the site in a forward manner.
2. All disturbed surfaces resulting from the development hereby permitted shall be stabilised to the satisfaction of the Director Development Services.

3. Erosion and sediment control measures are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to stormwater drains and disturbed ground to the satisfaction of the Director Development Services.

4. Access to the development is to be constructed in accord with Council’s standard drawings and is to be designed to cater for heavy vehicle movements.

5. Final plans and specifications for car parking and hardstand areas, as well as the internal roads, are to be provided to the Director Engineering Services for consideration. No works are to commence until the plans have been approved. The plans will also detail vehicle turn movements to demonstrate the feasibility of entry/exit manoeuvres.

6. All car parking, hard stand areas and roads are to be surfaced in asphalt.

7. Parking areas are to be delineated by signage and line marking in accord with the relevant Australian standards.

8. Street lighting to be provided within the public areas of the development.

9. The location of signage promoting the development works is to be advised to Council prior to installation. No works can commence without the approval of the Director Engineering Services.

10. No advertising sign(s) shall be erected without the approval of the Director Development Services.

11. Landscaping and plantings provided in the development are to be selected so as to limit any potential sight line issues.

12. Within 24 months of the use being established the subject titles encompassing exhibition centre and associated car parking areas are to be consolidated.
13. All storm waters deposited on the site are to be collected and discharged to a legal point of discharge.

14. No material is to be deposited onto the road.

15. Footpaths in accord with Council’s standards are to be provided on the site to facilitate pedestrian movements.

16. No damage is to be caused to the road, footpath or other facility.

17. No materials, machinery or operational construction is to be located on the road, footpath or nature strip.

18. Water service to be connected to the Council’s reticulation system to the satisfaction of the Director Engineering Services.

19. Sewerage service to be connected to the Council’s reticulation system to the satisfaction of the Director Engineering Services.

20. Stormwater service to be connected to the Council’s reticulation to the satisfaction of the Director Engineering Services.

21. The provision of underground power to the development in accordance of the requirements of Aurora Energy and to the satisfaction of the Director Engineering Services.

22. All costs associated with the proposed development are to be at the Developer’s expense.

2. Summary

Application is made by the General Manager on behalf of the Waratah-Wynyard Council to develop a Visitor Information and Exhibition Centre encompassing three titles at 37-39 Dodgin Street, 32A Jackson Street and across part of the Saunders Street car park, Wynyard.
3. **Background**

Waratah-Wynyard Council has been considering the development of an Exhibition Centre for a number of years. The Centre is to house the unique Ransley Vintage Car Collection which Council has secured by formal agreement with Mr & Mrs AF Ransley for a period of 20 years with an option of a further period of 10 years at no cost.

The “Wonders of Wynyard” Exhibition Centre will include the four (4) following visitor experiences within a single location:

i) **The Ransley Vintage Car Collection** – a meticulously restored and maintained collection of twelve (12) vintage motor vehicles, mostly dating from as early as 1903 to 1928. This collection includes the 1903 Ford A Model, which is currently the oldest Ford motor vehicle in the world that is in mint running condition. The collection has been provided to Council at no cost by the Ransleys for public display for a minimum period of twenty (20) years.

ii) **The Nature/Heritage/Industry Exhibition Area** – this area will provide a versatile exhibition space for various interpretive displays that will change on a regular basis, encouraging return visits.

iii) **The Historic Display Area** – this area will focus on three (3) main features including a static interpretation of the township of Waratah and its history, a space for the Wynyard Historical Society, the Japanese Doll Collection and the life and times of FM Alexander.

iv) **Wynyard Visitor Information Centre** – relocation of this Centre from its current small space into a purpose designed building.

The building is described by the Architects as:

“A combined centre to house tourism resources, local history artefacts and the important ‘Ransley’ car collection, this new building is proposed for a prominent site within the civic precinct of Wynyard.

The centre comprises a general Visitor Information Centre (VIC), housing an area for the temporary exhibit of items of local interest and history, and a large display hall to house twelve of the vintage cars from the ‘Ransley’ collection on a changing (rotational) basis with interpretive display and appropriate staff and visitor amenities.

Visitor parking for coaches, motor homes and cars is provided and is adjacent to a landscaped garden area.

The centre is divided into two distinct buildings, the exhibit hall and the visitor information centre.
The most prominent in size, texture and colour is the main exhibit hall. An oversized carport for the twelve exhibited cars in an architectural play on the domestic backyard garage structures with expressed panels of colour for background signage, interspersed with translucent panels to maximize, and control natural light.

Domestic in scale is the VIC. Containing a local exhibition space, staff facilities and visitor amenities building. The entrance, to the eastern end, is highly glazed with face brick structural elements as a shop front for the community. The southern end houses staff facilities and visitor amenities requiring solid enclosure. This end is predominately face brick interspersed with small obscure glass insets. Separating the open and enclosed ends of this lower building is the main canopied entrance, as a node between functions and a link between all”.

4. Statutory Requirements

Application is made under Section 57 of the Land Use Planning & Approvals Act 1993 and assessed under the Waratah Wynyard Planning Scheme 2000 and relevant State Policies and Acts.

5. Finances

Waratah-Wynyard Council has provided an allocation within its 2004/05 Capital Works Budget to progress the development of the Exhibition Centre. This allocation has been made conditional upon Council obtaining external grant funding to assist with the development. Council staff continue to actively working on funding opportunities.

6. Discussion

ADVERTISING

The proposal was advertised for a period of two weeks in accordance with the provisions of the Land Use Planning and Approvals Act, 1993. During this time Council received two representations.

1. Wynyard Senior Citizens Club Incorporated.

The primary issue raised by the Wynyard Senior Citizens Club is:

- Car parking should be directly behind the club building and all bus parking should be moved up Dodgin Street where the old house is at present.
Planners Comment:
The request to relocate large bus and motor home car parking on site is considered to be fair and reasonable and will not impact on the overall development of the proposal. The consent conditions of permit will reiterate this request.

2. S. Bryan and M. Costello of 30 & 32 Jackson Street, Wynyard.

The representors request that Council erect a 2m high Colorbond security fence on their property boundaries as the proposed increase in traffic poses security concerns.

Planners Comment:
It is not considered likely that further development in this area will increase the security risk to adjoining property owners. It is more likely that an increase in activity will aid in crime prevention in the area.

PLANNING ISSUES

The subject property is zoned ‘Business and Civic’ under the Waratah – Wynyard Planning Scheme 2000. The development of a visitor information and exhibition centre is a primary use class in the Business & Civic zone.

The proposed development requires a Section 57 planning application under the Land Use Planning and Approvals Act 1993 (LUPAA). Section 57(1) (b) of LUPAA allows Council the power to relax or modify the provisions of its Planning Scheme under a discretionary status.

CAR PARKING AND ACCESS

Part 17 – ‘Car Parking and Access Schedule’ of the Waratah-Wynyard Planning Scheme 2000 stipulates car parking requirements for the site. The Planning Scheme states that in the Business and Civic zone one (1) car parking space is required per 30m$^2$ of gross floor area. The proposal before Council has an approximate floor area of 582m$^2$. The minimum number of car parking spaces required if calculated on a floor area basis would be 19. The site plan shows twenty nine (29) car parking spaces and ample room for buses and motor homes to park. As such, the proposal is considered to meet the requirements of the Planning Scheme.

It has been brought to staff’s attention that there are several other factors impacting on traffic access, ease of vehicular routes and car parking in this general area administered by Council. Specifically, the issues are defined as:
Planning Authority Reports

- A confused flow of traffic from Saunders Street to Jackson Street, via the car park area. It is anticipated an increase in the number and mix of traffic movements will result following the development of the exhibition centre. This will impact on users of other facilities and businesses in this area.

- There already exists a conflicting mix of users accessing this precinct such as:
  - Council staff and Wynyard Child care staff;
  - tourists;
  - customers of the Petrol Plus petrol station;
  - public visiting civic amenities (the library, access centre and police station);
  - the customers of the Wynyard Child Care Centre;
  - Woolworths supermarket customers;
  - Service waste management trucks;
  - commercial property owners; and
  - tourist busses and motor homes et.

Patrons of the petrol station use the car park as a ‘through road’ and the car park road network is not designed to accommodate large vehicles (buses, caravans, motor homes) that are turning and navigating the narrow car park roads.

Whilst many of these issues occur outside the titles subject to this application, the car parking area between Saunders Street and Jackson Street will require an investigation to determine a sustainable car parking plan for this area of the Wynyard CBD. It will be a condition of permit that these matters be addressed through further investigation and design, examining the traffic flows and impacts on this very active precinct as a whole. The applicant will be required to submit a revised car parking layout plan, to the satisfaction of the Director of Development and the Director of Engineering.

7. Risk

There is a risk that the representor may appeal Council’s decision to the Resource Management and Planning Appeal Tribunal.

8. Conclusion

The proposal presents the opportunity for Council to approve the development of a first class information and exhibition centre in Wynyard to house the unique Ransley Ford Car Collection and introduce the many visitors to Tasmanian to the rich and beauty resource of the North West coast of Tasmania. Conditional approval is recommended.
That Council approve the development of a Wynyard Visitor Information / Exhibition Centre at 37-39 Dodgin, 32A Jackson & over part of Saunders Street Car Park, WYNYARD, in accordance with the endorsed plans and subject to the following conditions:

1. The development as shown on the endorsed plans shall not be altered or modified for any reason without the consent of the Director Development Services and prior to the issue of a Building Permit for the development hereby permitted, a revised car parking layout and traffic management plan is to be prepared to the satisfaction of the Director Engineering Services and shall include as a minimum the following:

   (a) Assessment of traffic movement and its impact on the surrounding areas and measures to mitigate identified concerns;

   (e) Car parking spaces with minimum standard dimensions;

   (f) Bus and motor home parking spaces located away from the senior citizen club rooms, preferably to the western side of 37-39 Dodgin Street; and

   (g) All vehicles able to enter and egress the site in a forward manner.

2. All disturbed surfaces resulting from the development hereby permitted shall be stabilised to the satisfaction of the Director Development Services.

3. Erosion and sediment control measures are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to stormwater drains and disturbed ground to the satisfaction of the Director Development Services.

4. Access to the development is to be constructed in accord with Council’s standard drawings and is to be designed to cater for heavy vehicle movements.

5. Final plans and specifications for car parking and hardstand areas, as well as the internal roads, are to be provided to the Director Engineering Services for consideration. No works are to commence until the plans have been approved. The plans will also detail vehicle turn movements to demonstrate the feasibility of entry / exit manoeuvres.
6. All car parking, hard stand areas and roads are to be surfaced in asphalt.

7. Parking areas are to be delineated by signage and line marking in accord with the relevant Australian standards.

8. Street lighting to be provided within the public areas of the development.

9. The location of signage promoting the development works is to be advised to Council prior to installation. No works can commence without the approval of the Director Engineering Services.

10. No advertising sign(s) shall be erected without the approval of the Director Development Services.

11. Landscaping and plantings provided in the development are to be selected so as to limit any potential sight line issues.

12. Within 24 months of the use being established the subject titles encompassing exhibition centre and associated car parking areas are to be consolidated.

13. All storm waters deposited on the site are to be collected and discharged to a legal point of discharge.

14. No material is to be deposited onto the road.

15. Footpaths in accord with Council’s standards are to be provided on the site to facilitate pedestrian movements.

16. No damage is to be caused to the road, footpath or other facility.

17. No materials, machinery or operational construction is to be located on the road, footpath or nature strip.

18. Water service to be connected to the Council’s reticulation system to the satisfaction of the Director Engineering Services.

19. Sewerage service to be connected to the Council’s reticulation system to the satisfaction of the Director Engineering Services.

20. Stormwater service to be connected to the Council’s reticulation to the satisfaction of the Director Engineering Services.
21. The provision of underground power to the development in accordance of the requirements of Aurora Energy and to the satisfaction of the Director Engineering Services.

22. All costs associated with the proposed development are to be at the Developer’s expense.

CARRIED

CR RANSLEY RETURNED TO THE MEETING AT 7.39 PM

Enclosures:
- Location Plan
- Site Plans
- Elevations
- Representation from Wynyard Senior Citizens Club Incorporated.
- Representation from S. Bryan and M. Costello of 30 & 32 Jackson Street, Wynyard.
General Manager,
Wynyard Waratah Council.

Dear Sir,

At the annual general meeting of the Wynyard Senior Citizens in which
was held on July 22nd 2004. Discussions were held in regards to the car parking at the rear of the
Senior Citizens Premises, in conjunction with the plans of the new complex.

It was a unanimous discussion that car parking should be directly behind
the club building and that all the Bus Parking should be moved up Dodgin Street where the old
house is at present. Our Members felt this alteration would be appreciated by members and also all
the uses of the Clubrooms.

Yours Faithfully,

Mrs. J C Elphinstone.
Hon Secretary.
Thursday 5th August 2004

Dear Sir


In viewing documents and drawings at the Council Chambers we find that there is nothing to show any security fencing to our property boundary’s in reference to 30 and 32 Jackson Street.

This concerns us a great deal as we both live alone and are vulnerable to security hazards with additional people in this area due to this construction proposal.

We would therefore expect at least a two metre high colour bond fence be erected to both properties with railing on the inside of our dwelling i.e. properties, to give us some security in reference to your proposal.

Your earliest reply to our concern in this matter would be appreciated.

Yours Faithfully

Shelly Bryan
32 Jackson Street
Wynyard
Ph: 64 421557
Mobile: 0418 138 560

Margery Costello
30 Jackson Street
Wynyard
1. **Recommendation**

That Council grant approval for a Subdivision – 74 Lots (Staged) at the corner of Inglis and York Streets, WYNYARD subject to the following conditions:

1. Prior to the submission of the Final Plan for sealing by Council the applicant shall submit to the Director Development Services two copies of plan drawn to scale generally in accordance with the plan accompanying this application, but amended to show:

   (a) The public open space area is to be deleted from the plan.

   (b) The walkway to Inglis Street is to be deleted from the plan and a new walkway is to be shown on the northern boundary of the subdivision, fronting the nature reserve. The location of the walkway is to be determined in consultation with the Director Engineering Services.

   (c) Lot 27 to be shown as additional residential allotments each with a minimum area of 800m².

   (d) Lots 1 to 16, fronting Inglis Street are to have a minimum 3m vegetation buffer to the Inglis Street frontage, shown on title.

The amended plan shall be to the satisfaction of the Director Development Services and shall be the endorsed plan of this permit.

2. A Final Plan shall be submitted to the Waratah-Wynyard Council for sealing. The plan shall be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and shall form part of this permit when sealed. The Final Plan shall be substantially the same as the endorsed plan.
3. **Prior to sealing of the Final Plan the developer is to enter into an agreement under Part 5 of the Land Use Planning & Approvals Act 1993. This agreement is to be prepared at the subdivider's cost and is to include the following:**

   (a) **The fencing of Lots 17 to 38, as shown on plan, is the responsibility of individual property owners and is to comprise solid, no gaps, fencing a minimum of 1.8m in height.**

   (b) **No property is to make provision for or to allow private vehicular or pedestrian access to the public open space nature reserve adjoining the development. All access is to be via York Street and established walkways.**

   (c) **The dumping of any form of domestic garden waste from the residential lots in the adjoining nature reserve area is prohibited.**

   (d) **To protect the native wildlife that inhabit the nature reserve adjoining the development, domestic pets such as cats and dogs are to be restrained as is practicable from entering the reserve area and cats, where practicable, are to be kept inside at night.**

   (e) **Lots 1 to 16, fronting Inglis Street are to have a 3m private vegetation buffer to the Inglis Street frontage, as shown on title. The reserve is to remain open to Inglis Street (not fenced) and is to support native vegetation species. The maintenance and replacement of plants & trees within the buffer is the responsibility of the property owners.**

   (f) **Existing trees located on the public road reserve of Inglis & York Streets and on the southern boundary of Lots 1-4 are to remain on title, except for clearance for vehicular access.**

   (g) **For Lots 5 –16; to achieve a uniform frontage along Inglis Street, fencing fronting Inglis Street (behind the private vegetation buffer) is to comprise a 1.8m high solid timber fence with pointed palings. (N.B. Lots 1-4 shall comprise a noise attenuation fence).**
4. The developer is to seek a private land valuation of the whole of the land as identified on the endorsed plan. A copy of the valuation is to be submitted to Council prior or upon payment of the public open space contribution (see Condition 5).

5. The developer is to pay a public open space contribution equivalent to five percent (5%) of the value of the undeveloped new Lots comprised in the plan. Contribution payment is to be made prior to sealing of the Final Plan and may be paid on a pro rata basis if the subdivision is to be Staged. Such contribution is to be utilised for the provision of access and maintenance of the public open space reserve abutting the proposed subdivision.

6. Erosion and sediment control measures are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of the Director Development Services.

7. Vehicular access during development is to be confined to designated areas.

8. The subdivision may be staged, with no stage comprising less than 10 allotments. The developer is to seek further approval from Council if final subdivision works as approved (final 10 Lots minimum) are not substantially commenced within a period of 6 years from the date of this permit.

9. The construction works being carried out in accordance with plans and specifications approved by the Director Engineering Services and prepared by or certified by a Chartered Professional Engineer. The works to be supervised by the engineer who shall certify that the works have been substantially completed in accordance with the approved plans and specifications and submit “Work as Executed” drawings of the completed works in both paper and electronic format.

10. Necessary easements for powerlines, sewerage, water and drainage or access to these services shall be depicted in the Final Survey Plan lodged for sealing.
11. The developer is to construct a noise attenuation fence along the southern boundaries of Lots 1-4 (setback 3m for vegetation buffer - See Condition No. 1). The fence is to reduce any noise that may emanate from the existing transport depot opposite Lots 1-4 of the subdivision. Construction plans are to be certified by a qualified acoustic engineer.

12. A six (6) month maintenance period will apply to all works within the development for which Council is to assume future responsibility. A maintenance bond of 5% of the cost of the civil works is to be lodged with council prior to the issue of a certificate of compliance.

13. The water supply for the development is to be tapped of the 225 diameter water main in Inglis street. All costs associated with this work is to be borne by the developer.

14. A copy of calculations and computations for all design works associated with the development is to be provided to the Director Engineering Services for review.

15. The developer is to be responsible for connection to Council reticulated infrastructure systems.

16. A kerb crossover is to be provided for each allotment in accordance with Municipal Standard Drawing No SD1003 Urban Roads – Standard Vehicle Crossing to the satisfaction of the Director Engineering Services.

17. A reinforced concrete driveway between the kerb crossover and the property boundary is to be provided for each allotment in accordance with Municipal Standard Drawing SD1003 Urban Roads – Standard Vehicle Crossing.

18. A reticulated stormwater drainage system with individual lot connections, road drainage and method of discharge in accordance with the requirements of the Director Engineering Services is to be provided. The return interval for the reticulation network is 1 in 5 year ARI.

19. The provision of a 18m wide road reservation, with lot boundaries splayed where necessary and shown as Road on the final survey plan lodged for sealing.
20. The construction of an asphalt sealed, compacted crushed rock pavement, designed in accord with Austroads pavement design guideline, with a minimum pavement thickness of 250 mm plus a 30 mm asphalt seal, incorporating concrete kerb and channeling and footpath on one side are to be provided all to the satisfaction of the Director Engineering services.

21. Pavement widths to be provided are:

- 8.0m lip of kerb to lip of kerb on the main internal circulating road.
- 6.0m lip of kerb to lip of kerb road connecting the circulating road.

22. The road intersections, both internally, and with the council road network, are to be assessed with regard to the various requirements of the Austroads publication Guide to Traffic Engineering Practice – Part 5 Intersections at Grade. Deficiencies and traffic management issues identified are to be addressed as part of the road design process.

23. York Street abutting the development is to be upgraded to a sealed road standard of width 8.0m lip to lip of kerb, compacted crushed rock pavement designed in accord with Austroads pavement design guidelines, with a minimum pavement thickness of 250 mm plus a 30 mm asphalt seal with kerb and channeling and footpath on one side only.

24. The section of Inglis Street abutting the development is to have kerb and channeling constructed for the length of the development and this is to include infill pavement and surfacing to match the existing road, kerb and channeling.

25. Access to all allotments is to be via the internal subdivisional roads, other than those allotments fronting York Street.

