Prior to the commencement of the meeting, the Mayor will make the following declaration:

"I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present".

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are live-streamed, audio-visually recorded and published to Council's website.

CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING MONDAY 6 SEPTEMBER 2021

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BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE LIVE-STREAMED, AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL'S WEBSITE

1. APOLOGIES

Nil

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No 10-03-09)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

3. REPORTS OF OFFICERS

NB: Requests for Deputations will be finalised on the Monday prior to the Meeting

3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017782 – THE TASMAN HIGHWAY, PITTWATER ROAD & VARIOUS ADJACENT LOTS (LOT 1 KENNEDY DRIVE, 1420 TASMAN HIGHWAY, AND 1431 TASMAN HIGHWAY) BETWEEN HOBART INTERNATIONAL AIRPORT & THE MIDWAY POINT CAUSEWAY, CAMBRIDGE - TASMAN HIGHWAY UPGRADES INCLUDING PITTWATER ROAD INTERSECTION UPGRADES

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for Tasman Highway Upgrades including Pittwater Road Intersection upgrades at the Tasman Highway, Pittwater Road and various adjacent lots between Hobart International Airport and the Midway Point Causeway, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Utilities, Rural Resource, Open Space, Recreation Zones and subject to the Bushfire Prone Areas, Road and Railway Assets, Parking and Access, Stormwater Management, Inundation Prone Areas, Historic Heritage. Signs, and Airport Buffer Codes under the Clarence Interim Planning Scheme 2015 (the Scheme) also apply. In accordance with the Scheme the proposal is a discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 8 September 2021, as extended with consent from the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements (21 days as per s.57(5) of *Land Use Planning and Approvals Act 1993* (LUPAA) and 3 representations were received raising the following issues:

- Inadequate stakeholder consultation and needs not addressed;
- Adverse impact on patronage/business;
- Inequitable treatment of stakeholders;
- Incorrect description of existing access arrangements;
- Lack of details as to grass species to be used in the exposed batter;
- Abuse of process;
- Construction timing not feasible;
- Inadequate consideration of adverse construction impacts including noise, security risks to adjoining properties,
- Inadequate details of vegetation removal work, proposed site rehabilitation;
- Incorrect assessment by applicant against the provisions of the Rural Resource Zone and Road and Railway Assets Code;
- State Policy for the Protection of Agricultural Land not considered;

- Adverse impact on the Eastern Gateway to Clarence, adverse impact on Tourism experience;
- Inadequate assessment against the Bushfire Prone Area Code;
- Land Acquisition process excluded from planning application;
- Incorrect mapping of Biodiversity Protection Area (BPA) overlay;
- Historic Heritage not adequately addressed; and
- Inadequate stormwater management on Pittwater Road;

RECOMMENDATION:

- A. That the Development Application for Tasman Highway Upgrades including Pittwater Road Intersection upgrades at the Tasman Highway, Pittwater Road and Various Adjacent Lots (Lot 1 Kennedy Drive, 1420 Tasman Highway, and 1431 Tasman Highway) between Hobart International Airport and the Midway Point Causeway, Cambridge (Cl Ref PDPLANPMTD-2021/017782) be approved subject to the following conditions and advice.
 - 1. GEN AP1 ENDORSED PLANS.
 - 2. GEN AP1 AMENDED PLANS, insert the access from Tasman Highway to 1431 Tasman Highway, Cambridge on proposal plan Sheet 1912 (dated 24 June 2021) outside the pink area.
 - 3. Non-Statutory signs must not be displayed on the site or adjoining properties without further approval from Council.
 - 4. To ensure the Tasman Golf Club Colorbond fence contributes positively to the streetscape all external surfaces must be maintained in good condition and free of graffiti.
 - 5. For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council's Group Manager Engineering Services for approval prior to the commencement of works.
 - 6. ENG A1 NEW CROSSOVER, delete TSD-R09 (Urban)
 - 7. ENG M2 DESIGNS SD, insert additional dot point after road design (including line marking); shared path design.
 - 8. ENG M5 EROSION CONTROL.

- 9. ENG M6 CONSTRUCTION FENCING.
- 10. ENG M7 WEED MANAGEMENT PLAN.
- 11. ENG R2 URBAN ROAD.
- 12. ENG S1 INFRASTRUCTURE REPAIR.
- 13. ENG S5 STORMWATER PRINCIPLES.
- 14. GEN M2 NO WORKS.
- 15. EHO 6 NOISE MANAGEMENT PLAN.
- 16. Prior to the commencement of works, as approved under this permit, a plan for the management of construction of the site must be submitted and approved by Council's Manager City Planning. The plan must outline the proposed demolition and construction practices for the site in relation to:
 - (a) proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken onsite);
 - (b) identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - (c) control of dust and emissions during working hours;
 - (d) construction parking;
 - (e) proposed screening of the site and vehicular access points during work;
 - (f) procedures for washing down vehicles, to prevent soil and debris being carried onto the street; and
 - (g) traffic/pedestrian management.
- 17. The development must meet all required Conditions of Approval specified by TasWater notice, dated 08/04/2021 (TWDA 2021/00506-CCC).

ADVICE

- A. ADVICE 16 THREATENED SPECIES ADVICE.
- B. ADVICE 17 ABORIGNAL RELICS ADVICE.

- C. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations and the standard arrangements (for developments of this type) will apply for connection to the electricity network. For further information, please refer to the TasNetworks' website: "New electricity connections TasNetworks".
- D. Controlled activities (Airports (Protection of Airspace) Regulations are also defined as any activities causing intrusions into the protected airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter. Details will need to be provided to Hobart Airport for consideration if this proposal may subject the protected airspace around Hobart Airport to one or more of these items.
 - Please note that further to the above, any structures used in the construction process, such as cranes, may in fact be controlled activities and require separate approval under the Regulations.
- E. Council's Bicycle Steering Committee requests that the contractor liaise with Council engineering staff regarding the layout of the path intersection at the golf club entry in particular placement of poles and angles on the path to ensure the design complies with Austroads Part 6A Paths for Walking and Cycling.
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2021/017782 - THE TASMAN HIGHWAY, PITTWATER ROAD & VARIOUS ADJACENT LOTS (LOT 1 KENNEDY DRIVE, 1420 TASMAN HIGHWAY, AND 1431 TASMAN HIGHWAY) BETWEEN HOBART INTERNATIONAL AIRPORT & THE MIDWAY POINT CAUSEWAY, CAMBRIDGE - TASMAN HIGHWAY UPGRADES INCLUDING PITTWATER ROAD INTERSECTION UPGRADES /contd...

ASSOCIATED REPORT

1. BACKGROUND

The Tasmanian Government intends to upgrade the Tasman Highway between Hobart International Airport and the Arthur Highway to the east, as part of the Department of State Growth's (State Growth) South East Traffic Solution (SETS).

Approval was granted for the first major project, the Tasman Highway/Hobart Airport Interchange, (D-2018/96) on 17 December 2018. A further development application was lodged with an amended layout and approved by Council on 13 July 2020, (PDPLANPMTD-2020/009430). An appeal against Council's decision was dismissed.

The eastern section of works approved via the above permit adjoins the western works of the current application (PDPLANPMTD-2021/017782), namely the Hobart Airport to Midway Point Causeway section of SETS.

A related project to relocate fairways and practice tee off areas on the Tasman Golf Course (PDPLANPMTD-2021/017986) was advertised at the same time. The golf course works create the space for the Tasman Highway road upgrades proposed by this application. It is noted that the Tasman Golf Course application received 1 representation in support and has been determined under delegation.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Utilities, Rural Resource Zone, Open Space Zone, and Recreation Zone under the Scheme.

- **2.2.** The proposal is discretionary because the use is discretionary, and it does not meet the Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 7.5 Compliance with Applicable Standards;
 - Section 8.10 Determining Applications;
 - Section 18.0 Recreation Zone;
 - Section 26.0 Rural Resource Zone;
 - Section 28.0 Utilities Zone;
 - Section E5.0 Road and Railway Assets Code;
 - Section E6.0 Parking and Access Code;
 - Section E7.0 Stormwater Management Code;
 - Section E13.0 Historic Heritage Code;
 - Section E15.0 Inundation Prone Areas Code; and
 - Section E26.0 Airport Buffer Code.
- **2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act*, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of a total of 19 lots including 13 existing Tasman Highway road casement parcels administered by the Crown (State Growth), 1 adjoining lot administered by the Crown (Commonwealth), 3 privately owned lots adjoining the Tasman Highway, and 1 lot (Pittwater Road) administered by Clarence City Council. It is noted that any works within Commonwealth land is legally excluded from consideration by Council. Figure 1 below provides an overview of the physical extent of the proposed works.



Figure 1- Location of proposed works

3.2. The Proposal

The proposal is to undertake works so as to:

 widen the Tasman Highway to 4 lanes between Hobart Airport and a point approximately 250m south-west of the Midway Point Causeway;

- improve access to and from the three main traffic generators on this section of the highway Barilla Bay Oysters, Pittwater Road and the Tasmania Golf Club with a new signalised intersection at Pittwater Road and new access roads for the oyster farm and golf club, which will be minor two lane, sealed roads, running parallel to the highway;
- provide dual use walking/cycling paths on the northern side of the highway (to ensure continuity along the highway, walkers and cyclists will also be able to use the new access road between the oyster farm and the highway); and
- realignment of private access circulation roadways on the "Milford" property, 1431 Tasman Highway.

These works will require demolition/removal of existing signage, fencing and vegetation within the site, including earthworks, relocation of existing services, and upgrade to existing carriageway, stormwater management and installation of street and traffic lights, fencing and statutory signs and tourist information signs within and adjacent to the subject site.

The proposal project budget is \$20Million.

As discussed below, much of the proposed works are exempt via various Scheme provisions under clause 5.0 Exemptions. Those works that require approval are described in more detail in section 4.3 below.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

- 7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.
- 7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.

4.2. Determining Applications {Section 8.10}

- 8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:
 - (a) all applicable standards and requirements in this planning scheme; and
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act,

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

References to these principles are contained in the discussion below.

4.3. Compliance with Zone and Codes

The following assessment relates to only those works not listed as exempt in 5.0 Exemptions. Land within the subject site, where such non-exempt works (i.e. assessable works) are located, are shown in green (as the works extend 3m beyond the existing property boundary) and pink (as the works are located on land within the Heritage Area overlay) in Attachment 1, Location Plan. Typically, the works include walking/cycling path, stormwater infrastructure, verge works, vegetation clearing, retaining walls, fencing, relocation of internal and property tracks and access to such internal tracks.

The proposal meets the Scheme's relevant Acceptable Solutions of the Recreation, Rural Resource, and Utilities Zones and Road and Railway Assets, Parking and Access, Stormwater Management, Historic Heritage, Inundation Prone Areas and Airport Buffer Codes with the exception of the following. No assessable works are located within the Open Space zone.

Recreation Zone

• **18.3.5 Discretionary Use** – the proposed works are associated with Utilities Use Class, which has a Discretionary status in the zone and there is no acceptable solution for this clause.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 18.3.5 Discretionary Use as follows.

Clause	Performance Criteria	Assessment
18.3.5 P1	Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.	The proposed Tasman Highway upgrade works will improve accessibility to the Tasman Golf Course and thereby complement and enhance the use of the land for recreational purposes. Furthermore, the overall upgrade via State Growth's SETS is considered to improve safety for all Highway users, and accordingly is considered to augment and support permitted and no permit required uses of the land. It is considered that Performance Criteria P1 are satisfied.

• Clause 18.4.7 Fencing – the proposal includes the provision of 1.8m high woodland grey Colorbond fencing along approximately 180m of the realigned boundary between the Tasman Golf Course and the upgraded Tasman Highway. The solid nature of the proposed fence means that Acceptable Solution A1 (a) is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 18.4.7 Fencing as follows.

Clause	Performance Criteria	Assessment
18.4.7 P1	Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:	The Tasman Golf Course extends for approximately 1.2km along the Tasman Highway. The majority of this frontage will be fenced with 1.8m high mesh fence, replacing the existing. A 230m section of this fence will be constructed from Colorbond, it is noted that approximately 50m of this section is exempt works. Hence, approximately 180m (or 15%) of the frontage fence requires assessment against the clause streetscape provisions. The proposed fencing is considered to positively contribute to the streetscape as it screens the proposed driving range from passing traffic and as there is no land in a residential zone within 2km of the site, it is considered unlikely to adversely impact on residential amenity.

		It is considered that the following demonstrates that the proposal satisfies Performance Criteria P1. To ensure that the Colorbond fence does not detract
		from the streetscape permit conditions have been included.
(a)	the height of the fence;	1.8m
(b)	the degree of transparency of the fence;	Solid
(c)	the location and extent of the fence;	Along the frontage of the Golf Course east of the proposed driving range (separate application).
(d)	the design of the fence;	Colorbond – Woodland Grey
(e)	the fence materials and construction;	a/a
(f)	the nature of the use;	Utilities on the expanded Tasman Highway, Recreation on the Tasman Golf Course neither of which are considered sensitive uses. As the Tasman Golf Course is not a public golf course, it is reasonably unlikely to require passive surveillance of the Tasman Highway from the Golf Course.
(g)	the characteristics of the site, the streetscape and the locality, including fences;	The fence provides the boundary between existing Tasman Golf internal driveways, and proposed driving ranges and the upgraded Tasman Highway. The remainder of the Golf Course frontage will be fenced with 1.8m high metal mesh fence. The majority of surrounding fencing is rural in nature, that is 1.2m high posts and wire and mesh panels. Given the existing uses on the site it is reasonable to provide visual and noise protection to the Golf Course land from the upgraded Tasman Highway.
(h)	any Desired Future Character Statements provided for the area.	Not applicable – there are no Desired Future Character Statements for the area.

Rural Resource Zone

- Clause 26.3.3 Discretionary Use the proposed works are associated with Utilities Use Class, which has a Discretionary status in the zone and there is no acceptable solution for this clause.
- The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 26.3.3 Discretionary Use as follows.

Clause	Performance Criteria	Assessment
26.3.3 P1	A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:	It is considered that the proposed non- agricultural use will not conflict or fetter agricultural use on adjoining sites because of the following:
(a)	the characteristics of the proposed non- agricultural use;	The proposed use, namely utilities, already exists, with the adjoining Tasman Highway and TasWater access track to a TasWater easement.
(b)	the characteristics of the existing or likely agricultural use;	To the north, lot 1 Kennedy Drive is land associated with Hobart Airport and includes runway indicator lights, it is considered unlikely to be used for agricultural purposes. To the south, 1431 Tasman Highway ("Milford"), is a mixed use property, with mature vegetation, grapevines, residential, landscaping supplies business, and resource development uses, including grazing and cropping.
(c)	setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;	The proposed utilities use encroaches onto the adjoining land; varying in distance from less than 1m to 15m. On Milford, a buffer ranging from approximately 180m to 355m of mature native vegetation will be retained between the proposed utilities use and existing agricultural and non-agricultural uses.
(d)	any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.	The site will be part of the upgraded Tasman Highway. To the north on Lot 1 Kennedy Drive, the works include the shared bike/pedestrian path as well as the upgraded highway road verge and stormwater drainage infrastructure. The proposed works would retain the land for low intensity agricultural uses that are appropriate for the airport, such as grazing. Such uses are not considered likely to impact the functionality of the upgraded Tasman Highway. To the south, the works are primarily associated with the upgraded highway road verge and stormwater infrastructure, the realigned TasWater easement access track and fencing along the revised property boundary. Separation distance from the upgraded Tasman Highway carriageway to the realigned road casement boundaries is approximately 7m. This road verge will contain native grasses. It is considered unlikely that the amenity of the highway would be adversely impacted by existing or likely agricultural uses.

