

1 July 2022

Ms Claire Hynes Tasmanian Planning Commission GPO Box 1691 HOBART TAS 7001

Emailed to: tpc@planning.tas.gov.au

Dear Ms Hynes,

DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE COUNCIL RESPONSE TO COMMISSION DIRECTIONS 2 JUNE 2022

I refer to the correspondence from the Tasmanian Planning Commission dated 2 June 2022 pertaining to the Central Highlands Draft Local Provisions Schedule.

Please find attached Council's response to the matters raised.

- The Directions Schedule with the Planning Authority's responses.
- A revised Lake Meadowbank Specific Area Plan with amendments shown in 'track changes'.
- PDF map view of the Interlaken Canal zone mapping, showing the full width of the canal zoned Utilities.

A map showing the 'Full Supply Level' line, (73.15m above sea level), is yet to be generated. Council's mapping consultants, Insight GIS, have advised that this will be available within a week.

If you have any questions, please get in touch.

Sincerely

Damian Mackey Planning Consultant

CENTRAL HIGHLANDS COUNCIL

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Directions Schedule with Planning Authority Response

Direction number	Direction	Planning Authority response
1.1	Provide a revised draft Meadowbank SAP marked up with tracked changes generally addressing the matters raised during the hearing, having particular regard to the following:	See attached track-change version of the Lake Meadowbank SAP and refer to comments below.
	Revised purpose statements recognising the need to regulate competing interests including:	Additions to Plan Purpose Statements made to the following:
	a) providing for appropriately scaled and located visitor accommodation; and	a) CHI-S1.1.8
	b) the impact of intensification of agricultural uses on water quality.	b) CHI-S1.1.9
	The need to defer the determination of a proposal until 14 days from the referral of an application to Aboriginal Heritage Tasmania.	This is provided for under 'Application of this Plan' by CHI-S1.2.4.
		The PA is content with this. However, it is willing to consider locating this mechanism in a different section of the SAP if the Commission prefers.
	The need to defer the determination of a proposal until 14 days from the referral of an application to Hydro Tasmania.	This is provided for under 'Application of this Plan' by CHI-S1.2.6.
		The PA is content with this. However, it is willing to consider locating this mechanism in a different section of the SAP if the Commission prefers.
	Consideration of referral to and/or submissions from TasWater.	The PA has liaised further with TasWater and understands that it is TasWater's preference that a referral mechanism to it is not formally included in the SAP. Instead, TasWater considers that

Central Highlands Draft Local Provisions Schedule Planning Authority Response to Commission Directions of 2 June 2022

	existing liaison mechanisms that exist outside the Planning Scheme are sufficient.
The term MAST is defined but not referred to in the SAP.	An earlier version of the SAP referenced MAST and a definition was needed. This is no longer the case and the definition has been removed.
Consideration of the use status and associated qualifications provided for in the Use Table and specifically the limited scope of NPR use classes.	Residential - If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling and Utilities - If for minor utilities. Moved from Permitted to No Permit Required.
Expression of the Use Standard performance criteria;	See below.
Consolidation of Visitor Accommodation Use Standards A1 & A2.	A1 and A2 have been consolidated.
Clarification as to whether Visitor Accommodation Use Standards apply in addition to, or instead of, the Discretionary Use Standards.	Visitor Accommodation Use Standards apply in addition to the Discretionary Use Standards. They deal with different aspects.
The introduction of a "Full Supply" map or overlay.	This is being generated from digital terrain model data and will be provided shortly.
Revision to exclude reference to "maximum flood level" or alternatively define it along with the introduction of a new map or overlay.	'Maximum flood level' was intended to be removed from the provisions, with relevant standards now referring only to 'full supply level'. All mentions of 'maximum flood level' have now been removed.

