

TASMAN COUNCIL

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23 July 2021

Tasmanian Planning Commission GPO Box 1691 HOBART TAS 7001

tpc@planning.tas.gov.au

Dear Ms Cunningham

Pre Hearing Directions Planning Authority Response

Matter A – Road Reservations

The Planning Authority confirms that each reserve road highlighted in Appendix 1 should be included in the Landscape Conservation Zone should the panel accept the Planning Authorities recommendation with respect to the adjoining freehold titles.

Matter B - 10 Hylands Road

The Planning Authority wrote to the owner on 19 July 2021 on this matter. Tasman Council does not hold any phone or email contact. At the time of writing, no response has been received from the owner.

Matter C - 301 and 309 White Beach Road

The yield for 309 White Beach Road based on the recommended partial Low Density Residential Zone is considered to be a maximum of four additional lots, of which one lot would contain the existing motel development.

The yield for 301 White Beach Road is estimated to be 35 additional lots. This estimation is derived in part from a prior matter considered by the former Resource Planning and Development Commission (Amendment 07-04 and DA 99/04) which includes a planning assessment by Pitt and Sherry, which is attached. Current bushfire hazard management requirements and coastal hazard overlays have also been considered and will preclude some of the lots identified in the attached plan.



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With respect to compliance with the Southern Tasmanian Regional Land Use Strategy (STRLUS), the Planning Authority understands that the panel accepts that Nubeena and White Beach have a moderate growth strategy of 10 – 20% increase in number of potential dwellings and a mixed growth scenario.

To step through the application of the STRLUS growth management strategy, it is noted that:

- STRLUS was adopted when the Tasman Planning Scheme 1978 was in effect. This is the relevant planning scheme by which to evaluate the growth strategy by.
- The base number of dwellings for the growth strategy is at least 479 which is based on housing stock reported for the 2011 census and the Urban Centre Location (UCL) boundary.
- STRLUS was prepared based on the 2006 census, but was approved after the 2011 census. The housing stock recorded at the 2011 census is relevant as it is the closest point in time measurement.
- Limitations on the census count of housing include lags between the issue of building permits, and the issue of occupancy certificates and completions and their subsequent inclusion in census data and the omission of vacant lots. It would be reasonable to apply a modest 10% increase to the census count to compensate. Additionally, notwithstanding section 19.5.2 states that the number of dwellings existing at the time STRLUS is the relevant figure, STRLUS also uses the terminology 'potential dwellings'. Given that all residential lots in White Beach that existed when STRLUS were declared had a permitted as of right status for a single dwelling, potential dwellings would be a lot based count rather than a dwelling count. The potential dwellings that existed as vacant lots are 'converted' to dwellings over the 25 year time horizon of STRLUS irrespective of any zoning changes.
- 20% of 479 dwellings is an additional 96 dwellings.
- It is necessary to consider if any additional growth has been provided for in the current Tasman Interim Planning Scheme 2015 (TIPS).
- Prior to STRLUS, the planning scheme provided a gross density was 2242 lots.
 This is based on 98.1ha of Closed Residential Zone and 97.3ha of Coastal Village Zone and a minimum lot size of 800m². This 800m² minimum lot was



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prescribed for the Coastal Village, however, the Closed Residential Zone this is a nominal figure as that zone had no minimum lot size.

- TIPS provides a gross density is 1498 lots, which is based on 224.7ha of Low Density Residential Zone and a minimum lot size of 1500m².
- Thus, there has been no increase in the potential number of dwellings in the settlement post the declaration of STRLUS. Whilst the amount of residential zoned land has increased, the larger minimum lot size has reduced the overall development potential of White Beach. The expansion of residential zoning has allocated the development potential to more appropriate locations as well as incorporating approximately 16ha of the former Semi-Rural Zone that had developed prior to TIPS with a residential character.
- The exhibited draft LPS provides an increased in potential dwellings of five due to the application of the Low Density Residential Zone at 37 to 69 White Beach Road.
- The increase in potential dwellings should the recommendations for 301 & 309 White Beach Road be adopted by the panel complies with the growth management strategy and growth scenario for White Beach.

Matter 4 – Jetties and Accretions

The submission on the zoning of jetties and accretions is principally concerned with ensuring consistency. This can be achieved either by not zoning any jetty or accretion, which would affect three sites in the exhibited draft LPS or by zoning all jetties and accretions. If the later is adopted, it is submitted that this would apply to any jetty or accretion that is currently subject to a lease or license from the Crown as shown in LISTmap.

