

TASMANIAN PLANNING COMMISSION



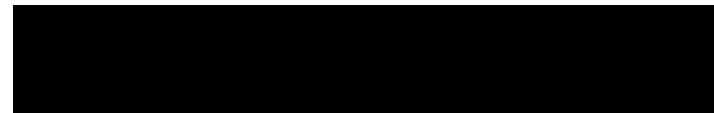
DECISION

Planning scheme	Tasmanian Planning Scheme - Latrobe
Amendment	3/2025 - rezone 39, 63 and 77 Charles Street, Squeaking Point from Rural Living D to Rural Living A and insert a site specific qualification
Permit	L-DA028-2025 - 12 lot subdivision
Planning authority	Latrobe Council
Applicant	6ty Ltd Pty for Peter and Marie Atkinson
Date of decision	29 June 2026

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

The permit is modified under section 42B(1)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, as set out in Annexure B.



Max Kitchell
Delegate (Chair)

Ross Lovell
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to:

- rezone 63 Charles Street (FR 216581/1) and 77 Charles St (FR 202825/1), Squeaking Point, and the adjoining road reserve from Rural Living Zone D to Rural Living Zone A
- rezone 39 Charles Street (FR 66812/2) Squeaking Point, Rural Living Zone D to Rural Living Zone A; and
- insert a Site-Specific Qualification (SSQ) to 63 Charles Street (FR 216581/1).

Permit

The permit provides for a 12-lot subdivision.

Site information

The site, with a combined area of approximately 11.25ha, comprises of 39, 63 and 77 Charles Street, Squeaking Point and part of the adjoining footpath and road reserve. The site, located within the Port Sorell hinterland, is situated approximately 3.7km south-east of the activity centres of Port Sorell Shopping Centre and Shearwater Village.

The site contains three single dwellings, associated outbuildings, and wastewater disposal systems. The existing dwellings are located within cleared areas of the site, while the north east portion of the site is covered with mature native and introduced trees in a park like setting. The western portion of the site is covered in a non-threatened native forest and woodland.

The site is currently zoned Rural Living D and is subject to the parking and sustainable transport, road and railway assets, natural assets and bushfire codes. The land is not subject to identified hazards other than bushfire.

The site is not connected to reticulated sewer or a public stormwater system. 63 Charles Street has a reticulated water connection.

The surrounding area is characterised by a rural living setting, with new roads and many new houses. The nearby properties to the north, west and south are zoned Rural Living A. The adjoining land to the south-west is zoned Rural Living D. The adjoining land to the east, administered by NRE, is within the Environmental Management Zone.

Issues raised in representations

Eleven representations were received during the exhibition period. The representations raised the following issues:

- Increased risk of flooding in the area
- Stormwater impacts on surrounding properties
- Impact on multiple threatened species
- Ecological and environmental impact

- Community impact, including negative effect on residential amenity, infrastructure services and visual values
- Requirements of the *Environment Protection and Biodiversity Conservation Act 1999*
- Conflicts with the requirements and principles of the Port Sorell and Environs Strategic Plan 2008
- Non-compliance with provisions of the Tasmanian Planning Scheme- Latrobe
- Lack of social and economic benefits
- Procedural fairness- lack of consultation regarding the Port Sorell Area Structure Plan
- Indigenous heritage impact
- Public open space contribution should be allocated to stormwater management and provision of green corridor
- Impact on traffic safety and volume
- Setting a precedent for future development
- Consistency with the local strategies and studies, including the Port Sorell and Environs Strategic Plan, Latrobe Council Residential Demand and Supply Study, and the Port Sorell Draft Structure Plan.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*.

In response TasWater advised they had no objection to the draft amendment and provided a submission to planning authority notice (SPAN) providing conditions to be included in the permit.

Planning authority's response to the representations

The planning authority considered the representations and recommended that:

- no modifications to the draft amendment are required,
- modifications to the draft planning permit conditions were required, specifically:
 - amendments to Condition 8(b) to clarify stormwater design and detention requirements for the proposed lots; and
 - amendments to Condition 21(a) to confirm the need for a Part 5 Agreement ensuring post-development stormwater flows do not exceed existing undeveloped levels, including flows to a shared drain; and
- further modifications to the draft planning permit were required to insert advisory notes, including:
 - an advisory note on flora and fauna, reflecting the Natural Values Assessment and the need for appropriate environmental management during works; and
 - an advisory note requiring that any Aboriginal relics discovered during works be reported and managed in accordance with the *Aboriginal Heritage Act 1975*.

Date and place of hearing

The hearing was held at the Latrobe Council's Council Chambers on 10 June 2026.

Appearances at the hearing

Planning authority: Mr Andrew Newton, Statutory Planning Officer, Latrobe Council.

Applicant: Mr Ashley Brook, Planning Consultant
Mr Scott Livingston, Natural Resource Management Consultant, Livingston Natural Resource Services

Representors: Ms Judy Aikman

Site Visits

A site visit was undertaken prior to the hearing.

Consideration of the draft amendment

Statutory Requirements

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Tasmanian Planning Scheme – Latrobe Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.
2. A hearing was convened to assist the Commission's consideration of the issues in the representations.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and

- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Site- Specific Qualification

4. If a site-specific qualification (SSQ) is proposed in a draft amendment, the Commission must also consider whether the proposal meets the criteria of section 32(4) of the Act. A LPS may only include a SSQ if:
 - (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.
5. The planning authority proposed to insert a SSQ to 63 Charles Street (FR 216581/1). In response to the test under section 32(4) of the Act, the planning authority stated:

An SSQ is required to comply with either part (a) or (b) of Section 32(4). The SSQ meets the requirements of (b) in that the area of land has particular environmental and spatial qualities concerning stormwater drainage that require provisions that are unique to the area of land. The provisions are proposed to apply to the land in substitution for the subdivision requirements in Clause 11.4.1 A1/P1 – Lot design.
6. The planning authority submitted that the site's two vegetated drainage lines perform an essential public drainage role and, together with adjacent wet scrub habitat potentially supporting the threatened Central North Burrowing Crayfish, significantly constrain development. The SSQ therefore proposes to limit development, specifically at Lots 1 and 2 of the proposed subdivision, by requiring development to accord with an approved plan that consolidates those lots, thereby reducing the extent of development and the associated potential stormwater flows to the west.
7. At the hearing the planning authority submitted that although the physical constraints of the site could be addressed through an amended subdivision plan, such an approach would not provide the enduring constraint on future subdivision that an SSQ would achieve. The planning authority also submitted that the SSQ is intended to avoid exacerbating issues raised through representations on the proposal and during community consultation for the emerging local structure plan.
8. Mr Brook advised that his client does not oppose the SSQ, however acknowledged that it had not been considered necessary when the application was made, The Planning Authority also advised that the site was located on

higher ground than the adjacent Rural Living zoned estate and therefore less constrained.

9. It was evident from the applicant's expert reports, that there were engineering solutions for stormwater and waste water, which were enforceable via permit conditions. Conversely, the planning authority did not provide any expert engineering evidence to indicate that this was not possible.

Commission consideration

10. The Commission finds that the site constraints identified by the planning authority are characteristics common to other land in the locality that is not subject to an SSQ and do not warrant additional or substituted provisions of the kind proposed. Accordingly, the subject land does not have any particular environmental, economic, social or spatial qualities that could justify a bespoke SSQ control.
11. The Commission does not agree with the planning authority and considers that the site constraints can be appropriately managed through lot design in accordance with the Rural Living Zone (subdivision category A).
12. The Commission considers that the SSQ does not meet the requirements under section 32(4)(b) of the Act.