	Modification to remove reference to "gross floor area" in the context of campsites and non-walled structures.	Gross floor area has been replaced by the plain English term 'area.
	Confirmation that in the planning authority's opinion that development/use intensifying reliance on existing accesses as prescribed at Access Acceptable Solution (A1) will always be appropriate, alternatively modify the access standard as required.	The PA considers that the existing wording is sufficient and is workable in practice.
	Confirmation that it is the intent that all development/use requires an assessment under the Aboriginal Heritage standard requires either a certificate or permit (as prescribed at A1 and P1 respectively), alternatively modify the standard as required.	The PA confirms its intent that all 'buildings and works' requires an assessment under the Aboriginal Heritage standard, as written. It is noted that it does not apply to all development/use, only those that involve excavation (i.e. buildings and works) and which therefore have the potential to interfere with Aboriginal heritage.
	Specification of a maximum area for the undertaking of cut and fill set out in the development standards for Landscape Protection (CHI-S1.7.4 A1(c)).	CHI-S1.7.4 A1(c) has been adopted from the equivalent provision in the Landscape Conservation Zone, which similarly does not specific a maximum area for cut and fill. The PA is content to retain the clause as is, and monitor its effectiveness. Should it prove problematic in practice or the equivalent clause in the Landscape Conservation Zone is amended in the future, the PA will likely move to amend CHI-S1.7.4 A1(c) accordingly.
	Completion of the objective for the Aboriginal Heritage development standards set out at CHI-S1.7.6.	The objective has been amended.
	Incorporating suggested changes outlined in the hearing submission received from Aboriginal Heritage Tasmania.	The term 'certificate' has been replaced with 'record of advice'.
1.2	N/A	

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1.3 Revised mapping showing the application of the Utilities Zone in the vicinity of the Interlaken Canal consistent with the planning authority's response to representation 40 (Department of Primary Industries, Parks, Water and Environment) in its section 35F report.	Completed. Refer map excerpt attached.
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CHI-S1.0 Lake Meadowbank Specific Area Plan

CHI-S1.1 Plan Purpose

The purpose of the Lake Meadowbank Specific Area Plan is:

- CHI-S1.1.1 To recognise and protect operation of Lake Meadowbank Hydro-electric Power Station from incompatible use and development.
- CHI-S1.1.2 To ensure that on-site waste water management does not contribute to adverse impacts on water quality.
- CHI-S1.1.3 To recognise Lake Meadowbank as the premier water-skiing facility in the State and to support associated use and development whilst managing other use and development to minimise conflict between activities.
- CHI-S1.1.4 To encourage the use and development of Lake Meadowbank and the adjoining land for tourism, recreational and visitor accommodation purposes whilst maintaining and enhancing the natural, cultural and landscape values of the area.
- CHI-S1.1.5 To recognise and protect Aboriginal heritage values.
- CHI-S1.1.6 To encourage co-ownership and sharing of aquatic structures such as boat ramps, jetties, pontoons and water-based sports infrastructure.
- CHI-S1.1.7 To protect the landscape of the lake foreshore, from becoming over-crowded with buildings for Visitor Accommodation.
- CHI-S1.1.8 To encourage the orderly and strategic development of Visitor Accommodation at appropriate scales and in appropriate locations, particularly camping and caravan parks and overnight camping areas.
- CHI-S1.1.9 To allow for a continuation of agriculture and Resource Development and for Resource Processing compatible with <u>both</u> the recreation-tourism <u>focus_use</u> of the area <u>and the significant role the lake plays in Greater Hobart's drinking water <u>system</u>.</u>

CHI-S1.2 Application of this Plan

- CHI-S1.2.1 The specific area plan applies to the area of land designated as Lake Meadowbank Specific Area Plan on the overlay maps.
- CHI-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of:
 - (a) Rural Zone;
 - (b) Agriculture Zone; and
 - (c) Environmental Management Zone,
 - as specified in the relevant provision.
- CHI-S1.2.3 The planning authority must notify Aboriginal Heritage Tasmania of any application involving buildings or works at the same time and in the same manner as if the application is for a permit under Section 57 of the Land Use Planning and Approvals Act 1993
- CHI-S1.2.4 The Planning Authority must not determine the application until 14 days from the date of notification to Aboriginal Heritage Tasmania, or until after Aboriginal Heritage Tasmania has provided advice, whichever occurs first.
- CHI-S1.2.5 The planning authority must notify Hydro Tasmania of any application involving buildings or works within 20m of the full supply level at the same time and in the same manner as if the application is for a permit under Section 57 of the Land Use Planning and Approvals Act 1993
- CHI-S1.2.6 The Planning Authority must not determine the application until 14 days from the date of notification to Hydro Tasmania, or until after Hydro Tasmania has provided advice, whichever occurs first.