Yours faithfully

A held

Shane Wells

Consulting Planning and Project Officer

TASMAN COUNCIL of Natural Escape White Beach Road – White Beach

Review of Proposed Subdivision Application and Planning Scheme Amendment of CT 48654/1

Prepared for

Tasman Council

December 2004

Prepared by: Evan Boardman/Dion Lester

Table of Contents

1.	Background				
	1.1	Applicant	1		
	1.2	Proposed Development	1		
2.	Zon	ing	1		
3.	Sect	tion 43A – Combined Permit/Amendment Process			
	3.1	Applications Referred to in Section 43A	2		
4.	Info	ormation provided by the Applicant	.4		
	4.1	Traffic Impact Study			
	4.2	Visual Impact			
	4.3	Planning Assessment			
	4.4	Wastewater assessment	.5		
	4.5	Flora and Fauna	.6 ·		
	4.6	Aboriginal Heritage			
5.	Eval	luation of Proposed Subdivision	.6		
	5.1	The White Beach Area	.6		
	5.2	Schedule 1 of the Land Use Planning and Approvals Act 1993Error! Boo	kmark not defin		
	5.3	State Policies			
	5.4	Tasman Planning Scheme			
	5.5	New Planning Scheme and Settlement Strategy	11		
6.	Conclusion11				
	6.1	Rezoning Application	11		
	6.2	Subdivision Application			
	6.3	Conditions			
	64	Advice	14		

	Name	Signature	Date
Authorised by:	John Eckersley-Maslin		14 December 2004

1. Background

This report is an assessment of a combined application for a planning scheme amendment for rezoning under section 33 of the Land Use Planning and Approvals Act 1993 and subdivision under section 43A of the Act.

This application was originally submitted to Council in 2003 and a decision to initiate an amendment to the planning scheme was made by Council at its June meeting, this decision was revoked by Council at its next meeting, as it had not substantially affected its decision nor was it considered that sufficient information had been provided to Council to enable assessment of the application.

Following this decision Council and Council's planning consultant wrote to and met with the applicant and landowners to discuss the process and to seek further information for any future Resource Planning and Development Commission process. This information has been received.

1.1 Applicant

Sinclair Knight Merz obo J and A Barwick

1.2 | Proposed Development

The proposed development involves the rezoning and subdivision of CT 48654/1 situated adjacent to the Lagoon subdivision at White Beach, consisting of 10 lots each approximately 4000 m².

2. Zoning

The land is currently zoned Rural A with an intent to:

retain land for primary industry purposes whilst allowing some upgrading of activities and land use.

No further subdivision of land is permitted except if the proposed allotments have a minimum area of 10 hectares and there is to be a maximum depth to frontage ratio of 3:1.

The proposed subdivision does not meet the intent or minimum lot size for the zone.

The applicant is applying to have the land rezoned to Coastal Village. The intent of this zone is to:

provide areas where future developments will be in scale and character with the existing settlement and environment, and which utilises both the physical and social infrastructure, whilst retaining the natural vegetation cover.

Subject to Public Health approval the zone has a minimum lot area of 800m².

3. Section 43A – Combined Permit/Amendment Process

Section 43A of the Land Use Planning and Approvals Act 1993 (LUPAA) applies when a planning authority is requested to amend the planning scheme as well as consider an application for a permit that would not be permitted if the scheme were not amended.

Council is required to determine within a 42-day period whether or not to initiate the amendment to the planning scheme. If the Council agrees to the request, then Council will be required to determine whether the amendment meets Section 32 of LUPAA and is suitable for certification. When the amendment is initiated as per section 33(3) the application for a permit can be considered concurrently. If the Council refuses to initiate the amendment the applicant has 14 days to seek a review by the Resource Planning Development Commission (RPDC). If the council agrees to initiate the amendment then the planning scheme amendment and application for a permit are placed on public exhibition for a period of between 3 weeks and 2 months. Within 35 days of the end of public exhibition the council is then required to prepare a report with any representations for the RPDC. The Commission is then required to review the report and hold hearings for any representations received. The RPDC will then modify, approve or reject the amendment.

3.1 Applications Referred to in Section 43A

43C. (1) In determining an application referred to in section 43A, a planning authority –

- (a) must seek to further the objectives set out in Schedule 1; and
- (b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application.