	Overall - any agricultural uses on
	adjoining land are considered to have
	minimal impact given the intrinsic
	nature of traffic resulting in transient
	and temporary exposure to these uses.

Clause 26.4.3 Design – the proposal will require works in an area that contains native vegetation and hence Acceptable Solution A1
 (c) is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 26.4.3 Design as follows.

Clause	Performance Criteria	Assessment
26.4.3 P1	The location of buildings and works must satisfy all of the following:	The location of the proposed works is considered to satisfy all of the following because:
(a)	be located on a skyline or ridgeline only if: (i) 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; (ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance	The works are not located on a skyline or ridgeline.
	value not greater than 40 percent for all exterior building surfaces;	
(b)	be consistent with any Desired Future Character Statements provided for the area;	There are no Desired Future Character Statements for the area.
(c)	be located in and area requiring the clearing of native vegetation only if: (i) 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; (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.	The proposed clearing of native vegetation is required: (i) as there are no alternative sites clear of native vegetation and the existing Tasman Highway location constrains alternative options for upgrade works. The works are necessary for the functional requirements of infrastructure. (ii) not considered applicable as the proposed works are not for a subdivision, or a vulnerable or hazardous use and hence no Bushfire Hazard Assessment is required for the proposed work.

Utilities Zone

• Clause 28.4.5 Fencing – the proposal includes the provision of 1.2m high post and wire fencing; 1.8m wire mesh fencing; and 1.8m high Woodland Grey Colorbond fencing along approximately 180m of the realigned boundary between the Tasman Golf Course and the upgraded Tasman Highway. The solid nature of the proposed fence along the Tasman Golf Course frontage means that Acceptable Solution A1 (b) is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 28.4.5 Fencing as follows.

Clause	Performance Criteria	Assessment
28.4.5 P1	Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:	The proposed fencing along the realigned Tasman Hwy will generally replace like with like, with the exception of the Colorbond fence along a portion of the Tasman Highway frontage as discussed above. The proposed fencing is considered to positively contribute to the streetscape as it screens the proposed driving range from passing traffic and as there is no land in a residential zone within 2km of the site, it is considered unlikely to adversely impact on residential amenity. It is considered that the following demonstrate that the proposal satisfies Performance Criteria P1. To ensure that the Colorbond fence does not detract from the streetscape permit conditions have been included.
(a)	the height of the fence;	1.8m height is standard for boundary fences and considered appropriate given the location and purpose of the fence.
(b)	the degree of transparency of the fence;	Solid construction – no transparency is considered appropriate given the location and purpose of the fence.
(c)	the location and extent of the fence;	Along the frontage of the Golf Course approximately 330m east of the revised entry.
(d)	the design of the fence;	Colorbond – woodland grey, the proposed colour is considered to blend into the native vegetation and general 'rural' streetscape of the area.
(e)	the fence materials and construction;	a/a
(f)	the nature of the use;	Utilities on the expanded Tasman Highway, Recreation on the Tasman Golf Course neither of which are considered sensitive uses. As the

		Tasman Golf Course is not a public golf course, it is reasonably unlikely to
		require passive surveillance of the Tasman Highway from the Golf Course.
(g)	the characteristics of the site, the streetscape and the locality, including fences;	The fence provides the boundary between existing Tasman Golf Course internal driveways and proposed driving ranges and the upgraded Tasman Highway. The remainder of the Golf Course frontage will be fenced with 1.8m high metal mesh fence. The majority of surrounding fencing is rural in nature, that is 1.2m high posts and wire and mesh panels. Given the existing uses on the site it is reasonable to provide visual and noise protection to the Golf Course land from the upgraded Tasman Highway.
(h)	any Desired Future Character Statements provided for the area.	Not applicable – there are no Desired Future Character Statements for the area.

Road and Railway Assets Code

• Clause E5.6.1 Development adjacent to roads and railways – the proposal involves other road and earthworks within 50m of the Tasman Highway, which is a category 2 road and hence Acceptable Solution A1.1 (b) is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of clause E5.6.1 Development adjacent to roads and railways as follows.

Clause	Performance Criteria	Assessment
E5.6.1 P1	The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:	The assessable works include the access roads leading from the upgraded Pittwater/Tasman Highway intersection to Barilla Road, Tasman Golf Course; the relocation of the existing TasWater easement access to Pittwater Road; and Tasman Highway road verge works and is considered to be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses because of the following:
(a)	the proposed setback;	Not applicable – no building proposed.
(b)	the existing setback of buildings on the site;	Existing buildings will vary in setback from 20m to 380m.
(c)	the frequency of use of the rail network;	Not applicable – no rail network involved.

(d)	the speed limit and traffic volume of the	The existing speed limit on Pittwater
,	road;	Road and the Tasman Highway is 80km/hr; the accesses to Barilla Bay and Tasman Golf Course will be posted with lower speed limits in accordance with detailed designs to be finalised prior to construction.
(e)	any noise, vibration, light and air emissions from the rail network or road;	TasWater predominantly requires access to the easement during business hours for maintenance/service purposes. The access would be used infrequently. The vehicle volumes on the access roads to Barilla Oysters and Tasman Highway are significantly less than the traffic on the Tasman Highway itself. Hence any noise, vibration, light or air emissions from the road would be limited and less intensive compared with the existing traffic on the Tasman Highway.
(f)	the nature of the road;	Pittwater Road is a Council maintained road, providing connectivity from larger Rural and Light industrial land lots located to the south, to the Tasman Highway. The upgraded accesses to Barilla Bay Oysters and Tasman Golf Course are considered service roads.
(g)	the nature of the development;	The development is roadworks for utilities use, consistent with the adjoining Tasman Highway.
(h)	the need for the development;	The works are necessary upgrades to the exiting accesses to Barilla Bay Oysters and Tasman Golf Course. Similarly, it is necessary to replace the existing TasWater easement access fronting onto the Tasman Highway.
(i)	any traffic impact assessment;	The traffic impact assessment submitted concludes that the proposed works will improve the safety of the road network and provide capacity for future traffic growth.
(j)	any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and	The proposed area of the access works is contained within the 63 to 68 decibel area generated by Tasman Highway Traffic. Hence, these works, and future use of the easement access are not considered to require specific mitigation. Nearest sensitive uses are the Tasman Golf Course caretaker's residence approximately 140m to the north east and the "Milford" residence approximately 900m to the south east. The applicant provided a Noise Assessment, prepared by a suitably qualified person, which demonstrated that there would be only a minor exceedance (1 decibel) at the Golf Course caretaker's dwelling, which is considered minor and under the "reasonableness" and "cost

		effectiveness" provisions of the guidelines that mitigation measures for the caretaker's dwelling are not required.
(k)	any written advice received from the rail or road authority.	Council's engineer has reviewed the proposed plans, including the relocated access and considers that given the nature of the traffic that would use the access, the Performance Criteria can be achieved.

• Clause E5.6.2 Road accesses and junctions – the proposal includes the relocation of an existing access to the TasWater easement maintenance access track from the southern Tasman Highway side approximately 80m east of the existing Pittwater Road intersection, to the eastern side of Pittwater Road approximately 80m south of the proposed upgraded Tasman Highway – Pittwater Road intersection. This effectively creates a new access to Pittwater Road which has an 80km/hr speed limit, and hence Acceptable Solution A1 is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E5.6.2 Road accesses and junctions as follows.

Clause	Performance Criteria	Assessment
E5.6.2 P1	For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:	The proposed second access onto Pittwater Road along the western frontage of 1431 Tasman Highway is considered to be safe and not unreasonably impact on the efficiency of Pittwater Road because of the following:
(a)	the nature and frequency of the traffic generated by the use;	TasWater predominantly requires access to the easement during business hours for maintenance/service purposes. The access would be used infrequently and hence any noise, vibration, light or air emissions from the road would be limited and less intensive compared with the existing traffic on Tasman Highway.
(b)	the nature of the road;	Pittwater Road is a Council maintained road, providing connectivity from larger Rural and Light Industrial land lots in the south, to Tasman Highway.

(c)	the speed limit and traffic flow of the road;	The existing speed limit on Pittwater Road is 80km/hr, carrying approximately 521 vehicles a day, with heavy vehicles representing 16% of traffic.
(d)	any alternative access;	The existing location of the TasWater easement coming directly off Tasman Highway is not considered safe given the proposed highway upgrade. The access location is determined by the location and extent of the TasWater easement to be accessed, there are no viable alternative access options.
(e)	the need for the access or junction;	It is a necessary access for maintenance of TasWater infrastructure.
(f)	Any traffic impact assessment;	The traffic impact assessment submitted with the application confirms that Pittwater Road carries approximately 521 vehicles a day, with heavy vehicles representing 16%, however the assessment provided no specific comments with respect to the relocated access.
(g)	any written advice received from the road authority.	Council's engineer has reviewed the proposed plans, including the relocated access and considers that given the nature of the TasWater traffic that would use the access, the Performance Criteria can be achieved.

Parking and Access Code

- Clause E6.7.1 Number of Vehicular Accesses the proposal includes the relocation of an existing access to the TasWater easement maintenance access track from the southern Tasman Highway side approximately 80m east of the existing Pittwater Road intersection, to the eastern side of Pittwater Road approximately 80m south of the proposed upgraded Tasman Highway Pittwater Road intersection. This effectively creates a second access to Pittwater Road from the western road frontage of 1431 Tasman Highway ("Milford"), which already has access to Pittwater Road, hence Acceptable Solution A1 is not met.
- The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.7.1 Number of Vehicular Accesses as follows.

Clause	Performance Criteria	Assessment
E6.7.1 P1	The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:	The western frontage access points to 1431 Tasman Highway ("Milford") are considered minimised because of the following:
(a)	access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;	Not applicable – there is no on-street parking on Pittwater Road associated with the western frontage of the 1431 Tasman Highway property.
(b)	whether the additional access points can be provided without compromising any of the following:	The proposed second access will be unlikely to compromise the following:
	(i) pedestrian safety, amenity and convenience;	There are no footpaths or pedestrian ways adjacent to Pittwater Road, hence very limited, if any pedestrian traffic.
	(ii) traffic safety;	TasWater access to the easement is considered to be infrequent. The access is located approximately 80m south of the upgraded Tasman Highway-Pittwater Road intersection, and approximately 360m from the existing access. Sight distances are considered appropriate for the nature of the TasWater easement and Pittwater Road traffic.
	(iii) residential amenity on adjoining land;	The residential use on the adjoining land is approximately 900m to the south east. The setback and the infrequent nature of the use are considered unlikely to adversely impact on the residential amenity.
	(iv) streetscape;	The streetscape is undeveloped rural land with native vegetation. The proposed access is typical of such streetscapes.
	(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;	The adjoining property "Milford" is listed on the Tasmanian Heritage Register and is subject to the Code. Council's Heritage Consultant provided the following advice, "the heritage values of the subject properties or places are unlikely to be adversely affected to any significant degree."
	(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.	Not applicable

Stormwater Management Code

• Clause E7.7.1 Stormwater Drainage and Disposal – the proposal includes the provision of impervious surfaces greater than 600m² but with limited water sensitive urban design principles and is considered to not meet Acceptable Solution A2 (a).

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E7.7.1 Stormwater Drainage and Disposal as follows.

Clause	Performance Criteria	Assessment
E7.7.1 P2	A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.	The Stormwater Management Plan, submitted with the application provided modelling using the MUSIC (Model for Urban Stormwater Improvement Conceptualisation) software, and demonstrated that the stormwater discharge meets the water quality targets outlined in the Table E7.1 Acceptable Stormwater Quality and Quantity Targets. Council's engineer has reviewed the report and considers that the performance criteria can be achieved, however recommended that appropriate permit conditions be added to ensure compliance with this provision.

Historic Heritage Code

• Clause E13.7.2 Buildings and Works other than Demolition – the proposal involves works on land located within the northern and western sections of the "Milford" property, a Heritage Place and this clause has no Acceptable Solutions A1.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E13.7.2 Buildings and Works other than Demolition as follows.

Clause	Performance Criteria	Assessment
E13.7.2 P1	Development must not result in any of	The proposed works are considered to
	the following:	not result in any of the following
		because:
(a)	loss of historic cultural heritage	The proposed works make no change to
	significance to the place through	the heritage place buildings or
	incompatible design, including in	structures.
	height, scale, bulk, form, fenestration,	
	siting, materials, colours and finishes;	
(b)	substantial diminution of the historic	The land where the works are located
	cultural heritage significance of the	ranges from a width of approximately
	place through loss of significant	15m to 5m along the northern frontage
	streetscape elements including plants,	of "Milford". The existing mature
	trees, fences, walls, paths, outbuildings	vegetation extends to a depth of 150m

and other items that contribute to the	from the frontage. Hence, the
significance of the place.	streetscape will effectively be retained,
	albeit with a further setback. The
	proposed works have no impact on the
	heritage listed buildings or their near
	surrounds.
	Council's Heritage Consultant provided
	the following advice, "the heritage
	values of the subject properties or places
	are unlikely to be adversely affected to
	any significant degree."

• Clause E13.7.2 Buildings and Works other than Demolition – the proposal involves works on land that contains a Heritage Place and this clause has no Acceptable Solutions A2.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E13.7.2 Buildings and Works other than Demolition as follows.

Clause	Performance Criteria	Assessment
E13.7.2 P2	Development must be designed to be subservient and complementary to the place through characteristics including:	The proposed works are considered subservient and complementary to the heritage place because of the following:
(a)	scale and bulk, materials, built form and fenestration;	The proposed works on land within the existing boundaries of the "Milford" property, include elements of the upgraded Tasman Highway road verge, stormwater drainage, the relocated TasWater access track, and rural boundary fencing, the proposed new rural boundary fence, being the primary structural elements. The fencing is proposed to be 1.2m high timber posts with wire and metal mesh in between, consistent with the existing fencing and the rural and historic character of the property.
(b)	setback from frontage;	The works will be adjacent to or on the revised property frontage, post the Crown land acquisition.
(c)	siting with respect to buildings, structures and listed elements;	The buildings and structures of the heritage place will be over 500m to the south of the proposed works and will be screened from view by existing mature vegetation.
(d)	using less dominant materials and colours.	Given the nature of the works, it is considered that the materials and colours, for example in the fence structure, are intrinsically less dominant.

Inundation Prone Areas Code

Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas – the proposal includes landfill greater than 5m long and 0.5m high in areas of land identified as subject to risk of flooding of 1% Annual Exceedance Probability (AEP), and for such works there is no acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas, as follows.

Clause	Performance Criteria	Assessment
E15.7.5 P1	Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:	The proposal is considered to satisfy the Performance criteria because of the following:
(a)	no adverse effect on flood flow over other property through displacement of overland flows;	The areas located within Council's draft flood mapping identify land within the subject site where water "ponding" results from the existing topography and inadequate stormwater drainage arrangements. The Tasman Highway upgrade works will remediate this situation due to the inherent changes to the topography and upgrades to the existing stormwater drainage, as outlined in the submitted plans and Stormwater Management Plan.
(b)	the rate of stormwater discharge from the property must not increase;	The proposed highway upgrade work increases the impervious surface area. However, the resulting increase in stormwater has been analysed with MUSIC (Model for Urban Stormwater Improvement Conceptualisation) software and demonstrates that on a per square metre area the rate of discharge remains the same.
(c)	stormwater quality must not be reduced from pre-development levels.	The Stormwater Management Plan, submitted with the application provided modelling using the MUSIC (Model for Urban Stormwater Improvement Conceptualisation) software, and demonstrated that the stormwater discharge meets the water quality

targe	s outline	d in	Table	E7.1
Acce	otable Stor	rmwater	Quality	and
Quar	tity Targets	r.		
Cour	cil's engin	eer has	reviewe	d the
repor	t and	consider	s that	the
perfo	rmance cri	teria can	be ach	ieved,
howe	ver recomn	nended th	nat appro	priate
perm	it condition	is be ad	ded to e	ensure
comp	liance with	this prov	vision.	

 Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas – the proposal includes works on land identified within Council's draft flood mapping and there is no Acceptable Solutions A2.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas, as follows.

Clause	Performance Criteria	Assessment
E15.7.5 P2	Mitigation measures, if required, must satisfy all of the following:	Council's engineer reviewed the proposed design and stormwater management plan and advised that mitigation measures would not be required because of the following:
(a)	be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;	Not applicable, the subject site contains no habitable rooms.
(b)	not have a significant effect on flood flow.	The proposed Tasman Highway upgrade works will reduce the "ponding" of flood water by the improved stormwater management of the site.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. Comments reflecting disagreement with various statements within the Department of State Growth "South East Traffic Solution: Hobart Airport to Midway Point Causeway Stage 1 – Report Supporting a Planning Permit Application" July 2021, including:

- Inadequate stakeholder consultation and stakeholder needs not addressed;
- Adverse impact on patronage/business;
- Inequitable treatment of stakeholders;
- Incorrect description of existing access arrangements;
- Abuse of process; and
- Construction timing not feasible.

All three representors raised concerns with respect to some or all of the above issues.

Comment

There are no Scheme provisions for matters relating to the dissatisfaction with a proponent's stakeholder engagement process, estimates of construction timetable, description of existing access arrangements or loss of business. Hence such matters have no determining weight.

5.2. Inadequate consideration of adverse construction impacts including noise, security risks to adjoining properties.

One representor raised concerns that the application has not considered the adverse impact of construction and ongoing use, to wildlife (including wedge-tailed eagles and masked owls) or the on-site manager's residence on the Tasman Golf Course.

• Comment

The proposal's 'assessable' works noise impacts have been discussed in the assessment of clause E5.6.1 Development adjacent to roads and railways and are considered to not unreasonably impact on the amenity of sensitive uses.

Furthermore, the applicant provided a Noise Assessment, prepared by a suitably qualified person, in accordance with the *Tasmanian State Road Traffic Noise Management Guidelines*, *Revision 1, October 2015* (The Guidelines). It is noted the guidelines reflect the principles and strategies of the *State Road Noise Strategy 2011* and the requirements of the *Environmental Management and Pollution Control Act 1994 (EMPCA)*. The Noise Assessment demonstrated that there would be only a minor exceedance (1 decibel) at the Golf Course caretaker's dwelling, which is considered minor and under the "reasonableness" and "cost effectiveness" provisions of the Guidelines that mitigation measures for the caretaker's dwelling are not required.

Planning permit conditions, in accordance with clause 8.11.3 The planning authority may also impose conditions on a permit to minimise impact from construction works on the environment and infrastructure and to ensure that works will be undertaken in accordance with best practice management that limits the potential for significant impacts arising from the following:

- (a) soil loss and associated sedimentation of watercourses, wetlands and stormwater infrastructure;
- *(b) the spread of weeds;*
- (c) the spread of soil pathogens;
- (d) unsatisfactorily managed waste; and
- (e) carparking, traffic flow and circulation during construction.

are included for any permit issued to manage potentially adverse impacts of the assessable works construction activities.

It is noted that the assessable works' Scheme provisions do not relate to impact on wildlife, or property security; accordingly, these matters have no determining weight.

5.3. Inadequate details of vegetation removal work, proposed site rehabilitation;

One representor raised the concern that the applicant has not provided the "Construction Quality Plan" and hence there were no details of how mature vegetation will be removed/felled without falling onto adjoining land containing threatened species.

Comment

The Scheme has no requirement to provide a Construction Management Plan as part of the application.

However, as outlined in the response to 5.2 above, an appropriate planning permit condition (Construction Management Plan) for the assessable works, has been included in the recommendation to address this concern.

5.4. Lack of details as to grass species to be used in the exposed batter;

One representor raised the concern that the applicant has not provided sufficient details on the native grass species to be used in the verge revegetation, and that inadequate consideration has been given to the potential risk that ongoing management of the verge would pose for weed spread to adjoining properties, or the potentially adverse impacts of inappropriate weed control measures on threatened species.

• Comment

The assessable works' Scheme provisions have no requirement to provide details of verge vegetation species or their ongoing management regime. Hence, this matter has no determining weight. However, it is noted that the applicant has advised that the Department of State Growth will establish a Roadside Conservation Area adjacent to the "Milford" Boundary, stating that

"This area will be subject to a higher standard of maintenance management than typical roadside areas and a qualified bushland management contractor will perform the work. The contractor will adopt weed management practices that recognise the adjacent threatened species and avoid the use of harmful herbicides. Roadside batters will be treated with sterile rye corn and a mix of native grasses indigenous to the area."

Furthermore, as outlined in the response to 5.2 above, an appropriate planning permit condition (Weed Management Plan), has been included in the recommendations to address this concern.

5.5. Incorrect assessment by applicant against the provisions of the Rural Resource Zone and Road and Railway Assets Code;

One representor raised the concern that counter to the applicant's assessment the proposed upgrade of the existing property access onto the Tasman Highway would confine, constrain, conflict with and fetter, the use of agricultural land on the basis that the proposal has not provided an alternative access for "Milford" for traffic coming from Hobart.

Comment

The proposal's 'assessable' works within the Rural Resource Zone and against the Road and Railway Assets Code have been discussed previously in the assessment of the following clauses:

- 26.3.3 Discretionary Use;
- 26.4.3 Design;
- E5.6.1 Development adjacent to roads and railways; and
- E5.6.2 Road accesses and junctions

and have been assessed as satisfying the applicable Performance Criteria.

It is noted that Council can only consider the works included in the submitted planning permit application, not works excluded. Therefore, the representor's concern that there is not a plan for an alternative access to "Milford" cannot be assessed against the Scheme provisions. Hence, this matter has no determining weight.

It is noted that there are ongoing negotiations between the applicant and the representor with regards to this matter. Any such access would be subject to a separate planning permit application.

5.6. Adverse impact on the Eastern Gateway to Clarence, adverse impact on Tourism experience;

One representor raised the concern that removal of the existing mature vegetation on the Tasman Golf Club and "Milford" property would result in adverse visual impacts and that works should be managed to not detract from the tourist experience.

• Comment

The proposal's 'assessable' works within the Rural Resource Zone and Recreation Zone have been discussed previously in the assessment of the following clauses:

- 18.3.5 Discretionary Use;
- 18.4.7 Fencing;
- 26.3.3 Discretionary Use; and
- 26.4.3 Design

and have been assessed as satisfying the applicable Performance Criteria.

As noted in the Pitt and Sherry supporting report, the purpose of the Tasman Highway upgrade is to improve the travel experience of all users, including tourist visitors to the State. The applicant provided an additional response stating "Loss of vegetation is a regrettable but necessary outcome of widening the highway to four lanes. State Growth has minimised the amount of clearing necessary to accommodate the four lanes."

5.7. State Policy for the Protection of Agricultural Land not considered.

One representor raised the concern that the application should be assessed for compliance with the State Policy for the Protection of Agricultural land.

• Comment

Council is limited as to the matters than can be considered when determining applications, particularly relevant are the provisions of clause 8.10.3 *In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.*

Clauses 2.0 and 3.0 reference higher order instruments such as Regional Land Use Strategies. The State Policy on the Protection of Agricultural Land 2009 (the Policy) is considered such a higher order planning instrument. The Policy states in section 3. Principles that the policy principles "will be implemented through planning schemes and other relevant planning instruments".

The proposal's assessable works have been considered against all applicable Scheme provisions, none of which require direct reference to the Policy in the consideration of Performance Criteria.

Hence, this matter has no determining weight.

Furthermore, it is noted that the Policy includes the following definitions:

"Agricultural land" means all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses. And

"Prime agricultural land" means agricultural land classified as Class 1, 2 or 3 land based on the class definitions and methodology from the Land Capability Handbook, Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

The proposal is considered to aling with the Policy, given that the proposal's assessable works are considered to not unduly restrict agricultural use on adjoining land and the land where the assessable works are located is not prime agricultural land.

5.8. Inadequate assessment against the Bushfire Prone Area Code;

One representor raised the concern that the application should be assessed against the provisions of the Bushfire Prone Areas Code as the works are located within the Code overlay area.

• Comment

While the proposal's assessable works are located within the Code overlay area on the LIST map, an assessment against the code is not triggered as the Code applicability requirements of clause E1.2 Application of this Code are not met. Specifically, the proposal is not for the subdivision of land, nor is it for vulnerable or hazardous use. Hence, this matter has no determining weight.

5.9. Land Acquisition process excluded from planning application;

One representor raised the concern that the land acquisition negotiation has not started because a satisfactory access design to the "Milford" property has not been provided, and that Council should not approve the application on this basis.

Comment

While the proposal will rely on realignment of boundaries to expand the land within the Tasman Highway road corridor, as the land is being acquired on behalf of the Crown, such boundary changes are subject to the provisions of the *Land Acquisition Act* 1993. Accordingly, the Scheme provisions do not apply.

As per comments in 5.5 above, concerns with the stakeholder negotiations and land acquisition process have no determining weight.

5.10. Incorrect mapping of Biodiversity Protection Area (BPA) overlay;

Two representors raised the concern that the application should be assessed against the provisions of the Natural Assets Code as the works will impact on threatened vegetation.

• Comment

The proposal's assessable works are not located within the Biodiversity Protection Area overlay in the LIST map. An assessment against the code is not triggered as the Code applicability requirements of clause E27.2 Application of this Code are not met. Specifically, the proposal is not for the use or development, including subdivision and the clearance or disturbance of vegetation, on land wholly or partially within a Biodiversity Protection Area (BPA) shown on the planning scheme maps.

Hence, this matter has no determining weight.

It is noted that the application was referred to the Department of Primary Industries, Parks, Water and Environment - Natural and Cultural Heritage Division, who have provided advice that is included in any planning permit issued. Of particular note is the observation that "...The threatened native vegetation community located within the proposed roadworks footprint – Eucalyptus viminalis - Eucalyptus globulus coastal forest and woodland, is listed under the Tasmanian Nature Conservation Act 2002 (NCA) but is not listed under the EPBC Act. As such, impacts to this vegetation community have not been assessed during the EPBC Act referral for the proposed highway upgrade. Furthermore, a permit to clear this threatened native vegetation community for the purposes described is not required under the Tasmanian Threatened Species Protection Act 1995 (TSPA)". [emphasis added].

5.11. Historic Heritage not adequately addressed;

Two representors raised the concern that the application has not adequately considered the historic heritage values of "Milford" and that the proposal has not adhered to the "Works Guidelines for Historic Heritage Places Nov2015". It is also contended that the proposal plans include works beyond the proposed new property boundary and that this has not previously been discussed.

Comment

Historic heritage considerations with respect to the proposal's assessable works have been previously discussed in the responses to clause E13.7.2 Buildings and Works other than Demolition. The works have been assessed as satisfying the applicable Performance Criteria P1 and P2.

It is noted that the applicant made an independent application to Heritage Tasmania and obtained an exemption certificate dated 30 June 2020. This exemption certificate includes the application's assessable works, namely:

Boundary adjustment, as part of proposed road widening to Tasman Highway, associated re-fencing work, realignment of the existing access track along the highway boundary and minor alterations to the existing entry from Tasman Highway. The existing entry will be modified to be left turn in and left turn out, due to the proposed roadworks.

The exemption certificate provides the following commentary:

The boundary adjustment will remove a narrow sliver of open forest on the edge of the "Milford" property, along its boundary with Tasman Highway. The new main driveway will be a gravel road that will follow an existing informal vehicle route. The new driveway will not impact on any historic plantings, features or buildings.

It is further noted that full planning permit application documents were referred to Heritage Tasmania once the application became valid and they provided Council with an updated Notice of Interest (dated 26 July 2021), that confirms that a Certificate of Exemption has been issued for the assessable works to "Milford", pursuant to s42 of the *Historic Cultural Heritage Act 1995*.

The representor's concern that the previous Heritage Exemption was not for the current proposal plans, are therefore unfounded.

Furthermore, the proposal does not require any works beyond the adjusted boundary. The area from the Tasman Highway carriageway to the new boundary is shown in pink as the land is subject to the provisions of the Historic Heritage Code, however that does not mean works will be undertaken in all of that land, as evidenced by the proposal plans. The proposal's assessable works only relate to works previously exempted by Heritage Tasmania, including the Tasman Highway upgrade works, road verge and stormwater works, realignment of the TasWater easement access track and a new boundary fence to delineate the property boundary post the land acquisition.

5.12. Inadequate stormwater management on Pittwater Road;

One representor raised the concern that the application has not adequately considered the additional run off that the proposal will generate, particularly into the roadside drainage of Pittwater Road. They consider that the application should not be approved until Pittwater stormwater drainage is resolved.

• Comment

The proposal's assessable works stormwater impacts have been previously discussed above in Section 4.3 – clause E7.7.1 Stormwater Drainage and Disposal and is considered to satisfy the applicable Performance Criteria.

It is noted that the upgrades to the Tasman Highway-Pittwater Road intersection are exempt as per clause 5.2.5 vehicle crossings, junctions and level crossing.

6. EXTERNAL REFERRALS

The proposal was referred to:

- TasWater, who have provided a number of conditions to be included on the planning permit if granted;
- TasNetworks, no response received, standard advice clause included on the planning permit if granted;
- Hobart International Airport, no response received, standard advice clause included on the planning permit if approved;
- Heritage Tasmania, who provided a Notice of No Interest to Council on 26 July 2021, stating that:

"Under s36(3)(a) of the Historic Cultural Heritage Act 1995 the Tasmanian Heritage Council provides notice that it has no interest in the discretionary permit application because:

- 1. a Certificate of Exemption has been issued for the works to "Milford", pursuant to s42 of the Act; and
- 2. the works to Llanherne are consistent with what is eligible for a Certificate of Exemption under the Works Guidelines. A Certificate of Exemption need not be issued where a discretionary planning permit is issued". [Not applicable to the proposal assessment against the Scheme as Llanherne is located on Commonwealth land].

Department of Primary Industries, Parks, Water and Environment Natural and Cultural Heritage Division, who have provided comments
and advice for the applicant, which are to be included on the planning
permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

- **7.1.** The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.
- **7.2.** The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL COMMITTEES

Advice was sought from Council's Bicycle Steering Committee (the Committee), who have been in discussion with State Growth about the proposed works. The Committee requested advice be included that recommends the contractor liaise with Council engineering staff regarding detailed design elements.

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan or any other relevant Council policy.

10. CONCLUSION

The proposal for Tasman Highway upgrade works involving Tasman Highway, Pittwater Road and various adjacent road lots (Lot 1 Kennedy Drive, 1420 Tasman Highway, and 1431 Tasman Highway) between Hobart International Airport and the Midway Point Causeway, Cambridge is recommended for approval subject to conditions.