Residential Supply and demand

13. The Commission's decision on the Latrobe LPS, dated 16 March 2023, determined that the site be zoned Rural Living (subdivision category D) to limit subdivision within the zone, until further strategic planning work to support the intensification for use of land for rural residential purposes, is completed.
14. Since the LPS decision, Latrobe Council engaged REMPLAN to undertake further strategic work in the form of a Residential Demand and Supply Study (REMPPLAN Study). The REMPLAN study was finalised in July 2024.
15. The REMPLAN study analyses land and demand supply of the Latrobe local government area, identifying projected population growth and the supply required to respond to anticipated demand to meet housing needs.
16. The REMPLAN study found that the identified land supply in Port Sorell's hinterland would be exhausted in around 12 or 13 years, noting that land zoned Rural Living was excluded from supply as further work needed to be completed to establish infrastructure requirements and minimum lot sizes.
17. In its supporting report, the planning authority submitted that the REMPLAN study identifies a clear need for additional rural living lots in the Port Sorell hinterland, and that the draft amendment would make an appropriate contribution in meeting this forecast demand. The Commission was advised that the proposed subdivision would provide 1 year's supply of rural living lots for the area.

Commission consideration

18. The Commission notes the findings of the REMPLAN study, in particular the demand for additional land in the Port Sorell hinterland for rural residential development.

19. The Commission considers that the site is set within an established rural living area and that, notwithstanding the uncontested findings of the REMPLAN study work, there are efficiencies in supporting denser rural-living development, measurable through reduced community costs for service delivery and infrastructure maintenance in such communities.
20. The Commission is satisfied that the REMPLAN study establishes that there is demand for additional rural residential lots and the increased density provided through the draft amendment will go some way to satisfying this demand.

Application of the Rural Living A Zone

21. The planning authority considered that the draft amendment is suitable for the site, and stated:

The surrounding properties are rural residential in character and are located within a broader Rural Living-zoned area to the west and south of Port Sorell.

The nearby properties to the south, along Moorings Drive, are within a Rural Living Zone A. This includes 41 lots ranging between 3950 m² and 9 hectares. Given the relatively larger lots to the south-east in this location, the average lot size is 8780 m². Three-quarters of the lots contain existing dwellings.

22. At the hearing, the planning authority noted that since the introduction of the Tasmanian Planning Scheme – Latrobe, Council has undertaken substantial strategic work, namely the Port Sorell Draft Structure Plan, that identifies the site as suitable for rural residential development.
23. The planning authority submitted that, given the rural residential nature of the locality, the absence of agricultural enterprise on the site, and that Rural Living A lot sizes are achievable, the Rural Living A Zone (subdivision category A) is the most appropriate zoning for the land.

Commission consideration

24. The Commission agrees with the justification provided by the planning authority.
25. The Commission finds that the Rural Living Zone (subdivision category A) is appropriate for the site.

Suitability of the Site

Site capacity for stormwater and wastewater management

26. The applicant submitted that the site is not serviced by a reticulated sewer or public stormwater system and therefore relies on on-site wastewater treatment and on-site stormwater disposal.
27. The applicant submitted a preliminary On-site Wastewater and Stormwater Disposal Site Evaluation prepared by Geoton, dated 20 November 2024, to support the application.
28. The On-site Wastewater and Stormwater Disposal Site Evaluation demonstrated that rural-residential development on the site can be supported

by on-site wastewater treatment subject to site-specific assessment, that existing systems are compliant and appropriately set back, and that the site provides sufficient capacity for on-site stormwater disposal.

29. In relation to stormwater management, the planning authority submitted that two drainage lines traverse part of the site, performing a public drainage function. The western portion is undeveloped, at a lower elevation, and contains two drainage lines flowing west to Milldam Road, then north-west to the estuary south of Panatana Rivulet. These constrain development and require careful stormwater management.
30. The planning authority further submitted that stormwater management can be achieved through on-site disposal consistent with the controls of the Rural Living Zone (subdivision category A), noting that appropriate lot configuration would deal with the constraints around existing drainage lines and deliver an acceptable outcome, consistent with the area's character and the land's capacity for residential development.

Transport Network

31. In relation to the surrounding road network and site access, the planning authority submitted that the site has frontage to, and obtains vehicular access from, Charles Street, which is maintained by Latrobe Council. The planning authority noted that a Road Safety Assessment (the TIA) prepared by 6ty was provided with the request. The TIA did not include a formal traffic count; however, it concluded that, based on the number of existing dwellings serviced by Charles Street, daily traffic volumes are likely to be fewer than 1,000 vehicles per day.
32. During the assessment, the Manager of Infrastructure & Assets requested an increased offset from the Moorings Drive junction on the southern side of Charles Street. The revised plan submitted in response to this request provided a stagger of approximately 38m between the proposed court and the eastern leg of the Moorings Drive intersection, consistent with the recommendations of Austroads – Intersections at Grade (2023).
33. The TIA confirmed that the proposed junction location and both new accesses achieve sight distances exceeding 100m in each direction, except for the first access serving proposed Lots 1 and 2.
34. To minimise road safety risks, the TIA made the following safety recommendations:
 - Access 1 – trim boundary vegetation east of drive to improve available sight distance to approximately 130m; and
 - Access 2 – Close the existing driveways to the residences on Lot 6 and Lot 8 and provide new driveways off the proposed court.
35. In relation to road network and public transport, the applicant submitted the following:

The road access arrangements associated with the proposed subdivision development will provide an appropriate level of

connectivity, taking account of the rural residential nature of the area.

The site is not within an area that is serviced by public transport. The nearest public bus transport routes extend along Port Sorell Road.

Taking account of the rural residential nature of the area, it is reasonable to expect parts of the surrounding local road network to accommodate shared usage.

Bushfire management

36. The applicant submitted a Bushfire Hazard Management Report prepared by Livingston Natural Resources Services, dated 4 August 2024, to support the application.
37. The Bushfire Hazard Management Report demonstrated that rural-residential development on the site can satisfy the Bushfire-Prone Areas Code through compliant hazard-management areas, access and water-supply arrangements.

Natural Values

38. The applicant submitted a Natural Assets Report prepared by Livingston Natural Resources Services, dated 4 December 2025, to support the application.
39. The Natural Assets Report demonstrated that a mapped priority vegetation area occurs on site, but the 2.1ha proposed for clearing lacks threatened communities, species, or habitat and asserts that this vegetation does not meet the Natural Assets Code priority vegetation criteria.
40. The planning authority submitted that the Natural Values Report confirmed that there are no threatened vegetation communities or species on the site. Vegetation clearance is required for the road and bushfire hazard management areas, but impacts are considered minimal and manageable.
41. The applicant further noted that bushfire hazard management areas can be implemented within lot boundaries, reducing vegetation clearance associated with the development.

Commission consideration

42. The Commission is satisfied that, based on the evidence provided, the site is suitable for residential development in accordance with the Rural Living Zone (subdivision category A):
 - as the site has the capacity to achieve adequate onsite wastewater and stormwater management
 - as the site has the capacity to meet the requirements of the Bushfire-Prone Area and Road and Railway Assets codes; and
 - as there are no natural values on the site that would prevent future use and development of the site, consistent with the Rural Living Zone (subdivision category A).

Regional land use strategy

43. The relevant regional strategy is the Living on the Coast – The Cradle Coast Regional Land Use Planning Framework, February 2024 (regional strategy). The planning authority and the applicant responded to the policies of the regional strategy that each considered relevant to the draft amendment.