26. The developer is to supply and install street and traffic control signage required for the development. The signage is to comply with the requirements of the suite of AS 1742 standards.

27. The provision of a reticulated water supply to the development with individual lot connections and fire plugs in accordance with Council’s specifications (min. pipe size 100mm) and the requirements of the Tasmanian Fire Services.
28. The provision of a reticulated sewerage system to the development with individual lot connections and method of disposal in accordance with the requirements of the Director Engineering Services.

29. Street lighting shall be provided in accordance with the requirements of Aurora Energy Pty Ltd and the Director Engineering Services. The street lighting is to be designed to minimise off site glare and reflected light.

30. The provision of underground power to the development in accordance of the requirements of Aurora Energy and Council’s standard drawings and specifications.

31. The provision of telecommunications to the development in accordance of the requirements of Telstra and Council’s standard drawings and specifications.

32. A plan of management is to be prepared and submitted for the approval of the Director Engineering Services, prior to disturbance or construction, outlining proposed construction practices in relation to:
   - Contact details for principal, consultants and contractors including after hours numbers;
   - Traffic management plan;
   - Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
   - Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
   - Site facilities to be provided; and
   - Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

33. No material is to be deposited onto the road.

34. No damage is to be caused to the road, footpath or other facility.

35. No materials, machinery or operational construction is to be located on the road or road reserve.

36. All costs associated with the proposed development are to be at the Developer’s expense.
37. **All conditions of permit are to be completed prior to sealing of the Final Survey Plan.**

38. **The developer is to submit in writing two nominated names (in preference) for each of the new streets of the subdivision. The Council is to determine the street names at its discretion.**

39. **A bond or bank guarantee may be lodged by the developer to cover all outstanding or uncompleted works. The bond is to be determined by Council based on the submission of two valuations for all outstanding works. Bond may be linked to staged development.**

40. **The bond is to be held for a maximum of twelve months after the sealing of the Final Survey Plan by Council. Any outstanding or substandard works not completed by the developer within this time are to be completed by Council and costs paid from the Bond, the balance of which if any, refunded to the developer.**

---

### 2. Summary

An application has been made to subdivide a 8.19ha parcel of land on the northern corner of Inglis and York Streets, Wynyard to form 74 residential allotments and an area of public open space.

### 3. Background

The application was made on the 5 May, 2004 by Murfet Harris Building Consultants Pty. Ltd. on behalf of M. & B. Clark and A. & T. Papakostas to subdivide land at the corner of York and Inglis Streets, Wynyard.

The proposal is to incorporate a looped road with two access junctions to York Street. The loop road is to service a minimum of 74 residential allotments. Five of the subject allotments are to be accessed directly from York Street and a pedestrian footway is proposed, from Inglis Street to the subdivision estate. No vehicular access directly from Inglis Street is proposed.

### 4. Statutory Requirements

The application is subject to the following statutory instruments:

- *Land Use Planning & Approvals Act 1993.*
Following preliminary assessment of the proposal, the application was placed on hold, pending the submission of a traffic assessment report and a revised subdivision layout plan. On the 8 August 2004 Council received documentation to the satisfaction of the Director Development Services and the application was placed on public exhibition on the 14 August 2004.

5. Finances

All costs associated with the subdivision are to be met by the developer. Financial costs may arise in relation to any appeal against Councils determination of the application.

6. Discussion

Status of the Application

Application is made to subdivide land on the northern corner of Inglis and York Streets, Wynyard to form 73 residential allotments and an area of public open space.

The proposed development requires a Section 57 planning application under the Land Use Planning and Approvals Act 1993 (LUPAA). Section 57(1) (b) of LUPAA allows Council to relax, waive or modify the provisions of its Planning Scheme under a discretionary status. Notwithstanding the discretionary status of a use or development under the Planning Scheme, Council is to exercise that discretion so as to ensure compliance with:

(a) the strategic land use objectives of the Waratah-Wynyard Planning Scheme 2000;
(b) the objectives set out in Schedule 1 of the Land Use Planning and Approvals Act 1993; and
(c) any other State Policy or Act that is relevant to it.

Advertising

The proposal was advertised for a period of two weeks in accordance with the provisions of the Land Use Planning and Approvals Act, 1993. During this time Council received one (1) representation:
Representation & Issues Raised

Mr Rodney Barnett of 152 Inglis Street, Wynyard.

- Concerned at the state of Inglis Street, specifically the fact that it narrows considerably between Inglis Street and York Street, and the impact an increase in population and vehicular traffic will have on the road;

- Queries, will Inglis Street be upgraded with the proposed development?

- Suggests that Council require the developer to kerb and channel Inglis Street, as this will enhance the entrance to the town and make the road safer to use.

Response

The Director Engineering Services advises that the developer will be required to widen the pavement of Inglis Street to enable the construction of kerb and channel to the eastern side of the road, for the full length of the development.

The developer will also be required to upgrade York Street to form a sealed road standard of 8.0m width, designed in accord with Austroads pavement design guidelines, with a minimum pavement thickness of 250 mm plus a 30 mm asphalt seal with kerb and channelling and footpath on the development side of the street.

These requirements are to form consent conditions of planning permit.

Residential Zone Provisions

The subject application proposes subdivision to form 73 Lots in the Residential Zone. The Waratah-Wynyard Panning Scheme 2000 stipulates the following objectives for subdivision in this zone:

Objective: To ensure that land is subdivided in a manner:
- which is appropriate to the intended use or development;
- that provides appropriate infrastructure;
- that meets relevant Scheme standards;
- that provides a range and mix of lot sizes to suit a variety of dwelling and household types, with areas and dimensions that meet user requirements;
- that protects residential amenity; and
- that allows application of energy conservation principles.

Scheme provisions relevant to this application are:

6.4.1 Issue 3

3.5 Lots shall have minimum area of 450m$^2$ and must be capable of containing a rectangle measuring 10m by 15m and having a slope of 1:10 or less.
The subject application meets this requirement.

3.6  **Lots shall have a minimum frontage of 3.6 metres if less than 1200m².**

The subject application meets this requirement.

3.4  **Lot layout, road layout and construction shall provide, supplement or enhance appropriate facilities and safe and convenient connections for public transport (where appropriate), and for pedestrians and cyclists (such as bus stops, footpaths, cycle ways, lighting, seating, shelters).**

The Director Engineering Services is satisfied the subject application meets this requirement.

**Infrastructure Provision**

Clause 6.4.1 Issue 6.0- Infrastructure Provision requires Council, to ensure that ‘the cost of providing infrastructure to new development is not borne by the community’. Further the Planning Scheme states in Part 12 - Clause 12.1(1.3) that ‘all buildings and works are to be located a minimum of 30m away from the outer boundaries of drainage swales, recharge basins...water courses and flood plains’.

The subject application meets these requirements and the developer is to construct all infrastructure needs for the development.

**Tasmanian State Coastal Policy**

The State Coastal Policy (SCP) is a policy created under the *State Policies and Projects Act 1993*. On 16 April 2003, the *State Coastal Policy Validation Bill 2003* was passed by Parliament, which incorporates a revised definition of ‘coastal zone’. The ‘coastal zone’ under the SCP is defined as including all state waters and to all land to a distance of one kilometre inland from high-water mark. The subject site falls within the coastal zone and Council must be assured that the proposed subdivision will not compromise the principles of the State Policy.

The principles of the SCP are:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.
In the context of this application, to subdivide land in a Residential zone to areas considered appropriate for that zone, the proposal is consistent with the principles of the State Coastal Policy. The development will not occur on frontal dune formation or mobile landform. The natural and cultural values of the coast will not be further impacted on than what currently exists in the Wynyard Urban area and the development of the lots to single dwelling status is considered to be compatible integrated development in this area.

Public Open Space Contribution

Sections 116 and 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 enable Council to require, as a consent condition to residential subdivision in the municipal area, that the developer provide land or a cash in lieu contribution towards the provision of public open space. The contribution for public open space is based on an amount not exceeding one twentieth of the value of all new lots created by subdivision. Land that has been set aside for riparian or littoral reserves on plan is deducted from this calculation. A greater contribution may be required by Council, but any proportion over the five percent value of the subdivided land is subject to purchase by Council. A contribution less than 5% may also be taken by Council, if deemed appropriate.

At an appeal hearing held in March 2003 between West Tamar Council vs. GT & DM Henly the Resource Management and Planning Appeals Tribunal (the Tribunal) heard an appeal against a consent condition of a planning permit that read as follows:

“A cash in lieu of public open space contribution of $4000 being 5% of the unimproved value of the parent title.”

The appeal was upon the grounds that it was unlikely that the cash in lieu would be spent on the acquisition or improvement of land for public open space in the locality of the land, the ‘locality’ being interpreted as ‘within walking distance’ of that land. The Tribunal determined that this interpretation was incorrect and that the ‘locality’ may be interpreted under the Local Government Act 1993 as ‘of the municipality’. The appellant’s contention, that Council was only entitled to spend that money in an area in proximity to the relevant subdivision, was deemed to be incorrect.

This ruling then enables Council to determine that, whilst the burden of the area of public open space area as shown in the York /Inglis Street subdivision plan submitted is not required, the provision and continued maintenance of public open space in the municipal area is necessary and Council may require the subdivider to make a contribution towards this.
Section 117(5) of the Act stipulates that the ‘amount payable... is to be received on... trust for the acquisition or improvement of land for public open space for the benefit of inhabitants of the municipal area’. When assessing the merit of any subdivision proposal, Council is to determine the requirement for open space in the ‘municipal area’ of the subdivision. (The words ‘municipal area’ are defined in section 3 of the Local Government Act 1993 as ‘an area referred to in section 16’ which provides for the division of the State of Tasmania into municipal areas, such as Waratah–Wynyard). Hence, it may be argued that the public open space contribution may be used for the acquisition or improvement of ALL recreational open space in the municipality and not necessarily directed towards space within the subdivision itself.

The proposed subdivision will generate an increase in usage of the adjoining nature reserve and an increase in demand and usage of passive and active recreational open space in the municipal area generally. Specifically, the use and development of the adjoining nature reserve will become more desirable and opportunistic, as outlined below.

The developer of the subject subdivision has shown a public open space area adjoining the nature reserve. This area of land is vacant, wet and unsuitable for passive or active recreation and this area would be best served as residential allotments. However, it is considered an increase in public open space demand will be a result of the subdivision. The adjoining nature reserve is of high value but underdeveloped and once upgraded would provide a parcel of accessible natural open space in the municipal area. The developer will then be required to make a public open space contribution to Council, based on 5% of the value of the new Lots formed. The public open space contribution will reflect the potential value of the public open space area shown on plan, once the area is converted to residential lots.

**Adjoining Nature Reserve**

It has been identified that the adjoining reserve is of high environmental and educational value, supporting a species of orchid, the *Chiloglottis Trapeziformis* most commonly known as the Broad Lip Bird Orchid. The population of the orchid in the York Street Reserve is the only known population in Tasmania. This has been confirmed by an orchid taxonomist in Canberra, ACT. The reserve remains underdeveloped for passive recreational purposes. The public open space contribution, as discussed above, could be directed into the provision of recreational walkways, controlled maintenance, seating and interpretational signs etc. in this reserve area.
The reserve undoubtedly support numerous small native animals and in an attempt to protect the exiting wildlife a Part 5 Agreement is proposed, that will ask all property owners to be mindful of not allowing cats to roam at night or dogs to enter the park unleashed. Whilst dogs may be controlled under the Dog Control Act 2000, there is not legislation to control cats and it is nevertheless less a positive step to make all property owners adjoining the nature reserve party to such an agreement. (Byron Bay Council, NSW, has approved some subdivisions so as to not allow dogs or cats at all, depending on surrounding vegetation).

Council may need to investigate the development of car parking areas to facilitate sensitive access to the reserve.

Walkways

The subdivision plan submitted shows a walkway to Inglis Street. This is not considered necessary or desirable as the public road reserve to this side of Inglis Street is narrow, without a footpath and close to the Bass Highway junction. Rather, the applicant will be required to show a walkway that allows access to the nature reserve, the location of which is to be decided following consultation with Council’s Director Engineering Services.

Industrial Uses Opposite the Subdivision

The land directly opposite the subject subdivision is zoned Industrial under the Waratah-Wynyard Planning Scheme 2000. Many of the existing industrial titles support dwellings and associated warehouses or workshops. Directly opposite Lots 1-4 there is an existing transport depot that sporadically operates 24 hours a day, employing 4-5 truck drivers in the business. This, an existing business, is considered to be a conflicting form of land use with potential significant impacts on residential use. To ameliorate any possible environmental nuisance complaints from the future residents of Lots 1-4 the consent conditions of permit will require the developer to construct a noise attenuation fence for the length of the southern boundary of Lots 1-4 of the subdivision. Over and above this requirement, the truck operator is nevertheless obliged to comply with the requirements of the Environmental Management & Pollution Control, Act 1994.

7. Risk

The applicant or representor may appeal Council’s decision to the Resource Management and Planning Appeal Tribunal.
8. Conclusion

The subject site is zoned Residential and has been allocated for the purposes of residential development. It is recommend that conditional approval be granted to subdivide land at the corner of Inglis and York Streets, Wynyard to form a minimum of 74 Residential allotments.

MOVED BY CR BRAMICH
SECONDED BY CR FRENCH

That Council grant approval for a Subdivision – 74 Lots (Staged) at the corner of Inglis and York Streets, WYNYARD subject to the following conditions:

1. Prior to the submission of the Final Plan for sealing by Council the applicant shall submit to the Director Development Services two copies of plan drawn to scale generally in accordance with the plan accompanying this application, but amended to show:

   (a) The public open space area is to be deleted from the plan.

   (b) The walkway to Inglis Street is to be deleted from the plan and a new walkway is to be shown on the northern boundary of the subdivision, fronting the nature reserve. The location of the walkway is to be determined in consolation with the Director Engineering Services.

   (c) Lot 27 to be shown as additional residential allotments each with a minimum area of 800m$^2$.

   (d) Lots 1 to 16, fronting Inglis Street are to have a minimum 3m vegetation buffer to the Inglis Street frontage, shown on title.

   (e) A landscaping plan of the vegetation buffer area. All planting and landscape materials are to be installed in accordance with the approved landscaping plan, prior to submission of the Final Plan, to the satisfaction of the Director Development Services.

   The amended plan shall be the endorsed plan of this permit.

2. A Final Plan shall be submitted to the Waratah-Wynyard Council for sealing. The plan shall be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and shall form part of this permit when sealed. The Final Plan shall be substantially the same as the endorsed plan.
3. Prior to sealing of the Final Plan the developer is to enter into an agreement under Part 5 of the Land Use Planning & Approvals Act 1993. This agreement is to be prepared at the subdivider’s cost and is to include the following:

(a) The fencing of Lots 17 to 38, as shown on plan, is the responsibility of individual property owners and is to comprise solid, no gaps, fencing a minimum of 1.8m in height.

(b) No property is to make provision for or to allow private vehicular or pedestrian access to the public open space nature reserve adjoining the development. All access is to be via York Street and established walkways.

(c) The dumping of any form of domestic garden waste from the residential lots in the adjoining nature reserve area is prohibited.

(d) To protect the native wildlife that inhabit the nature reserve adjoining the development, domestic pets such as cats and dogs are to be restrained as is practicable from entering the reserve area and cats, where practicable, are to be kept inside at night.

(e) Lots 1 to 16, fronting Inglis Street are to have a 3m private vegetation buffer to the Inglis Street frontage, as shown on title. The reserve is to remain open to Inglis Street (not fenced) and is to support native vegetation species. The maintenance and replacement of plants & trees within the buffer is the responsibility of the property owners.

(f) Existing trees located on the public road reserve of Inglis & York Streets and on the southern boundary of Lots 1-4 are to remain on title, except for clearance for vehicular access.

(g) For Lots 10 16; to achieve a uniform frontage along Inglis Street, fencing fronting Inglis Street (behind the private vegetation buffer) is to comprise a 1.8m high solid timber fence with pointed palings. (N.B. Lots 1-9 shall comprise a noise attenuation fence).

4. The developer is to seek a private land valuation of the whole of the land as identified on the endorsed plan. A copy of the valuation is to be submitted to Council prior or upon payment of the public open space contribution (see Condition 5).
5. The developer is to pay a public open space contribution equivalent to five percent (5%) of the value of the undeveloped new Lots comprised in the plan. Contribution payment is to be made prior to sealing of the Final Plan and may be paid on a pro rata basis if the subdivision is to be Staged. Such contribution is to be utilised for the provision of access and maintenance of the public open space reserve abutting the proposed subdivision.

6. Erosion and sediment control measures are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of the Director Development Services.

7. Vehicular access during development is to be confined to designated areas.

8. The subdivision may be staged, with no stage comprising less than 10 allotments. The developer is to seek further approval from Council if final subdivision works as approved (final 10 Lots minimum) are not substantially commenced within a period of 6 years from the date of this permit.

9. The construction works being carried out in accordance with plans and specifications approved by the Director Engineering Services and prepared by or certified by a Chartered Professional Engineer. The works to be supervised by the engineer who shall certify that the works have been substantially completed in accordance with the approved plans and specifications and submit “Work as Executed” drawings of the completed works in both paper and electronic format.

10. Necessary easements for powerlines, sewerage, water and drainage or access to these services shall be depicted in the Final Survey Plan lodged for sealing.

11. The developer is to construct a noise attenuation fence along the southern boundaries of Lots 1-9 (setback 3m for vegetation buffer - See Condition No. 1). The fence is to reduce any noise that may emanate from the existing transport depot opposite Lots 1-9 of the subdivision. Construction plans are to be certified by a qualified acoustic engineer.

12. A six (6) month maintenance period will apply to all works within the development for which Council is to assume future responsibility. A maintenance bond of 5% of the cost of the civil works is to be lodged with council prior to the issue of a certificate of compliance.
13. The water supply for the development is to be tapped of the 225
diameter water main in Inglis street. All costs associated with this
work is to be borne by the developer.

14. A copy of calculations and computations for all design works
associated with the development is to be provided to the Director
Engineering Services for review.

15. The developer is to be responsible for connection to Council
reticulated infrastructure systems.

16. A kerb crossover is to be provided for each allotment in accordance
with Municipal Standard Drawing No SD1003 Urban Roads –
Standard Vehicle Crossing to the satisfaction of the Director
Engineering Services.

17. A reinforced concrete driveway between the kerb crossover and the
property boundary is to be provided for each allotment in accordance
with Municipal Standard Drawing SD1003 Urban Roads – Standard
Vehicle Crossing.

18. A reticulated stormwater drainage system with individual lot
connections, road drainage and method of discharge in accordance
with the requirements of the Director Engineering Services is to be
provided. The return interval for the reticulation network is 1 in 5
year ARI.

19. The provision of a 18m wide road reservation, with lot boundaries
splayed where necessary and shown as Road on the final survey plan
lodged for sealing.

20. The construction of an asphalt sealed, compacted crushed rock
pavement, designed in accord with Austroads pavement design
guideline, with a minimum pavement thickness of 250 mm plus a 30
mm asphalt seal, incorporating concrete kerb and channeling and
footpath on one side are to be provided all to the satisfaction of the
Director Engineering services.

21. Pavement widths to be provided are:

- 8.0m lip of kerb to lip of kerb on the main internal circulating road.
- 6.0m lip of kerb to lip of kerb road connecting the circulating road.
22. The road intersections, both internally, and with the council road network, are to be assessed with regard to the various requirements of the Austroads publication Guide to Traffic Engineering Practice – Part 5 Intersections at Grade. Deficiencies and traffic management issues identified are to be addressed as part of the road design process.

23. York Street abutting the development is to be upgraded to a sealed road standard of width 8.0m lip to lip of kerb, compacted crushed rock pavement designed in accord with Austroads pavement design guidelines, with a minimum pavement thickness of 250 mm plus a 30 mm asphalt seal with kerb and channelling and footpath on one side only.

24. The section of Inglis Street abutting the development is to have kerb and channelling constructed for the length of the development and this is to include infill pavement and surfacing to match the existing road, kerb and channelling.

25. The development of Inglis Street may be staged so that construction works correspond with the development of lots abutting Inglis Street.

26. Access to all allotments is to be via the internal subdivisional roads, other than those allotments fronting York Street.