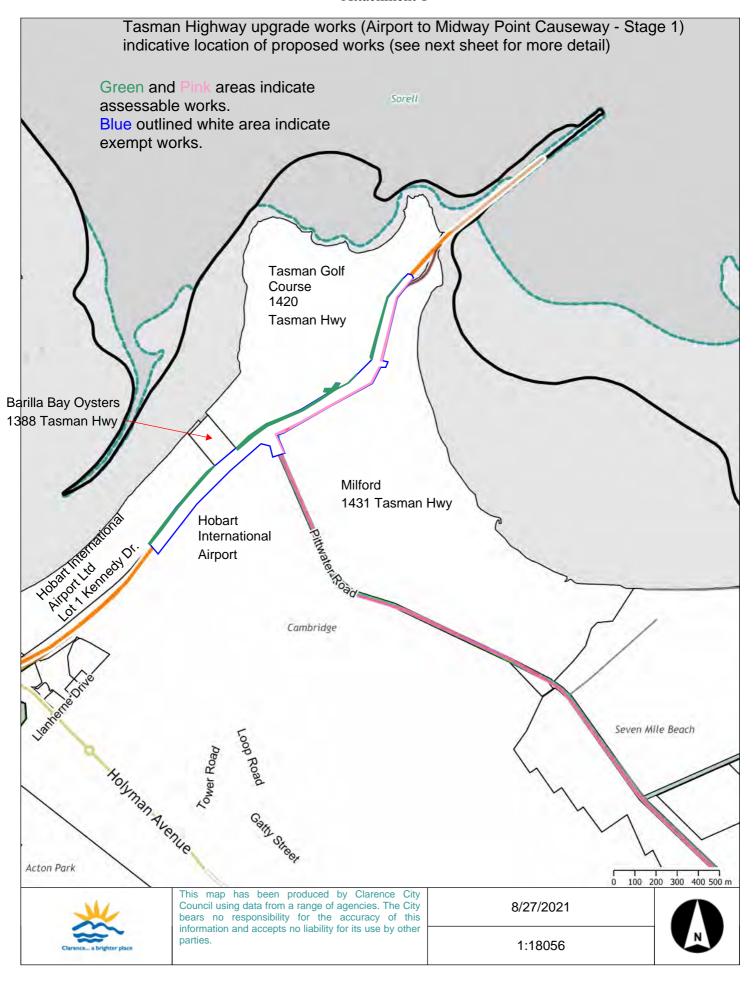
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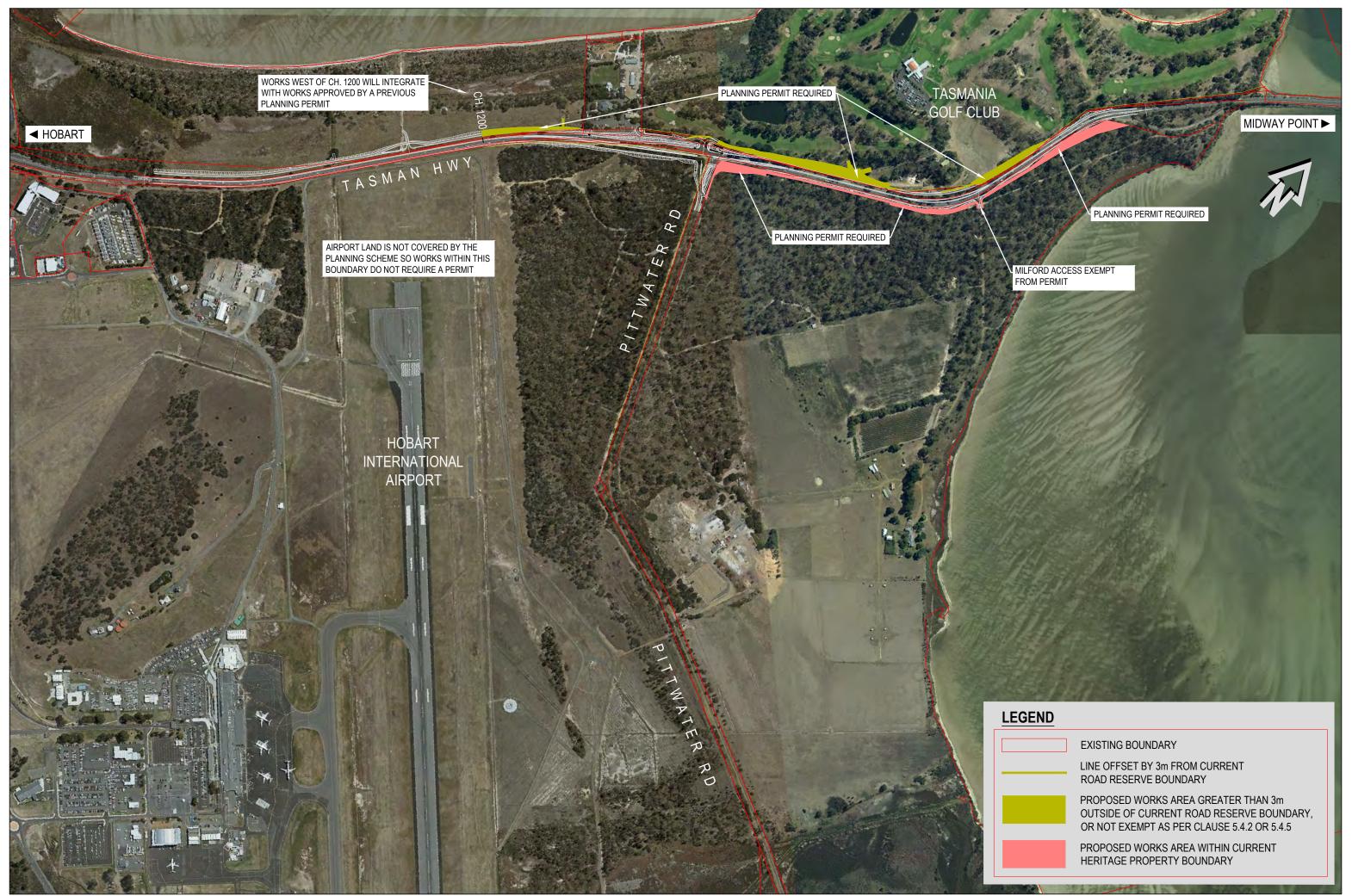
- 2. Proposal Plan (20)
- 3. Site Photo (9)

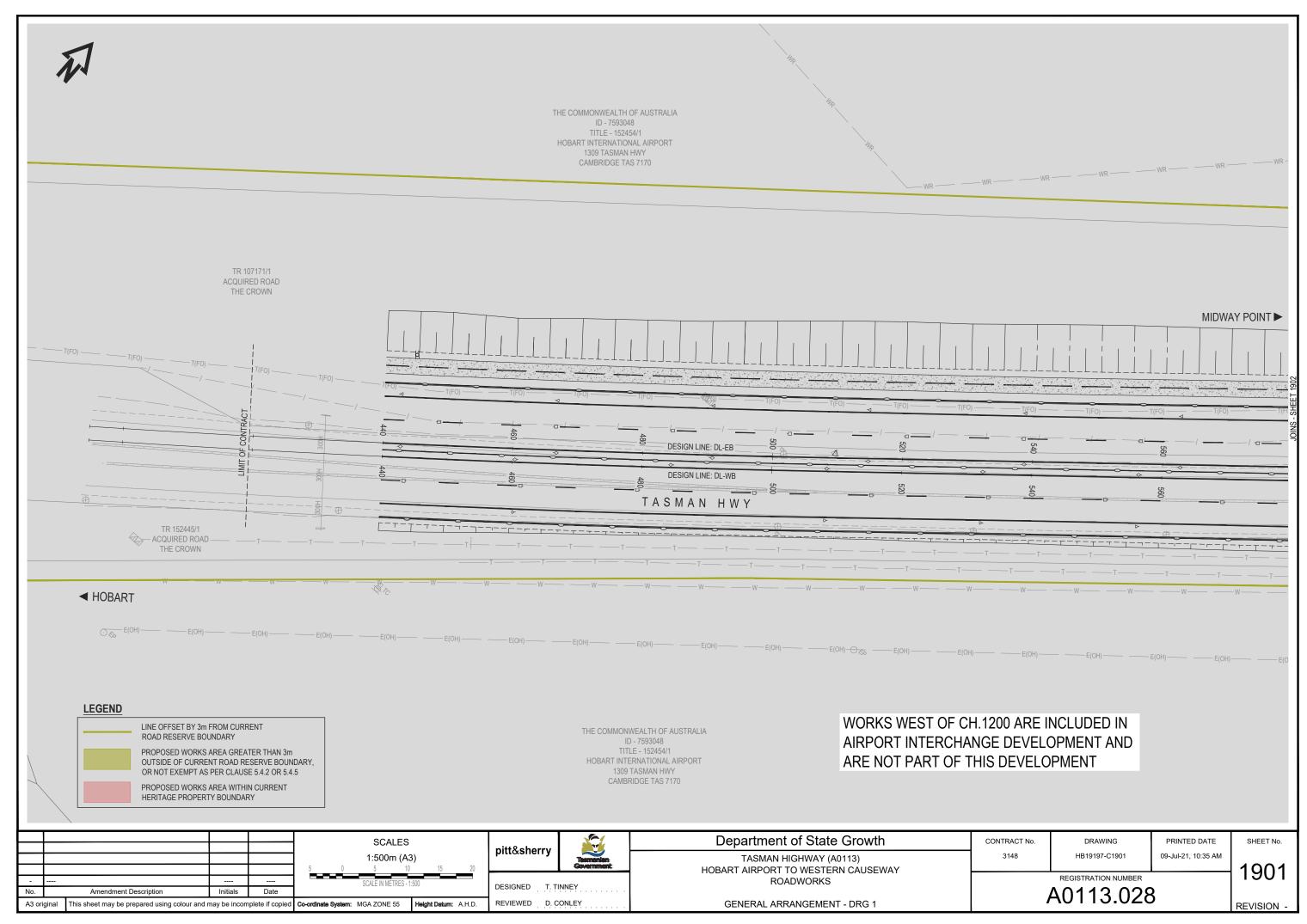
Ross Lovell

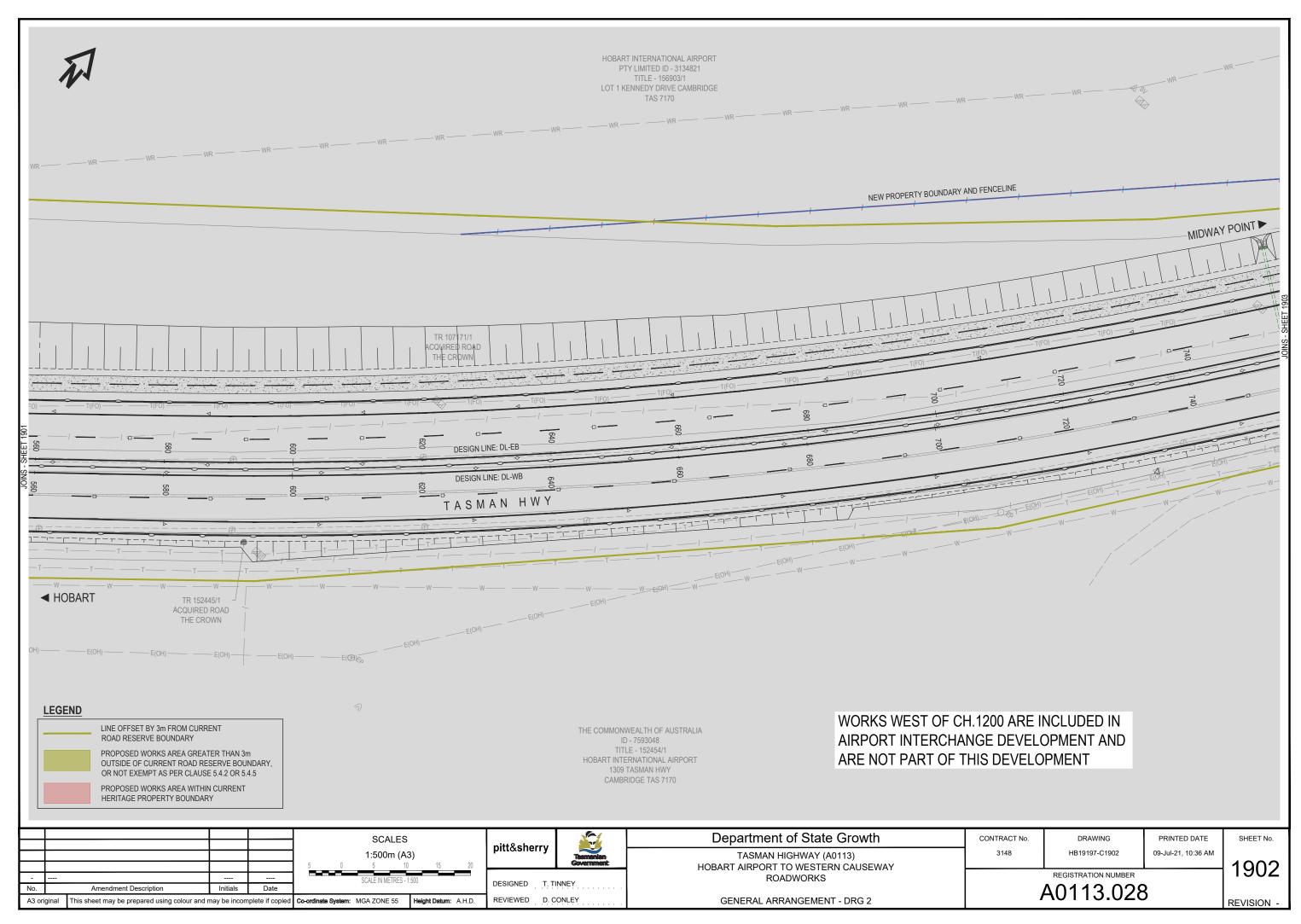
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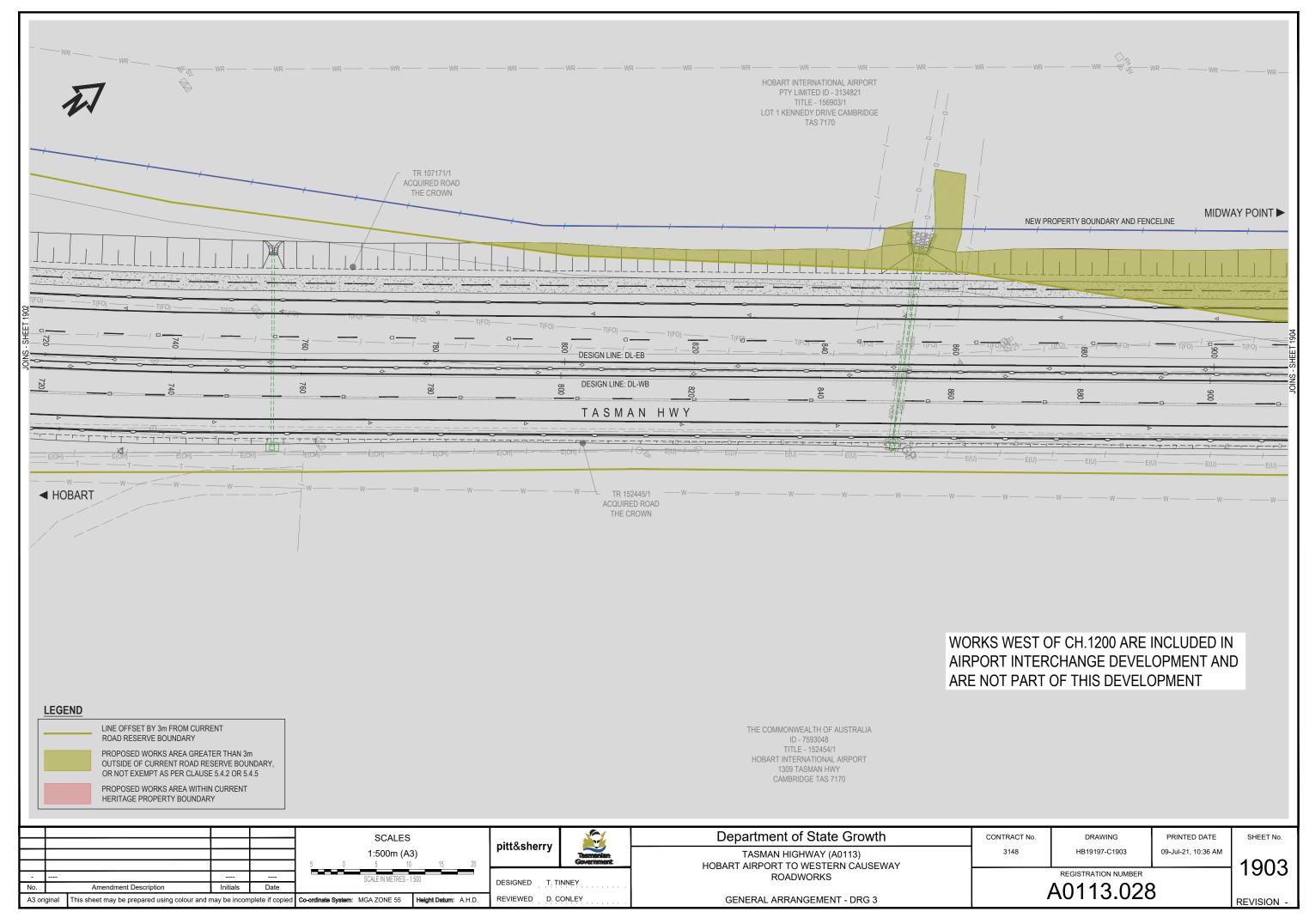
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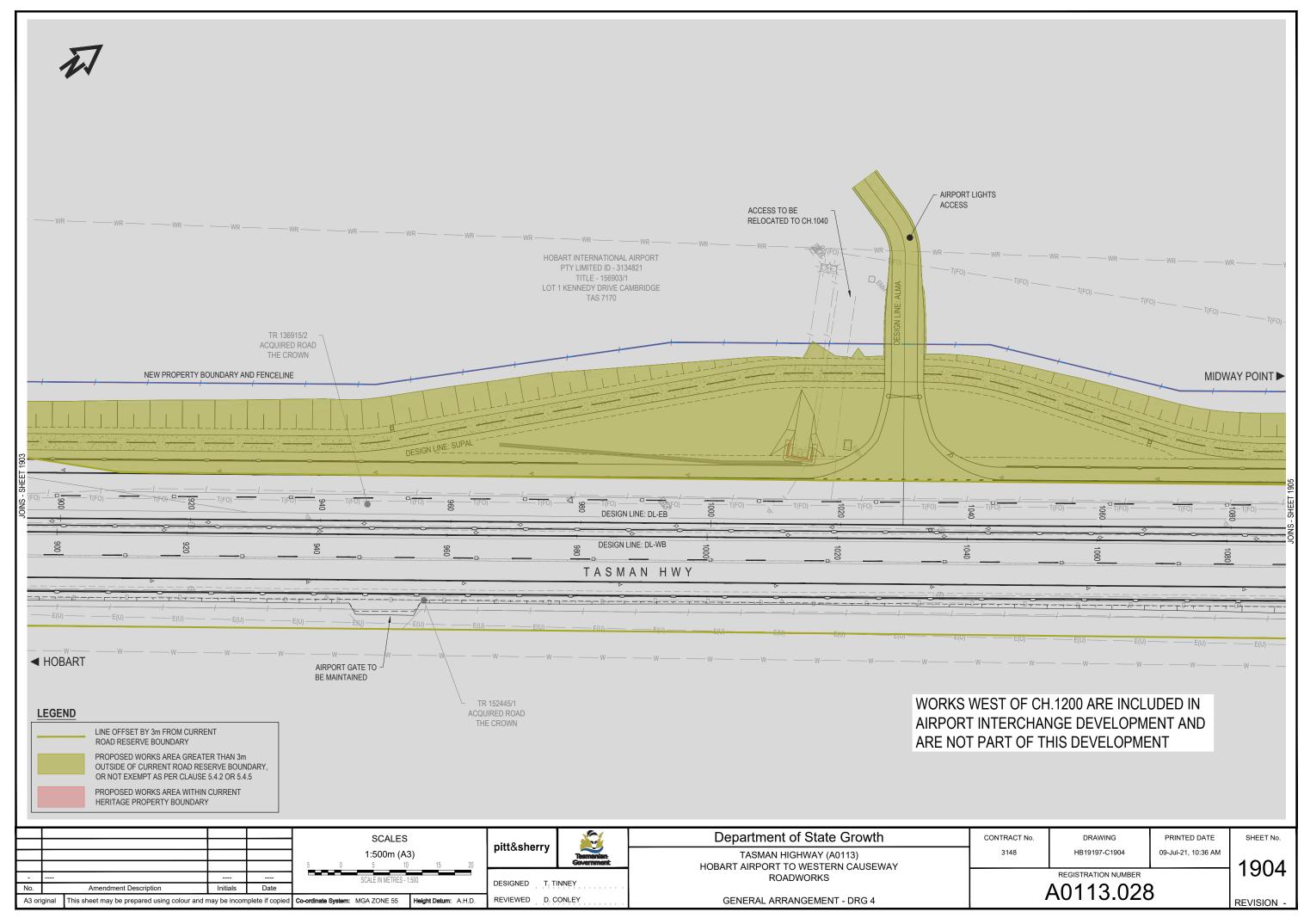