44. In relation to Policy 1.5 regarding Principles for Implementation the applicant stated:

The site is designated for rural residential use, with its existing Rural Living zoning applied to reflect established land use patterns. It is identified in the Port Sorell and Environs Strategic Plan 2008 as suitable for future, more intensive rural residential development. The proposed application of subdivision category A of the Rural Living Zone will ensure the land is utilised in a way that aligns with its highest capability to support growth in the Port Sorell Hinterland.

The proposed amendment will facilitate the intensification of existing rural residential development in a manner consistent with land use strategy. It does not involve land identified for the protection of significant natural values, agricultural use, other economic activities, or the provision of utilities and social infrastructure. The site can be connected to available utilities in the surrounding area, and the proposal will support the use of economic and social infrastructure and services in the Port Sorell area.

45. Policy 2.5 Land Use Policies for Land seeks land use and planning responses for socially, culturally, ecologically and economically sustainable land use. The applicant considered that the draft amendment enables smaller lots within an established rural residential area, supporting infill development where services exist, without impacting conservation land, agriculture, or other designated uses.

46. With respect to Policy 2.8 Land Use Policies for Coastal Management policies, the applicant stated:

The site forms part of an established rural residential area and is located approximately 365 metres inland from the nearest high water mark of State waters at the Rubicon Estuary. The remnant native vegetation on the site does not form a threatened community, and no threatened flora or significant habitat for threatened fauna has been identified. Additionally, the site does not include land within a waterway or coastal protection area, nor does it contain any recorded cultural or historic resources.

The proposed amendment will facilitate future, more intensive rural residential development that is compatible with the established landscape character of the surrounding area. Accordingly, the proposal will not adversely impact the ecological or cultural values of the coastal zone. It will not affect

physical or visual public access to beaches, headlands or waterways.

47. The applicant noted that the site is within 5km of both the Port Sorell Shopping Centre and Shearwater Village which provides convenience goods and services to the site's locality, consistent with Policy 3.3.9 Business and Commercial Activity.
48. In relation to the policies regarding 4.0 Places for People – Livable and Sustainable Communities, the planning authority noted that the draft amendment aligns with the growth management strategy for Port Sorell, as identified in the regional strategy. The Port Sorell and Environs Strategic Plan 2008 identifies land north of Charles Street and Moorings Drive for rural residential infill. Existing rural residential development surrounds the site to the north, east, and south. The draft amendment's proposal for a denser subdivision standard aligns with objective (b) for rural-residential land use intensification.
49. The planning authority submitted:

The draft amendment demonstrates through the application documentation and from referral agencies that existing infrastructure and services can accommodate the proposed residential subdivision as a result of a rezoning to the subject land. The subject site is located within an established rural-residential area that is unable to be serviced to urban specification. Mitigation from natural hazards such as bushfire and protection of natural values to the east and west, are subject to the provisions of the Tasmanian Planning Scheme which achieve the desired development outcomes outlined in this principle.
50. The applicant noted the 2024 amendments to the regional strategy and considered that Policy 4.3.2 regarding rural residential settlement areas was the most pertinent to the draft amendment, as it reflects contemporary residential land-use needs and provides the updated rural-residential policy direction relevant to the proposal.
51. Further to the applicant's submission on Policy 4.3.2, the planning authority stated that:

The draft amendment demonstrates through the application documentation and from referral agencies that existing infrastructure and services can accommodate the proposed residential subdivision as a result of a rezoning to the subject land. The subject site is located within an established rural-residential area that is unable to be serviced to urban specification. Mitigation from natural hazards such as bushfire and protection of natural values to the east and west, are subject to the provisions of the Tasmanian Planning Scheme which achieve the desired development outcomes outlined in this principle.

Commission consideration

52. The Commission is satisfied with the justification provided by the planning authority and the applicant and considers that the draft amendment is consistent with the regional strategy's policies regarding the use of resources, coastal management and economic activity as it supports infill development in an established rural residential area within proximity to accessible activity centres.
53. The rezoning component of the draft amendment would allow for rural residential zoned land in a location that will not increase demand for inefficient infrastructure or services, or have an unreasonable impact on natural values, consistent with the regional strategy's policies regarding rural-residential settlement areas.
54. The Commission finds that the draft amendment is, as far as practicable, consistent with the regional strategy.

Local Strategies

Latrobe Council Strategic Plan 2020-2030

55. The planning authority considered that the draft amendment aligns with the Latrobe Council Strategic Plan's community, economy and service delivery objectives.
56. With respect to the Community and Economic Development objectives, the planning authority noted that the draft amendment would increase the local population in the Port Sorell growth area, expanding the catchment for nearby businesses and services. A larger resident base supports demand for retail, hospitality, and services, creating local employment. Locating new housing near existing infrastructure ensures access to established facilities while maintaining a rural residential lifestyle.
57. In relation to the Infrastructure and Assets objectives, the planning authority submitted that the draft amendment would support the provision of infrastructure and contribute to the liveability and residential amenity of the surrounding area.
58. Regarding development and regulatory objectives, the planning authority considered that the draft amendment would encourage sustainable, connected and well-balanced growth in the Port Sorell settlement area.
59. The planning authority concluded:

The proposed rezoning will facilitate the provision of additional housing sites within an established rural-residential area. The site is in close proximity to the activity centres of Port Sorell and Shearwater yet can be developed into a rural-residential environment with sufficient buffering to native habitat to the west and the Port Sorell Conservation Area to the east, providing enhanced residential amenity and liveability.

Mitigation from natural hazards such as bushfire and protection of natural values to the east and west, are subject to the

provisions of the Tasmanian Planning Scheme which achieve the desired development outcomes outlined in this principle.

Port Sorell and Environs Strategic Plan 2008

60. The planning authority submitted that the Port Sorell and Environs Strategic Plan 2008 (the Port Sorell Plan):

[...] identifies proposed use for all areas covered by the Plan, the way in which they are to be linked and the preferred order in which these areas are to be developed. All proposals are to be developed in response to the guidelines applicable to their specific sites and to contribute to the broad principles for the town as a whole which are explained further in relation to the Port Sorell Structure Plan.

61. Policy 5.17 Rural Residential Development identifies land parcels which should not be developed further. The Port Sorell Plan includes a land parcel (FR 216581/1), which is subject to this application, and noted that it should not be developed further.

62. The principle states:

- *ii. No further subdivision of Certificate of Title 216582/1;*

63. The planning authority submitted that:

The Strategic Plan does not provide any evidence or reasoning for the restriction on subdivision. However, noting the site characteristics of this site, as well as other non-related sites in the area that have similar subdivision prohibitions stated in the Strategic Plan, stormwater and drainage constraints are one factor that is consistent to these land parcels and may have been a reason for the subdivision prohibition. In the 17 years since the Strategic Plan was adopted however, there have been improvements and changes to planning assessment mechanisms, as well as increases in industry knowledge and technology advances. The regulatory and assessment framework has evolved to respond to various changes and challenges in relation to bushfire risk mitigation, water management and management of natural values. It is crucial to apply a contemporary lens in assessing these requirements, utilising the Objectives of The Act to guide this assessment.

64. In summary, the planning authority submitted that the principles of the Port Sorell Plan align with the request, as follows.

- *i. A coordinated approach to management of the site's natural resources;*

65. The planning authority submitted that the TPS provisions offer a coordinated and effective approach to managing the natural resources of the subject site when assessing future land use and development.