27. The developer is to supply and install street and traffic control signage required for the development. The signage is to comply with the requirements of the suite of AS 1742 standards.

28. The provision of a reticulated water supply to the development with individual lot connections and fire plugs in accordance with Council’s specifications (min. pipe size 100mm) and the requirements of the Tasmanian Fire Services.

29. The provision of a reticulated sewerage system to the development with individual lot connections and method of disposal in accordance with the requirements of the Director Engineering Services.

30. Street lighting shall be provided in accordance with the requirements of Aurora Energy Pty Ltd and the Director Engineering Services. The street lighting is to be designed to minimise off site glare and reflected light.

31. The provision of underground power to the development in accordance of the requirements of Aurora Energy and Council’s standard drawings and specifications.
32. The provision of telecommunications to the development in accordance of the requirements of Telstra and Council’s standard drawings and specifications.

33. A plan of management is to be prepared and submitted for the approval of the Director Engineering Services, prior to disturbance or construction, outlining proposed construction practices in relation to:

- Contact details for principal, consultants and contractors including after hours numbers;
- Traffic management plan;
- Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
- Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
- Site facilities to be provided; and
- Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

34. No material is to be deposited onto the road.

35. No damage is to be caused to the road, footpath or other facility.

36. No materials, machinery or operational construction is to be located on the road or road reserve.

37. All costs associated with the proposed development are to be at the Developer’s expense.

38. All conditions of permit are to be completed prior to sealing of the Final Survey Plan.

39. The developer is to submit in writing two nominated names (in preference) for each of the new streets of the subdivision. The Council is to determine the street names at its discretion.

40. A bond or bank guarantee may be lodged by the developer to cover all outstanding or uncompleted works. The bond is to be determined by Council based on the submission of two valuations for all outstanding works. Bond may be linked to staged development.
41. The bond is to be held for a maximum of twelve months after the sealing of the Final Survey Plan by Council. Any outstanding or substandard works not completed by the developer within this time are to be completed by Council and costs paid from the Bond, the balance of which if any, refunded to the developer.

AMENDMENT

MOVED BY CR FAIRBROTHER
SECONDED BY

That the substantive motion be amended by deleting condition numbers 24 and 25 and replace these conditions with:

The developer make a 20% contribution to the project cost of the construction of kerb and channel on the eastern side of Inglis Street that is immediately adjacent to the subdivision.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER

DEBATE ON THE ORIGINAL MOTION CONTINUED

CARRIED

Enclosures :
- Location Plan
- Plan of Survey
- Applicants supporting report
- Traffic Impact Assessment by Terry Eaton
- Representation by the owner/occupier of 152 Inglis Street, Wynyard
Planning submission for proposed 73 lot subdivision – corner of York and Inglis Streets, Wynyard
Client: M & B Clark and A & T Papakostas
1. PROPOSAL
Our clients M & B Clark and A & T Papakostas have purchased a parcel of land comprising 8.198ha located in West Wynyard. It is bounded by Inglis Street to the South West; York Street to the South East, council owned land to the North East and privately owned land to the North West.

It is the intention of our client to subdivide this parcel of land providing cost-effective housing lots for prospective purchasers.

The subject land has remained under utilised for many hears so it is a positive approach by the developer seeking to provide Wynyard with a new housing estate option.

Due to the magnitude of this development it was considered prudent and courteous to commence a consultative process early with council. As a result preliminary consultation with councils planning and engineering personnel has occurred between both the developer and the land surveyor. This has assisted the development team in establishing and addressing concerns or requirements raised by these council professionals.

2. PROPERTY DESCRIPTION
The subject land is situated on the North east corner of the Inglis and York Streets intersection.
It is defined as property ID 7832272 and the certificate of title number is CT52834–1. The land is located approximately 2.5km from the Wynyard post office.

3. PLANNING INSTRUMENT AND ZONE
The property is situated within the Waratah Wynyard municipality therefore the Waratah Wynyard Planning Scheme 2000 applies. The zone is ‘Residential’ and this use is a primary use class. However given this is a subdivision our client acknowledges that a discretionary permit process will be necessary.

4. WARATAH WYNYARD PLANNING SCHEME 2000 PART 6.4.1 – ISSUE 3.0 SUBDIVISION
This issue provides six main objectives that need to be addressed when proposing a subdivision of this nature.
To ensure that land is subdivided in a manner:
(a) which is appropriate to the intended use or development;
(b) that provides appropriate infrastructure;
(c) that meets relevant Scheme standards;
(d) that provides a range and mix of lot sizes to suit a variety of dwelling and household types, with areas and dimensions that meet user requirements;
(e) that protects residential amenity; and
PLANNING SUBMISSION FOR PROPOSED 73 LOT SUBDIVISION – CORNER OF YORK AND INGLIS STREETS WYNYARD

5. Issue 3.1 Lot layout: Lot layout is to comply with the development standards and objectives set out in clauses 1.1 to 1.4 of Table 11 Residential Development Schedule. Cross-referencing these clauses, Clause 1.1 will mostly relate to corner lots only, for example lots 1, 45, 46, 56, 59, 70. However it will be necessary to address this acceptable solution at the time of individual dwelling development applications, as it is not the intention of the developer to provide house and land packages. As with Clause 1.1, 1.2, 1.3 and 1.4 will be similarly addressed at the stage of independent dwelling development applications.

6. Issue 3.2: Reticulation of sewerage and stormwater
The developer has had preliminary discussions with Mr Evan Pardon – previously the Director of Engineering Services, regarding the provision of stormwater and sewerage services. A network of Council mains exist in the vicinity of this land and it is acknowledged that the reticulation of stormwater and sewerage services through the subdivision will be the responsibility of the developer. Connection to the council services will be carried out in consultation with the relevant council departments and in accordance with the approved subdivision engineering plans.

7. Issue 3.3: Not applicable

8. Issue 3.4: Layout, transport and general infrastructure
During the concept stages of this subdivision layout, many aspects were considered to ensure that a subdivision providing both private and community amenity was achieved. Many facets of the layout design was discussed relative to lot configuration and solar access, road layout and limiting the amount of internally accessed blocks; public open space preferences and adequate buffers to protect the residential amenity from the neighbouring industrial Zone across Inglis Street. (See section 15 of this report). This subdivision will be located in very close proximity to an existing Redline bus stop situated on York Street. Opposite this bus stop is the school bus stop and shelter. Buses servicing many Wynyard, Boat Harbour and Burnie primary and secondary schools currently stop in York Street to service students in this area.
A public open space allocation has been provided adjacent the council owned land consisting 5% of the overall site area. It was considered appropriate to locate the public open space in this sector of the subdivision so that in the event council develops the land for community use, this area can advantageously provide an access link.
The footway connecting the subdivision road to Inglis Street on the North west corner is intended to provide vehicle access to and from the subdivision in the event of an emergency, therefore the 6.2m width. Footpaths and street lighting will be installed to council engineering and Aurora standards.

9. **Issue 3.5: Lot size**
   It is proposed that a total of 73 lots are provided in this subdivision. A range of lot sizes from 753m² minimum to 1394m² maximum has been provided with an average of approximately 800m². The developer has been very specific in instructing that no small blocks are included in the layout as they maintain that the best amenity is achieved by providing a minimum block size of 750m². Each lot is capable of containing a rectangle measuring 15m x 10m and the whole site has very little grade.

10. **Issue 3.6 Frontages**
    No lot has a frontage less than 3.6m however lot 65 has an area of 1328m² with a frontage of 3.9m. An extra 2.1m can be added to this frontage or the lot area altered in the final engineering drawings and sealed plans to comply with 3.6(b).

11. **Issue 3.7 Orientation and Energy**
    Almost 100% of these lots are able to take advantage of solar access. They are orientated to achieve a northerly to northeasterly aspect to facilitate competently designed and positioned dwellings.

12. **Issue 4.0 Airport protection**
    This provision of the planning scheme is not relevant to the development, as it is located outside the 20 ANEF contour line.

13. **Issue 5.0 Railway alignment**
    The railway alignment through Wynyard will not impact on this development, as it is some distance away from the site.

14. **Issue 6.0 Infrastructure provision**
    This issue has been previously addressed within the discussion for issue 3.2

15. **Part 15 Attenuation distances**
    The proposed subdivision is opposite an Industrial Zone, which is situated on the southwestern side of Inglis Street.
PLANNING SUBMISSION FOR PROPOSED 73 LOT SUBDIVISION - CORNER OF YORK AND INGLIS STREETS WYNYARD

This zone supports a few light industrial uses, none of which create or emit hazardous materials, dusts, pollutants or excessive noise that would adversely affect the amenity of houses built within this subdivision.

However after consultation with councils planner Mary Ann Edwards, it is intended that a 5m buffer parallel to the Inglis Street boundary shall be provided. This buffer will contain a densely planted native screen, which will be the responsibility of the landowners to establish and maintain. It is intended that a covenant will be instated on the relevant titles to this effect.
To compensate for this consideration the lots along this boundary have been extended to 45m

16. Conclusion
Our clients are extremely enthusiastic about the development of this site and feel that the proposal as submitted represents an exciting and affordable new option for the Wynyard community.
Ways to enhance the amenity of the subdivision has been a priority throughout the concept design stage and it has been the desire of the developers to integrate council consultation during the concept process to ensure that best practices result in an optimum subdivision.
It is believed therefore that this proposal demonstrates compliance with the relevant planning legislation objectives and scheme standards.
Traffic Impact Assessment

for

Proposed Subdivision
MJ & BL Clark / A & TL Papakostas

York Street, Wynyard

Submitted by:

Terry Eaton
CI- 29 Carey’s Road
Bridgenorth 7277

August 2004
Contents

1. INTRODUCTION .................................................. 3
2. THE SITE .................................................. 3
3. THE PROPOSAL ............................................... 4
4. ROAD FACILITIES .......................................... 4
5. TRAFFIC DATA ............................................... 6
6. ASSESSMENT .................................................. 11
7. CONCLUSIONS ............................................... 13

ATTACHMENTS

Proposed subdivision layout
1. **Introduction**

Murfet Harris Building Consultants are managing a subdivision process on behalf of MJ & BL Clark at A & TL Papakostas for land at Inglis Street, York Street, Wynyard.

Council consideration of the proposal requires a traffic impact assessment to ascertain any issues/requirements for the local street system in proximity to the land. This report prepared by Terry Eaton an experienced traffic engineer is provided to address the issue.

2. **The Site**

The site of the development is an area of land of some 22ha located generally near the northern edge of Wynyard to the east of and fronting Inglis Street north of York Street. The land is relatively flat, has access to the existing street system and is zoned ‘Residential’. Abutting land uses are commercial for the land opposite in Inglis Street and with an area of bushland to the east with undeveloped pasture to the south (fronting York Street).
3. **The Proposal**

The proposal is to subdivide the land to provide 73 residential lots plus an area of open space to connect to the abutting bushland area.

The concept is to develop the land as a residential precinct as a looped road system with two connections to York Street. Frontage lots to be provided to York Street but with no individual residential access to Inglis Street. Access to the existing street system to be at the Inglis Street/York Street intersection.

4. **Road Facilities**

*Inglis Street*

This street is the major sub-arterial link for Wynyard and provides the main access route to the town centre with connecting streets from Inglis Street servicing community facilities for the town/region.

The section of Inglis Street near this subdivision provides the sub-arterial link to the Bass Highway (west) and to the south-western rural communities within the municipality.

Inglis Street along the subdivision frontage is constructed with grass verges, earth side drains, a sealed road pavement (some 5.6m wide) and variable width gravel shoulders. The gravel shoulders are generally 1.0m wide but with local widening to provide for vehicles standing at the commercial establishments opposite the proposed subdivision.

Inglis Street approaching from the south to just north of York Street is constructed with a road width of some 12.0m (face kerb to face kerb), kerb and channel on both sides with nature strip and footpath on the west side.
The road is generally straight and with minor longitudinal gradient i.e. relatively flat.

A 60km/h speed limit is in place.

York Street

York Street west of Inglis Street is constructed as a major street with frontage northside residential and southside commercial developments between Inglis Street and the Bass Highway. York Street intersects with the Bass Highway and extends to the west as Calder Road.

This section of York Street is constructed with a road pavement some 12m wide, kerb and channel, concrete footpaths and nature strips. The construction standard provides for two through traffic lanes and kerbside parking, that is to major collector/sub-arterial road standard.

Traffic facilities include a 60km/h speed limit, “Give Way” sign control for priority to Inglis Street.

York Street east of Inglis Street is constructed as a minor gravel road only with access to Inglis Street via a driveway crossing. The street is constructed for a distance of some 400m with access to four rural residential lots and the bush/Inglis River reservation area. A car park for some six cars is provided to serve the recreational demand.
The road standard provides a gravel surface some 4.5m wide and grass verge areas. The roadway is relatively flat along the frontage of the proposed subdivision.

5. Traffic Data

Existing Streets

A traffic count at the Inglis Street/York Street intersection on Wednesday May 19, 2004, provided base traffic data for this location. Factoring of this data using typical DIER daily/seasonal values found:

<table>
<thead>
<tr>
<th>Street</th>
<th>Traffic Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inglis Street (south)</td>
<td>3,600 vehicles</td>
</tr>
<tr>
<td>Inglis Street (north)</td>
<td>2,300 vehicles</td>
</tr>
<tr>
<td>York Street (west)</td>
<td>1,350 vehicles</td>
</tr>
<tr>
<td>York Street (east)</td>
<td>50 vehicles</td>
</tr>
</tbody>
</table>

The traffic data indicates that traffic on Inglis Street (south) is generally the aggregation of the other three legs of the intersection with few movements from York Street to the north.
Hourly and seasonal factors suggest the morning and evening peak hours are in the order of 11% of average daily traffic with peak seasonal values (January) some 8.5% above average daily traffic.

Sight distance from York Street (east) to approaching Inglis Street traffic was assessed as:

- To the left (south) – greater than 200m
- To the right (north) – 195m
Traffic Growth

Typical traffic growth for the Bass Highway over the six years from 1994 – 2000 in the proximity to Wynyard is some 1.8% per annum, accordingly an allowance in traffic growth by 40% over the next 20 years has been adopted to assessment purposes.

Subdivision Traffic Generation

Based on the generally accepted traffic generation rate of 10 vehicle movements (total two way) per lot the traffic generation for this subdivision is some 730 vehicles per day with a peak hour value of some 80 vehicles distributed as 60 leaving/entering and 20 entering/leaving for the morning and evening peak hour respectively.
**Predicted Year 2024 Traffic Distribution**

**York Street**
- ADT 3,300
- ADT 2,000

**Ingalls Street**
- ADT 1,000
- ADT 5,700

* Allowance for further subdivision (20 lots)
7. **Assessment**

**Subdivision Layout**

Assessment is that the subdivision layout provides a discrete residential precinct which should fit to future residential development in proximity. Specific points to note are:

1. The separate road system for the development with no frontage access opposite the commercial development fronting Inglis Street.

2. Frontage development to York Street to fit future residential development which this street will provide access to.

3. Limitations on the extent of residential development reliant on access via York Street due to the land use zoning and topography of the land to the west.

**York Street**

The year 2024 traffic data suggests this street will function in the street network as a minor collector with the 20 year predicted volume in accord with the Tascord traffic volume provisions for such a street. Future subdivision should take this classification into consideration as the street network develops.

**York Street / Inglis Street Junction**

- **Traffic Safety**

  The available sight distance for vehicles entering from York Street to Inglis Street – the priority street, is in excess of DIER minimum sight distance requirements for entering highways i.e. in excess of 190m available compared with required 105m for a 60km/h speed zone.
• Traffic Service

Analysis of the predicted year 2024 traffic volumes based on traffic growth and the subdivision proposal in place indicates that satisfactory traffic conditions should exist at the Inglis Street/York Street intersection. Indications are that a degree of saturation value of some 0.6 to 0.65 will apply for the evening and morning peak hours respectively, i.e. level of service “B”.

The traffic data indicates a high percentage of turning movements to and from Inglis Street (south) at this intersection with heavy vehicles turning to and from Calder Road such that upgrading of the layout is considered desirable such as:

(1) Upgrade traffic control signs and/or local road widening to provide for separate right turn lanes for both Inglis Street (south) and York Street (west).

(2) Construct York Street east to a connector street standard and install a left turn slip lane to Inglis Street.

(3) Consider installation of central median islands for York Street (both sides) and Inglis Street (north). The median island for Inglis Street (north) is considered desirable as an aid for pedestrians crossing to the bus stop.
8. Conclusions

A traffic impact assessment for a proposed subdivision with frontage and access to York Street (east) has found:

(1) The subdivision layout and access provisions are considered adequate based on accepted traffic engineering principles.

(2) Traffic service analysis indicates at plus 20 years a high level of traffic service will be available at the Inglis Street/York Street intersection – the link to the local street network.

(3) Desirably York Street at the subdivision frontage should be constructed to "Collector Street" standard.

(4) Upgrading of the Inglis Street/York Street junction to provide median traffic islands, a left turn slip lane from York Street (east) and separate marked right turn lanes for Inglis Street (south) and York Street.

The overall assessment is that provided the roadworks measures as listed are given consideration the proposed subdivision will have a minimum traffic impact.

Terry Eaton
ATTACHMENTS
May 16, 2004

Dear Sir or Madam:

I am writing in response to the development in Inglis Street. My concerns are with the condition of the road. With the proposed increase of houses and population to the area will the road in its present state and condition be able to accommodate the additional flow of traffic in and out of the new estate? I’d like to know if the road is going to be upgraded by the Council. Inglis St between York Street and the Bass highway narrows considerably and is the only part of the street that does not have curb and channelling.

I believe the developer will be responsible to establish curb and channelling on their side of the road. As the curb and channelling is on the opposite side of the road leading from the town centre wouldn’t it be sensible to extend the pre-existing curbs through to the end of Inglis Street? It would enhance the entrance to Wynyard from the Western side and make the entrance into Wynyard safer and more attractive for the public and road users having to travel on it.

Thank you for your consideration in this matter

Rodney Barnett
1. Recommendation

That Council:

A. Refuse to initiate an amendment to the Waratah-Wynyard Planning Scheme 2000 under Section 43A of the Land Use Planning & Approvals Act 1993 to rezone land at 40 Bourkes Road, Wynyard from Primary Industries to Residential and subsequently refuse the application to subdivide 40 Bourkes Road, Wynyard to form 4 residential Lots.

B. Advise the applicant that the refusal is based on the following:

(i) The proposal to rezone and subdivide land does not further the principles and objectives of the State Policy on the Protection of Agricultural Land 2000.

(ii) The proposal to rezone and subdivide does not meet the Residential and Primary Industry Objectives and Strategies of the Waratah-Wynyard Planning Scheme 2000 and has no strategic planning merit.


(iv) The proposal is in conflict with Council’s Strategic Plan that seeks to encourage any additional residential zone developments to the east of Wynyard north of Bass Strait and at Sisters Beach.

2. Summary

Application is made to rezone a 10.57ha parcel of land at 40 Bourkes Road that is currently zoned Primary Industries under the Waratah-Wynyard Planning Scheme 2000 to Residential and to subsequently subdivide the land to form 4 residential allotments.
The subdivision proposal would result in the following four (4) Lots:

- Lot 1 – comprising 2.27ha
- Lot 2 – comprising 3.14ha
- Lot 3 – comprising 2.15ha
- Lot 4 – comprising 2.91ha

3. **Background**

The provisions relating to the use and development of agricultural land under the *Waratah-Wynyard Planning Scheme 2000* were formed with reference to the *State Policy on the Protection of Agricultural Land 2000*. Section 9.4.1 - Part 9 of the *Waratah-Wynyard Planning Scheme 2000* clearly restricts the subdivision of land in the Primary Industries zone to a minimum of 40ha, effectively prohibiting the subdivision of agricultural land to form residential allotments. Subdivision to form smaller lots may be at the discretion of Council for commercial or industrial purposes or for the better management of agricultural land.

The application before Council to rezone rural land to a residential zone, seeks to effect a sub minimal subdivision in the rural area for residential purposes.

4. **Statutory Requirements**

A decision of the planning authority is to be made by reference to the objectives and outcomes of the following key planning instruments:

- the *Land Use Planning & Approvals Act 1993*;
- the provisions of the *Waratah Wynyard Planning Scheme 2000*; and
- relevant State Policies and Acts.