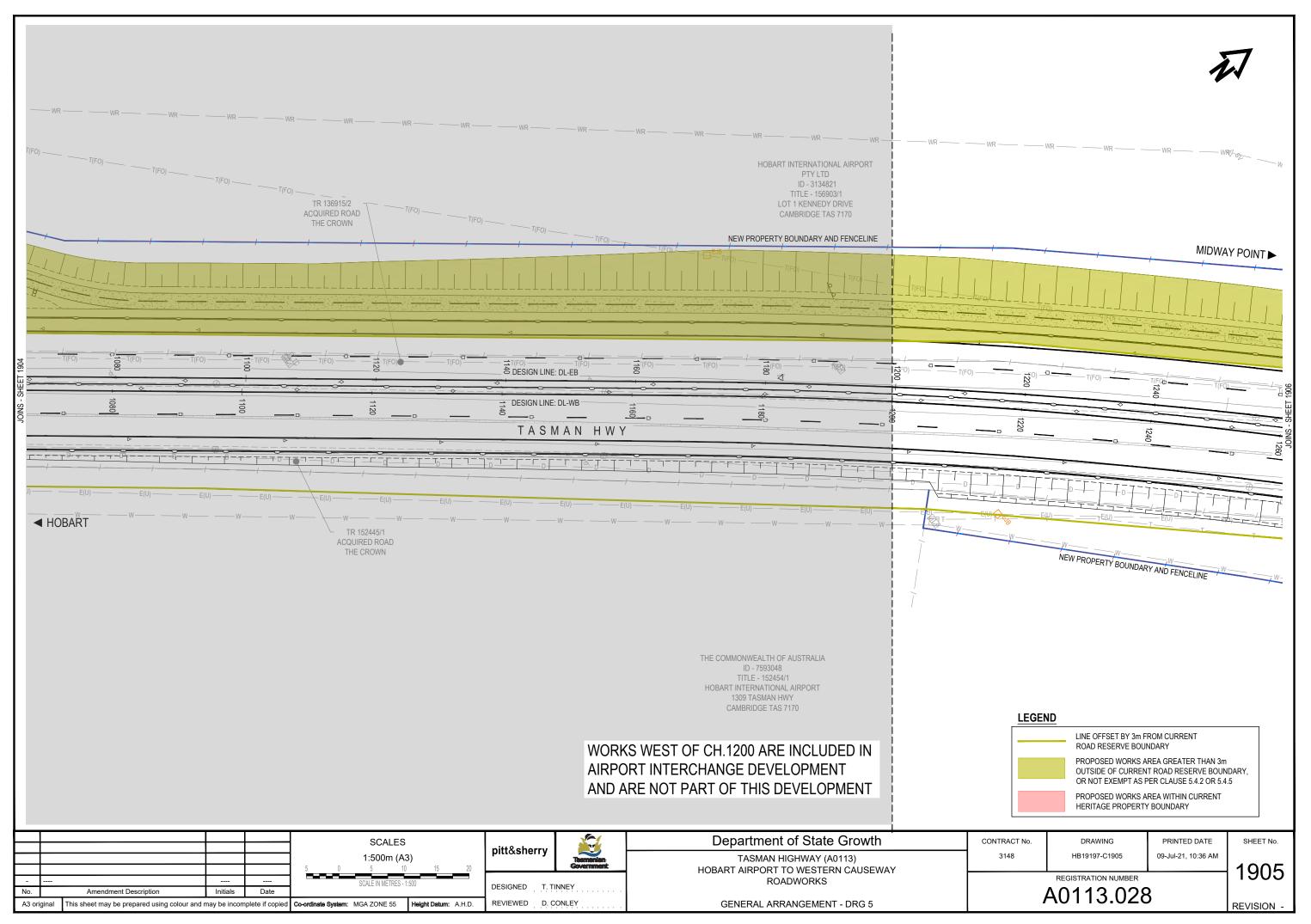


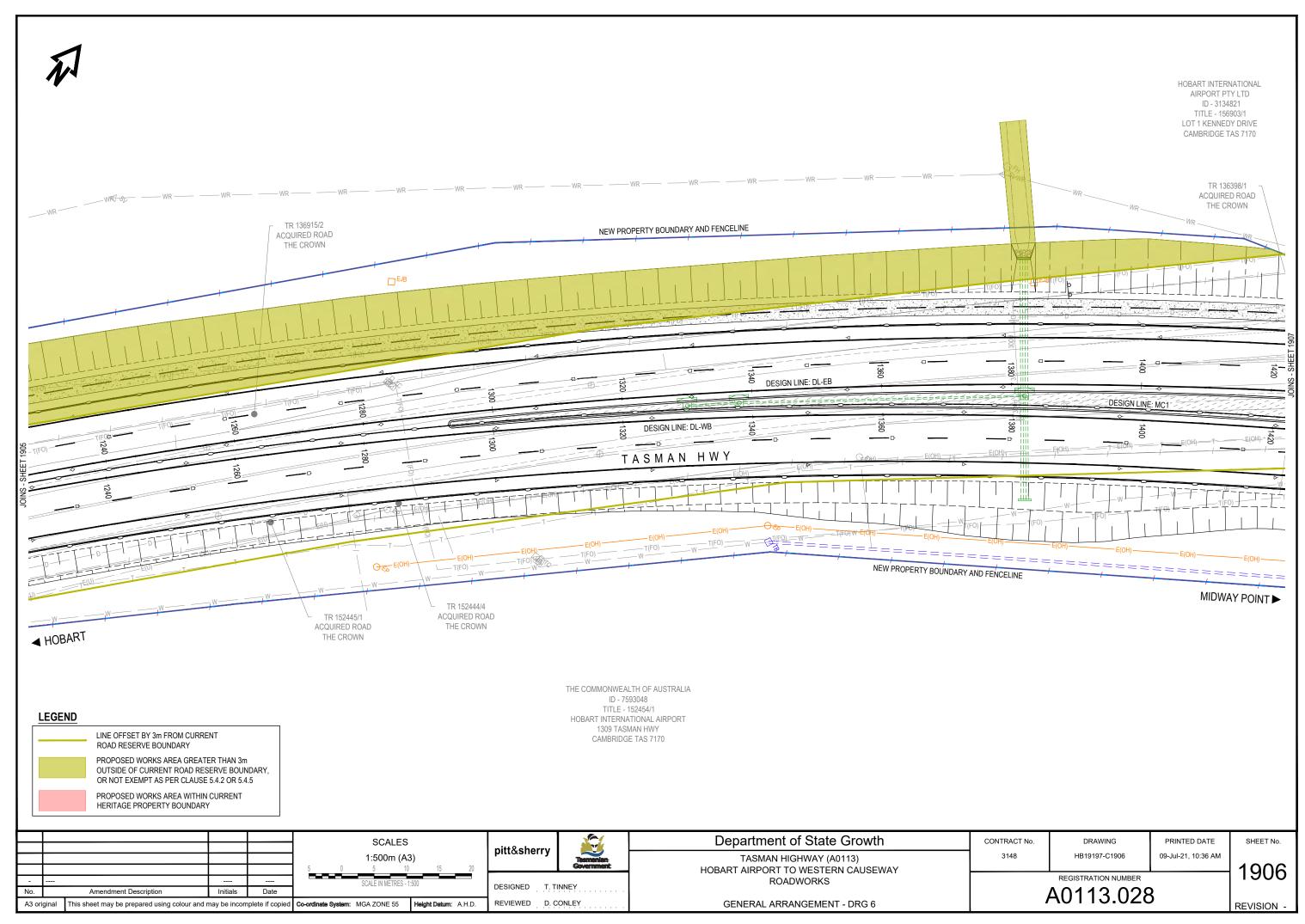


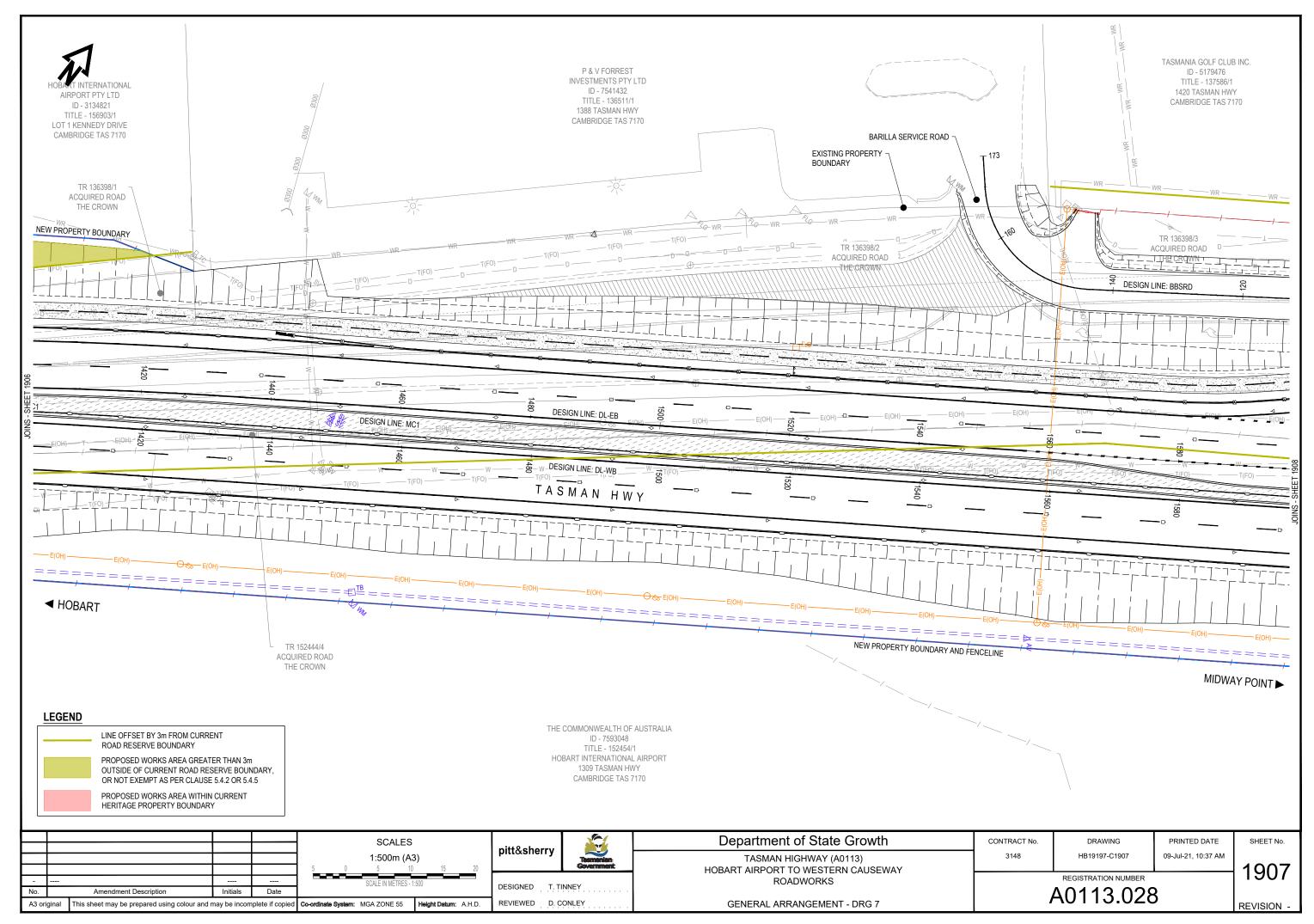


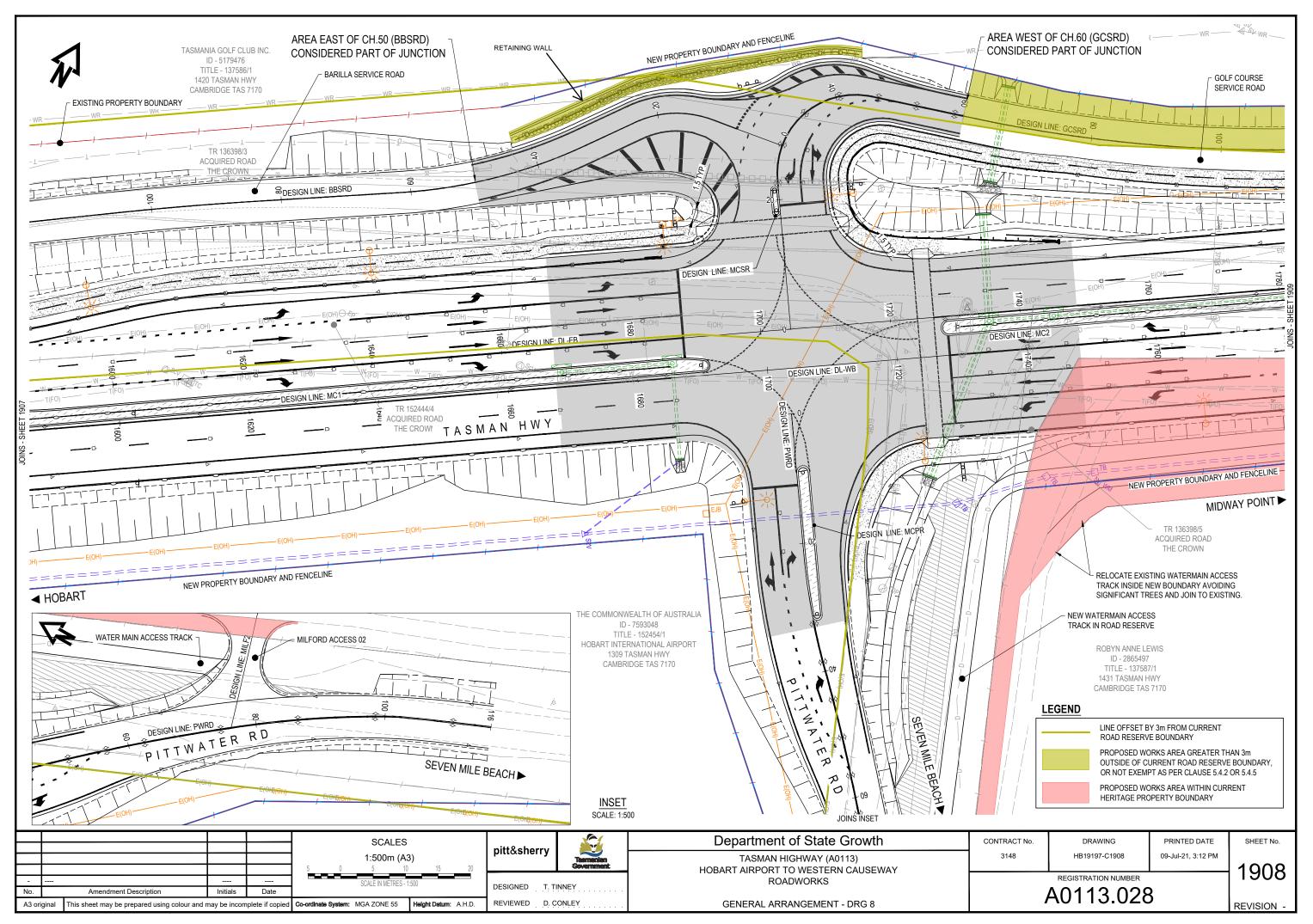


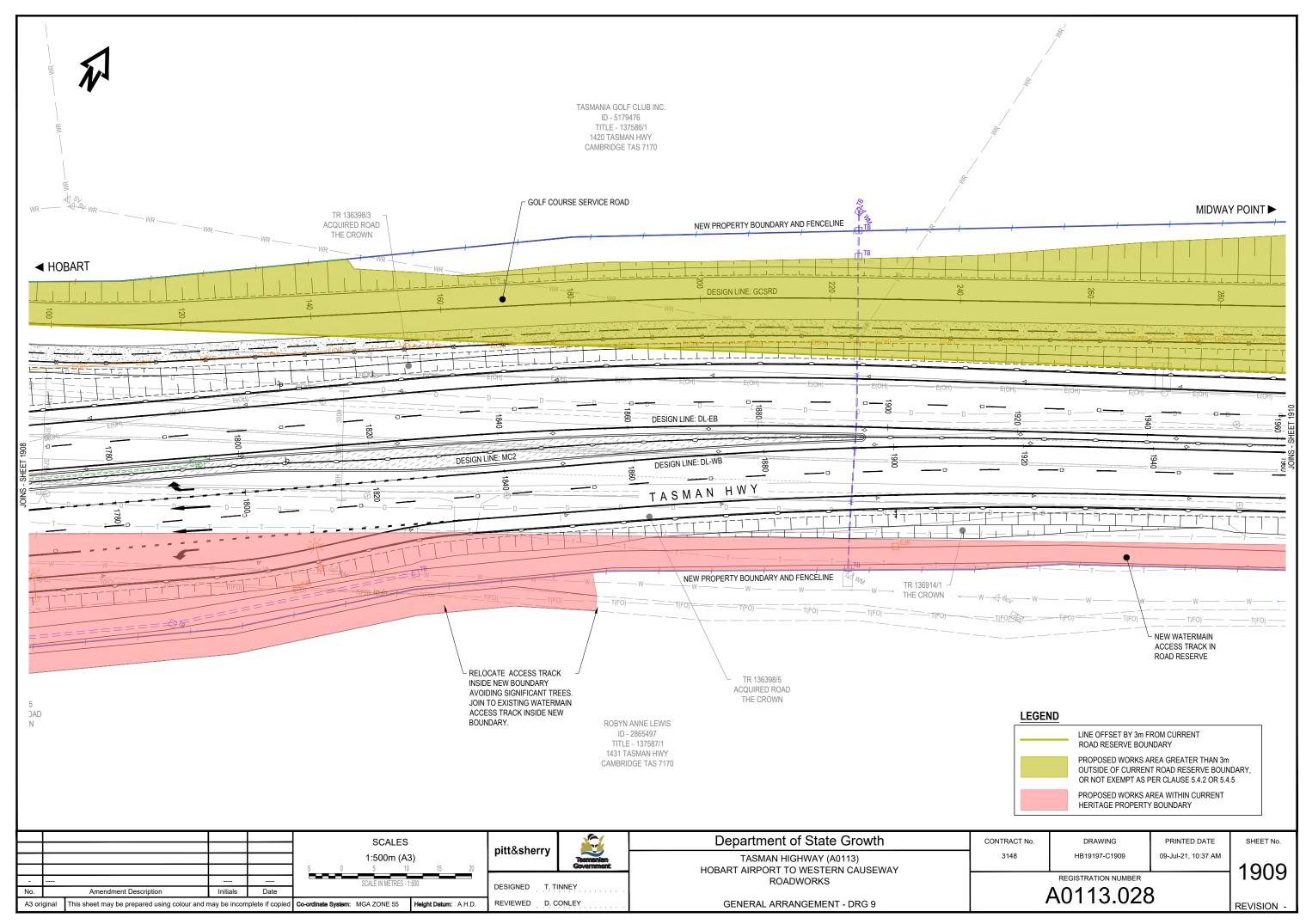


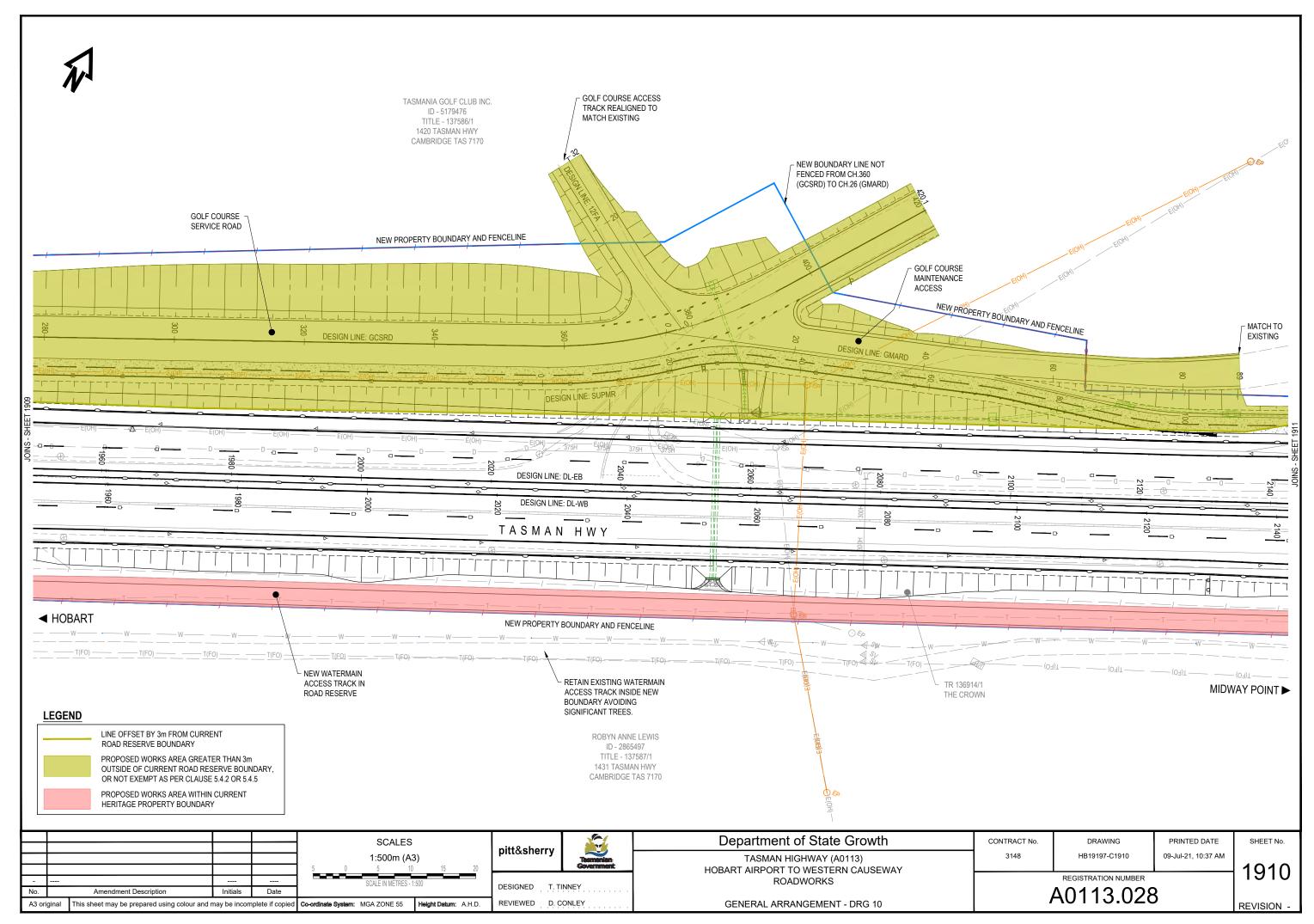


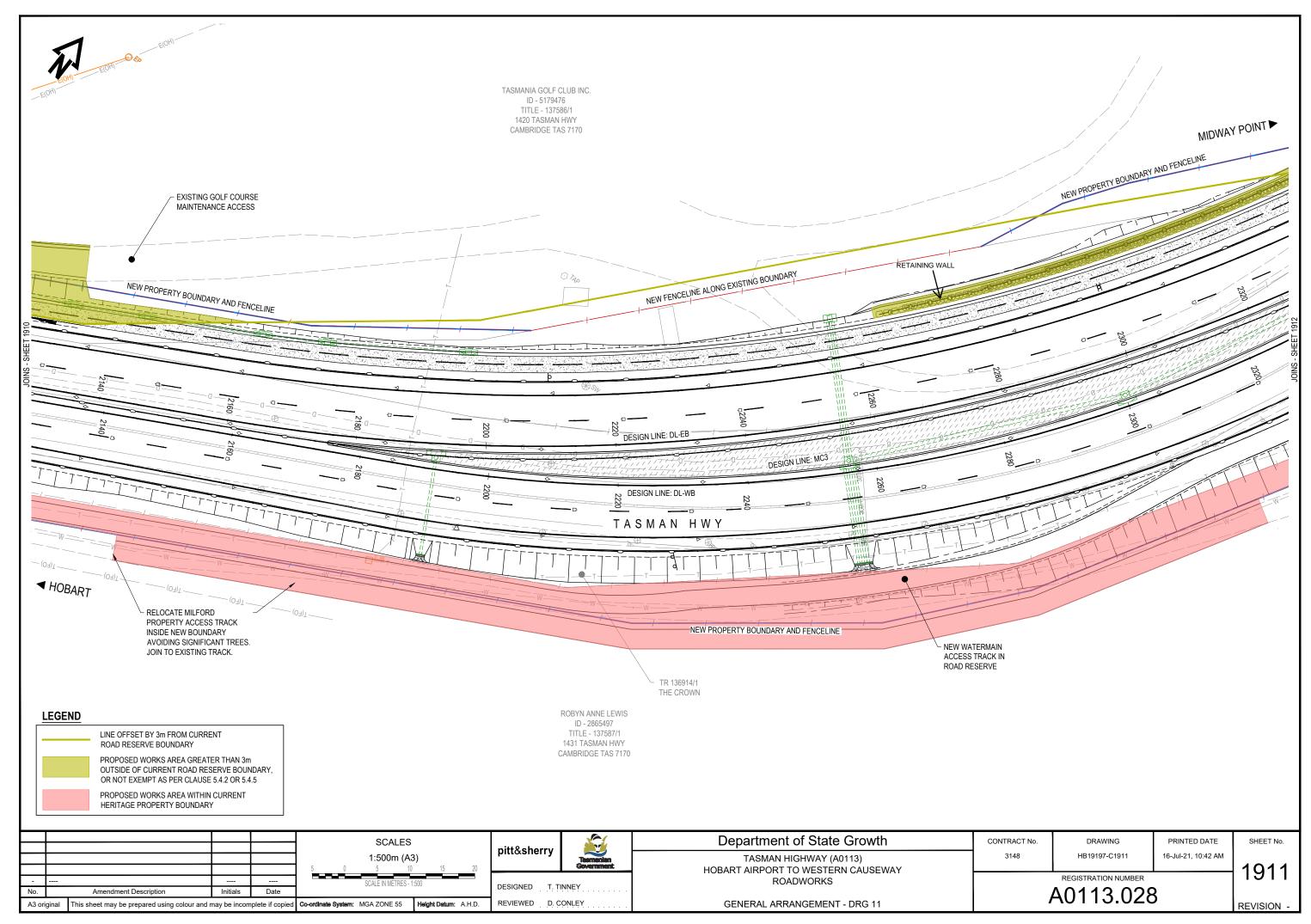


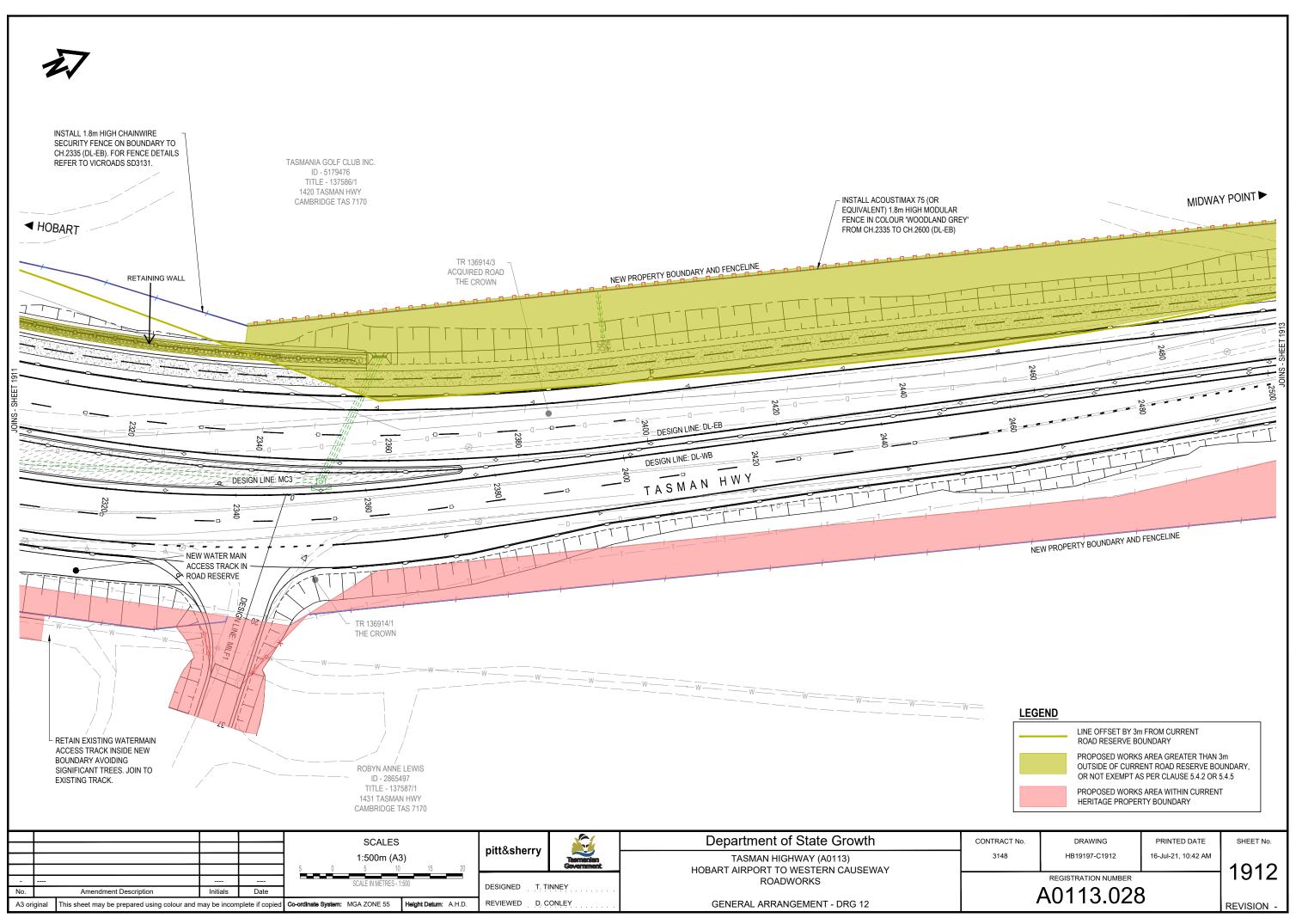


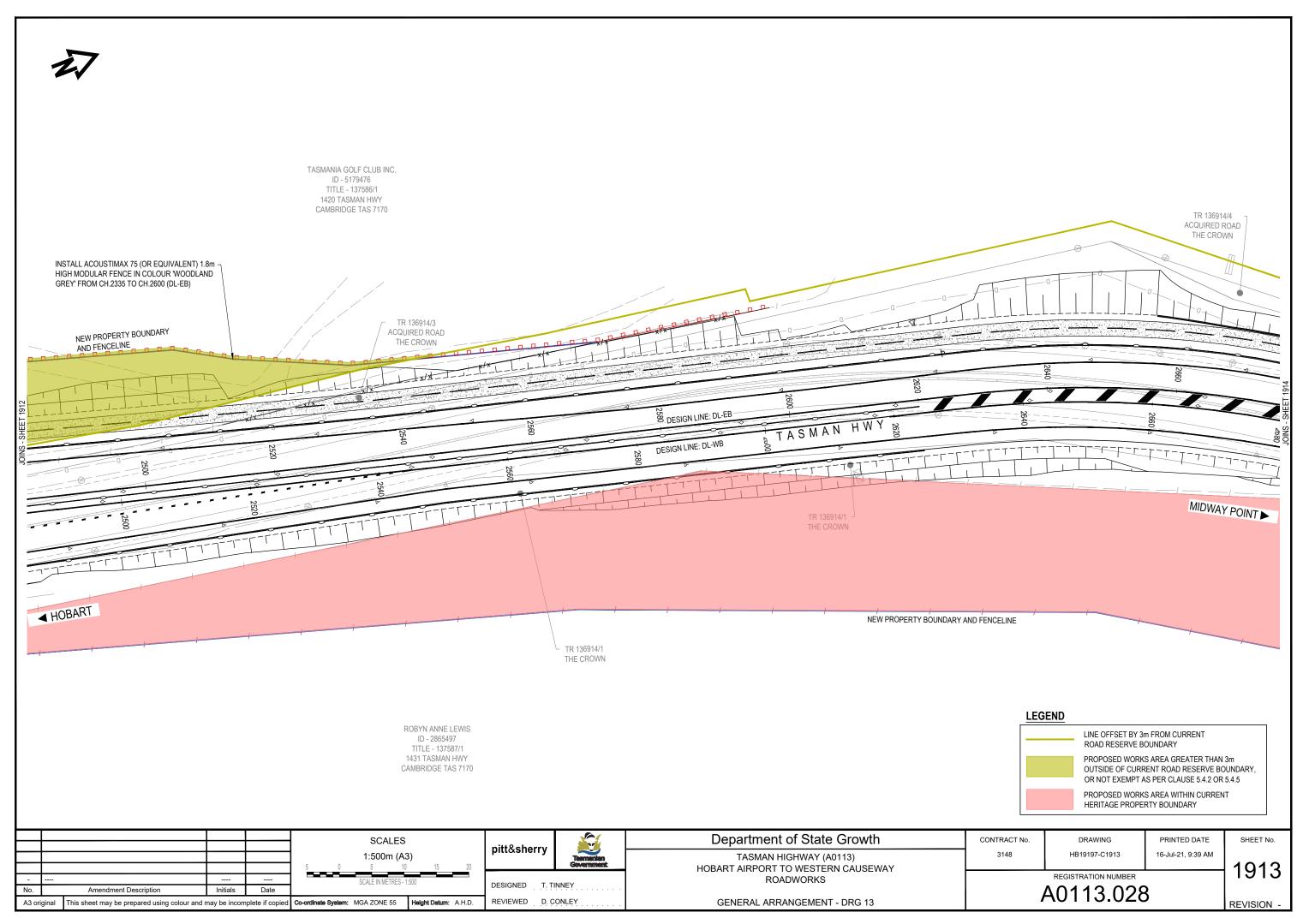


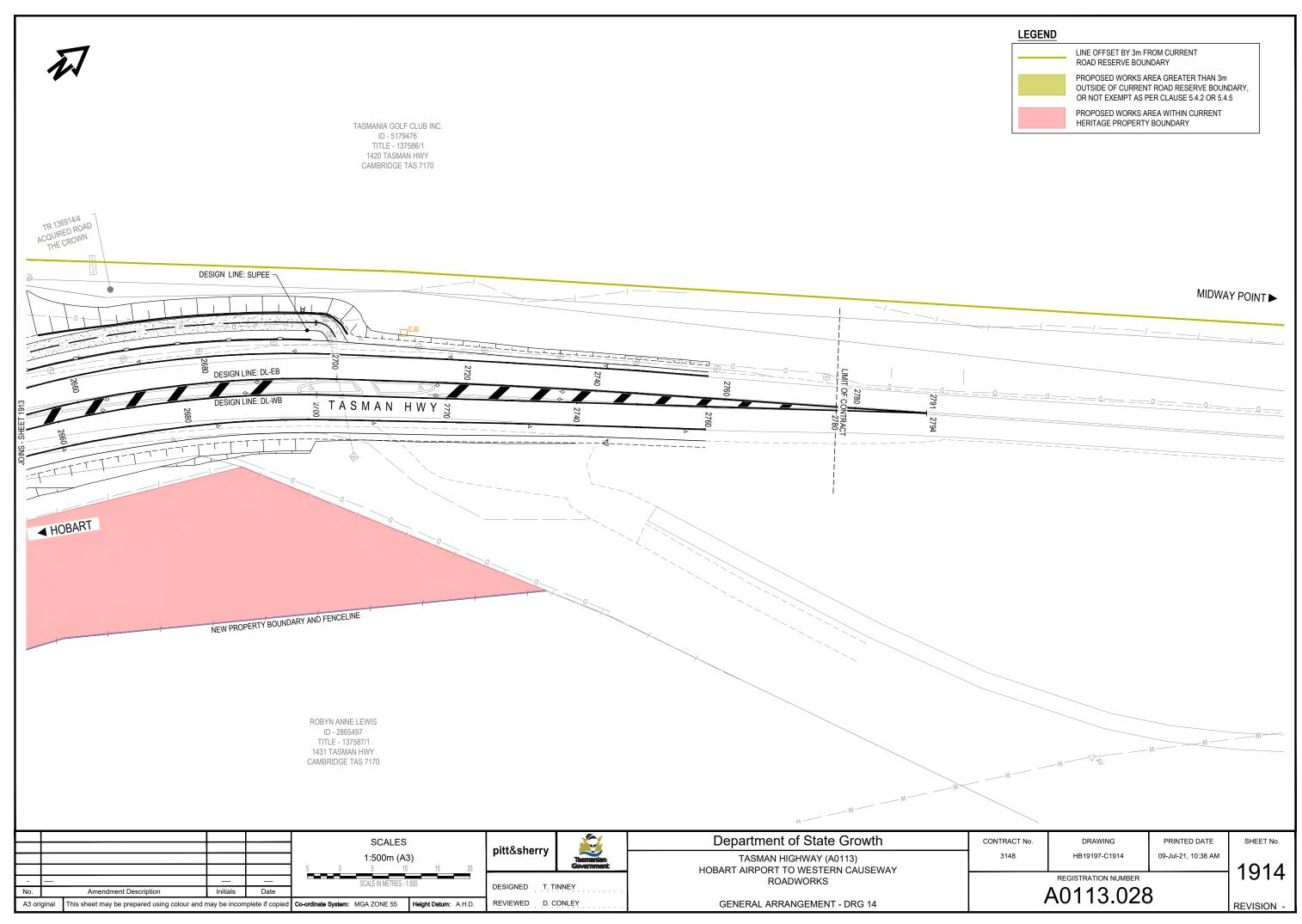


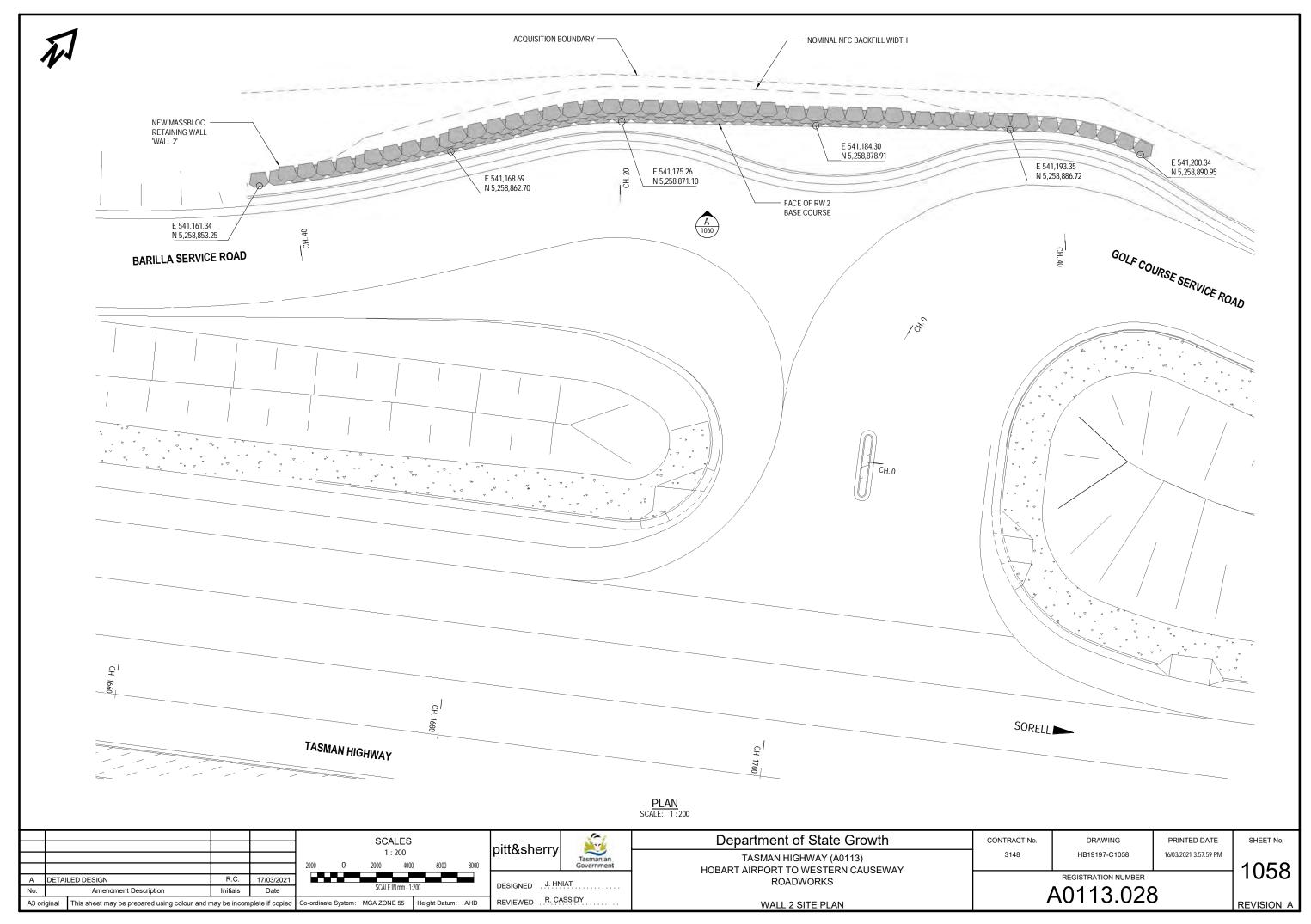


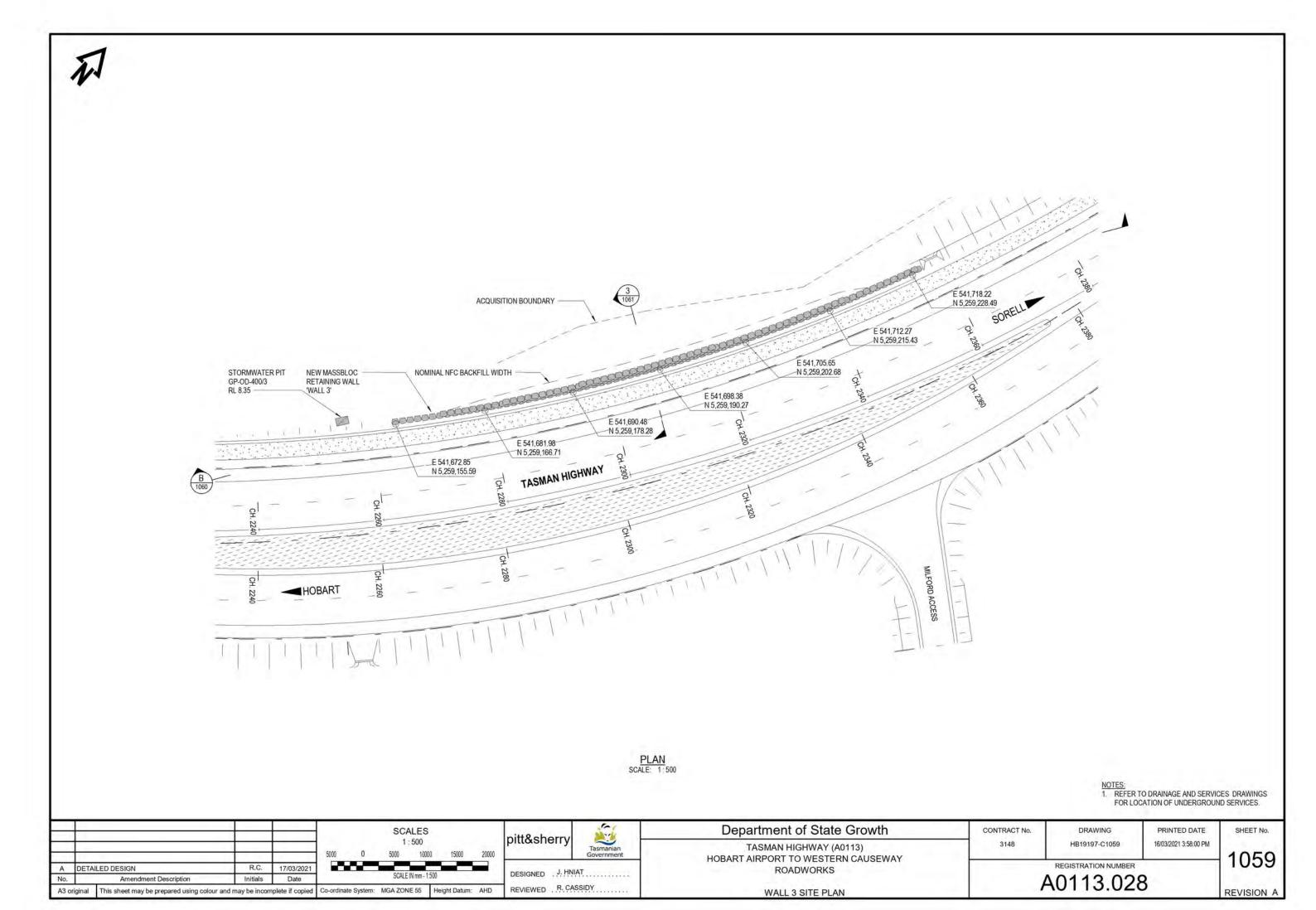