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CHI-S1.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

CHI-S1.4 Definition of Terms

CHI-S1.4.1 In this specific area plan, unless the contrary intention appears:

Terms	Definition	
aquatic structure	means boat ramp, jetty, pontoon and water-based sports infrastructure.	
full supply level	means the level of the lake at which it is at its maximum operational level, as determined by Hydro Tasmania. The supply level is 73.15m above sea level.	
land application area	means an area of land used to apply effluent from a waste water treatment unit and reserved for future waste water application.	
MAST-	means Marine and Safety Tasmania, or its successor.	
master development plan	means a site-specific master plan including maps, diagrams and written documentation demonstrating, to the satisfaction of the planning authority:	
	(a) the concept design and location of all buildings and associated works, including vehicular access and parking;	
	(b) the concept design and location of any facilities used in association with Visitor Accommodation;	
	(c) access points to the public road network, internal roads and parking areas;	
	(d) the location of any existing or proposed aquatic structures on the foreshore or on Lake Meadowbank;	
	(e) landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;	
	(f) how the development maintains and enhances the natural, cultural and landscape values of the area and complies with the plan purpose statements;	
	(g) an operational plan including:	
	(i) waste management;	
	(ii) complaint management;	
	(iii) noise management; and	
	(h) any staging of operations or development including estimated timeframes.	
suitably qualified person (onsite waste water management)	means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience, knowledge, expertise or practice in undertaking onsite waste water management system design in accordance with AS/NZS 1547.	

CHI-S1.5 Use Table

This clause is in substitution for Rural Zone - clause 20.2 Use Table and Agriculture Zone - clause 21.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for:
	(a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
<u>Utilities</u>	If for minor utilities.
Permitted	
Resource Development	If for an agricultural use, excluding controlled environment agriculture, tree farming and plantation forestry.
Utilities	If for: (a) electricity generation; (b) collecting, treating, transmitting, storing or distributing water; (c) electrical sub-station or powerline; (d) pumping station; or (e) storm or flood water drain, water storage dam and weir.
Residential	(a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Discretionary	
Community Meeting and Entertainment	
Food Services	
Pleasure Boat Facility	If for a boat ramp, jetty, pontoon. If not for a marina.
Research and Development	

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Residential	If for:
	(a) a single dwelling; or
	(b) a home-based business; and
	(c) not listed as Permitted.
Resource Development	If not listed as Permitted.
Resource Processing	If for a winery, brewery, cidery or distillery.
Sport and Recreation	
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	If for a holiday cabin, backpackers hostel, bed and breakfast, camping and caravan park, or overnight camping area.
Prohibited	
All other uses	

CHI-S1.6 Use Standards

CHI-S1.6.1 Discretionary use

This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary use, Agriculture Zone – clause 21.3.1 Discretionary use and <u>are-is-in</u> addition to Environmental Management Zone – clause 23.3.1 Discretionary use.

Objective:	That uses listed as Discretionary recognise and are compatible with the natural, cultural and landscape values of Lake Meadowbank together with the plan purpose statements.		
Acceptable Solutions		Perf	ormance Criteria
A1		P1	
No Acceptable Solution.		with Lake	e listed as Discretionary must be consistent the natural, cultural and landscape values of Meadowbank together with the plan purpose ments, having regard to:
			he significance of the natural, cultural, and and cape values;
			he protection, conservation and management of the values;
		iı	the location, intensity and scale of the use and impacts on existing use and other lake activities;
		(d) t	he characteristics and type of use;
			mpact of traffic generation and parking equirements;
		٠,	any emissions and waste produced by the use;
			he storage and holding of goods, materials and waste; and
		(h) tl	he proximity of sensitive uses.
A2		P2	
No Acceptable Solution.		restr	e listed as Discretionary must not confine or ain existing agricultural use on adjoining erties, having regard to:
		(a) the location of the proposed use;
		(b) the nature, scale and intensity of the use;
		(c) the likelihood and nature of any adverse impacts on adjoining uses; and
		(d) any off site impacts from adjoining uses.

CHI-S1.6.2 Visitor Accommodation

This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary use Agriculture Zone – clause 21.3.1 Discretionary use and <u>isare</u> in addition to Environmental Management Zone – clause 23.3.1 Discretionary use.

Objective:	Visitor Accommodation does not cause an unreasonable loss of amenity or impact on the natural, cultural or landscape values of the area.		
Acceptable Solutions		Performance Criteria	
A1		P1	
Visitor Accommodation, excluding camping and caravan park and overnight camping area, must:		Visitor Accommodation_, excluding camping and caravan park and overnight camping area, must be in accordance with a master development	
(a) have not more than 1 holiday cabin per title; or		plan <u>.</u>	
(b) accommodate guests in existing buildings, or-			
	ore than 5 campsites or park sites per title.		
A2		P2	
camping area	d-caravan parks and overnight as must have no more than 5 -caravan park sites per title.	Camping and caravan parks and overnight camping areas with 6 or more campsites and/or caravan sites must be in accordance with a master development plan.	