- *iii. Provision of small residential clusters sited sensitive to the environmental constraints of each title on all other Titles*

66. The planning authority submitted that 12 lots proposed, in varying sized of 0.8–1.2 ha, are consistent with Rural Living (A) standards. The planning authority also noted that bushfire and wastewater constraints were addressed.
- iv. *Retaining the balance of each of these Titles as an ecologically integrated habitat nature reserve within the larger area;*
 - v. *Establishment of dense vegetated habitat corridors substantially in accordance with those indicated on the Port Sorell Structure Plan as shown in Appendix 1(see Figure 1 below).*
67. The planning authority noted that dense vegetation near dwellings is discouraged due to associated bushfire risks. The site's northern areas also face stormwater issues, and more vegetation could worsen flooding and debris risks. However, the planning authority submitted that to manage stormwater, suitable plantings can improve water quality through natural filtration and contaminant screening.



Figure 1. Appendix 1 of the Port Sorell and Environs Strategic Plan

- vi. *Establishment of vegetation buffers is to be included in Stage 1 of the development;*
68. The planning authority submitted that vegetation buffers in the Port Sorell Plan were intended to separate rural residential areas from agricultural land. Since the site is not on the locality's edge or adjacent to farmland, no vegetation buffer is required.
- vii. *Minimising the demand on public infrastructure by reducing the need and demand for reticulated utility services*
69. The planning authority submitted that the site does not have access to sewer or stormwater infrastructure, however, reticulated water service is available. The planning authority noted that on-site wastewater systems and stormwater management systems will be required.

- *viii. Design of road access is to be substantially in accordance with the Port Sorell and Environs Street Connection Plan shown in Appendix 2;*
 - *ix. Street connectivity is to be encouraged to existing and potential development sites*
 - *x. All roads should have adequate width to accommodate horse traffic on their verges*
70. The principles encourage the development of loop roads in new rural residential subdivisions for future connectivity. However, the planning authority submitted that the subject site has limited potential for connections to the north and west. The planning authority noted that a cul-de-sac is proposed instead, offering safer and more efficient traffic movement, compliant with Tasmanian Municipal Standards, and suitable for low traffic volumes, including horse use if needed.
- *xii. Maintain a safe bushfire management regime for the locality*
71. The planning authority submitted that bushfire is a relevant consideration and is managed under the Bushfire-Prone Areas Code. A bushfire management report was provided with the request confirming compliance, with BAL 19 building areas achievable and hazard management contained within lot boundaries. Additionally, vegetation clearance and 15m low-threat zones are required around existing and proposed dwellings. The planning authority concluded that site access and water supply also meet the requirements of the bushfire-prone areas code.
- *xiii. Storm water management is to be demonstrated to the satisfaction of the Planning Authority;*
72. The planning authority submitted that a detailed stormwater strategy is required, and a condition will be included in the planning permit to enter the Section 71 Agreement to manage flow rates and drainage directions. The planning authority concluded that the consolidation of the proposed lots 1 & 2 will reduce the stormwater impact.
- *xiv. Lots are to have a minimal area consisting of a building envelope that will enable all on-site waste water management to occur in a sustainable manner and minimise bush fire hazard to all buildings and residents on any lot.*
73. The planning authority submitted that a wastewater report confirms proposed lots (0.8–1.2 ha) can manage effluent using secondary treatment systems and raised beds, which require less land area than primary systems. The planning authority concluded that a bushfire assessment verifies that all lots can achieve BAL-19 compliance with hazard management areas within lot boundaries.
- *xv. Specific design guidelines for future dwellings and fences to minimise their visual intrusion on this elevated area with respect to materials, colour, height, profile and roof pitch and recognition of the requirement of the Building Code of Australia for*
74. The planning authority submitted that the provisions of the Tasmanian Planning Scheme do not include area-specific fence restrictions. However, the planning authority noted that the rural-style fencing and neutral-toned solid fences tend to have minimal visual impact, and the majority of rural residential dwellings are single-storey, ensuring compatibility with existing development. The planning

authority concluded that additional design controls are unnecessary to achieve compliance with the National Construction Code and the Building Act.

- *xvi. Operational management for staging of development is to be demonstrated to the satisfaction of the Planning Authority*
75. The planning authority submitted that the above principle is not relevant as the subdivision does not propose staging.
- *xvii. Provision of a Nature Reserve Management Plan with respect to:*
 - a. *Private management of all balance nature reserve areas,*
 - b. *Protection of vegetation communities and populations of threatened or significant flora and fauna species,*
 - c. *Protection of the Reserve from damage by introduced plants and animals, disease and inappropriate management regimes,*
 - d. *Protection of water course corridors for wildlife and natural flora enhancement,*
 - e. *Protection of water quality, and*
 - f. *Safety of residents and visitors to the Reserve*
 - *xviii. Provision for controlled public access for pedestrian and cycling traffic through the nature reserve, connecting to surrounding existing and potential development sites and public open space areas, consistent with conservation and fire hazard management outcomes*
76. The planning authority submitted that the Port Sorell Plan's requirement for nature reserve areas is outdated due to bushfire and stormwater risks. The planning authority noted that creating a dense vegetation corridor as public open space would result in a narrow strip with minimal benefit and high maintenance, especially since no threatened species were found. The planning authority recommended a stormwater drain along the northern boundary, supported by the section 71 agreement for maintenance. The planning authority concluded that additional planning controls for a dense vegetation corridor are not recommended, and vegetation density should balance bushfire hazard risks and drainage needs.
- *Verification for the Planning Authority, the community and the future owners of the lots that the environmental and community benefits of the proposal will be realized*
77. The planning authority submitted that objectives and requirements of the Tasmanian planning system ensure environmental and community benefits are delivered sustainably.
78. At the hearing, the planning authority noted that the Port Sorell Plan was prepared prior to the introduction of the SPPs and the Natural Assets Code and now requires renewal to reflect contemporary land-use planning considerations. It further submitted that while the Port Sorell Plan remains relevant and the proposal should have regard to it, any points of inconsistency must be reconciled through a contemporary lens.

Latrobe Council – Planning Principles for Managed Growth and Development

79. The planning authority submitted that these principles were developed after the REMPLAN study to guide future growth and development in the municipality.

The principles are intended to inform the community and development sector about the Council's preferred direction for managed growth.

80. The principles aim to balance social, environmental, and economic aspects and provide a foundation for future strategic work, including structure plans for the Port Sorell area.
81. The planning authority considered that the request aligns with the key principles, as follows.
 - Principle 2 – The Movement Network
82. The planning authority submitted that the principles emphasise walkability and safe access to services. The planning authority noted that the proposed subdivision is near a school bus route and within walking distance to open space and recreation areas, aligning with the goal of improving connectivity and active living.
 - Principle 3- Safe Community
83. The planning authority submitted that the principles call for safe pathways to schools, shops, and parks. The planning authority noted that the site's proximity to Port Sorell and Shearwater activity centres supports this, and the new road design includes safe intersection offsets and sight distances.
 - Principle 4- Housing for Everybody
84. The planning authority submitted that the principles encourage diverse housing types and locations near recreation areas. The planning authority considered that the rezoning to Rural Living (A) allows smaller lots (around 1 ha), meeting demand for rural-residential lifestyle while maintaining access to beaches and golf courses.
 - Principle 5- Infrastructure & Services Solutions
85. The planning authority submitted that the principles promote efficient use of land that can be connected to essential services. The planning authority noted that the site can connect to reticulated water and electricity, and on-site wastewater systems are feasible. Stormwater management will require planning permit conditions to ensure sustainability.
86. The planning authority concluded that the request aligns with the above principles by:
 - Providing rural-residential housing close to services and recreation.
 - Improving connectivity and safety through road design.
 - Using land efficiently while managing environmental constraints (stormwater, bushfire).
 - Supporting housing diversity and lifestyle choice in a strategic growth area.