A discretionary application is made under Section 43A of the *Land Use Planning & Approvals Act 1993*. Under Section 43A, a person who requests that a planning authority amend a planning scheme may also request the planning authority to consider an application for a planning permit which would not be allowed, if the planning scheme were not amended as requested.

5. **Finances**

Financial costs may arise in relation to Council’s determination of the application. Where a planning authority decides not to initiate an amendment of the planning scheme, the applicant who requested the amendment may request the Commission to review the process by which the planning authority reached its decision.
6. Discussion

The proposal before Council is supported by a planning report prepared by Lester Franks Survey & Geographic. The report is reproduced below:

Our Ref: W00009-2let20  
Doc No: D12921

3rd August, 2004

The General Manager,  
Waratah-Wynyard Council,  
PO Box 168,  
WYNYARD, TAS, 7325

Dear Sir,

RE: APPLICATION UNDER SECTION 43A LAND USE PLANNING AND APPROVALS ACT 1993: AMEND WARATAH-WYNYARD SECTION 46 PLANNING SCHEME 2000

REZONING APPLICATION AND APPLICATION FOR DISCRETIONARY PERMIT – PRIMARY INDUSTRIES TO RESIDENTIAL - SUBDIVISION

We submit herewith an application in accordance with Section 43A of the Land Use Planning and Approvals Act 1993 to rezone land for the purposes of subdivision at Mount Hicks Road, Wynyard.

The objective is to rezone the subject land from Primary Industries to Residential.

The following information is presented in a format to comply with the Resource Planning and Development Commission’s Planning Notes.

1. Statutory References

1.1 Name of planning instrument

Waratah-Wynyard (Section 46) Planning Scheme of 2000
1.2 Amendment number/planning authority number

N/A

1.3 Name of planning authority

Waratah-Wynyard Council

2. Subject Land

2.1 Location of subject land

The site is located at 40 Bourkes Road, Wynyard and comprises one parcel of land. The property also has road frontage to Mount Hicks Road. The location of the site is identified in Figure 1 below.

![Location Map](image)

*Figure 1. Location of the subject property*

2.2 Title description

The land is currently comprised in Certificate of Title 232220/1. The registered owner of this title is David Alan Russell. Appendix 1 shows the folio plan and text for the title.

2.3 Area of subject land

The subject land as described on the title comprises a total area of approximately 10.57 hectares.
3. Existing Conditions

3.1 Land capability of subject land

The Land Capability Survey of Tasmania (Inglis Report) describes the subject land as Class 5 land.

In addition, a land capability assessment has been prepared by Graeme Stevenson, in relation to the subject land. Please see Appendix 3, Land Capability Assessment.

Within this report, the subject land has been described as a combination of Class 5, 6 and 7 land. The sandy soil, clay and docks are outlined as the major limitations of the site, in terms of agricultural uses.

- **Slope** – Generally flat, gentle undulations with gradual fall towards the western portion of the property

- **Drainage** – There are some poorly drained areas within the western portion of the property, which is prone to waterlogging. There are also several dams located on the property.

- **Vegetation** – The property has grass cover, with a small area of dense vegetation located around the existing access to the property.
3.2 General environmental quality of the subject land and hazards

- **Bushfire areas** – None. All future development will need to follow the guidelines for development provided by the Tasmanian Fire Service.

- **Unstable land** – The nature of this area indicates that there is no unstable land contained within the subject land.

- **Contaminated land** – There are no known issues relating to the contamination of the subject property.

3.3 Availability and capacity of infrastructure in relation to the subject land

- **Roads** – Access to the property is available from Mount Hicks Road. The existing access to the property is also from Mount Hicks Road, and leads to a shed located near to the eastern boundary of the property.

  Access to the proposed subdivision would be from Mount Hicks Road. Given that the average vehicle movements for a residential property is between 5-10 movements per day, it is anticipated that the amount of traffic using the intersection with Mount Hicks Road would be up to 40 movements per day.

  This point on Mount Hicks Road is considered to be a safe traffic environment, with sight distances in excess of two hundred metres in either direction from the proposed intersection.

- **Sewer** – The method of sewerage disposal for each of the newly created lots would be on-site wastewater disposal. Commonly, this would be in the form of a septic tank arrangement.

- **Water** – The site is currently not serviced by the town water supply.

- **Stormwater** – Will be disposed of on site.

3.4 Special or significant features of the subject land

- **Scientific Value** – None known

- **Aesthetic Value** – Not significant

- **Architectural Value** - None

- **Historical Value** – None known

- **Cultural Value** – None known

- **Presence of unique or special ecosystems** – There are no Regional Forest Agreement Communities present on the subject land. No rare animals or plants are listed for the area in the Parks and Wildlife GT Spot database.
3.5 Buildings or significant structures that are located on the subject land

There is an existing shed located on the north-eastern portion of the subject land. The shed is currently used for storage purposes. There are also several dams located on the subject property. These are contained within Lots 3 and 4, and are identified on the Plan of Subdivision, W00009-P01-1. There is also a creek located on Lot 2.

3.6 Existing use of the subject land and surrounding land

The subject land is currently used for grazing purposes. To the south of the subject property grazing is a common land use, whilst to the north there are several small, non-commercial farms.

4. Planning Controls

4.1 Existing zoning of the subject land and surrounding land

Effect of the proposed zoning on use and development

The land is currently within the Primary Industries zone.

The Planning Scheme identifies the intent of this zone as:

1. To protect and allow for the sustainable use and development of the natural and non-natural resources on which agriculture, aquaculture, forestry and mining depend; and
2. To allow a range of other uses in ways and in locations that do not affect the viability of use or development associated with the primary uses of the zone.

It is proposed to amend the planning scheme to include the subject property within the Residential Zone, the intent of which is:

1. To protect and enhance residential amenity; and
2. To allow for compatible uses that do not adversely impact upon residential amenity.

As discussed earlier, the subject land is unsuitable for agricultural use, other than some grazing in certain parts of the property. The lack of aquaculture, forestry or mining in the vicinity of the proposed development indicates that this area does not contain a ‘primary industry’ as outlined in the intent of the zone. As such, it is considered reasonable to request that the planning scheme be amended to incorporate the subject property within the residential zone.

5. The Proposal

5.1 Description

It is proposed to change the zone of the subject land from Primary Industries to Residential.
The proposal is to rezone and subdivide the subject property into 4 lots, in accordance with the attached Plan of Subdivision W00009-P01-1. The subdivision will occur as a single stage as depicted on the Plan of Subdivision.

The size of lots will vary in size from 2.15 hectares to 3.14 hectares. Vehicular access to the lots will be provided from a road to be constructed from Mount Hicks Road.

5.2 Purpose

The reason for the proposal is to develop the property for residential purposes. It is considered that there is a strong demand for development of this nature around the Wynnyard area and that the existing supply of residential land does not cater for the demand felt in this region.

5.3 Owner’s Consent

The owner of the subject land is aware of and consents to this application.

Please see Appendix 2, Owner’s consent letter.

6. Strategic Planning

6.1 Accordance with any proposed planning strategies or schemes for the area

The proposed development is clearly not consistent with the objectives of the Primary Industries Zone, which provides primarily for the use of natural and non-natural resources related to agriculture, aquaculture, forestry and mining. The subject land clearly is not used for the purposes identified above, therefore the current zoning seems an unsuitable zoning of land that may, in fact, be utilised for residential purposes.

All lots within the subdivision will be substantially larger than the minimum lot size of 450m² for the Residential Zone, and will contain a rectangle 10 metres by 15 metres in size. It is considered that the requirements of the Residential Zone can be satisfied within the proposed subdivision.

7. State Policies

7.1 The State Policy on the Protection of Agricultural Land 2000

This policy states as a first principle, “Prime agricultural land is a resource to be protected from conversion to non-agricultural use and development.”

The subject area is not classed as prime agricultural land, and accordingly: “The protection of other than prime agricultural land from conversion to non-agricultural use will be determined through planning schemes.”
As a combination of class 5, 6 and 7, the land is clearly not suited for intensive cropping of any form. Its sole possible use as agricultural land is pastoral, which would not be adversely impacted upon as a result of the proposed development.

8. Land Use Planning and Approvals Act 1993

8.1 Consistency with the objectives contained in Schedule 1 of the Land Use Planning and Approvals Act 1993

The proposal facilitates the development of a portion of land with low value for rural use, providing for the land to be converted into a higher value residential use. The change in zoning will facilitate the orderly development of land in the area by expanding the amount of residential land currently available in the area surrounding Wynyard.

9. Conclusion

We enclose:
- Completed application form;
- Appendix 1 Certificate of Title;
- Appendix 2 Owner’s consent letter;
- Appendix 3 Land Capability Assessment;
- Four copies of Plan of Subdivision W00009-P01-1;
- Planning fees of $1320.00;

Please do not hesitate to contact our office if you have any queries.

We look forward to receiving your response in due course.

Yours faithfully,

LESTER FRANKS SURVEY & GEOGRAPHIC PTY. LTD.

Per:
Enc:
Requirements for the Amendment of a Planning Scheme

In determining the value of an application made under Section 43A of the Land Use Planning & Approvals Act 1993 the planning authority is to ensure that the proposed amendment meets the following:

- Seeks to further the objectives set out in Schedule 1 of the Land Use Planning & Approvals Act 1993 as reproduced below.
- Takes into account and is prepared in accordance with any relevant State policies.
- Forms provisions that relate to the use, development, protection or conservation of any land that is the subject of the application.

The Planning Authority is thus to be assured that the amendment proposal is supported by strategic planning enquiry and investigation.

Land Use Planning and Approvals Act 1993 (LUPAA)

The Resource Management and Planning System of Tasmania (RMPS) provides the planning and environmental policy framework within which the planning merit of the draft amendment can be assessed. The key tenet of the RMPS is the concept of ‘sustainable development’ which is statutorily defined as ‘managing the use, development and protection of natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- safeguarding the life supporting capacity of air, water, soil and ecosystems; and
- avoiding, remedying or mitigating any adverse impacts of activities on the environment’.

LUPAA establishes the following objectives, which must be furthered by planning schemes and amendments;

**PART 1 - Objectives of the Resource Management and Planning System of Tasmania**

1. The objectives of the resource management and planning system of Tasmania are –

   (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

   (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

   (c) to encourage public involvement in resource management and planning; and
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. **In clause 1(a), "sustainable development"** means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

**PART 2 - Objectives of the Planning Process Established by this Act**

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

(a) to require sound strategic planning and co-ordinated action by State and local government; and

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

(i) to provide a planning framework which fully considers land capability.
It is considered the proposed amendment is not consistent with the objectives of LUPAA.

In determining the merits or otherwise of the application to rezone land, there are three further primary considerations of Council:

1. Does the application further the State Policy for the Protection of Agricultural Land 2000?
2. Is the proposal consistent with the objectives and aims of the Waratah-Wynyard Planning Scheme 2000?
3. Is the proposal supported by Council’s Strategic Plan?

State Policy for the Protection of Agricultural Land 2000 (PAL)

A State Policy is formed under the State Policies and Projects Act 1993 and may be made for any issue that is of State significance.

The State Policy on the Protection of Agricultural Land 2000 (PAL) sets out seven guiding principles that are directly linked to Council’s Planning Scheme and are outcome based. The principles of PAL aim at ensuring the allocation of rural land as follows:

- The agricultural potential of agricultural land is protected;
- The productive capacity of agricultural land is given priority;
- The fragmentation of rural holdings is prevented;
- The alienation of agricultural land by non-agricultural use and development is to be minimised; and
- Water catchments are protected.

PAL determines that the agricultural potential of the North West of Tasmania is of State significance and is to be protected from conversion to non-agricultural uses. This means that any future residential development is to be prevented where the capacity for resource production may be reduced, unless an argument of sustainable community benefit determines otherwise.

The proposal before Council does not uphold the principles and objectives of the State Policy on the Protection of Agricultural Land 2000.
Waratah-Wynyard Planning Scheme 2000

Part 2 of the *Waratah-Wynyard Planning Scheme 2000* articulates the Objectives, Values and Strategies for the use and development of land in the municipal area. All of the Planning Scheme objectives refer back to the objectives of the Resource Management and Planning System of Tasmania and the objectives and strategies are formed with the principals of PAL foremost. (N.B. Planning Schemes are void to the extent of any inconsistency with a State Policy).

The proposal before Council does not uphold the objectives, values and future strategies of the Waratah-Wynyard Planning Scheme 2000.

Waratah-Wynyard Council Strategic Plan

Although the Council’s Strategic Plan is not a mandatory consideration for planning scheme amendments (unlike planning schemes) it provides some guidance when assessing an amendment. Council’s Strategic Plan does not support the rezoning of rural land south of the Bass Highway for residential purpose.

Discussions with the Applicant

Prior to submission of the proposal to Council, a staff member of Lester Franks Survey & Geographic Pty. Ltd. rang to discuss the proposal with Council’s Town Planner. The applicant was advised that it would be most unlikely Council would support a proposal to rezone Primary Industries land south of the Bass Highway to support residential development. Further, the applicant was advised that such a proposal did not further the State Policy, was not supported by Council’s Strategic Plan or the objectives of the *Waratah-Wynyard Planning Scheme 2000* and any such proposal would attract a recommendation to Council that the proposal be refused.

The applicant has insisted on pursuing the proposal and it is now placed before Council for consideration and determination.

7. **Risk**

There is a risk that the applicant may request the Resource Planning & Development Commission to review the process by which the Planning Authority reached its decision.
8. Conclusion

The proposal appears to be an attempt to circumnavigate the provisions of the Waratah-Wynyard Planning Scheme 2000 and allow the conversion of agricultural land to residential land. The proposal does not meet several criteria that would determine it a suitable parcel of land for residential development. The site is physically separated from the urban centres of Wynyard and Somerset by the Bass Highway, and the Waratah-Wynyard Planning Scheme 2000 clearly seeks to move away from increasing the number of rural residential allotment that are to be made available for development.

Further, the proposal has no strategic planning basis.

The State Policy on the Protection of Agricultural Land 2000 clearly seeks to prevent the fragmentation of agriculture land and the conversion of agricultural land to other conflicting uses. This is reiterated in the Objectives and Strategies of the Waratah-Wynyard Planning Scheme 2000. The proposal before the Planning Authority opposes the principles and objectives of the State Policy for the Protection of Agricultural Land 2000, whereby the subdivision of rural land into smaller, useless residential parcels is not to be supported.

MOVED BY CR DIBLEY
SECONDED BY CR RANSLEY

That Council:

A. Refuse to initiate an amendment to the Waratah-Wynyard Planning Scheme 2000 under Section 43A of the Land Use Planning & Approvals Act 1993 to rezone land at 40 Bourkes Road, Wynyard from Primary Industries to Residential and subsequently refuse the application to subdivide 40 Bourkes Road, Wynyard to form 4 residential Lots.

B. Advise the applicant that the refusal is based on the following:
   (i) The proposal to rezone and subdivide land does not further the principles and objectives of the State Policy on the Protection of Agricultural Land 2000.
   (ii) The proposal to rezone and subdivide does not meet the Residential and Primary Industry Objectives and Strategies of the Waratah-Wynyard Planning Scheme 2000 and has no strategic planning merit.
(iv) The proposal is in conflict with Council’s Strategic Plan that seeks to encourage any additional residential zone developments to the east of Wynyard north of Bass Strait and at Sisters Beach.

CARRIED

Enclosures:–
- Location Plan
- Subdivision Site Plan
- Land Capability Assessment
- State Policy on the Protection of Agricultural Land 2000
Land Capability Assessment

UPI 3323
(Calder Sheet 3845)
Mt Hicks Road, Wynyard.

G Stevenson
(HDA, B. Rur. Sci. (Hon. 1), PhD)
13 Guy Crescent
Somerset
(03) 6435 1319
**Land Capability Assessment**

UPI 3323, Mt Hicks Road, Wynyard.

**Attachments**
- Copy of 1: 25 000 map showing property location
- Sketch map of assessment (approximate scale: 1:3,125)
- Class definitions sheet

**Background**
- Area: approx. 10.5ha
- Elevation: 20-30m
- Classification: 5 (Land Capability Survey of Tasmania; Inglis Report (@ 1: 100 000)

**Assessment**

<table>
<thead>
<tr>
<th>Class</th>
<th>Major limitation</th>
<th>Description</th>
</tr>
</thead>
</table>
| 5s1   | soil             | black sandy soil, slopes 2-4%  
|       |                  | a horizon: 140mm  
|       |                  | b horizon: grey to white sand  |
| 5s2   | soil             | variable soil types, generally shallow, some stones  
|       |                  | brown to black sandy loam to sandy clay loam  
|       |                  | a horizon: 50-170mm  
|       |                  | b horizon: gritty grey clay to hard gravel pan, concretions  
|       |                  | frequently prone to waterlogging  
|       |                  | slopes generally 5-15%, 16-22% in SW & SE corners  |
| 5w    | wetness          | soil as for 5s2, highly prone to waterlogging  |
| 6w    | wetness          | black sand to sandy loam, pugged  
|       |                  | highly prone to waterlogging, frequent docks (Rumex spp.)  
|       |                  | a horizon: 170mm  
|       |                  | b horizon: grey to white sand  
|       |                  | slopes 2-5%  |
| 7     | land unsuitable for agricultural use (along creek depression) |

---

*Graeme Stevenson  
Somerset  
May, 2004*
7.1 Class Definitions

CLASS 1
Multiple use land with virtually no limitations to intensive cropping and grazing. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. It is capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent.

CLASS 2
Land suitable for intensive cropping and grazing. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. Limitations reduce the length of the cropping phase to five to eight years out of ten in a rotation with pasture or equivalent.

CLASS 3
Land suitable for cropping and intensive grazing. Cultivation for cropping should be limited to two to five successive crops in a rotation with pasture or equivalent. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. The range of crops able to be grown is generally more restricted than on Class 1 or 2 land.

CLASS 4
Land marginally suitable for cropping because of limitations which restrict the range of crops that can be grown, and/or make major conservation treatment and careful management necessary. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent. This land is well suited to intensive grazing.

CLASS 5
Land with slight to moderate limitations to pastoral use. This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

CLASS 6
Land marginally suitable for grazing because of severe limitations. This land has low levels of production, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

CLASS 7
Land with very severe to extreme limitations which make it unsuitable for agricultural use.
State Policy on the Protection of Agricultural Land 2000

1. PURPOSE

The State Policy on the Protection of Agricultural Land is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State’s agricultural land resource.

2. OBJECTIVES

2.1 To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.

2.2 To foster the sustainable development of agriculture in Tasmania by:

(a) Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non agricultural land users; and

(b) Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land.

3. PRINCIPLES

The following principles will guide outcomes that give effect to this Policy. No one principle should be read in isolation from the others to imply a particular action or consequence. The principles are:

1. Prime agricultural land is a resource to be protected from conversion to non-agricultural use and development.

2. Houses and other non agricultural use and development and some intensive agricultural industries alienate prime agricultural land. A dwelling or other use or development may only be permitted on prime agricultural land where the provisions of a planning scheme have been reviewed to ensure it properly reflects the intent of the State Policy. The review is to be carried out by the planning authority, in conjunction with the Resource Planning and Development Commission.

3. Use or development of any building that is an integral part of an agricultural use on prime agricultural land will be determined to be consistent with this Policy.

4. Provision of public utilities or other infrastructure or a proposal of significant economic benefit to the region may cause prime agricultural land to be converted to non-agricultural use. Such conversion must:

(i) comply with the planning scheme or amendment; and
(ii) have the Resource Planning and Development Commission confirm there is an overriding need for a use or development for community benefit and a suitable alternative site is not available.

5. All agricultural land is a valuable resource for Tasmania. The protection of other than prime agricultural land from conversion to non-agricultural use will be determined through planning schemes.

6. Adjoining non-agricultural use and development should not unreasonably fetter agricultural uses.

7. Planning schemes will make provisions for the appropriate protection of the range of non-prime agricultural lands within a specified irrigation scheme.