Applications submitted under s43A of the Land Use Planning and Approvals Act 1993 are assessed in accordance with the following process:

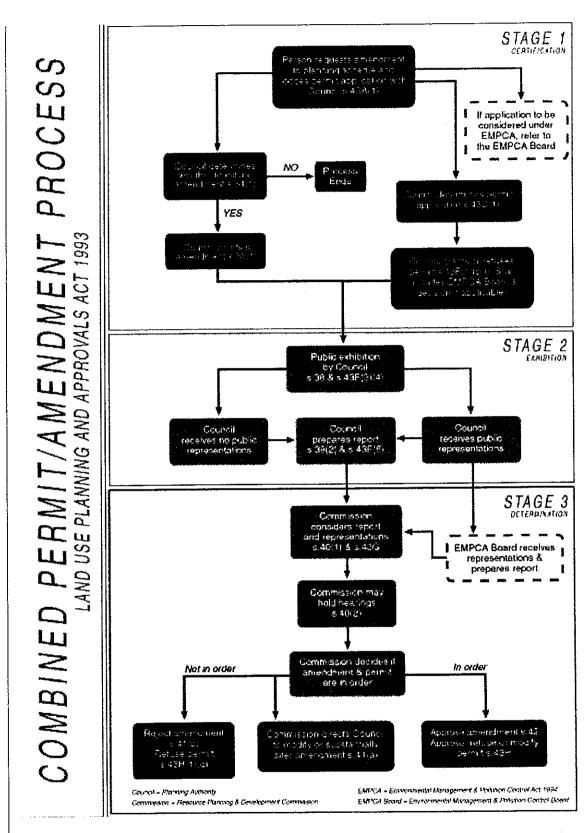


Diagram 1 from Resource Planning and Development Commission

4. Information provided by the Applicant

The following assessments were undertaken:

- Traffic study Sinclair Knight Merz
- Visual Impact Robert Giblin
- Partial Planning Assessment Robert Giblin
- Wastewater assessment Sinclair Knight Merz
- Flora and fauna North, Baker and Associates
- Aboriginal heritage Rocky Sainty.

The information contained within these reports is summarised below.

4.1 Traffic Impact Study

White Beach Road commences at the Nubeena Rd junction east of Parsons Bridge and proceeds south to White Beach. Currently developments at White Beach include two accommodation centres, older residential areas and a range of new residential areas on new local roads.

The intersection analysis for White Beach Road – Nubeena Road indicated no capacity problems by 2014 with full development of the proposed subdivisions and annual traffic growth of 3.5%. The primary traffic concern is road safety, particularly:

- A need for better road side delineation
- Poor condition barrier fencing and fence delineation on White Beach Road
- That safe intersection sight distance is provided at the subdivision access point (115m sight distance onto White Beach Road).

In addition because of the sandy ground conditions the proposed subdivision poses an environmental threat from erosion of roadside drains and damage to roadside areas from regular public parking. Appropriate management of stormwater is of particular importance in preventing this erosion of roadside drains. The erosion control measures recommended are:

- Armouring of drains (e.g. rock lining with 200mm rocks)
- Culvert outlet protection (road and driveway culverts)
- Sediment traps (including stepping of rock lined drains)
- Mulching of exposed surfaces to reduce damage due to rain drop splash and wind
- Grassing of service drains.

4.2 Visual Impact

The site is in the southeast corner of Wedge Bay, amongst low-lying settlement. The proposed subdivision has the potential to have a visual impact to the west (Wades Corner) and further to the northeast (toward Apex Point). Both of these areas are greater than one kilometre from the nearest mid-level part of the site. The large separation distance will play a part in reducing the visual impact as will the implementation of the following recommended measures:

- Retention of trees not required to be removed for building or fire risk management
- Building envelopes shall be placed upon each of the proposed lots
- External building and fencing material are to be non-reflective and in the darker colour range consistent with colour's occurring naturally in the surrounding environment.

4.3 | Planning Assessment

An assessment was made against all 3 state planning policies and against the objectives of schedule 1 of the Resource Management and Planning System.

The proposal is considered to be a sustainable use and development of the site. This view is based on several factors, the site adjoins and is partially enclosed by an established settlement which is identified by Council as a development node.

4.4 Wastewater assessment

A site investigation detailing the geology and permeability of the soil in relation to the treatment of wastewater was undertaken. The following limitation were discovered:

- Cation exchange capacity
- Phosphorous adsorption capacity
- Surface water environmental value (recreational).