Commission consideration

87. The Commission notes that a range of strategies are relevant to the purpose of the draft amendment.
88. The Commission agrees that the draft amendment has regard to the local strategies as it supports managed rural-residential growth, aligns with strategic

objectives for housing, infrastructure and environmental management, and responds to the Port Sorell planning framework through a contemporary application of the Tasmanian Planning Scheme.

89. The Commission finds that the draft amendment aligns with the strategic direction for the future land use of the site, as identified in the Latrobe Council Strategic Plan and the various relevant local strategies.

State Policies

State Policy on the Protection of Agricultural Land 2009

90. The planning authority submitted that the site does not contain prime agricultural land, nor is it suitable for commercial agricultural use. The nearest agricultural use is on land used for grazing purposes, which is located 275m west and 480m south of the site. The planning authority concluded that the prevailing settlement pattern in the area is a reflection of the settlement strategies on the regional and local levels.
91. The applicant considered that the draft amendment would facilitate the intensification of the existing rural residential land in the area. The applicant noted that the small size (11.25ha) further limits the site's potential for agricultural purposes.
92. The applicant further considered that the draft amendment is consistent with the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) and submitted:

Any agricultural use of land within the surrounding area, which is predominantly zoned Rural Living, is also required to be compatible with rural residential use. The nearest land within an Agriculture Zone or Rural Zone is located 450 metres from the site, to the south. Therefore, the proposed amendment will not result in rural residential use and development that would confine or restrain agricultural use in vicinity.

State Coastal Policy 1996

93. The planning authority assessed the draft amendment against the relevant outcomes and actions of the *State Coastal Policy 1996* (Coastal Policy) and concluded that the Rural Living Zone standards and regulatory processes appropriately uphold the State Coastal Policy by mitigating natural-hazard risk and minimising impacts on coastal and water environments.
94. The applicant considered that the draft amendment was consistent with the Coastal Policy and concluded:

The intensification of rural residential development on the site will increase stormwater generation. In this respect, Clause 6.11.2 (g) of the SPPs grants the planning authority with the power to impose conditions or restrictions on a permit, including controls on erosion and stormwater volume and quality.

There is no available public stormwater system. However, future lots facilitated by the proposed amendment will have a

minimum area of 8000 m², which is sufficient to accommodate on-site stormwater disposal.

Charles Street includes roadside drainage, which would be extended for any new road infrastructure, as proposed in the permit application. The drainage system comprises open swales that assist in improving the quality of stormwater runoff.

The construction road infrastructure would involve soil disturbance, as will the construction of other infrastructure, including vehicle crossings and water services. Appropriate soil and water management measures can be implemented during these works.

State Policy on Water Quality Management 1997

95. The planning authority has identified the management of surface water runoff prior to its discharge into watercourses and the Port Sorell estuary as a critical issue for the area. It is considered that the retention of vegetated drainage lines on 63 Charles Street, together with a reduction in development density achieved by amalgamating Lots 1 and 2, will provide an appropriate buffer to watercourses and facilitate the effective filtration of stormwater runoff from developed areas.

96. The planning authority submitted:

Stormwater design for the road and future dwelling development can accurately model the volume and velocity of stormwater for peak events and incorporate measures in the design to ensure that stormwater is adequately managed and adverse impacts on water quality are mitigated. Conditions of approval are to be placed on a permit incorporating erosion and stormwater volume and quality controls as considered necessary by the Planning Authority pursuant to section 6.11.2 of the TPS. Council's Infrastructure & Assets recommend conditioning in the form of requiring each of the future dwelling developments to provide stormwater detention to capture roofed area discharge to regulate and limit the volume of water being disposed into the ground.

97. The planning authority concluded that the planning and road authorities' regulatory processes for development ensure compliance with the *State Policy on Water Quality Management 1997* (Water Quality Policy). Aside from requiring a SSQ over 63 Charles Street to manage future development, there are no site conditions that would prevent effective surface water quality management under standard regulatory procedures.

National Environmental Protection Measures (NEPMs)

98. The planning authority submitted that the proposal does not relate to any NEPMs.

Commission consideration

99. The Commission considers that the PAL Policy is applicable to the draft amendment however notes that the site does not consist of prime agricultural land, as defined in the PAL Policy.
100. The Commission is satisfied that the protection of coastal values associated with the site and the management of water quality, can be managed through future development applications.
101. The Commission agrees with the planning authority and finds that the draft amendment is not inconsistent with requirements for NEPMs.
102. The Commission finds that the draft amendment is consistent with the relevant State Policies.

Resource Management and Planning System Objectives

103. The planning authority addressed the Part 1 Objectives and the Part 2 Objectives and provided a detailed response to each section.
104. The planning authority submitted that the draft amendment aligns with these objectives of the Act by providing sustainable rural residential development that addresses bushfire and stormwater risks. The inclusion of a section 71 agreement for stormwater management ensures the protection of infrastructure and water quality.
105. In the report, the planning authority submitted that the draft amendment was consistent with the local strategies and the regional strategy, considering the effects on the natural values, was consistent with local, regional and State policies and would be assessed against the planning scheme as required in the future.

Commission consideration

106. The Commission agrees with the planning authority's submission and finds that the draft amendment seeks to further the objectives of the Resource Management and Planning System at Schedule 1 of the Act.

Modifications required to draft amendment

107. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
108. The Commission finds that the following modifications to the draft amendment are required:
 - remove the SSQ entirely from the draft amendment; and
 - modify the title references to reflect the terminology of a folio of the Register rather than CT, and to amend the text for clarity.

Decision on draft amendment

109. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Consideration of the permit

110. Under section 40T(1) of the Act, a person who requests a planning authority under section 37 to amend an LPS may also:
- (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
 - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
111. Under section 42A of the Act, the Commission must consider the permit and, under section 42B, review the planning authority's decision as reported under section 42.
112. The permit sought is for 12-lot subdivision. As such the development application must be considered against the applicable standards in the Rural Living Zone and applicable codes in the State Planning Provisions.

Assessment against the provisions of the planning scheme

113. Both the applicant and planning authority provided an assessment of the proposal against the planning scheme provisions in their reports.
114. The site is in the Rural Living A Zone and the bushfire-prone and priority vegetation overlays apply to the land.
115. The Commission in reviewing the planning authority's assessment considers the proposal meets the relevant zone and code acceptable solutions, with the exception of those discussed in further detail below.

11.0 Rural Living Zone

11.5.1- Lot design P1

116. The planning authority submitted that the proposal complies with the Performance Criteria P1, as Squeaking Point has two residential areas divided by the Port Sorell Conservation Area. This includes larger rural lots to the west and smaller coastal legacy lots to the east. The subject site is in the west, with proposed lots over 8,000m², consistent with existing residential development. The proposed lots provide adequate building envelopes and open space. The bushfire hazard assessment provided with the application ensures compliance with the Bushfire-Prone Areas Code.
117. The planning authority noted that the onsite wastewater investigations determined that the proposed new vacant lots have sufficient available area suitable for the disposal of domestic effluent by way of secondary treated wastewater via secondary treatment systems and raised conventional beds, including sufficient reserve area. Secondary treatment systems have the advantage of requiring substantially less land area for application and reserve in comparison with primary onsite treatment systems, thereby reducing the amount of land area required to be developed for such purposes.
118. With regard to stormwater constraints, the planning authority submitted that given the topography of the subject site, it is evident that almost all of the building areas of the proposed lots contained on the current 77 Charles Street

will need to drain east towards the estuary. In getting the stormwater to the southern side of Charles Street to discharge into the public drains, new stormwater open drains will need to be constructed to capture and discharge the stormwater generated from the development. To ensure the stormwater drainage infrastructure can operate at its designed hydrological capacity once it is constructed, the planning authority recommended as a condition of approval that an agreement be entered into pursuant to Section 71 of the Act with requirements concerning stormwater detention, direction of drainage, and ensuring the drainage lines and the adjacent land for access purposes are kept clear of obstructions such as fences.

119. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause 11.5.1 P1.

11.5.1- Lot design P2

120. The planning authority submitted that reduced lot frontage may be allowed if each lot has a legal road connection at least 3.6m wide. Lots 1, 2, 6, 11, and 12 have a frontage to Charles Street. Lots 3, 7, and 8 have a frontage to the new road, all exceeding 40 m in width. Lots 4 and 5 have 4m-wide access strips with reciprocal rights of way, while Lots 9 and 10 have 6m-wide strips for compliant vehicle and bushfire access. All proposed frontages meet performance criteria and align with the surrounding prevailing rural residential development patterns.
121. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause 11.5.1 P2.

11.5.2 Roads P1

122. The planning authority submitted that a new road may be approved if it provides safe and convenient access. Due to limited connectivity, a short cul-de-sac is proposed as the most practical option. A Road Safety Assessment supports the revised design, which offsets the junction from Moorings Drive by 38 m in line with Austroads standards. The planning authority submitted that conditions for construction will apply, and the proposal meets performance criteria.
123. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause 11.5.2 P1.

11.5.3 Services P2

124. The planning authority submitted that a wastewater report prepared by GeoTon Pty Ltd confirms the site is suitable for secondary treatment systems with raised beds, given high seasonal groundwater limits traditional absorption methods. Existing systems on Lots 6 and 8 comply with relevant standards. Council's Environmental Health Officer verified compliance with AS 1547 and recommends conditions for approval, satisfying performance criteria.
125. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause 11.5.3 P2.

C3.0 Road and Railway Assets Code

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1

126. The planning authority submitted that a new road junction may be approved if traffic impacts are minimised. A Road Safety Assessment estimates Charles Street traffic will remain under 1,000 vehicles per day, and Council's Infrastructure Manager confirmed the road can handle the modest increase without further studies.
127. Council requested design changes to increase the offset between the proposed junction and Moorings Drive. The revised plan provides a 38m stagger, consistent with Austroads standards. Charles Street is a sealed rural road with minor curves and crests; some sight distances are limited by overhanging trees. However, the TIA addressed the safety considerations and included recommendations for the planning permit. With the inclusion of the TIA recommendations, the planning authority considered that the proposal meets the relevant performance criterion.
128. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause C3.5.1 P1.

C7.0 Natural Assets Code

C7.6.2 Clearance within a priority vegetation area P1.1 and P1.2

129. The planning authority submitted that the proposal complies with:
- clause C7.6.2 P1.1(f), as the works do not involve the clearance of any vegetation defined as priority vegetation; and
 - clause C7.6.2 P1.2, as there is no priority vegetation that will be impacted as a result of the proposed development.
130. The expert report identified the native vegetation community present on the site as *Eucalyptus amygdalina* coastal forest and woodland. The panel agrees with this assessment for the vegetation on the western portion of the site, however, it does not support this assessment for the vegetation in the north east of the site.
131. The panel's site inspection revealed that the north east vegetation community is different both in structure and composition from the *E. amygdalina* community in the west insofar as it is dominated by *Acacia melanoxylon* and *Pinus radiata* and, unlike the western area, has a very open and sparse understorey. While it has a pleasant park-like appearance, the north east vegetation is clearly of lower ecological value than that in the west.
132. Both the expert report and that of the planning authority assessed the native vegetation as not meeting the Natural Assets Code definition of priority vegetation. The panel finds that this assessment is incomplete. The Code's definition of priority vegetation has four components only three of which were considered by the expert witness and the planning authority. The fourth component refers to "native vegetation of local importance" and no assessment was made against this criterion by either the expert witness or the planning authority.

133. The Tasmanian Planning Commission released an information sheet in 2024 that provides guidance as to how to assess whether native vegetation could be considered to be of local importance. Utilising this guidance, the panel has made its own assessment of the site's native vegetation and has concluded that it does not meet the threshold of local importance. This conclusion was easily reached for the vegetation in the north east, for the reasons outlined above. The judgement on the western area is less clear-cut, however, the panel finds that because the *E. amygdalina* community is reasonably widespread in north east Tasmania and that this community is well-protected in an adjoining conservation reserve and that the lack of significant numbers of mature overstorey species results in relatively low habitat values, then this area also could not be considered to meet the local importance criterion.
134. Hence the panel has reached the same conclusion as the expert witness and the planning authority that the native vegetation on the site could not be defined as priority vegetation, however, it has arrived at this conclusion through a more complete assessment.

C7.7.1 Subdivision within a waterway protection area P1

135. The planning authority submitted that the proposal complies with clause C7.7.1 P1 as condition 2 of the permit in relation to the consolidation of lots 1 and 2, will limit development and minimize adverse impacts from residential stormwater discharge.
136. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clause C7.7.1 P1.

C7.7.2 Subdivision within a priority vegetation area P1.1 and P1.2

137. The planning authority submitted that the proposal complies with:
- clause C7.7.2 P1.1(f) as the proposed lots of the subdivision will not impact upon priority vegetation as defined by the Natural Assets Code; and
 - clause C7.7.2 P1.2 as the works associated with the subdivision will not impact upon priority vegetation as defined by the Natural Assets Code.
138. The planning authority also submitted that:
- A natural values assessment (NVA) prepared by Scott Livingston of Livingston Natural Resource Services was provided to accompany the combined scheme amendment and development application. As was detailed in Clause C7.6.2, the NVA has demonstrated that there is no priority vegetation that will be impacted as a result of the proposed development. Consequently, the requirements of the performance criteria are effectively satisfied in relation to the subject site. Noting the proximity of the Port Sorell Conservation Area that adjoins the east of the subject site, the aforementioned conditions recommended in the assessment to Clause C7.6.2 are required ensure the proposed works are conducted in accordance with codes of best practice to mitigate adverse impacts to priority vegetation that may occur on the adjoining land through weed infestation, stormwater, sediment and erosion impacts. In this

manner, the proposal demonstrates compliance with the performance criteria for this standard.

139. The Commission agrees with the planning authority that the proposal complies with the relevant criteria in clauses C7.7.1 P1.1 and P1.2.

Commission consideration

140. The Commission agrees with the planning authority that the proposal can comply with the relevant provisions of the Tasmanian Planning Scheme – Latrobe.

Planning Permit Conditions

141. At the hearing, the planning permit conditions were reviewed with the planning authority and the applicant.
142. In addition to the modifications relating to stormwater and a Part 5 Agreement, the Commission considers that modifications are required to:
- remove various conditions and advisory notes considered not for a proper planning purpose
 - remove reference to Natural Assets Report by Livingston Natural Resource Services as considered inaccurate and no longer valid for the purposes of the permit;
 - make minor amendment to condition 11 to clarify its operational intent; and
 - amend wording of condition 20(b) to clarify the areas of the proposed lots where impervious surfaces are prohibited.