4. GUIDELINES
The Resource Planning and Development Commission may, with the approval of the Minister, issue guidelines consistent with the terms of this Policy and confined to assisting planning authorities in dealing with the implementation of the Policy. A planning authority must comply with any guideline that has been issued under this Policy.

5. TRANSITIONAL ARRANGEMENTS
Notwithstanding the Principles set out in clause 3 of this Policy, a planning authority has the discretion to approve, subject to appropriate land use planning considerations, an application for the construction of a house on a separate title provided that:

(a) the title was in existence at the commencement of the Draft State Policy on the Protection of Agricultural Land 1999; and

(b) the applicant is the same owner of the title or had entered into a legally binding contract to purchase the title prior to the commencement of the Policy; and

(c) the application for a permit is made prior to 1 January 2001.

6. AUTHORITY
This State Policy is prepared pursuant to the State Policies and Projects Act 1993.

7. APPLICATION
This Policy applies to all agricultural land in Tasmania.

8. DEFINITIONS
In this policy, unless the contrary intention appears:

Agricultural land

“agricultural land” means all land that is in agricultural use or has the potential for agricultural use.
Agricultural uses
"agricultural uses" means animal and crop production and includes intensive tree farming and plantation forestry.

Land
"land" means land as defined in the Land Use Planning and Approvals Act 1993.

Planning scheme
"planning scheme" means any planning scheme in force under section 29 of the Land Use Planning and Approvals Act 1993.

Prime agricultural land
"prime agricultural land" means agricultural land classified or capable of being classified as Class 1, 2 or 3 land using the Class Definitions and methodology from the Land Capability Handbook, KE Noble 1992, Department of Primary Industry, Tasmania.

Specified irrigation schemes
South East Irrigation Scheme, Cressy-Longford Irrigation Scheme and Winnaleah Irrigation Scheme.
1. Recommendation

That Council agree to the following:

1. In accordance with Section 35 (1) of the Land Use Planning and Approvals Act 1993, Council is satisfied that the proposed draft amendment meets the requirements of Section 32 of the Land Use Planning and Approval Act 1993.

2. For the purposes of meeting its obligations under the Land Use Planning and Approvals Act 1993, Council gives authority for the draft amendment to be certified by instrument in writing signed by the Mayor and General Manager.

3. For the purpose of meeting Section 38 of the Land Use Planning and Approval Act 1993 a 42 day period of exhibition is approved for draft amendment 202.27.

2. Summary

The purpose of this report is to recommend to Council to initiate an amendment that incorporates a general review of the Waratah- Wynyard Planning Scheme 2000.

A supporting report by consultant planner Alex Brownlie, of GHD Pty. Ltd. forms the body of this report to Council and is reproduced in the Discussion section.
3. **Background**

Several workshops have now been undertaken with Council’s consultant planner, Alex Brownlie, of GHD Pty. Ltd. as part of a comprehensive review of the *Waratah-Wynyard Planning Scheme 2000*. The purpose of the review has been to review the scheme standards in the light of its first two years of operation, and to incorporate more up to date administrative provisions in line with the Resource Planning and Development Commission’s (RPDC) recommended Common Key Elements Template introduced as Directive No. 1 by the RPDC.

The review process is now complete and the recommended amendments to the *Waratah-Wynyard Planning Scheme 2000* are placed before council for initiation under the *Land Use Planning & Approvals Act 1993*.

4. **Statutory Requirements**

The Tasmanian Resource Management and Planning System is underpinned by the *Land Use Planning and Approvals Act, 1993* (the Act). Schedule 1 of the Act articulates the objectives of the resource management and planning system of Tasmania and specifically gives effect to the development and review of land use planning schemes.

The draft amendment considered by Council is initiated under section 32 of the *Land Use Planning & Approvals Act 1993* and incorporates a general review of the text of the *Waratah-Wynyard Planning Scheme 2000*.

5. **Finances**

N/A

6. **Discussion**

The draft amendment incorporates several changes to the text of the existing planning scheme, clarifying land use and development matters that have come to the attention of Council and adding new development provisions and schedules to the body of the planning scheme; including Dual Occupancy & Multiple Dwelling Schedule and inclusion of provisions relating to marinas, jetties, boat ramps & slipways.

A report expanding on the context of the review and the proposed amendments to the planning scheme is provided by Alex Brownlie of GHD Pty. Ltd. and is reproduced below:
## Introduction

The following table is a modification of one previously submitted to Council in which operational difficulties or problems with the Waratah-Wynyard Planning Scheme 2000 were identified and some discussion provided on the possible amendments to the Scheme required to rectify the identified deficiencies. In the interim the Resource Planning & Development Commission has issued Planning Directive No. 1 incorporating the Common Key Elements Template that are to be common to planning schemes prepared in accordance with the Directive. If Council was preparing a new planning scheme there is a requirement to use the Template. However, in this case where the existing Scheme is being reviewed, Council’s are encouraged to include the Template provisions where appropriate.

The proposed draft amendments identify in italics the recommended deletions, and in bold the additions to the Scheme. In some instances, particularly the operational parts of the Scheme, the additions will be directly transcribed from the Template. Elsewhere the additions or deletions are the result of new Scheme Standards being devised or based on provisions used in other schemes where they are considered appropriate for use in the Waratah-Wynyard context.

<table>
<thead>
<tr>
<th>R</th>
<th>Scheme Clause</th>
<th>Issue</th>
<th>Proposed Draft Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Scheme Issue</td>
<td>Concern has been expressed that the 'performance based' approach results in an inability to give advice prior to lodgement of a DA and full consideration. Planning schemes have been this way for many years within Tasmania. The difference is our current scheme does not provide a false sense of security by giving a quick permitted/discretionary/prohibited status to a use. (Part of this problem was the perceived reality that permitted meant you could do it without any problems, while discretionary also meant you could do it but you were required to go through a different process. While not necessarily true, those views are still very popular.) Previously, people relied on that answer to purchase a property or get plans done, only to find out that when the application was submitted, other issues like parking or plot ratios or whatever cropped up. This was after they had been told that it was a permitted (or discretionary) use. This pleased people less than our current</td>
<td>No changes proposed. Over time a range of guidelines to be produced.</td>
</tr>
</tbody>
</table>
The RPDC has recently issued Planning Directive 1 – The Format and structure of Planning Schemes. The supporting assessment report on the Directive clearly articulates that future planning schemes will be based on ‘performance based’ provisions. This is seen as the most appropriate response to furthering the objectives of Tasmania’s Resource Management and Planning System.

To overcome some of the perceived difficulties for those using the planning scheme for the first time, is to ensure that appropriate guidelines and assistance publications are available for those wishing to submit applications. Council also needs to continue with its current practice of encouraging potential developer’s to meet with Council staff in the early stages of their planning for a particular site, and for staff to be trained to assist them in understanding what parts of the planning scheme are relevant to their use or development. These guidelines would ideally cover such matters as:

<table>
<thead>
<tr>
<th>2</th>
<th>General Scheme Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Since the introduction of the Waratah-Wynyard Planning Scheme there is now general acceptance that a ‘performance based’ Scheme should provide a ‘Performance Criteria’ in all situations. In other situations a clear and logical system where they have to make the application to get the answer.</td>
</tr>
</tbody>
</table>

Review all scheme standards to ensure a Performance Criteria is provided.

In producing the above guidelines there should be an emphasis on using graphics to explain the intent of particular provisions.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>General Scheme Issue</td>
<td>During the RPDC Hearing process there was discussion on the merits or otherwise of including reference to Scheme standards contained in the Schedules in the sections dealing with zones. Having now operated the scheme it is apparent that its administration will be easier without unnecessary duplication.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Review zone provisions</td>
</tr>
<tr>
<td>4</td>
<td>Part 1.0 Preliminary</td>
<td>The Scheme Template now issued by the RPDC recommends the use of a thick black line on the plans to denote the area to which the provisions of the planning scheme apply. In the words of the RPDC “S.7 of the Act enables a municipality to exercise its powers seaward of the coast...there does not appear to be any present impediment to extending the planning scheme boundary seaward. In fact it would assist in defining the planning scheme area by re-introducing the concept of a thick black line for the planning scheme boundary. Council’s would be able to draw the planning scheme boundary seaward of low water mark at tangents to the coast at sufficient distance to cover the area of sea contemplated in section 7 of the Act.” The Waratah-Wynyard Municipality has a long coastal frontage, and the prospect of use and development extending into the sea is becoming more likely as a result of the growth in tourism and developer interest. For example, marinas or wharf related commercial development on the Inglis River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delete existing Clause: 1.1.3 The planning scheme applies to all land within the planning area. Replace with Clause 1.1.3 The Planning scheme area comprises all the land within the thick black line on the plans. See also Revision 17 covering provisions for Marina’s, Jetties, etc</td>
</tr>
<tr>
<td></td>
<td>Part 2.0 Planning Scheme Objectives</td>
<td>6.4.1 Issue 1.0 – Effluent and stormwater disposal.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>5</td>
<td>The description for Boat Harbour needs to be amended to reflect the infrastructure improvements that have been made, and developer interest in parts of the settlement.</td>
<td>As previously discussed all Acceptable solutions are to have a corresponding Performance Criteria. In this instance there are three AS that do not have a corresponding PC. These are: Effluent disposal in serviced areas – where for any reason the development is unable to connect to Council’s reticulated network, provision can be made for treatment within the boundaries of the lot subject to a Special Connection Permit.</td>
</tr>
</tbody>
</table>
Effluent disposal in un-serviced areas – where for any reason a standard septic tank system or package treatment system is unable to be installed, alternative options may be explored e.g. pump outs.

Who pays? – while it is usual for a developer to pay the cost of infrastructure, there may be situations where other parties pay for the installation. Council has recently dealt with this issue and has developed a policy and new draft scheme standard – see attached report dated 27 February, 2004.

New provisions for Headworks Charges are proposed with the detailed provision discussed in R39 of this report.

Delete PC 1.1 No performance criteria.
Replace with:

1.1 Where there is no reticulated Council system for waste water and stormwater, all waste-water must be treated and retained within the property boundaries with a system that has received a Special Plumbing Permit issued by Council under the provisions of the Building Act 2000. Stormwater is to be initially detained and released in a controlled manner to the satisfaction of Council.

Revise the wording of AS 1.2 by the deletion of the following words:
(c) other systems approved by the Department of Infrastructure Energy and Resources.

Introduce a new PC 1.2 as follows:
Delete PC 1.2 No performance criteria.
Replace with:

PC 1.2 Where conventional effluent disposal systems are not appropriate any other system approved by the Department of Infrastructure Energy and Resources.
| 6.4.1 Issue 2.0 – Effluent and stormwater disposal at Sisters Beach and Boat Harbour.  |
| 6.4.1 Issue 2.0 – Effluent and stormwater disposal at Sisters Beach and Boat Harbour.  |
| 6.4.1 Issue 2.0 – Effluent and stormwater disposal at Sisters Beach and Boat Harbour.  |
| 6.4.1 Issue 2.0 – Effluent and stormwater disposal at Sisters Beach and Boat Harbour.  |
| 6.4.1 Issue 2.0 – Effluent and stormwater disposal at Sisters Beach and Boat Harbour.  |
| Revise the wording of the heading and objective by deleting reference to Boat Harbour |
| 6.4.1 Issue 3.0 – Subdivision |
| 6.4.1 Issue 3.0 – (to be renumbered 4.0) |
| There are a number of changes required to the existing provisions. |
| 3.1 Refers back to the development provisions of the Residential Schedule which is clearly an error in drafting. |
| Also, the order in which the provisions appear is considered to be confusing. The order should be: |
| Lot Size |
| Orientation and Energy |
| Existing Dwelling |
| Effluent Disposal |
| Also, 3.4 as an acceptable solution is considered to be inappropriate, and cannot be measured. |
| 3.6 needs a Performance Criteria. |
| It is also considered appropriate that the provisions dealing with the provision of utilities should be in the Zone section of the Scheme and not in the Residential Schedule. |
| Clause 3.1 AS and PC – delete. |
| Renumber accordingly. |
| Re-order the existing clauses as discussed. |
| Clause 3.4 AS and PC – delete. |
| Provide new PC 3.6 as follows: |
| **PC 3.6** Lots are to have the appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings. The provision of private open space, convenient vehicle access and parking. |
| Introduce Table 11.1 Issue – Utilities into the Residential Zone provisions as new: |
| Issue 5.0 Utilities - Transcribed from Residential Development Schedule |
In the light of the provision of reticulated sewerage infrastructure to Boat Harbour there is a need to rewrite Clause 3.3. Council's current ‘policy’ position with respect to Sisters Beach needs to also be reflected in this clause.

The subdivision of larger parcels of land requiring the development of new infrastructure and other community services should be subject to the discretionary permit process pursuant to S. 57 of the Land Use Planning and Approvals Act. Where the subdivision is minor, and is in fact an 'infill' situation with Council services already provided to the property boundary, it is considered appropriate that these subdivisions are dealt with a permitted. Existing Clauses 6.4.1 Issue 3.0 – Subdivision Cl. 3.2 and 3.4 need to be amalgamated and provided as Performance Criteria.

Revise the wording of Clause 6.4.1 Issue 3.0 Cl.3.3 by deleting reference to Boat Harbour.

Delete existing Clauses AS 3.2 and 3.4 and PC 3.2 and 3.4. as follows:

AS 3.2 Land to be subdivided must be capable of having all sewerage effluent and stormwater runoff discharged to a reticulated disposal system.

PC 3.2 It is demonstrated sewerage and stormwater can be disposed of within the boundaries of the site and not result in adverse impacts on the environment.

AS 3.4 Lot layout, road layout and construction shall provide, supplement or enhance appropriate facilities and safe and convenient connections for public (where appropriate), and for pedestrians and cyclists (such as bus stops, footpaths, cycle ways, lighting, seating and shelters.)

PC 3.2 No performance criteria.

Provide a new AS and PC as follows:

AS 3.2 Land to be subdivided must be capable of connecting to Council's existing sewerage and stormwater infrastructure available at the boundaries of the land.

PC 3.2 Council may approve an application for subdivision of land requiring the extension of Council's infrastructure services where it can be demonstrated that the cost of any extension is borne by the community.

AS 3.4 Land to be subdivided must be able to connect to Council's existing road network, or be in a location where existing roads and other community infrastructure is already
| 6.4.2 Issue 1.0 Boat Harbour Beach Urban Design | In the light of the provision of sewerage infrastructure to Boat Harbour there is a need to review the subdivision provisions. It is considered appropriate that the subdivision provisions that apply to the Residential zone also apply to Boat Harbour. This therefore requires deletion of Clauses 1.8 and 1.9 of 6.4.2 Issue 1.0 : Boat Harbour Beach Urban Design. | Delete Clauses 1.8 and 1.9 of 6.4.2 Issue 1.0 : Boat Harbour Beach Urban Design. Rerun existing clause 1.10 accordingly. |
| Residential Zone – General – Visual Impacts | There are no requirements dealing with material, finishes and colours in the Residential Zone. This is true also for other zones and the addition of a new AS and PC in all zones would assist in better outcomes. | Provide clause in all zones that specifies the materials, colours and finishes in new development. |

*AS All material used in the cladding of buildings and other structures are to be pre-painted or similarly coated with a proprietary finish, or uses timber products, masonry or concrete.

*PC It is to be demonstrated that the material other than those provided for in the Acceptable Solution will cause not adverse levels of reflection off-site resulting in a loss of amenity for residents, a safety issue, or other adverse impacts on the area.
| 7 | Part 7.0 Business and Civic Zone | The scheme standards for development in the Business and Civic Zone need to be reviewed in the light of experience in dealing with applications under the Scheme. In some instances the provisions could be made clearer in their intent, a PC is required in all circumstances, and a number of additional provisions are required. These include:
- Car parking location.
- Landscaping.
- Simplifying the set back provisions.
- Provision of landscaping.

It is also proposed to delete the issue dealing with Sustainable Transport Access in Clause 7.4.1 Issue 9. As currently drafted the AS is not measurable and in any event many of the matters dealt with in the clause, are covered elsewhere e.g. pedestrian access and safety. The provisions relating to developments within the Business and Civic Zone sited adjacent to the Residential Zone currently relate back to the Residential Schedule. It is considered that this is too onerous and could potentially restrict developments within the Business and Civic Zone. |

<table>
<thead>
<tr>
<th></th>
<th>Clause 7.4.1 Issue 1.0: Delivery of Goods</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Transfer the existing AS to read as a PC, with a new AS being prepared.</td>
</tr>
<tr>
<td></td>
<td>Introduce a new AS 1.1 as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>AS 1.1</strong> The delivery and transfer of goods used in the business, including any associated parking, loading and unloading, and manoeuvring of vehicles, is to occur at the rear of the building.</td>
</tr>
<tr>
<td></td>
<td>Delete PC 1.1 No performance criteria.</td>
</tr>
<tr>
<td></td>
<td>Replace with:</td>
</tr>
<tr>
<td></td>
<td><strong>PC 1.1</strong> Where delivery of goods is required, arrangements for parking, manoeuvring, loading and unloading of delivery vehicles is not to interfere with pedestrian or vehicle movements on roads, within on-site parking areas and at public entrances to buildings.</td>
</tr>
<tr>
<td></td>
<td>Revise the wording of AS 2.1 as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>Modify AS 2.1 by adding:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Where a site has two frontages to different categories of road (refer Part 14.0) orientation shall be considered primarily as being from the higher category road.</strong></td>
</tr>
<tr>
<td></td>
<td>Revise the wording of AS 2.2 as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>Delete AS 2.2.</strong></td>
</tr>
<tr>
<td></td>
<td>Replace with:</td>
</tr>
<tr>
<td>AS 2.2</td>
<td>New development shall be not more than one storey higher than existing adjoining buildings.</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Revise the wording of PC 2.2 as follows:</td>
<td></td>
</tr>
<tr>
<td>Delete PC 2.2.</td>
<td></td>
</tr>
<tr>
<td>Replace with:</td>
<td></td>
</tr>
<tr>
<td>PC 2.2 Building height at the street level is to maintain a compatible scale with adjacent development and demonstrate that there will be no significant loss of amenity at street level, particularly for pedestrians.</td>
<td></td>
</tr>
<tr>
<td>Modify AS 2.4 as follows:</td>
<td></td>
</tr>
<tr>
<td>Delete heading 'Front Setback'.</td>
<td></td>
</tr>
<tr>
<td>Replace with 'Setbacks'.</td>
<td></td>
</tr>
<tr>
<td>Delete existing clause AS 2.4 as follows:</td>
<td></td>
</tr>
<tr>
<td>AS 2.4 (a) The front wall of a new building is to be set back so as to be within 2 metres (forward or backwards) of the average setback of the nearest principal building on other sites with frontage to that road. If the development site is on a street corner, the setback is to be within 2 metres of the setback of the nearest principal building on another site with frontage to that road.</td>
<td></td>
</tr>
<tr>
<td>Replace with:</td>
<td></td>
</tr>
<tr>
<td>AS 2.4 (a) The front wall of a new building is to be set back so as to be within 2 metres (forward or backwards) of the average setback from the road of the nearest 5 buildings on the same street.</td>
<td></td>
</tr>
</tbody>
</table>
(b) If the development site is on a street corner, the setback is to be within 2 metres of the setback of the nearest principal building on another site with frontage to that road. (c) No side and rear setbacks are required; except where the property abuts a lot in the Residential Zone in which case there is no acceptable solution.

Existing PC 2.4 to be renumbered (a).

Introduce a new PC 2.4 (b) as follows:

PC 2.4 (b) Where a lot abuts land in the Residential Zone, approval of any side or rear setback shall be based on a consideration of:

(g) the likely impacts to result from the proposed development; and
(h) the feasible means to reduce these impacts.