These risks are mitigated by the amount of land available and the distance from surface waters (generally greater than 100m). The recommendation is for each dwelling to use a dual-purpose septic tank or similar for treatment of wastewater, with disposal to shallow (less than 0.45m deep) trenches for each dwelling and a primary disposal area of 120m², and reservation of a secondary area of around 120m² should the primary disposal area fail.

4.5 Flora and Fauna

The botanical survey and fauna habitat was undertaken in February 2004. Almost half of the site, predominantly in the east, contains Coastal Black Peppermint (E. amygdalina). This community is not threatened and well reserved in the South East bioregion. There is a small community (0.9 ha) of Black Gum (E. ovata) that has been degraded by weeds in the gully surrounding the creek. This is an important foraging habitat for the endangered Swift Parrot and a threatened forest community under the Regional Forest Agreement and needs to be retained. A Forest Practices Plan will be required for any clearing associated with the subdivision. Further to this a condition of the approval of this development shall include the retention of the creek side Black Gums.

4.6 Aboriginal Heritage

It was found that there are no sites of Aboriginal significance within the proposed subdivision.

5. | Evaluation of Proposed Subdivision

5.1 The White Beach Area

The White Beach area has grown in the past in a relatively ad hoc manner with little strategic input from Council or relevant planning authorities (similar to other settlements within the Tasman municipality). The result is a settlement without a central sewage treatment plant or reticulated water. Approximately 90% of the lots within the area are built upon (many of these consist of sheds and shack like dwellings). More recent subdivisions within White Beach have been required to install the necessary pipe work to connect to a future wastewater treatment plant.

The White Beach area currently suffers from a number of problems including:

- The area does not have reticulated sewage
- Inappropriate buildings have been constructed upon many of the lots (caravans and sheds have been erected and are used for residential accommodation on a permanent or casual basis, the majority of which have no relevant approvals from Council)
- Wastewater is being disposed of inappropriately and in some instances illegally on some lots (evidence of pit toilets, long drops and 44 gallon drums being used for wastewater disposal is apparent)
- There are many poorly performing septic tanks (some of which have been approved by Council)

 Council records are lacking in terms of being able to determine whether or not individual lots have an approved septic tank or similar in place).

5.2 Schedule 1 of the Land Use Planning and Approvals Act 1993

- (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;

It is considered that the proposed subdivision provides for sustainable development of the site for the following reasons:

- The nature of the proposed subdivision provides for similar use as to what is present in the adjoining Coastal Village Zone.
- Its position is within an existing settlement.
- There are no identified culturally significant sites within the lot.
- The protection of the native vegetation through the requirement of a Forest Practice Plan will assist in protecting ecological processes.
- The initial subdivision of this lot provides for lower density development than is present in the remainder of the Coastal Village Zone.
- (c) to encourage public involvement in resource management and planning;

By following the statutory requirements of initiating the proposed amendment the Council will be encouraging public involvement in resource management and planning.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);

The proposed change of use from non-productive rural land, because of poor soil type, to a subdivision will result in an increase in the economic productivity of the lot, both for the landowner and the local economy through the additional residents. With implementation of the previously mentioned controls the economic development will be in accordance with schedule 1 paragraph (a), (b), and (c).

(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.

Both the Council and the State Government are involved in the amendment approval process and the s43A approval process, and the community has input into the proposal through the public representation period.

5.3 State Policies

5.3.1 State Coastal Policy

The relevant sections of the State Coastal Policy are shown below:

2.1.3 Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.

With retention of natural vegetation cover and the use of ecologically sensitive design measures the buildings will be sensitive to the coastal environment.

2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.

The site contains a small amount of Black Gum, an important foraging habitat for the Swift Parrot, however the area it covers was only 0.9 ha and has been degraded by weeds. Despite this the Black Gums shall remain as a condition of the development proceeding.

2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

The proposed rezoning is within existing residential development and dwellings. It therefore cannot be considered ribbon development as defined under the State Coastal Policy. It is infill development, connecting the residential areas to the north and the south consolidating the existing settlement.

5.3.2 State Policy on the Protection of Agricultural Land

This policy is not applicable to the proposed subdivision. The subject site is not prime class 1,2 or 3 agricultural land, and is considered to have poor agricultural potential under the land capability mapping carried out by the Department of Primary Industries, Water and Environment.