CHI-S1.7 Development Standards for Buildings and Works

CHI-S1.7.1 Building height

This clause is in substitution for Rural Zone – clause 20.4.1 Building height; Agriculture Zone – clause 21.4.1 Building height; and Environmental Management Zone – clause 23.4.2 Building height, setback and siting A1 and P1.

Objective:	That buildings height is compatible with the natural, cultural and landscape values of the area and protects the visual and visitor accommodation amenity of adjoining properties.	
Acceptable	Solutions	Performance Criteria
A1		P1
(a) 4m for a covernight (b) 5m for an Accommocaravan p (c) 5m for an	ht must be not more than: camping & caravan park or camping area; y Tourist Operation or Visitor odation excluding a camping and eark or overnight camping area; outbuilding; and y other building and works.	Building height must be compatible with the landscape values of the area, having regard to: (a) the height, bulk and form of proposed buildings; (b) the height, bulk and form of adjacent existing buildings; (c) the topography of the site; (d) the visual impact of the buildings when viewed from Lake Meadowbank, its foreshore or public places; and (e) the landscape values of the surrounding area.

CHI-S1.7.2 Setbacks and Siting

This clause is in substitution for Rural Zone – clause 20.4.2 Setbacks and Agriculture Zone – clause 21.4.2 Setbacks.

Objective:	That building setback and siting is compatible with the natural, cultural and landscape values of the area and protects the visual and visitor accommodation amenity of adjoining properties		
Acceptable	Solutions	Performance Criteria	
A1		P1	
Buildings and works, excluding for a camping and caravan park or overnight camping area, must have a setback not less than 100m from full supply level.		Buildings and works, excluding for a camping & caravan park or overnight camping area, must have a setback not less than 40m from full supply level and must be compatible with the natural, cultural and landscape values of the area and protect the amenity of the adjoining properties having regard to:	
		 (a) the visual amenity of the rural setting when viewed from adjoining properties, or from Lake Meadowbank, its foreshore or public places; and 	
		(b) impacts of any stormwater discharge directly into Lake Meadowbank.	
A2		P2	
	st have a setback from all f not less than 20m.	Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to:	
		(a) the topography of the site;	
		(b) the size, shape and orientation of the site;	
		(c) the side and rear setbacks of adjacent buildings;	
		(d) the height, bulk, and form of existing and proposed buildings;	
		(e) the need to remove vegetation as part of the development;	
		(f) the appearance when viewed from adjacent property;	
		(g) the landscape values of the area; and	
		(h) the plan purpose statements.	
A3		P3	

Buildings and works for a camping and caravan park or overnight camping area must have a setback not less than 40m from full supply level.

Buildings and works for a camping and caravan park or overnight camping area must have a setback not less than 20m from full supply level, only if compliance with the Acceptable Solution cannot reasonably be achieved due to site constrains.

A4

Individual campsites or caravan park sites must be no more than a gress floor area of $50m^2$ in area.

Ρ4

No performance criteria

Α5

Buildings for a sensitive use must be separated from the boundary of an adjoining property outside the Specific Area Plan in the Rural Zone or Agriculture Zone a distance of:

- (a) not less than 200m; or
- (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.

P5

Buildings for a sensitive use must be sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone outside the Specific Area Plan, having regard to:

- (a) the size, shape and topography of the site;
- (b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties;
- (c) the existing and potential use of land in the adjoining zones;
- (d) any buffers created by natural or other features; and
- (e) any proposed attenuation measures.

CHI-S1.7.3 Access

This clause is in substitution for Rural Zone - clause 20.4.3 Access for new dwellings and Agriculture Zone clause 21.4.3 Access for new dwellings.

Objective:	That safe and practicable vehicular access is provided with minimal impact on the surrounding natural, scenic and cultural values.	
Acceptable Solutions		Performance Criteria
A1		P1
Vehicular access is provided using existing vehicular tracks and internal roads.		The design, construction and location of vehicular access must have minimal impact on the surrounding natural, scenic and cultural values, having regard to:
		(a) providing safe connections from existing road infrastructure;
		(b) minimising the total number of new roads and tracks within the Lake Meadowbank Specific Area Plan area;
		(c) being appropriate to the setting, and not substantially detracting from the rural character of the area;
		(d) avoiding impacts from dust, run-off and noise to other land users; and
		(e) consolidating and sharing vehicular access wherever practicable.

CHI-S1.7.4 Landscape Protection

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works; Agriculture Zone – clause 21.4 Development Standards for Buildings and Works.