Delete PC 2.6 as follows:

PC 2.6 No performance criteria

Replace with:

PC 2.6 Where use or development involves storage areas between the front of the building and a public road, it is to be demonstrated that such impact does not impact detrimentally on the streetscape or amenity of the area.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduce a new heading in Clause 7.4.1 Issue 2.0 as follows: Issue 2.0 Car parking location AS 2.8 Car parking shall: (a) not be located forward of the building line; and (b) be located a minimum of 1.5m from side and rear boundaries to allow for screen planting and noise attenuation.</td>
<td></td>
</tr>
<tr>
<td>PC 2.8 Car parking must be designed and located to ensure that it does not adversely affect the streetscape or visual or acoustic privacy of adjacent residential sites. In determining whether to approve car parking forward of the building line Council shall require a landscaping plan, which documents and demonstrates the specific design solutions proposed for the site.</td>
<td></td>
</tr>
<tr>
<td>Delete PC 4.1 as follows: PC 4.1 No performance criteria Replace with PC 4.1 Where there is no reticulated Council system for wastewater and stormwater, all wastewater must be treated and retained within the property boundaries with a system that has received a Special Plumbing Permit issued by Council under the provisions of the Building Act 2000. Stormwater is to be initially detained and released in a controlled manner to the satisfaction of Council.</td>
<td></td>
</tr>
</tbody>
</table>
In Clause 7.4.1 Issue 5.0 – Amenity of existing residential development.
Delete AS 5.1 (a) as follows:
(a) comply with the acceptable solutions as set out in clauses 4.1, 4.2, 4.3, 4.4, 5.1 and 5.2 of Table 11.1 (Part 11) – Residential Development Schedule.
Delete PC 5.1 (a) as follows:
(a) comply with the performance criteria set out in clauses 4.1, 4.2, 4.3, 4.4, 5.1 and 5.2 of Table 11.1 (Part 11) – Residential Development Schedule.
Renumber subsequent clauses accordingly.

Delete PC 6.1 as follows...
PC 6.1 no performance criteria
Replace with
PC 6.1 A proposal for use or development that has the potential to create smoke, fumes, dust, noise or other emissions beyond the boundaries of the site, likely to cause environmental nuisance is to demonstrate the mitigation measures proposed to manage any adverse impacts.

Delete PC 8.1 as follows:
PC 8.1 no performance criteria
Replace with
PC 8.1 Where a use or development involves the placement of obstacles or structures on a public pathway, it is to be demonstrated how a clearway of a minimum 1.5m wide (or 1.8m wide where in a high activity area as determined by Council), and that appropriate levels of public liability insurance, as determined by Council, can be obtained.
Delete Clause 7.4.1 Issue 9.0 Sustainable Transport Access

Objective: To ensure that access and parking is managed to maximise access to and circulation within business and civic areas by public transport, walking and cycling.

AS All new use and development shall be designed to accommodate and facilitate or enhance safe and convenient access by public transport and/or walking and cycling through appropriate paving, lighting, seating etc and separation from, or clear priority over, private vehicle access and parking.

P. C. No performance criteria

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduce a new issue in Clause 7.4.1 Issue 9.0 (assuming deletion of the existing provisions described above).</td>
<td></td>
</tr>
<tr>
<td>7.4.1 Issue 9.0 Landscaping</td>
<td></td>
</tr>
<tr>
<td>Objective: To enhance the appearance of use or development, separate incompatible activities, assist in controlling run off and erosion, contribute to a reduction in noise levels and define pedestrian and vehicle circulation systems.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>AS 9.1 In areas except Wragg and Goldie Street or where the building has already been developed to the property boundaries, the landscaping plan is to show how it is proposed to:</td>
<td></td>
</tr>
<tr>
<td>(a) provide screening;</td>
<td></td>
</tr>
<tr>
<td>(b) separate incompatible activities;</td>
<td></td>
</tr>
<tr>
<td>(c) assist in the control of run off and erosion,</td>
<td></td>
</tr>
<tr>
<td>Plants listed as ‘environmental weeds’ are not to be used.</td>
<td></td>
</tr>
</tbody>
</table>
| 8 | Part 8.0 Industrial Zone | The industrial zone provisions need to be reviewed to firstly, remove any PCAs that do not provide a discretion to approve, and secondly, to deal with the question of houses in the Industrial Zone.

In relation to the latter, it is proposed that a short discussion paper be prepared to allow further informed debate on the issue before a policy position is determined.

One further issue that requires consideration relates to Clause 8.4.1 Issue 2.0: Hazardous Waste Disposal. Here it is proposed to leave the P C "no performance criteria." In my opinion the disposal of such waste should not be optional, it must be disposed of appropriately in all cases.

Further to the above, it is proposed to amend the text to refer to "Controlled Waste" where currently the terms "Hazardous Waste" and "Toxic Waste" are used.

The former term is defined in EMPCA.

P C The requirement for a landscape plan may be waived where it can be demonstrated that:

(a) The proposed development is of a scale and type as to not warrant the addition of landscaping; or

(b) The site is already landscaped and additional plantings do not further the objective.

(c) The circumstances of the situation determine that landscaping is not appropriate.

Delete P C 1.1 No performance criteria.
Replace with P C 1.1 A proposal for use or development that has the potential to create smoke, fumes, dust, noise or other emissions beyond the boundaries of the site likely to cause environmental nuisance is to demonstrate the mitigation measures proposed to manage any adverse impacts.

Clause 8.4.1 Issue 2.0: Hazardous Waste Disposal.
Where the terms "Hazardous Waste" and "Toxic Waste" are used, replace with "Controlled Waste".

Introduce a new definition in Part 4.0
"Controlled wastes has the meaning described in EMPCA"
Delete PC 3.1 (b) as follows:
PC 3.1 (b) It is to adjust the boundaries to achieve a more efficient lot layout.
Delete PC 3.2
Replace with
It is for a boundary adjustment, amalgamation or minor subdivision to provide for an improved management of the land, or would lead to a better arrangement of lots consistent with the objective, and where no additional lots are created.

Clause 8.4.1 Issue 6.0: - Landscaping.
Delete clauses AS 6.1, 6.2, 6.3, 6.4 and 6.5
AS 6.1 Any area forward of the building line not approved for other purposes must be landscaped.
AS 6.2 Any area not used for buildings, vehicular access and parking or storage must be landscaped.
AS 6.3 Landscaping is to be carried out in accordance with a plan submitted as part of the application which shows areas to be landscaped, types of plants to be used and paving areas to be developed and which sets out how the proposed landscaping is to be implemented and maintained.
AS 6.4 The landscaping plan is to show how it is proposed to:
(a) Provide screening for development;
(b) Separate incompatible activities;
(c) Assist in the control of runoff and erosion;
(d) Contribute to a reduction in noise levels;
| (e) Define pedestrian and vehicle circulation systems; and |
| (f) Incorporate mounding or other measures to reduce the viability of development adjacent to the Bass Highway from that highway. |

AS 6.5 Environmental weeds are not to be used in landscaping.

And corresponding PC’s as follows:

6.1 – 6.5 No performance criteria.

Replace with

AS 6.1 Landscaping is to be carried out in accordance with a plan submitted as part of the application which shows areas to be landscaped, types of plants to be used, mature heights, paving areas to be developed and which sets out how the proposed landscaping is to be implemented and maintained.

The landscaping plan is to show how it is proposed to:

(a) provide screening for development, particularly forward of the building line when viewed from a public road,

(b) Separate incompatible activities;

(c) Assist in the control of runoff and erosion;

(d) Contribute to a reduction in noise levels;

(e) Define pedestrian and vehicle circulation systems; and

(f) Incorporate mounding or other measures to reduce the visibility of development adjacent to the Bass Highway from that highway.

(g) Prevent the use of environmental weeds
The corresponding PC is replaced with

PC 6.1

The requirement for a landscape plan may be waived where it can be demonstrated that:

(a) The proposed development is of a scale and type as to not warrant the addition of landscaping; or

(b) The site is already landscaped and additional plantings do not further the objective.

(c) The circumstances of the situation determine that landscaping is not appropriate.

---

AS 9.1 replace "Burnie Port Authority" with "Burnie Airport Corporation". Delete PC 9.1 as follows:

PC 9.1 No performance criteria

Replace with

PC 9.1 Where development is proposed within the airport obstacle limitation surfaces planning area contours, it must be demonstrated that the proposed development does not constitute a safety issue for aircraft, or does not detrimentally impact on the operational requirements of the airport. For example, where development results in significant operational penalties such as fewer passengers, or less cargo and fuel uplift than is normal.

Delete AS 9.3 as follows.

AS 9.3 Use or development is not to attract birds in the vicinity of the airport.

Replace with
<table>
<thead>
<tr>
<th>Council Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waratah-Wynyard Council Special Council Meeting Minutes – 6 September 2004 – Page 112</td>
</tr>
</tbody>
</table>

| AS 9.3 Use or development that has the potential to attract birds, such as an abattoir, intensive animal husbandry activity, refuse site, major waste transfer station, food processing plant, marine farm, orchard, grain handling facility and similar, shall be sited no closer than 8 kilometres to the airport. |
| Delete PC 9.3 as follows |
| PC 9.3 No performance criteria. |
| Replace with |
| PC 9.3 |
| Where a use or development with potential to attract birds is proposed to be located closer than 8 kilometres from the airport, the applicant shall demonstrate through specialist ornithological opinion and environmental management that the operational safety of the airport will not be detrimentally affected. |
| Introduce a new AS 9.4 as follows: |
| AS 9.4 The fixing, operation, strength of any lighting must not interfere with air navigation aids essential for the safe movement of aircraft at night. |
| Introduce a new PC 9.4 as follows: |
| PC 9.4 Prior to the fixing of any lighting (external to any building) that may interfere with safe air navigation, the applicant must consult the Burnie Airport Corporation or subsequent owners/operators of the airport for the technical requirements of the installation of lighting to be located near the airport. |
| Houses in the Industrial Zone. |
| Council has debated this issue on several occasions with concerns expressed that the existing prohibition is too onerous particularly when there are a number of existing houses in the Industrial Zone. Issues to be considered included the replacement of existing houses that are burnt down, the extension and minor modification of existing houses, and houses required as incidental or ancillary to an industry. It is proposed to retain the prohibited status for houses, but with the changes indicated in the next column. |
| New Clause 8.4.3 as follows: |
| 8.4.3 Additional standards for use or development of houses in the zone. |

**8.4.3 Issue 1 Houses in the Industrial Zone**

Objective: To ensure that houses located in the zone do not constrain the operation of existing or future industrial use or development.

AS 1.1 No acceptable solution.

**PC 1.1 (a) Ancillary Use or development**

- In considering whether any proposed new house constitutes an ancillary use or development pursuant to clause 3.4.1, it must be demonstrated that it meets the following criteria: Whether the intended function of an on-site residence can be provided in an alternative manner;
- Whether the caretaker is engaged in managing the business or protecting or caring for the building and grounds;
- Whether a residential use is likely to curtail or fetter the operation of industrial uses in the vicinity;
- Whether in terms of floor area ratios or levels of activity generated by the principal use, it can be demonstrated that the residential use is clearly subservient.

(b) Where the house is an existing non-conforming use or development it can be demonstrated that any extension or alteration does not substantially alter the building envelope or intensification of the residential use.
<table>
<thead>
<tr>
<th>9</th>
<th>Part 9 Primary Industries Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.4.1 Issue 1.0 10.4.1 Issue 2.0 Subdivision</td>
<td>There is no minimum road frontage requirement for subdivision controls in the Primary Industries or Environmental Management zones. The previous schemes had a requirement for an access strip of minimum width 6.0 metres, as does the Local Government (Building and Miscellaneous Provisions) Act 1993. This should be reflected in the scheme provisions. There is also a need for additional guidance on the characteristics of lots created, particularly where such lots can be used for development purposes. There is also a concern with proponents using stratum subdivision to bypass other subdivision controls as it relates to residential use and development.</td>
</tr>
<tr>
<td></td>
<td>See 5 above. Can be dealt with as part of more comprehensive provisions for subdivision. Provide a new AS dealing with frontage requirements as follows:</td>
</tr>
<tr>
<td></td>
<td>New AS 1.2</td>
</tr>
<tr>
<td></td>
<td>AS 1.2 Each lot has a frontage to a public road of 18 metres. Renumber AS 1.4 to AS 1.3 and PC 1.4 to PC 1.3</td>
</tr>
<tr>
<td></td>
<td>Existing PC 1.3 to be incorporated into PC 1.2 and the wording altered as follows:</td>
</tr>
<tr>
<td></td>
<td>Delete:</td>
</tr>
<tr>
<td></td>
<td>PC 1.3 No lot created by boundary adjustment shall be available for the establishment of use within the Residential Use Class.</td>
</tr>
<tr>
<td></td>
<td>Replace with:</td>
</tr>
<tr>
<td></td>
<td>No lot created by boundary adjustment is to be used for a use within the Residential Use Class.</td>
</tr>
<tr>
<td></td>
<td>Delete reference to ‘residential’ in PC 1.4 as follows:</td>
</tr>
<tr>
<td></td>
<td>PC 1.4 A proposal for a strata subdivision must demonstrate that:</td>
</tr>
</tbody>
</table>
| | (a) it is required for the establishment or operation of a utilities, business and civic, environmental management, residential, or recreation use or development.
| 9.4.1 Issue 2.0 Prime Agricultural Land | The provisions for prime land do not allow incidental developments that are located within the curtilage of an existing house or building on an existing property. Strict interpretation would not allow a new secondary use that uses an existing building. This may be necessary to provide for the ongoing maintenance of a building but results in no net effect on the land itself. Council has also adopted a policy that states all development on properties identified as having prime agricultural land are to be accompanied by a Land Capability Assessment Report.

Council also previously introduced into the scheme provisions based on a previously stated policy that provided a ‘trigger’ for when an assessment was required to demonstrate that the proposed house was required to support the agricultural use of the land. I have since considered the matter in more detail and have concluded that the existing provisions in the Scheme adequately cover this issue and incorporating additional provisions are not warranted. |

| 9.4.1 Issue 7.0: Airport Protection | The proposed new Performance Requirements described for the Industrial zone also apply to this zone. |

| Renumber the following PC 1.1, 1.2 and 1.3 as required. |

| Introduce a new PC 2.1 (a) as follows: PC 2.1 (a) The applications accompanied by a Land Capability Assessment Report prepared by a suitably qualified person; and Remember subsequent clauses accordingly. Introduce a new PC 2.1 as follows: PC 2.1 (d) The proposal is for a development in the resource development, business and civic, industrial or utilities use classes and utilises an existing building and its curtilage that has effectively converted the land from further agricultural use, and where the operation of the new use and development does not result in a fettering of an adjacent agricultural use. Renumber the existing PC 2.1 (d) to read (e). |

| AS 7.1 replace “Burnie Port Authority” with “Burnie Airport Corporation”. Delete PC 9.1 as follows: PC 7.1 No performance criteria Replace with PC 7.1 Where development is proposed within the airport obstacle limitation surfaces planning area contours, it must be demonstrated that the proposed development does not |
constitute a safety issue for aircraft, or does not detrimentally impact on the operational requirements of the airport. For example, where development results in significant operational penalties such as fewer passengers, or less cargo and fuel uplift than is normal.

Delete AS 7.3 as follows.

AS 7.3 Use or development is not to attract birds in the vicinity of the airport.

Replace with

AS 7.3 Use or development that has the potential to attract birds, such as an abattoir, intensive animal husbandry activity, refuse site, major waste transfer station, food processing plant, marine farm, orchard, grain handling facility and similar, shall be sited no closer than 8 kilometres to the airport.

Delete PC 7.3 as follows

PC 7.3 No performance criteria.

Replace with

PC 7.3

Where a use or development with potential to attract birds is proposed to be located closer than 8 kilometres from the airport, the applicant shall demonstrate through specialist ornithological opinion and environmental management that the operational safety of the airport will not be detrimentally affected.

Introduce a new AS 7.4 as follows:

AS 7.4 The fixing, operation, strength of any lighting must not interfere with air navigation aids essential for the safe
<table>
<thead>
<tr>
<th>New Issue 9.0: Design and Form</th>
<th>The scheme currently has no setback or height provisions relating to buildings in the Primary Industries Zone other than for the siting of houses. This needs to be corrected.</th>
</tr>
</thead>
</table>

movements of aircraft at night.

Introduce a new PC 9.4 as follows:

PC 7.4 Prior to the fixing of any lighting (external to any building) that may interfere with safe air navigation, the applicant must consult the Burnie Airport Corporation or subsequent owners/operators of the airport for the technical requirements of the installation of lighting to be located near the airport.

Introduce a new issue and its related Acceptable solutions and Performance Criteria as follows:

9.4.1 Issue 9.0: Design and Form

Objective: To enable flexibility in the siting of rural buildings, to protect rural amenity and to maintain appropriate rural character.

AS 9.1 Buildings are to be setback:

- Front Boundary – 30 metres (unless Category I, II or III Road)
- Side Boundary – 5 metres
- Rear Boundary – 5 metres

Note:

For internal lots, the front boundary is the boundary where the access joins the body of the lot and not where the access commences from the road.

AS 9.2 The maximum building height is:

- 10 metres

PC 9.1 The required setbacks may be varied where it can be
| 9.4.1 Issue 9.1 Location of Secondary Uses | Provision allows only the extension of existing dwellings as permitted within the Primary Industries zone, or where a lot has been previously zoned rural-residential or similar. Development of a new house is discretionary, regardless of compliance with the remaining development standards that apply, but only where it can be shown that the lot was previously approved for a residential use. This intent needs to be clarified. This is similar to the discretionary status given to a house under a traditional scheme. It is considered that this gives the adjoining property owners (farmers) a chance to object if they have concerns over the establishment of a new house in the area. It is also considered appropriate to provide additional criteria against demonstrated that:

(a) The location of proposed structures complements existing buildings and setbacks in the immediate area.

(b) The location of proposed structures complements the amenity and character of the locality and is not visually intrusive.

(c) The design responds to the particular size, shape, contours or slope of the land and the desirability of minimising earthworks associated with construction.

PC 9.2 The building height may be varied where it is demonstrated that the buildings or other structures are able to be sited or undertaken in a manner that does not result in a high level of contrast with the prevailing landscape elements. This includes consideration of the colours proposed, the shape, height and bulk of buildings proposed, and the ability of the surrounding and proposed vegetation to visually absorb the development.

Renumber subsequent clauses as appropriate.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
|  |  | Existing AS 9.2 is proposed to be modified by the addition of the following words at the end of the existing clause:

AS 9.2 Where the use or development is for a single house on a lot previously zoned Rural-Residential (Wynyard s.46 Planning Scheme) or Low Density Residential (Somerset Planning Scheme 1966 & Wynyard Planning Scheme 1966), unless located on Prime Agricultural Land.

Modify PC 9.2 by adding an (a) after 'Lot to read as follows:

PC 9.2 Where a lot:
<table>
<thead>
<tr>
<th>Council Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waratah-Wynyard Council Special Council Meeting Minutes – 6 September 2004 – Page 119</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>which to assess the suitability of a lot for residential purposes. A reworked AS 9.2 is proposed. The development of more than a single dwelling on a lot is not intended and a scheme standard clarifying this intent is required.</td>
<td>(a) has previously been approved for ‘residential purposes’ ‘pursuant to the Local Government Act 1962 or where a Council permit for subdivision for a residential use or development’ has been granted. Renumber existing PC 9.2 (a), (b) &amp; (c) accordingly.</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide new assessment criteria against which to assess applications for a house as follows: PC 9.2 (e) The lot has a building site which is:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) on land free from flooding or poor surface drainage runoff;</td>
</tr>
<tr>
<td></td>
<td>(ii) on stable land, particularly not on land of doubtful stability or land susceptible to erosion;</td>
</tr>
<tr>
<td></td>
<td>(iii) on land with a gradient of less than 20 percent;</td>
</tr>
<tr>
<td></td>
<td>(iv) on land which is greater than 40 metres from a water course;</td>
</tr>
<tr>
<td></td>
<td>(v) not on land that would require extensive cut and fill for the construction of an access road, or which the resulting development could be visually intrusive in the landscape when viewed from a public road; and</td>
</tr>
<tr>
<td></td>
<td>(vi) on land where the clearance of vegetation is minimal to achieve a site for any development, access roads and fire protection.</td>
</tr>
<tr>
<td></td>
<td>The following building setbacks can be met:</td>
</tr>
<tr>
<td></td>
<td>30 metres – front boundary (unless</td>
</tr>
<tr>
<td>9.4.1 New issue 11: Effluent disposal and infrastructure</td>
<td>Currently no scheme standards.</td>
</tr>
</tbody>
</table>
(c) Where farm waste disposal is proposed, it shall be in accordance with best practice guidelines and the requirements of EMPCA.