Schedule 1 Objectives of the Act

143. The Commission finds that the draft permit furthers the Objectives at Schedule 1 of the Act.

TasWater conditions

144. The TasWater notice to the planning authority provided conditions to be included in the permit under sections 56P and 56S of the *Water and Sewerage Industry Act 2008*.
145. Condition 19 on the TasWater notice provides for the payment by the developer of a fee for development assessment and for consent to register a legal document.
146. This condition is not for a proper planning purpose¹ and is to be removed but may be included as advice.

Modification to permit conditions

147. The Commission modifies the planning authority's permit as described above and as contained in Annexure B of the decision.

¹ See *Western Australian Planning Commission v Temwood Holding Pty Ltd* [2004] HCA 63 at 57 and 60

Decision on permit

148. The Commission modifies the conditions attached to the permit granted by the planning authority, as set out above, and as contained in Annexure B of the decision.

Attachments

Annexure A - Modified amendment

Annexure B - Modified permit

Annexure A

Modified amendment 3/2025, Tasmanian Planning Scheme – Latrobe

1. Rezone the following land from Rural Living D to Rural Living A, as shown below:
 - i. 39, 63 and 77 Charles Street, Squeaking Point (folios of the Register 66812/2, 216581/1 and 202825/1) and the adjoining road reserves; and
 - ii. part of the adjoining footway known as folio of the Register 144982/101.

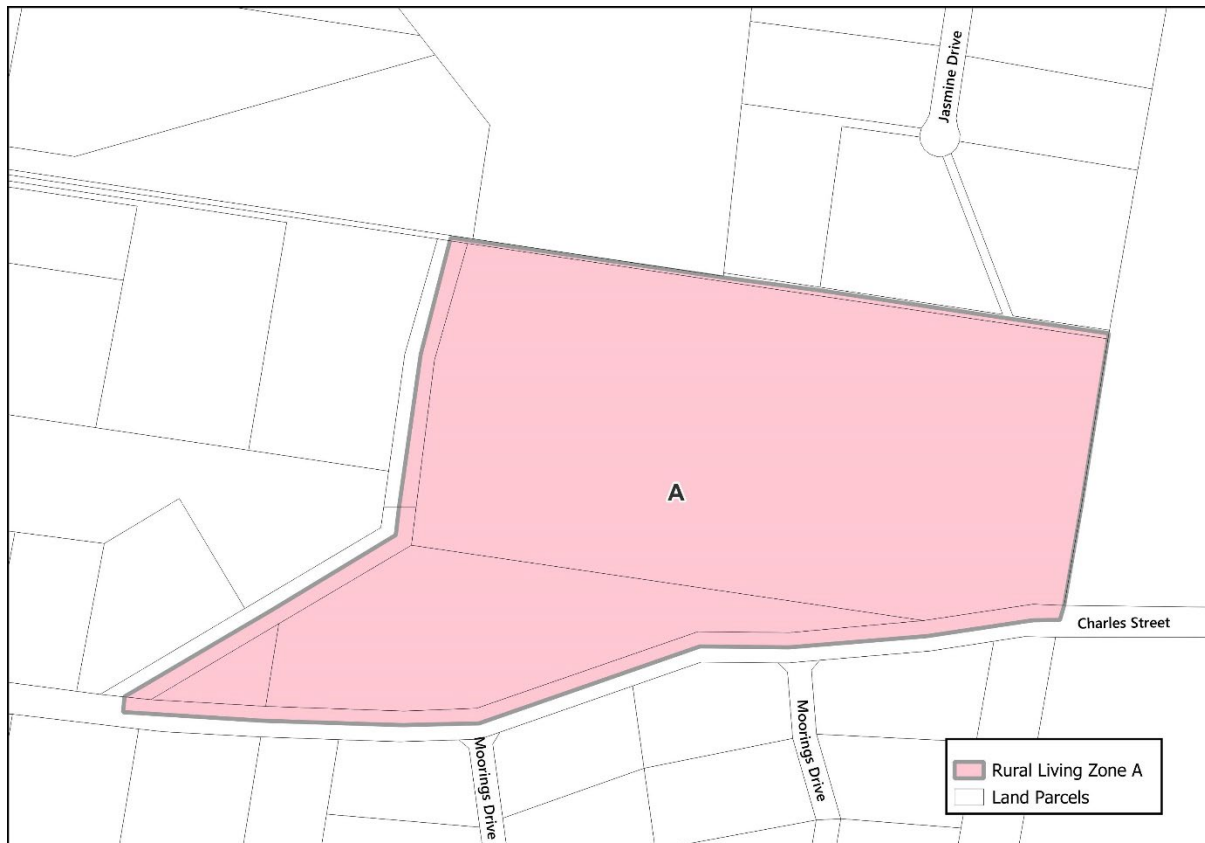


Figure 1: Application of Rural Living Zone A to land at 39, 63 and 77 Charles Street, Squeaking Point

Annexure B

Modified permit L-DA028-2025

1. *ENDORSED PLANS

Consent is for the proposed residential subdivision and road development substantially in accordance with the endorsed plans, unless modified by a condition of this permit:

- a) Subdivision Plans, prepared by Michell Hodgetts Surveyors, "Plan of Subdivision," Project: 220146, Drawing: Rev: 11, Dated: 26/06/2025;
- b) Water service plan, prepared by 6ty° Pty Ltd, "Concept servicing plan for water infrastructure," Project: 24.172, Drawing: Cp01, Dated: 27/06/2025;
- c) Bushfire Hazard Assessment, prepared by Livingston Natural Resource Services, "63 & 77 Charles Street," Certificate No: SRL 24/23S3, Rev: 3, Dated: 04/08/2025;
- d) Road Junction Safety Report, prepared by prepared by 6ty° Pty Ltd, Project: 24.172, Rev: B, Dated: 26/06/2025; and
- e) Onsite Wastewater Assessment, prepared by GeoTon Pty Ltd, Project: GL24095Ab, Rev: 1, Dated: 20/11/2024.

2. AMENDED PLANS REQUIRED

Prior to the commencement of the works, amended plans must be submitted to the Planning Authority to show the consolidation of proposed Lots 1 and 2 to provide for one lot only with consent for one building envelope.

Once approved, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

3. BUSHFIRE HAZARD MANAGEMENT

The bushfire hazard management areas are to be established and maintained in accordance with the recommendations contained in the certified Bushfire Hazard Management Plan and Certificate prepared by Scott Livingston, Accreditation: BFP-105, Certificate No: SRL 24/23S3, Dated 04/08/2025, a copy of which is attached and endorsed to be a document forming part of this permit.

4. TASWATER

The developer shall comply with the conditions, which TasWater has required the planning authority to include in the permit in accordance with Section 56P(1) of the Water and Sewerage Industry Act 2008. These conditions are specified in TasWater's submission to Council, Reference, TWDA 2025/00420-LC, a copy of which is attached and endorsed to be a document forming part of this permit

5. WASTEWATER

A site specific environmental consultant's report and design for on-site waste water disposal, in accordance with the Plumbing Regulations 2016 and AS 1547, is required with the Plumbing Application for the proposed new lots.

6. PUBLIC OPEN SPACE CONTRIBUTION

An amount of 5% of the unimproved value of the subdivided lots is to be paid to Council in lieu of public open space provision (excludes balance lot). The assessment of the property found the combined unimproved value of the land to be \$677,260. 5% of this amount calculates to \$33,863.