5.3.3 State Policy on Water Quality Management

This Policy applies to all surface waters, including coastal waters, and ground waters, other than:

 privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public;

or

(ii) waters in any tank, pipe or cistern.

The relevant sections of the State Policy on Water Quality Management are shown below:

- 30.1 Emissions from diffuse sources of pollution should be reduced and managed through the development and implementation of best practice environmental management, and so as not to prejudice the achievement of water quality objectives.
- 31.1 Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.
- 31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The stormwater and wastewater management strategy proposed in this report will ensure compliance with this State Policy.

5.4 Tasman Planning Scheme

5.4.1 Schedule No. 1 – Tenor of Planning Scheme

Goal 1 – To protect and enhance areas of historic and scenic importance, in order to maintain and improve the quality and character of the natural and built environment of the Peninsula.

Objective (E) — To protect sensitive natural systems from inappropriate use or development.

Objective (F) – To encourage future development to be concentrated with the existing settlements.

Objective (G) – To encourage future development to be in scale and character with the existing settlement and local environment.

Objective (H) – To discourage sporadic, scattered or ribbon development throughout the Peninsula.

The proposed area for rezoning is located adjacent (directly south) of an existing 86 lot residential subdivision and less than one kilometre east of the Wades Corner settlement. The size of the allotments contained within the proposed development are of a lower density than those that surround it and by providing an infill between existing settlements it certainly can not be considered sporadic or scattered development. The development offers consolidation of the existing development of the Wades Corner settlement. In addition by allowing further development in this area it is possible to meet the future accommodation needs of the community in a sustainable manner, and not be reliant on developing some of the more environmentally sensitive areas of the Peninsula.

Goal 2-To develop the economic potential of the Tasman Peninsula to the extent that this development is consistent with other generally accepted goals.

Objective (A) — To improve rural incomes and in particular to maintain the adaptability of rural produces to adjust to economic changes. However, in order to be consistent with other major goals it may be necessary:-

- i) to discourage excessive rural subdivision;
- ii) to discourage clearing of natural vegetation in environmentally sensitive areas or in areas of scenic or historic importance.

5.4.2 | Coastal Village Zone

The intent of this zone is to:

provide areas where future development will be in scale and character with the existing settlement and environment, and which utilises both the physical and social infrastructure, whilst retaining the natural vegetation cover.

As mentioned elsewhere in this report the nature of the proposed subdivision provides for a significantly lower density development than that of what surrounds it. Each of the new allotments will be fully self sufficient with respect to water and sewage and utilises the existing road infrastructure, while providing valuable resources towards the improvement of them.

With the implementation of the listed conditions there will be maximum retention of existing vegetation for the site.

5.5 New Planning Scheme and Settlement Strategy

The proposed new planning scheme defines White Beach as a Development Node for the municipality. Whilst Council has not yet developed a formal settlement strategy it is Council's expressed view that future development within the municipality should be focused within the White Beach/Nubeena Area and Port Arthur areas. These areas have been chosen for a number of reasons, specifically because there is some existing infrastructure in the area or the potential exists for infrastructure to be provided and existing settlements exist in these areas. Council has also made a commitment to sewering the White Beach Area through the adoption of a Strategic Plan for White Beach.

The proposed development is adjacent to and contained within the existing settlement and provides for development within the identified Development Node under the proposed new Planning Scheme.

6. Conclusion

6.1 Rezoning Application

The rezoning applies to the entire allotment.

It is recommended that the application for rezoning be approved.

6.2 Subdivision Application

It is recommended that the application for subdivision be approved subject to the following conditions.

6.3 Conditions

This permit is granted, subject to the conditions set out below, for the development of a subdivision at White Beach Road White Beach.

- 1. That the development be generally in accordance with the plan of survey as submitted by Sinclair Knight Merz.
- 2. The construction works shall be carried out in accordance with plans and specifications approved by the Manager Technical Services and prepared by a qualified engineer approved by the Manager Technical Services.