AS 1.2 Stormwater must be discharged by one of the following methods:

(a) a connection to a reticulated stormwater system; or
(b) where a reticulated system is not available it must be demonstrated that any discharge will not be an environmental nuisance or cause environmental harm under the provisions of EMPCA.

Note:
Rainwater captured from roofed areas may be directed to on-site storage tanks, provided an overflow device is connected to either an approved stormwater system or elsewhere on the site (if not available).

AS 1.3 Water reticulation to new development shall be either by:

(a) connection to the Council reticulated water supply; or
(b) where there is no reticulated water supply a private supply.

The corresponding PC's to the above are to all be written as "No Performance Criteria"
10.4.1 Environmental Management Zone

It is considered that the provisions of this zone are too close to those of the Primary Industries Zone. It is proposed that the scheme standards be considerably strengthened to reflect the intent of this zone as it applies to environmentally sensitive areas or those that have conservation significance. In particular, the subdivision controls need to be reviewed.

The controls advocated for the Primary Industries Zone with respect to the development of single houses on a title with the discretion for dual occupancy should also apply to this zone. A proposal for a more intensive residential use and development would have to rely on the Local Area Plan provisions of the scheme.

Delete AS 2.1 as follows:

2.1 Minimum lot size for which title may be issued is 40 hectares.

Replace with a new AS

AS 2.1 All proposals for subdivision are to be considered under the Performance Criteria

Delete existing PC 2.1 as follows:

2.1 For a lot less than 40 hectares, it is to be demonstrated that:

(a) it is part of a boundary adjustment of an existing subminimum lot (to improve the management of the land); or

(b) it is required for the establishment or operation of a resource development, utilities, residential, business and civic, environmental management, or recreation use or development and is accompanied by the proposal for use or development of the lot(s). It must be demonstrated that the proposed use or development of the lot(s) will:

(i) not detract from the values and intent of the zone;

(ii) not impair the continuing operation of use or development of surrounding land;

(iii) not create an obligation to clear land for fire management or access purposes on any land outside the area to be
(k) be of sufficient size to enable any subsequent development to meet all other relevant scheme standards.

Replace with new PC

PC 2.1 Subdivision shall only occur where the proposed lot is considered at the same time as a proposal for use or development, and where Council may approve subdivision where the land has an area of not less than Sha where:

(a) a clear community benefit from such a proposal will result;

(b) less than 20% of the total site area is affected;

(c) a building envelope locates the development in an area where the least possible disturbance of bushland or other environmental values will arise; and

(d) a proposal for management of the remaining land including fencing, weed management, habitat restoration is provided;

(e) a Part 5 Agreement to the effect that no further subdivision can occur is applied;

(f) regard to locating the proposed subdivision in an area already characterised by smaller lots is made;

(g) each lot is suitable for the purpose proposed and meets relevant Scheme standards; and

(h) a plan for managing bushfire hazard risk is prepared.

The proposed changes made to ‘Location of Secondary Uses’ for the Primary Industries Zone apply also to the Environmental Management Zone as follows:

Modify clause 10.4.1 Issue PC 6.2 by adding an (a) after ‘Lot’ to
read as follows:

PC 6.2 Where a lot:

(a) has previously been approved for ‘residential purposes’ pursuant to the Local Government Act 1962 or where a Council permit for subdivision for a residential use or development has been granted under the Wynyard s.46 Planning Scheme, Wynyard Planning Scheme 1966 and Somerset Planning Scheme 1996; and

Renumber existing PC 6.2 (a), (b) & (c) accordingly.

Introduce a new Acceptable Solution and Performance Criteria to clause 10.4.1 as follows:

AS 6.3 Residential use and development where allowed under clauses 6.1, and 6.2 above is restricted to a single dwelling per title.

PC 6.3 Multiple residential use and development is limited to Relatives Accommodation as provided in Schedule 23.0 clause S2.3.2.

---

Table 11.1 Residential Development Schedule – Height and Setback Provisions.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

Clarification required on the set back provisions, particularly where buildings on the boundary are proposed. It is also considered that the existing provisions dealing with building set backs between adjoining dwellings is confusing, particularly when considered in conjunction with the set back provisions of the Scheme.

---

Table 11.1 Issue 3.0 Building sitting and Design.

Delete existing Clause 3.1 Building Setbacks for Daylight as follows:

AS 3.1 Where a new building is to adjoin an existing dwelling, setbacks (metres) to habitable rooms of the adjoining dwelling are to comply with the following:

<table>
<thead>
<tr>
<th>Window Set Back</th>
<th>Max Wall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1.5</td>
<td>0</td>
</tr>
<tr>
<td>1.5 - 3.5</td>
<td>3.0</td>
</tr>
<tr>
<td>3.5 - 4.0</td>
<td>3.5</td>
</tr>
</tbody>
</table>
### Council Reports

**Waratah-Wynyard Council Special Council Meeting Minutes – 6 September 2004 – Page 125**

<table>
<thead>
<tr>
<th>3.5 – 4.0</th>
<th>3.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0 – 4.5</td>
<td>4.0</td>
</tr>
<tr>
<td>4.5 – 5.0</td>
<td>4.5</td>
</tr>
</tbody>
</table>

**PC 3.1** Set backs to habitable room windows in adjoining dwellings are to be progressively increased as wall height increases to maintain adequate daylight to these rooms. 

Renumber subsequent clauses accordingly.

Delete existing Clause 3.2 as follows:

**Building Height and Setbacks**

3.2 Buildings are not to exceed 7.5m in height and are to comply with the following set back requirements:

- **(a)** subject to Clause 3.1, walls up to 3m in height shall be set back a minimum of 1m from the side or rear boundary, unless the wall is to be built to the boundary in accordance with Clause 3.4; and
- **(b)** for that part of the wall over 3m in height, the minimum set back is to be 1m plus 0.3m for every 1m of height over 3m.

Replace Clause 3.2 with the following:

**Maximum Building Height**

**AS 3.2** Buildings are not to exceed 7.5m.

**PC 3.2** Council may vary the building height specified where it is satisfied that:

- **(a)** existing view corridors and solar access enjoyed by...
neighbours are protected as far as practical; and
(b) privacy impacts can be minimised; and
(c) neither the neighbourhood character nor environmental values will be adversely impacted; and
(d) no practical alternative to a height variation is practical; and
(e) in the case of second storey additions above existing dwellings the extension presents to the road as an integrated component of the total dwelling with respect to colour and material treatment and architectural approach.

Delete existing Clause 3.3 as follows:

AS 3.3 Fascia, gutters, downpipes, non combustible lining of eaves and the like, masonry chimney backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, electricity or gas metres, light fittings, aerials or antennas and sunblinds may encroach into setback areas required by Clause 3.1 and 3.2 if the distance to the boundary is not less than 1 metre, unless that wall is built to the boundary in accordance with clause 3.4

PC 3.3 No performance criteria.

Replace Clause 3.3 with the following:

Side and Rear Boundary Setbacks

AS 3.3 In accordance with the following table unless it is proposed to build on the boundary in accordance with the Performance Criteria:

<table>
<thead>
<tr>
<th>Minimum Setback to Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>**</td>
</tr>
<tr>
<td>**</td>
</tr>
<tr>
<td>**</td>
</tr>
<tr>
<td>**</td>
</tr>
<tr>
<td>**</td>
</tr>
</tbody>
</table>

Maximum Wall Height (m) | Minimum Setback (m)^2
------------------------|-------------------
<table>
<thead>
<tr>
<th>Maximum Wall Height (m)</th>
<th>Minimum Setback (m)²</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 or less</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>1.3</td>
</tr>
<tr>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>6</td>
<td>1.9</td>
</tr>
<tr>
<td>6 or greater</td>
<td>1.9m + .3m for each metre of wall height</td>
</tr>
</tbody>
</table>

Note:
1. Encroachments such as fascias, gutters, downpipes, non combustible lining of eaves and the like, masonry chiminey backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, electricity or gas metres, light fittings, aerials or antennae and sunblinds may encroach into setback areas required by the above table.

2. Side boundary setback standards are to be read in conjunction with Schedule 23 Dual Occupancy and Multiple Dwelling where separate dwellings with living areas are to be no less than 10.0m apart unless assessed under the Performance Criteria.

PC 3.3 Where the proposal does not meet the Acceptable Solution Council may approve a variation where it can be demonstrated that the reduced setback will not cause adverse impacts on the amenity of adjoining residences, and where proposed to build to the boundary, the following minimum standards are met:

(a) the length of the new boundary wall is no more than 35% of the length of each of the abutting property
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Table 11.1 Residential Development Schedule – Table 11.1 Issue 4.0Energy Efficiency</td>
<td>A number of minor changes are proposed to ensure clarity of intent and provisions that are easier to administer. It is also relevant that the BCA now contains requirements for the energy efficiency of new buildings and there is therefore no need to include provisions in the Scheme covering this issue.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amend clause 4.1 as follows: Delete the second part of the AS 4.1: Or For all new dwellings and extensions containing main living areas, it is to be demonstrated that the proposed design can achieve an energy rating of 4 out of 5 stars when assessed using an approved energy rating software program. Amend clause 4.1 by the addition of an new provision as follows: AS 4.1 add 'and' after existing (b).</td>
</tr>
</tbody>
</table>

Delete existing Clause 3.4 Building to the Boundary as follows: AS 3.4 Walls may be built to the side and rear boundaries where: (a) the length of the new boundary wall is no more than 30% of the length of each of the abutting property boundaries and the maximum wall height is no greater than 3m; or (b) the length of the new boundary walls matches existing boundary walls on adjoining properties where the maximum wall height is to be 3m or the height of the existing wall whichever is the greater.
AS 4.1 new (c) as follows:

(c) ensuring a north facing room suitable as a living area is provided.

Delete existing Clause 4.1 PC as follows:

PC 4.1 No performance criteria.

Replace with the following:

PC 4.1 Council may approve an application for a new dwelling not meeting the Acceptable Solution where the following matters have been satisfactorily addressed:

(a) windows are located, sized and shaded to facilitate good thermal mass performance; and

(b) building internal layouts are designed to minimise energy consumed for heating and cooling; and

(c) buildings have an area of roof with appropriate orientation and pitch suitable for the installation of solar collectors and photovoltaic cells.

Delete existing AS 4.2 as follows:

AS 4.2 Buildings and landscaping shall not overshadow the north facing wall of a dwelling for more than 2 hours of available sunlight on any day. In the case of adjacent vacant lots, buildings and landscaping shall not cause overshadowing across the north oriented boundary [ies] of adjoining residential sites between 11:00 am and 2:00 pm on 21 June.

Replace with new AS 4.2 as follows:

AS 4.2 Buildings shall not overshadow the north facing windows of living areas of a dwelling for more than 3 hours between 9 am and 3 pm on 21 June of available sunlight on any day.
| Table 11.1 Issue 9.0 | What is the test between a home office and a home occupation – is there even a difference? The existing provisions are unclear about the difference. An exemption has been provided to clarify between those home occupations that are very small in nature and unlikely to impact on neighbours, and those that are more of a domestic business. | Rename the issue to Domestic Business
Provide new PC's as follows:
Replace with the following
Table 11.1 Issue 9.0
PC 9.1 The domestic business must be subservient to the primary use of the property for residential purposes.
PC 9.2 The domestic business must be compatible with the surrounding residential amenity, and be of a size and scale compatible with the primary residential use.
PC 9.3 The domestic business must not generate traffic greater than reasonably expected in the surrounding residential area.
PC 9.4 The display of goods from outside the property boundary must not adversely impact on the residential amenity and character of the area.
PC 9.5 Noise generated by the domestic business must not impact on the amenity of the surrounding residential area.
PC 9.6 The domestic business must not generate emissions beyond the boundaries of the site that are detrimental to the health and well being of residents in the area.
PC 9.7 Council may allow additional signage where the circumstances of the case are such that the increased signage will not be detrimental to the residential character and streetscape amenity of the area. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Home Occupation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.0 Residential Development Schedule – Multiple Dwellings</td>
<td>The Scheme standards relating to multiple dwellings are not clear. While the number of dwellings able to be developed on a lot is currently governed by the ability to meet the provisions relating to private open space, privacy, car parking and the like, a simple plot ratio or 'area analysis' may assist in quickly determining the suitability or otherwise of a particular block of land. Reference to how other Councils have dealt with this issue will be of assistance, particularly those developed for Kingborough and West Tamar - see Attachment &quot;1&quot;.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>12 Table 12.1 Clause 1.1 Environmental and Visual impact Slopes</td>
<td>Refers to a 6-degree slope as acceptable for development. This is a very gentle slope and makes most developments discretionary with no definable benefit or beneficial outcome as a result of advertising. There appears to be some confusion with the normal requirements of 1 in 6 slope or 10 degrees as safe for development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In AS 1.1 amend reference to the 6 degrees (1:10) to read as follows AS 1.1 Building, private roads and associated works are to be located on slopes of less than 11 degree (1:5 or 12%). PC 1.1 Building, private roads and associated works may occur on slopes greater than 1:5 provided it can be demonstrated that:</td>
<td></td>
</tr>
<tr>
<td>12 Table 12.1 Clause 1.3 Hydrology</td>
<td>Siting of development schedule – requirements for recharge basins etc unreasonable in some cases. The performance criteria do not allow for much variation. The PC refers to no affect on any natural flow regimes or water quality, where any proposal that requires a variation will have to do that to be assessed under the provision. The standard ought to refer to having no adverse affect on natural flow regimes and/or water quality.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In PC 1.3 include an additional reference as follows: PC 1.3 Any building or works located on or near drainage swales, recharge basins, high water tables, water courses or flood plains shall be designed and constructed in a manner that will not detrimentally affect the natural flow regimes or water quality of any of these features.</td>
<td></td>
</tr>
<tr>
<td>12.1 Issue 3.6 Coastal Processes And Coastal Habitat Protection</td>
<td>A technicality of the AS wording of the setback provision to a coastal reserve means that in an adjoining zone you must be 6 metres from it. The exact provision should refer to the boundary with a coastal reserve. The existing standard (as may be amended) must remain to achieve its intent, however there should be an AS for no development within the coastal reserve but allows buildings erected by a public authority or where an existing development is already within the setback area, to be subject to a PC. Also, a PC is required for 3.3 dealing with the removal of sand.</td>
<td>Currently being addressed as a separate draft amendment to deal specifically with the Boat Harbour issue. Delete existing PC 3.3 No Performance Criteria. Replace with: PC 3.3 The removal of sand or other material is to be subject to the preparation of an Environmental Impact Assessment detailing the potential adverse impacts on natural coastal processes of erosion and deposition, the methods for mitigating these impacts, and the proposed measures to ensure that the site is rehabilitated without long-term detrimental impacts on the environment.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>13.1 Heritage Issue 1 Cultural Significance P 120</td>
<td>The Heritage Schedule of the scheme requires Council to undertake a specialist heritage assessment of applications involving any changes to a heritage item. This replicates the assessment process of the Historic Cultural Heritage Act, but does not allow for an exemption where the Tasmanian Heritage Council is able to issue one. On appeal and/or under Section 63 of LUPAA, this inconsistency could prove legally problematic and expensive for Council. Council itself does not have a heritage register separate to the Tasmanian Heritage Register, therefore any properties to which this standard applies would require assessment by the THC anyway.</td>
<td>The Heritage Schedule has been reviewed and the provisions improved (see Attachment 2).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>a) If it is a heritage listed property/site; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) If the THC has issued an exemption for a Works Application; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) That a works application has been lodged if b) is not satisfied.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The development standards ought to have changes made that remove the need for Council to engage a specialist consultant to undertake assessment (which would streamline the application process). Failure to correct this technicality could result in a member of the public taking successful action under Section 63 of LUPAA for failing to enforce the scheme if they did not agree with the decision on an individual application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>17.1 Issue 1.1 Car Parking Provision</td>
<td>Amend existing Figure 17.4 – Calculation of Value of Cash in Lieu by adding a footnote as follows: Note: And in all cases a cap of $2,000 in the amount of cash in lieu to be paid shall apply.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car parking schedule provides no exemption for change of use so that the existing use is taken to have the required spaces under the scheme and the only provision is for the difference between the old and the new uses. Extensions to existing uses ought to be assessed on the additional areas that form part of the application. Any proposals for conversion to new use typically assume that the existing use has what is required and any requirements are worked on the difference between the previously existing and proposed uses. One issue however that does require consideration is that of cash in lieu contributions. The current provisions allows Council to take cash in lieu with the value of the contribution defined by Figure 17.4 in Schedule 17 Car Parking and Access. Consideration has been given to providing an exemption for car parking for areas within the</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
commercial area in Wynyard, or at least for a lower differential rate between properties in the main commercial area and elsewhere. Discussions with Council Director of Engineering and Director of Development Services has determined that it would be preferable to not provide a car parking exemption zone, but rather, provide a cap on payments to the value of $2,000. This would assist where a café for example, that cannot provide any car parking in the main commercial area in Wynyard (because it is physically not possible) would be required to pay $2,000 in lieu of the required 8 spaces and not the $10,000 currently required using the current calculation. It is considered more equitable to continue with the cash in lieu provision but to introduce the payment cap.

<table>
<thead>
<tr>
<th>15</th>
<th>18.2.1 Bushfire Prone Areas Schedule</th>
</tr>
</thead>
</table>

Bushfire schedule does not deal with development per se (only subdivision) or existing sites.

The Bushfire Planning Working Group is currently developing new guidelines to explain how things ought to be done. These will be available to all once the consultation and editing phases are complete.

The existing provisions ought to be amended to investigate how to deal with ancillary buildings (without requiring full measures, the applicability of protection zones to all buildings and development and options for dealing with existing developed and subdivided sites.

The requirements for garages and other ancillary buildings ought to consider (maybe inclusion of the water supply requirements as a note rather than a condition).

With existing approved lots and houses empirical evidence suggests it is necessary to provide variations to the buffer zones to allow for any development.

It may be feasible to have performance criteria within the scheme that allows variation of limited standards where the application is

The revised guidelines produced by the Tasmanian Fire Service are currently in draft form and due out for public comment by the end of September 2004. It is understood that the new guidelines will be in the form of a Schedule that can be adopted into planning schemes, and the provisions will deal not only with subdivision in bushfire prone areas, but development of existing lots in areas subject to bushfire hazard. Apart from the deficiencies identified in the Waratah-Wynyard Planning Scheme, both Kingborough and West Tamar scheme only effectively deal with subdivision. While it is considered to be premature to revise the schedule until the TFS draft Schedule is finalised, there is one amendment worth considering. Currently the definition of bushfire prone areas in the WW scheme uses a term not currently used in the TFS guide i.e. medium instead of moderate fire risk. The definition in clause 4.2 should be amended as follows to be consistent with current terminology:

In Clause 4.2 General Definitions amend the definition of Bush Fire Prone Areas as follows:
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>accompanied by a fire hazard management plan that can be attached to the title as a part 5 agreement and is previously approved by the TFS when the DA is made? (that should at least allow some flexibility for serious developers and make it easy for any subsequent owners to be made aware of the maintenance requirements of the plan).</td>
<td>Bushfire Prone Areas means those areas of land determined to be of medium-moderate or high bushfire hazard due to........</td>
<td></td>
</tr>
<tr>
<td>16 Signs Schedule</td>
<td>The control of murals is an issue Council would like to incorporate into the planning scheme. There is little in the way of guidance in other planning schemes and no other performance-based scheme has tackled the issue.</td>
<td>Add the following provisions to Part 19.0 Signs Schedule. Table 19.1 Issue 6.0--Wall Murals Objective: To ensure that murals are professionally designed and created, and its size, location and subject matter are appropriate to the location and do not detract from the streetscape character. AS 8.1 No Acceptable Solution. PC 8.1 Any mural shall not be approved if in the opinion of Council: (a) the mural will dominate or obscure another sign to the detriment of that sign’s effect or message; (b) the mural will lead to clutter of signage on the site or involve unnecessary repetition of messages; (c) the mural will endanger or confuse traffic or cause confusion with navigation aids to ships or aircraft; (d) the mural is illuminated such that it would lead to a significant disturbance to the amenity of an adjacent or nearby property and its occupants; (e) the design and siting of the mural will be incompatible with the architectural, streetscape or landscape</td>
</tr>
</tbody>
</table>

**Final Draft: Wangar - Wyndham Scheme Review S.34 Draft Amendment**

File Reference 3211382  

1/6/2004  

42
| 17 | Marinas, jetties, slipways, boat ramps, etc | The Waratah-Wynyard Municipality has a long coastal frontage, and the prospect of use and development extending into the sea is becoming more likely as a result of the growth in tourism and developer interest. For example, marinas or wharf related commercial development on the Inglis River. | Amend existing Schedule 12 by the addition of the following new provisions: New issue and objective as follows: Table 12.1 Issue 5.0:- Marinas, Jetties, Boat Ramps, Slipways, etc. Objective: To ensure use or development maintains the hydrological and biological roles of wetlands and waterways. Marina Development AS 1.1 All proposals are to be considered under the performance criteria. PC 1.1 A marina may be constructed in any location provided it is supported by an environmental impact statement demonstrating, amongst other matters: (a) seabed characteristics/habitat type profile with qualitative/quantitative data and the expected impacts and means of mitigation; (b) means of minimising visual impact; (c) dredging and maintenance dredging including timing, location of removal and spoil disposal; (d) the risk of acidic soils and means of mitigation; |
(e) impacts on coastal processes including sand movement, wave action and means of mitigation;
(f) impacts on coastal flora or fauna species or habitats (including benthic);
(g) written consent from Marine and Safety Tasmania and the Crown; and
(h) best practice for waste reception and treatment.