7. DRIVEWAYS WITHIN RIGHTS OF WAY

The developer is to construct the driveway access located within a right of way approved on the subdivision plan. The driveway access is to be constructed in accordance with the requirements of the endorsed Bushfire Hazard Management Plan.

8. CONSTRUCTION OF WORKS

The developer is to construct works in accordance with detailed construction and drainage plans prepared by suitably qualified persons and complying with current Council standards and approved by the Manager Infrastructure & Assets.

Such plans and specifications are to include the necessary dimensions for road construction, pavement design, calculations for flow rates in drains, the pipe sizes for culvert drains and the materials used in construction.

The works are to include:

a) Road Construction off Charles Street

The proposed internal access road is to be constructed with the following features:

- (i) A 6m wide two coat spray seal on an appropriately constructed pavement;
- (ii) A minimum pavement width of 8m including gravel shoulders within a road reservation width of 18m;

- (iii) The roadways are to be adequately drained, and runoff discharged to a suitable drain or watercourse to improved roadside drainage. Design for a minimum grade of 0.5% although 2% or greater is preferred with erosion and scour protection as required.
- (iv) Rural intersection and road are to be constructed in accordance with SD-84.011 v0 & TSD-R02-v3.
- (v) Typical Rural Type Cul-de-sac (Asphalt) as per TSD-R08-v3 suitable for a service vehicular turning area is required for the proposed road within the road lot.

b) *Stormwater

Concentrated stormwater for each lot is to be managed in accordance with a drainage design developed by a suitably qualified person.

A stormwater report and plans complete with hydraulic calculations is to be provided to ensure the new road and each lot has the provision to acceptably drain, manage or contain concentrated stormwater generated by the development and associated lots following building works. The design is to ensure concentrated surface drainage from the development of the proposed residential lots is no greater than the property in its current state.

It is expected that the northeastern corner of the development site shall be drained within the eastern boundary of the subject site to the 300mm Charles Street culvert near the southeast boundary corner. This culvert is to be assessed for invert depth and flow capacity and to be upsized or re-laid to achieve the calculated stormwater flows and depth.

c) Constructed Driveways

All lots are to be provided with constructed sealed driveway in accordance with TSD-R03-v3 & TSD-R04-v3 from the edge of road seal to the property boundary to maintain roadside drainage and suitable site distance TSD-RF01-v3.

d) Landscaping Plan

A landscaping plan for all road reservations including the planting of native vegetation along Charles Street and any public land shall be prepared by a qualified Landscape Architect or other competent person and once endorsed shall form a part of the approved works. Landscaping as shown on the approved landscape plan shall be completed prior to the issue of a certificate of practical completion for the development works.

e) Cut, Fill and Retaining Structures

Any areas within the development site subject to cutting or filling are to be detailed on the engineering plans and show the existing natural surface contours, the proposed surface contours, density and material of

compaction to be undertaken and any associated works such as the installation of retaining walls, subsoil drainage and railing.

A standard fee of \$555.00 plus \$120.00 per lot is required to be paid to Council for the assessment of the civil/drainage plans, liaison and administration during the project period.

9. ELECTRICITY INFRASTRUCTURE

The developer is to provide written confirmation from TasNetworks that electricity infrastructure has been constructed and installed in accordance with TasNetworks' requirements to facilitate future connections to the proposed lots.

10. TELECOMMUNICATIONS INFRASTRUCTURE

The developer is to provide written confirmation that either:

- a) Telecommunications network infrastructure has been constructed and installed in accordance the NBN Co or the relevant Statutory Infrastructure Provider's requirements in compliance with the *Telecommunications Act 1997*; or
- b) The developer is exempt from requiring pit and pipe infrastructure pursuant to Part 20A of the *Telecommunications Act 1997*

11. *SOIL AND EROSION CONTROL

A management plan is to be submitted detailing how soil and water is to be managed during construction. The management plan is to include as a minimum:

- a) Silt fencing and other devices are to be provided, where necessary, to control the loss of silt, gravel, clay and soil from the site;
- b) Access roads around the site are to be provided to prevent the trafficking of clay etc. onto the street. Humps are to be provided at any downhill access points to divert internal road drainage and soil etc. to the silt fenced area;
- c) Filter screens are to be used at entrances to the existing drainage system to prevent the discharge of gravel, soil and silt etc. to the drainage system;
- d) No environmental nuisance or harm, as determined under the *Environmental Management and Pollution Control Act 1994* and associated regulations, to be caused by any activity on the site during the construction phase.

12. SOIL AND WATER MANAGEMENT

Soil and water management controls must be in place during site preparation, construction and rehabilitation phases in accordance with the Environmental Protection Authority's Erosion and Sediment Control – the fundamentals for development in Tasmania (July 2023).

13. WEED SPREAD MANAGEMENT

Machinery and equipment utilised during construction activities must be cleaned and managed to avoid transferring any weed or other diseases to or from the site as detailed in DPIPWE's Weed and Disease Planning and Hygiene Guidelines.

14. HOURS OF CONSTRUCTION

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am - 6pm and Sunday and statutory holidays 10am - 6pm.

15. COMPLETION OF WORKS

All works are to be carried out to Council standards and to the satisfaction of the Manager Infrastructure & Assets under the direct supervision of a civil engineer engaged by the applicant and approved by Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of a Certificate of Handover.

16. CONSTRUCTION PLANS

An "As Constructed" plan shall be provided in accordance with Councils requirements and shall be lodged with Council prior to sealing the final plan.

All sediment fences and control devices (other than sediment basins) must be de-silted and made fully operational as soon as practicable after runoff-producing rainfall, or if the sediment retention capacity of the device/s is below 75% of the design retention capacity.

17. EASEMENTS

Private easements are required over all private drainage with public drainage easement for public drains and easements for other services located in private property.

18. COVENANTS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a) Such covenants or controls are expressly authorised by the terms of this permit; or

- b) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

19. ROAD SIGNAGE

The developer is to install the street name signs and all other signage necessary and as approved by DSG.

20. *SECTION 71 – PART 5 AGREEMENT

The developer is to enter into a Part 5 Agreement, under Section 71 of the *Land Use Planning and Approvals Act 1993*, with Council to the effect that:

- a) Stormwater generated from development and works on the lots that discharge into a public watercourse, shared drain and/or roadside drain must restrict stormwater flow rate and volume to be no greater than existing undeveloped flows;
- b) *No impervious surfaces are to be developed:
 - on proposed Lot 3 between the 15m contour as shown on LISTMAP and the western boundary; and
 - on proposed Lots 4 and 5 between the ridgeline and the western boundary.
- c) Any development or works associated with proposed Lots 3, 4 and 5 must drain or direct stormwater to the east, excepting if draining south to the proposed new road and roadside drainage with the consent of the Council;
- d) Any development or works associated with proposed Lots 7, 9, 10 and 12 must drain or direct stormwater to an open stormwater drain to be constructed parallel to the northern and eastern title boundary of CT 202825/1 draining to Charles Street;
- e) All stormwater drains and easements are to be kept clear of obstructions; and
- f) The terms of this agreement must be transferred from the parent titles to all future certificates of title on the lots approved by planning permit L-DA028/2025 and subject to this agreement.

Such agreement shall be placed on the Certificate of Title in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All costs associated with the preparation and registration of the agreement must be met by the applicant and must be lodged with Council prior to sealing of final plans.

21. FINAL PLAN OF SURVEY

The final plan of survey including easements for all stormwater drainage maintainable by property owner will not be sealed until all conditions have been complied with.

***permit conditions modified by the decision of the Tasmanian Planning Commission dated 29 June 2026**