- 3. Individual on site waste disposal assessments to be provided by future owners as part of the building approval process. Each lot shall provide a 120m2 primary wastewater disposal area and have reservation of a secondary area of 120m2.
- 4. Stormwater disposal from each lot shall be to the satisfaction of the Manager Technical Services and any drainage easements shall be incorporated, where necessary, in the final survey plan lodged for sealing. Roof run off shall be collected in tanks and the overflow disposed of on each lot.
- 5. The developer is required to make a contribution of an amount of \$3000 per lot as a headworks charge for future wastewater treatment.
- 6. New roads within the subdivision shall be constructed of a compacted crushed rock pavement, designed in accordance with the ultimate traffic loads and measured sub-grade parameters, to the satisfaction of the Manager Technical Services and as follows:
 - 5.0 meter wide pavement (sealed)
 - All water runoff from the constructed road shall be directed along swale drains and into stormwater retention ponds
 - Shaped as necessary to allow for a standard garbage truck to turn with a reasonable number of safe movements. The turning area may be "T" shaped.
 - 200 mm minimum thickness crushed rock sub base
 - 100 mm minimum thickness crushed rock base.
 - Armouring of drains (e.g. rock lining with 200mm rocks)
 - Culvert outlet protection (road and driveway culverts)
 - Sediment traps (including stepping of rock lined drains)
 - Mulching of exposed surfaces to reduce damage due to rain drop splash and wind
 - Grassing of service drains.
- 7. The construction works shall be carried out in accordance with plans and specifications approved by the Manager Technical Services and prepared by a qualified engineer approved by the Manager Technical Services.
- 8. The developer shall provide to Council a payment of 5% of the value of the lot as cash in lieu for the provision of public open space as per Section 117 of the Local Government (Building and Miscellaneous Provision) Act 1993.

- 9. Where such lots are subject to existing Mortgages, registered agreements, caveats or other registered dealings, then all necessary documentation in relation to the discharge of such dealings in respect to the lot(s) to be transferred (unless otherwise stated) are to be provided with the Memorandum of Transfer.
- 10. All new road signs related to the subdivision are to be installed by Council at the developers cost. The signs are to be paid for prior to the formal Council approval of the engineering plans and specifications.
- 11. The "Roads" and public open space areas are to be transferred to Council.
- 12. To protect the downstream watercourses from sedimentation during the undertaking of any site works, the best practice principles of the Soil and Water Management must be strictly applied. This practice is to apply both to the subdivision civil works, as well as the resultant dwelling developments.
- 13. No topsoil shall be removed from land without the consent of Council, and any topsoil disturbed or removed as a result of works permitted by this permit shall be stockpiled on the site and later used for redressing any disturbed surfaces as required by the Manager Technical Services.
- 14. Permanent on-site water storage for emergency fire fighting purposes in accordance with Section 3 of the Tasmanian Fire Service's "Planning Conditions and Guidelines for Subdivisions in Bushfire Prone Areas" shall be provided.
- 15. Any survey plan that has lots endorsed "public open-space", or "public access way" or "road", must be accompanied by a Memorandum of Transfer to Tasman Council. This transfer is to be executed by the vendor, identifying the lots to be transferred and accompanied by the required Lands Titles Office and stamp duty fees and charges.
- 16. The subdivider shall strictly comply with all relevant requirements of Aurora Energy and Telstra. A copy of relevant correspondence from both authorities must be submitted to Council confirming that all requirements have been met, and that individual future owners will not be liable for network extensions/upgrade costs, only their individual property connections at the time of dwelling construction.
- 17. No works may commence on site, or within a Council roadway, without a start of works notice being lodged with, and accepted by, the Manager Technical Services.
- 18. The subdivider is required to complete all works to approval prior to the final survey plan being sealed by Council, alternatively a bond and bank guarantee can be provided for the cost of the construction works.

- 19. No works may commence on site until an approved Forest Practice Plan has been completed which must include provision for the retention of Black Gums on site.
- 20. The final lot layout and dimensions of the lots is to be subject to appropriate fire safety measures to be approved by the Tasmanian Fire Service and Council.
- 21. No vegetation shall be removed from the site (except for construction of the road) unless otherwise approved by the Manager Technical Services.
- 22. Suitable covenants are to be included in the Schedule of Easements in respect of the following:
 - a. Building envelopes for each lot to provide for potential future subdivision
 - b. All buildings to be constructed of new materials
 - c. Maximum building height to be 8 metres
 - d. No temporary dwelling such as caravans are to be placed and occupied on-site for a continuous period in excess of two months
 - e. No removal of any native vegetation other than the minimum necessary for the construction of a dwelling and associated bushfire protection
 - f. Not construct a dwelling on an individual lot less than 70m².

6.4 Advice

This permit is issued under S43 of the Land Use Planning and Approvals Act 1993 and is subject to approval of the proposed amendment to the Tasman Planning Scheme 1979. The permit therefore is not valid unless the amendment is successful.