Jetties

AS

The Jetty is less than 20 metres in length and is designed to allow full tidal flushing.

PC

1.2 The use or development:
(a) avoids disturbance of areas of cultural heritage;
(b) does not result in disturbance of wetlands, sea grasses or significant habitats;
(c) minimises impact on visual landscape values;
(d) does not cause a navigational hazard;

does not cause significant impact on the coastal environment or coastal processes including changes in wave action or behavior.

Boat Ramps

AS

1.3 All proposals are to be considered under the performance criteria.

PC

1.3 The development or use must not result in significant:
(a) disturbance of wetlands, sea grasses or other significant habitats;
(b) impact on coastal processes, including wave action; and
(c) avoids disturbance of items or areas of cultural heritage; and measures are implemented to mitigate any adverse environmental effects.

Slipways

AS

1.4 All proposals for slipways are to be considered under the performance criteria.

PC

1.4 Proposals for new slipways must demonstrate that the use or development:

(i) is located in an area already characterised by other similar structures such as jetties, ramps and boatsheds;

(ii) does not impede public access to and along public reserves;

(iii) avoids disturbance of items or areas of cultural heritage significance;

(iv) minimises impact on visual amenity having regard to the characteristics of the site and the surrounding area; and

a plan is prepared for managing wastes generated in the slipping and boat maintenance activities that subsequently occur.

i. Note: Demonstration of compliance with these Performance Criteria is likely to require the submission of a report, prepared by suitably qualified persons, which provides:

(a) identification of all sensitive or potentially sensitive areas from which the proposed development can be seen;

(b) an evaluation of the impact of development on the visual amenity of the area;
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Headworks Charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Need to include a heed power for headworks charges in accordance with the report to Council drafted by the Manager Corporate Services in February 2004. Similar provisions are being considered by the Northern Midlands Council. It is proposed that only a Performance Criteria be used as the Council will want the discretion to refuse if the applicant does not agree. It will usually apply to subdivision of multiple dwelling developments where Council will already have the discretion to refuse.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A new Scheme Standard as set out below is to replace existing standard in:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 6.4.1 Issue 6.0 Infrastructure Provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 7.4.1 Issue 3.0 Infrastructure Provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 8.4.1 Issue 10.0 Infrastructure Provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 9.4.1 Issue 3.0 Infrastructure Provision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 10.4.1 Issue 3.0 Infrastructure Provision</td>
<td></td>
</tr>
</tbody>
</table>
New scheme standard to replace the above clauses as follows:

**Issue:** Infrastructure Provision

**Objective:** To ensure that the cost of providing infrastructure to new development is not borne by the community.

**AS X.1** Where a use or development requires the provision of infrastructure or connection to existing public infrastructure and will consume service capacity of that infrastructure or will exceed its design capacity, the cost of augmenting the public infrastructure to service that development is to be paid for by the person undertaking the use or development.

**X.2** The provisions of 6.1 do not apply to development of a single house or low-level use on an existing lot.

**PC X.1** Where a use or development requires the provision of infrastructure or connection to existing public infrastructure and will consume service capacity of that infrastructure or will exceed its design capacity, the applicant shall demonstrate that an agreement has been entered into with a relevant body to contribute towards the cost of such infrastructure as part of the approval.

**X.2** The provisions of 6.1 do not apply to development of a single house or low-level use on an existing lot.
(a) identification of all sensitive or potentially sensitive areas from which the proposed development can be seen;
(b) an evaluation of the impact of development on the visual amenity of the area;
(c) proposal for screening of particular components of site operations;
(d) proposals for landscaping and other measures aimed at achieving acceptable visual amenity;
(e) a flora and fauna audit (terrestrial and marine – including intertidal) identifying all species and indicating possible effects of the proposal and measures to avoid or mitigate these effects;
(f) the location of any seagrass meadows and impact of concentrated boating activity on these meadows;
(g) details of all disturbance to the seashore, intertidal area and foreshore as a result of the facility and measures to avoid or mitigate this disturbance;
(h) details of the impact on onshore, offshore and alongshore sediment transport processes and measures to avoid or mitigate this disturbance;
(i) details of the impact of the facility on wave energy flows and measure to avoid or mitigate this disturbance; and
(j) identification of risks to the facility caused by events such as storms and sediment transportation and measures to avoid or mitigate any adverse effects.
23.0 Dual Occupancy and Multiple Dwellings Schedule

23.1 Purpose of Schedule

23.1.1 To ensure that medium density building form, siting and design and use provides an acceptable on-site residential environment and that off-site impacts are managed within acceptable limits.

23.1.2 Facilitate development at densities and scales which complement the residential areas in which they are located.

23.1.3 Employ standards that result in safe, pleasant and practical living environments.

23.1.4 Facilitate the development of affordable and flexible residential development.

23.2 Definitions of Terms Used in this Schedule

Dual occupancy – a lot used for two dwellings.

Multiple dwelling – a lot used for an integrated development of more than two dwellings.

Relative’s Accommodation – an apartment sharing utility connections with a principal building. It may or may not be a separate building.

23.3. Standards for Use and Development for Dual Occupancy and Multiple Dwellings

Use and Development must be undertaken in accordance with the following standards.

S2.3.1 Design and Built Form

Objective

To facilitate fully serviced medium density housing which complements the streetscape and is responsive to the climate and lifestyle of West Tamor.

<table>
<thead>
<tr>
<th>Acceptable Solution</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td></td>
</tr>
<tr>
<td>A1.1 Sites for multiple dwelling units and dual occupancies have minimum areas as follows:</td>
<td>Density</td>
</tr>
<tr>
<td>Zone</td>
<td>Dual Occupancies Min area/dwelling</td>
</tr>
<tr>
<td>Residential</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Business &amp; Commercial</td>
<td>300 square metres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Streetscape, building siting and design</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1 Buildings are set back an equal or greater distance from the street as buildings on adjoining premises or, where there are no buildings on adjoining sites, in accordance with Schedule 11.0 Table 11.1 Issue 2.0</td>
<td>Streetscape, building siting and design</td>
</tr>
<tr>
<td>A2.2 Buildings address the communal street by having a front door and living room window facing the street.</td>
<td>P2</td>
</tr>
</tbody>
</table>

P1 Multiple dwelling units and dual occupancies are developed at densities which accord with the desired character indicated in the intent of the Zone in which the site is situated.

P2 The development is sited and designed taking into account:
   a) the relationship to adjoining premises and the street; and
   b) the locality which establishes the overall siting of the premises.

Note: In order to demonstrate the development satisfies P2.
### Acceptable Solution

| A2.3 | Ancillary buildings, including garages but not structures for recreational purposes such as pergolas, are located behind the front building line. |
| A2.4 | For multiple dwelling units, garage doors do not face the public street. |

| A3.1 | The proposal complies with the requirements of Schedule 11.0, Table 11.1 Issue 3.0. |
| A3.2 | The length of unarticulated elevations visible from the street or public open space is no greater than 12 metres. |
| A3.3 | The maximum number of dwellings attached in one building is four, with separation (for the purposes of cross block ventilation, articulation and light) between buildings being not less than 4 metres. |
| A3.4 | On sloping sites, terracing and building design steps the development down the slope so that any excavation or fill is not greater than 1 metre. |

### Performance Criteria

| and P3, it is likely that a report will be required with the application which specifically analyses the following pertaining to the site and indicates how the design addresses them: |
| a) the topography and natural drainage lines; |
| b) significant site features, including vegetation, to be retained and incorporated into the building and landscape design; |
| c) services and easements; |
| d) existing buildings to be retained; |
| e) the location and amenity of adjacent buildings and sites; |
| f) streetscape character and context; |
| g) items of natural conservation or heritage value; |
| h) orientation and micro-climate; and |
| i) views and vistas available from the site. |

### Siting

| P3 | The development incorporates design elements which: |
| a) ensure adequate daylight for habitable rooms and open space areas; |
| b) minimise overshadowing and overlocking of adjoining premises; |
| c) minimise excavation and filling; |
| d) enhance the local streetscape and character of the area; and |
| e) minimise other potentially adverse impacts on adjoining premises. |

### Landscaping and Open Space

| A4.1 | If building and structures are 2 storeys or less, a minimum of 30 percent of the area of the site is utilised for landscaping and open space. |
| A4.2 | If buildings and structures exceed 2 storeys, a minimum of 40 percent of the area of the site is utilised for landscaping and open space. |

| P4.1 | Landscaping and open space form a substantial element of the site when viewed from the street and provide for continuity with the streetscape. |
| P4.2 | Sufficient open space and landscaped area is provided on site: |
| a) to cater for the requirements of occupants for relaxation, dining, entertainment, recreation and children’s play; and |
| b) for service functions such as clothes drying and domestic storage. |
Attachment 1

<table>
<thead>
<tr>
<th>Acceptable Solution</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5</td>
<td>PS</td>
</tr>
<tr>
<td></td>
<td>Adequate and usable private open space for each dwelling is provided and located to:</td>
</tr>
<tr>
<td></td>
<td>a) be directly accessible from the dwelling;</td>
</tr>
<tr>
<td></td>
<td>b) be available for maximum year round use;</td>
</tr>
<tr>
<td></td>
<td>and</td>
</tr>
<tr>
<td></td>
<td>c) take account of outlook, natural features and surrounding buildings.</td>
</tr>
<tr>
<td>A6</td>
<td>P6.1</td>
</tr>
<tr>
<td></td>
<td>Front fences and walls provided for privacy or to define the property, enable some outlook from buildings to the street for casual surveillance.</td>
</tr>
<tr>
<td>Visual and acoustic privacy and safety</td>
<td>P6.2</td>
</tr>
<tr>
<td>A7.1</td>
<td>Front fences and walls are compatible with the building and streetscape and enable use of private open space abutting the street.</td>
</tr>
<tr>
<td></td>
<td>P6.3</td>
</tr>
<tr>
<td></td>
<td>Front fences and walls provide an acoustic barrier if traffic noise is excessive.</td>
</tr>
<tr>
<td></td>
<td>Visual and acoustic privacy and safety</td>
</tr>
<tr>
<td>A7.2</td>
<td>P7</td>
</tr>
<tr>
<td></td>
<td>The development provides residents of the development and residents of adjacent residential properties with levels of visual and acoustic privacy which would be expected within residential premises in the locality.</td>
</tr>
</tbody>
</table>

A7.1 Direct views between habitable rooms of adjacent dwellings or between habitable rooms and the private open space of adjacent dwellings (whether part of the development or adjacent to the development), are obscured by:

a) screening which is durable, permanently fixed and has a maximum of 35 percent openings; OR
b) existing dense vegetation or new planting which can achieve a 75 percent screening within 5 years of planting.

A7.2 Bedroom windows are located at least 3 metres from access ways (pedestrian and vehicular) and parking areas of other dwellings (refer to Figure 8.2.1).

A7.3 Security lighting is provided to pedestrian paths and entrances, driveways and parking areas with lighting designed to ensure that nuisance is not caused to complex residents, neighbours and traffic on public roads.

A7.4 A minimum 1.5 metre high solid timber, brick or masonry fence is provided along the common boundary with any residential premises, except for that part of the common boundary which is within the front boundary setback of the development.

A7.5 The maximum height of the fence between the front building line and a road is 1.2 metres.
### Acceptable Solution

**Design for climate**

A8.1 A north-facing room is provided, which is capable of use as a living area with windows receiving at least 3 hours of sun over a portion of their surface between 0900 and 1500 hours on 21 June.

A8.2 North-facing windows to living areas of neighbouring dwellings do not have sunlight reduced to less than 3 hours between 0900 and 1500 hours on 21 June.

### Performance Criteria

**Design for climate**

P8 Dwellings are sited and designed to maximise solar access to north-facing windows of living areas and having regard to slope, views, existing vegetation and overshadowing.

### Miscellaneous

**A9** Multiple dwelling units and dual occupancies are not located on internal lots (e.g. hatchet shaped lots) or lots relying on a right-of-way for an access.

**A10.1** The proposal complies with the requirements of Schedule 11.0, Table 11.1, Issue 7.0.

### Figure S2.1 – visual separation for bedroom windows

### S2.3.2 Relative’s Accommodation

**Objective**

To provide for the accommodation of relatives in association with a household living in a dwelling house.

### Acceptable Solution

**A1.1** The accommodation unit is:

- **a)** attached to or included within the principal dwelling;
- **b)** a detached unit located within 10 metres of the principal dwelling.

### Performance Criteria

**P1** The accommodation unit is in the defined curtilage to the principal residence.

---

**Waratah-Wynyard Council Special Council Meeting Minutes – 6 September 2004 – Page 145**
### Acceptable Solution

<table>
<thead>
<tr>
<th>Acceptable Solution</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1.2 The apartment has a maximum gross floor area of:</td>
<td></td>
</tr>
<tr>
<td>a) 80 square metres; or</td>
<td></td>
</tr>
<tr>
<td>b) 50 percent of the floor area of the principal dwelling;</td>
<td></td>
</tr>
<tr>
<td>whichever is the lesser.</td>
<td></td>
</tr>
<tr>
<td>A2.1 Direct views do not exist between the living areas of the relative’s accommodation and the principal dwelling.</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>A2.2 A direct view exists into the living areas of the principal dwelling and is obscured or screened.</td>
<td></td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>A2.3 Direct views do not exist between the living areas of the relative’s accommodation and any neighbouring dwellings.</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>A2.4 A direct view exists into the living areas of any neighbouring dwellings and is obscured or screened.</td>
<td></td>
</tr>
<tr>
<td>A3 The architectural style, materials and colours are the same as the principal dwelling.</td>
<td></td>
</tr>
<tr>
<td>A4 The accommodation unit and the principal dwelling are aligned so as to present as a single dwelling to the street frontage.</td>
<td></td>
</tr>
<tr>
<td>A5.1 The accommodation unit shares its driveway and vehicle crossover with the principal dwelling</td>
<td></td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>A5.2 The accommodation unit shares a pedestrian path with the principal dwelling</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>A5.3 A separate pedestrian access path is provided for the accommodation unit.</td>
<td></td>
</tr>
</tbody>
</table>

P1 The siting of the accommodation unit must have regard to the privacy of the occupants of:

a) the relative’s accommodation unit;

b) the principal dwelling; and

c) dwellings on neighbouring properties.

P3 The accommodation unit must be designed and constructed to complement the principal dwelling on the site, having regard to the architectural style, materials, colours and finish of the principal dwelling.

P4 The accommodation unit and the principal dwelling must present as a single dwelling to the street frontage.

P5 Access to the accommodation unit and the principal dwelling must be designed to facilitate safe and convenient vehicular and pedestrian movement within the site.
<table>
<thead>
<tr>
<th>Acceptable Solution</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>A6.1 The accommodation unit is occupied by a member of the family, or persons</td>
<td>P6 The accommodation unit must only be occupied as an ancillary use to the principal</td>
</tr>
<tr>
<td>associated with the immediate family, residing in the principal dwelling.</td>
<td>dwelling on the site.</td>
</tr>
<tr>
<td></td>
<td>Note:</td>
</tr>
<tr>
<td></td>
<td>Compliance with the Acceptable Solutions is the only way the Performance Criterion can</td>
</tr>
<tr>
<td></td>
<td>be satisfied.</td>
</tr>
<tr>
<td>A6.2 The accommodation unit is not rented as a separate dwelling.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>A7 Compliance with Schedule 11.0 Infrastructure</td>
<td>P7 The accommodation unit must be provided with suitable reticulated services</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
13.0 HERITAGE SCHEDULE
13.1 Intent of the Schedule
The intent of this schedule is to retain the cultural significance of places for current and future generations.

13.2 Application of schedule
13.2.1 This schedule sets out the objectives, acceptable solutions and performance criteria in relation to the retention of the cultural significance of places within the planning area.

13.2.1 Proposals for use or development to which this schedule applies must demonstrate compliance with the Scheme standards set out in Table 13.1.

<table>
<thead>
<tr>
<th>Table 13.1 Objectives and Standards for Heritage:-</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective:</strong> To ensure use or development conserves, reveals, enhances and does not detract from those characteristics which contribute to the place’s cultural significance.</td>
</tr>
<tr>
<td><strong>Acceptable Solution</strong></td>
</tr>
<tr>
<td>Historic Heritage</td>
</tr>
<tr>
<td>1.1 No change to the fabric of a place listed on the Tasmanian Heritage Register.</td>
</tr>
<tr>
<td>Aboriginal Heritage</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>1.2 No change to the fabric of a place of Aboriginal cultural significance without a ministerial permit granted under the Aboriginal Relics Act 1975.</td>
</tr>
</tbody>
</table>
7. Risk

The draft textural amendments to the Waratah-Wynyard Planning Scheme 2000 are required to be processed under LUPA and ratified by the Resource Planning & Development Commission. The draft amendment may be rejected or altered by the Commissioner notwithstanding Council’s expenditure on the review process to date.

8. Conclusion

It is considered the draft amendment furthers the objectives of the Land Use Planning and Approvals Act 1993 and gives clarity to the Waratah-Wynyard Planning Scheme 2000 as a land use planning instrument. The amendment also seeks to bring the Planning Scheme into line with the Common Key Elements Template introduced as Directive No. 1 by the Resource Planning & Development Commission.

It is recommended that Council initiate the proposed amendment to the Waratah-Wynyard Planning Scheme 2000.

MOVED BY CR MOORE
SECONDED BY CR RANSLEY

That Council agree to the following:

1. In accordance with Section 35 (1) of the Land Use Planning and Approvals Act 1993, Council is satisfied that the proposed draft amendment meets the requirements of Section 32 of the Land Use Planning and Approval Act 1993.

2. For the purposes of meeting its obligations under the Land Use Planning and Approvals Act 1993, Council gives authority for the draft amendment to be certified by instrument in writing signed by the Mayor and General Manager.

3. For the purpose of meeting Section 38 of the Land Use Planning and Approval Act 1993 a 42 day period of exhibition is approved for draft amendment 202.27.

CARRIED
239. CLOSED COUNCIL MEETING

MOVED BY CR BRAMICH
SECONDED BY CR FRIEDERSDORFF

That Council consider the following matters in Closed Meeting:-

<table>
<thead>
<tr>
<th>Item</th>
<th>Local Government Act Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract 565 – Hire of Track</td>
<td>Schedule 4 Clause 10 (1) (d)</td>
</tr>
<tr>
<td>Excavator – Assignment Request</td>
<td></td>
</tr>
</tbody>
</table>

CARRIED

MOVED BY CR FENTON
SECONDED BY CR BRAMICH

That Council go into Closed Meeting at 8.02 pm.

CARRIED

240. RESUMPTION OF OPEN MEETING

AT 8:05 P.M. THE OPEN MEETING WAS RESUMED.

THERE BEING NO FURTHER BUSINESS THE MEETING WAS CLOSED AT 8:06 P.M.

Confirmed,

MAYOR

20 September 2004