Objective:	That buildings and works are compatible with the landscape values of the site and surrounding area and managed to minimise adverse impacts.	
Acceptable Solutions		Performance Criteria
A1		P1.1
Buildings and works must:		Buildings and works must be located to minimise impacts on landscape values, having regard to:
(a) be located within a building area, if shown on a sealed plan; or		(a) the topography of the site;
(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and		(b) the size and shape of the site;
		(c) the proposed building height, size and bulk;
(c) not include cut and fill greater than 1m; and		(d) any constraints imposed by existing development;
(d) be on a site not requiring the clearing of native vegetation; and		(e) visual impact when viewed from roads and public places; and
(e) be not less than 10m in elevation below a skyline or ridgeline.		(f) any screening vegetation, and
a skyllile	or nageline.	P1.2
		be located in an area requiring the clearing of native vegetation only if
		(a) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; and
		(b) the extent of clearing is the minimum necessary to meet the requirements of the Bushfire-Prone Areas Code.

A2

Buildings and works for a camping and caravan park or overnight camping ground must be of a temporary nature, such as not having footings and with the capacity to be easily removed from the site.

P2

Buildings and works for a camping and caravan park or overnight camping ground of a permanent nature must be for one or more of the following purposes:

- (a) a communal toilet/shower/laundry facility;
- (b) storage;
- (c) a site office or reception building.

A3

Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.

Р3

Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:

- (a) the appearance of the building when viewed from roads or public places in the surrounding area:
- (b) any screening vegetation; and
- (c) the nature of the exterior finishes.

CHI-S1.7.5 Aquatic structures

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

Objective:

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

Performance Criteria
P1
Aquatic structures must avoid adverse impacts on the natural, cultural and landscape values of Lake Meadowbank and only be constructed as necessary and safe having regard to:
(a) the advice and operational needs of Hydro Tasmania;
 (b) rationalising existing aquatic structures as far as practicable;
(c) avoiding the proliferation of aquatic structures in the immediate vicinity;
(d) the demonstrated need for the aquatic structure; and
(e) the plan purpose statements.
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CHI-S1.7.6 Aboriginal Heritage

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

Objective:	That Aboriginal heritage is not inappropriately disturbed and.	
Acceptable Solutions		Performance Criteria
A1		P1
Buildings and works must be in accordance with a Certificate record of advice and Unanticipated Discovery Plan, and any Assessment Result, issued by Aboriginal Heritage Tasmania.		Buildings and works must be in accordance with an Approved Permit issued by the Minister for Aboriginal Affairs under Section 14 of the Aboriginal Heritage Act 1975.

CHI-S1.7.7 Protection of Lake Operation

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

Objective:	That the operation of the lake for hydro-electric power generation and as a major source of potable water or greater Hobart is not compromised.	
Acceptable Solutions		Performance Criteria
A1		P1
Buildings or works within 20m of the full supply level maximum flood level must be accepted by Hydro Tasmania		Buildings and works within 20m of the <u>full supply</u> <u>level maximum flood level must</u> not hinder the operation of the lake for hydro-electric generation purposes having regard to any advice received from Hydro Tasmania.

CHI-S1.7.8 Protection of Water Quality

This clause is in addition to Natural Assets Code – Clause C7.6.1 Development Standards for Buildings and Works

Objective: That on-site waste water mana water quality.	That on-site waste water management does not contribute to adverse impacts on water quality.	
Acceptable Solutions	Performance Criteria	
A1	P1	
Land application area must be 100m from full supply level.	Land application area must be of sufficient size and location to adequately manage waste water treatment so that there are no adverse impacts on water quality in Lake Meadowbank, having regard to:	
	(a) the topography of the site;	
	(b) the capacity of the site to absorb waste water;	
	(c) the size and shape of the site;	
	(d) the existing buildings and any constraints imposed by existing development;	
	(e) the area of the site to be covered by the proposed development;	
	(f) the provision for landscaping, vehicle parking, driveways and private open space;	
	(g) any adverse impacts on the quality of ground and surface waters;	
	(h) any adverse environmental impact on surrounding properties and the locality;	
	(i) any cumulative adverse impacts on the operation of the waste water treatment system created by any nearby waste water treatment systems;	
	(j) the benefit, or otherwise, of collective waste water treatment systems.	
	(k) written advice from a suitably qualified person (onsite waste water management) about the adequacy of the on-site waste water management system.	

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CHI-S1.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

CHI-S1.9 Tables

This sub-clause is not used in this specific area plan.

AMENDED ZONING OF THE INTERLAKEN CANAL

1 July 2022