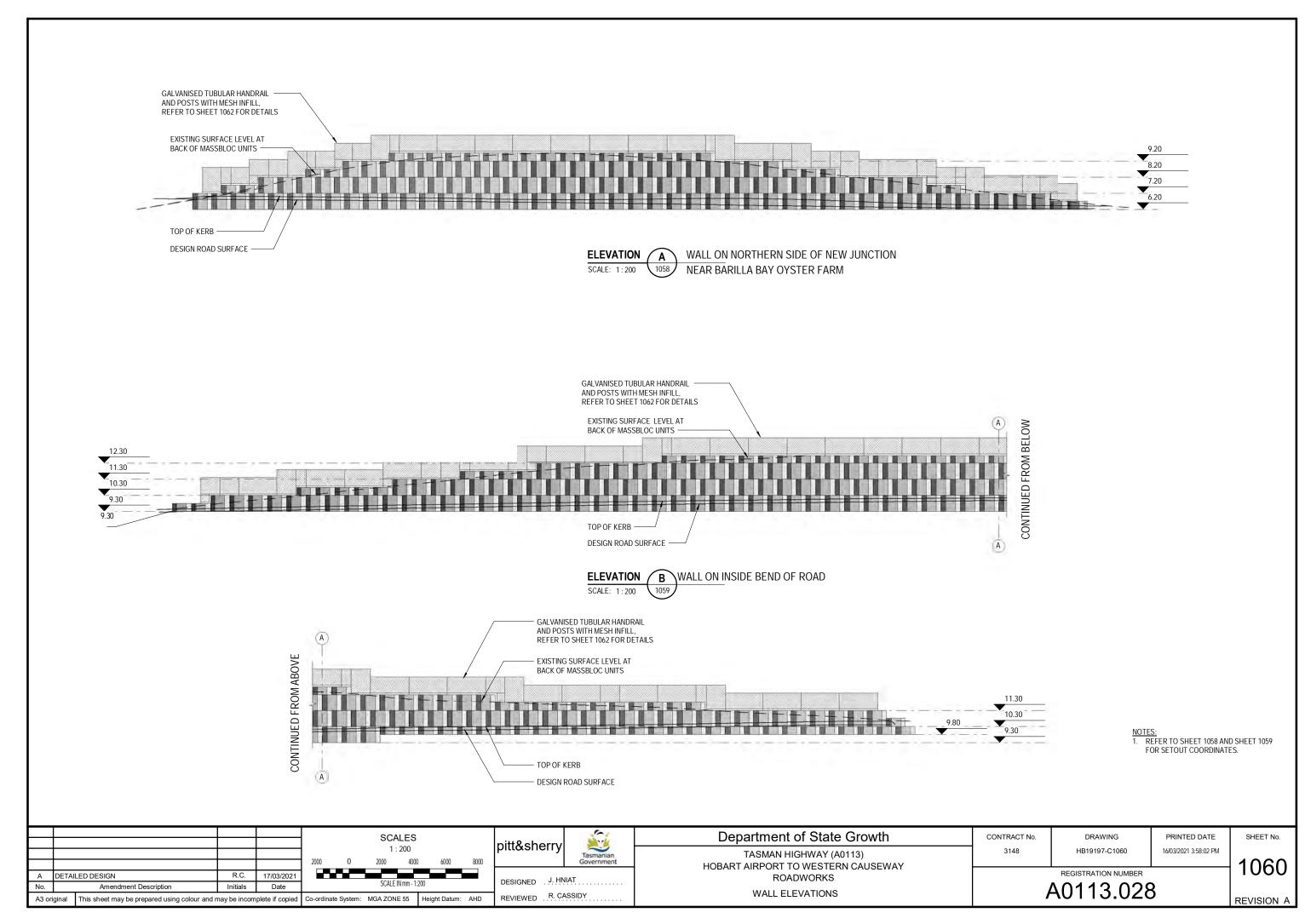


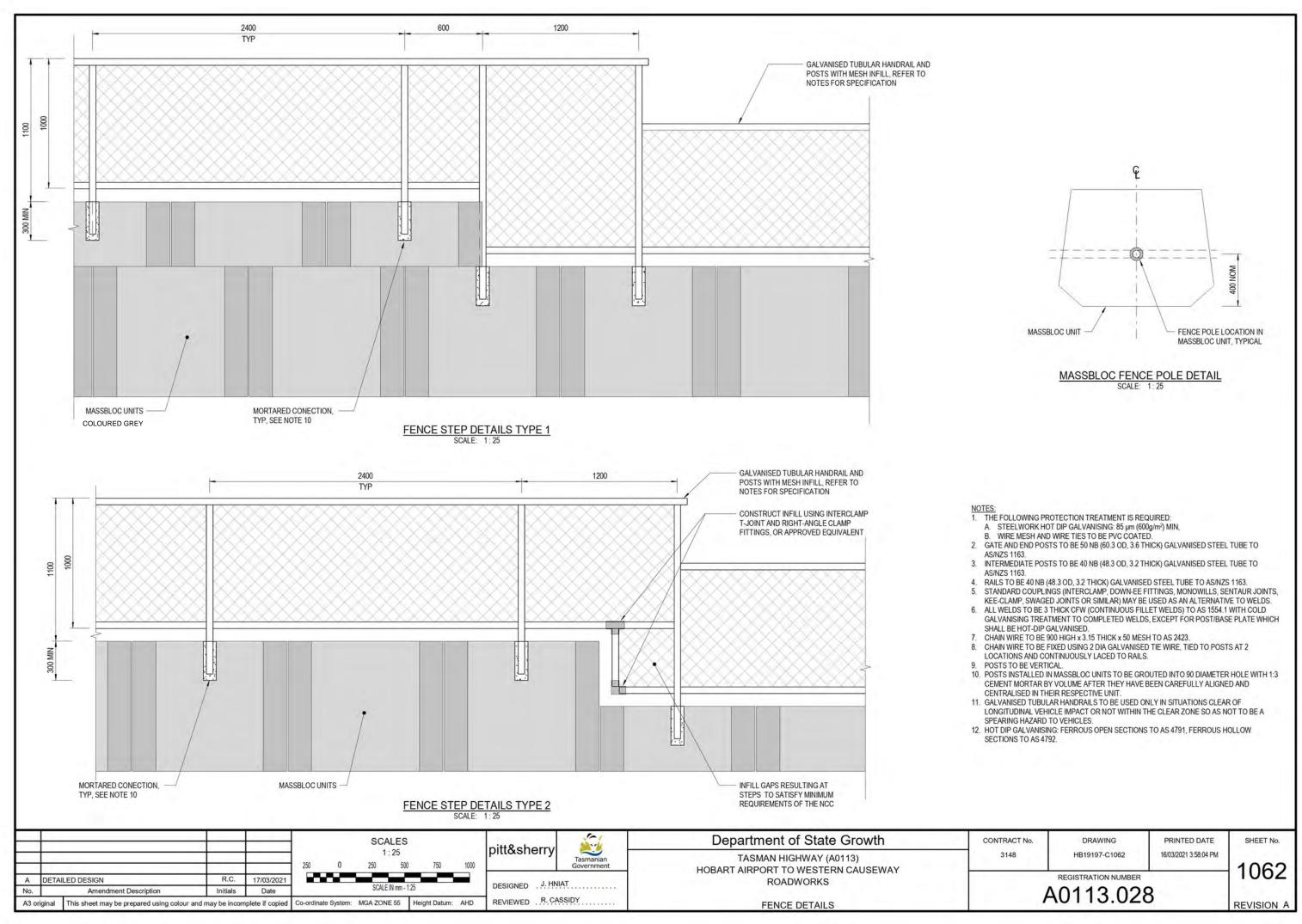


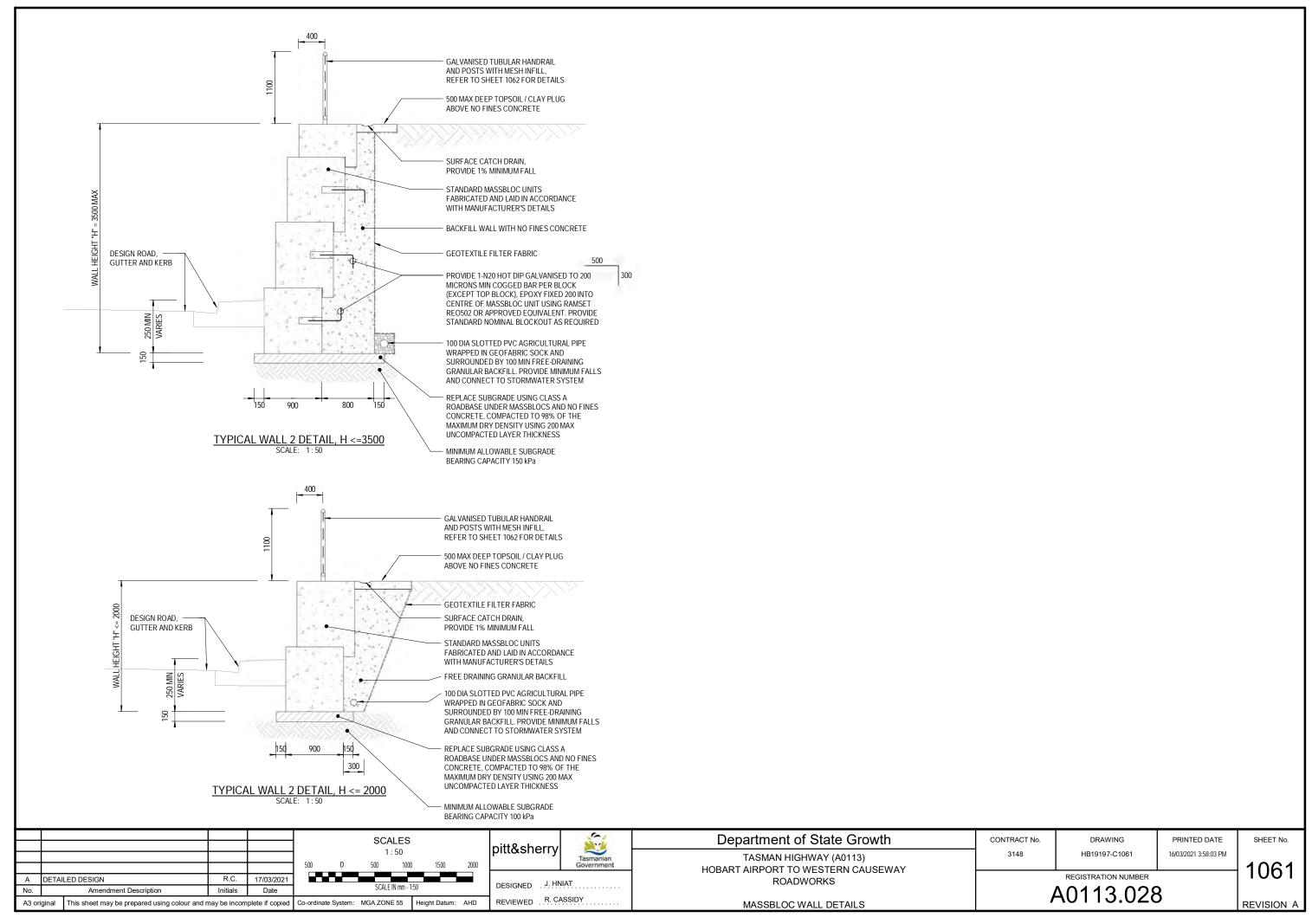












Attachment 3



Looking east from western most point of proposed upgrade works.



Looking west from existing Barilla Bay Oyster access.



Looking east from existing Barilla Bay Oyster Bay access. Pittwater Road intersection in distance.



Looking west from existing Golf Course access. Pittwater Road intersect in middle distance.



Looking east towards existing Tasman Golf Course Access.



Looking west, existing Tasman Golf Course access middle distance.



Looking east, Tasman Golf Course working, and maintenance areas left middle distance.



Looking east, towards existing Milford Tasman Highway access, far distance.



Looking east, to eastern most extent of works. Note existing bicycle crossing in middle distance.



Looking west from eastern most extent of works, Milford existing access middle left and Tasman Golf Course showing existing fencing on right.



Looking west from existing Milford Tasman Highway access.



Looking east, Council vehicle parked in existing Milford Tasman Highway access.



Looking west (from opposite existing access to Tasman Golf Course), toward Pittwater Intersection.



Looking east from Pittwater Intersection towards existing Tasman Golf Club access.



Looking west toward Pittwater Road Tasman Highway Intersection, showing turning lane.



Looking north along Pittwater Road towards existing Tasman Highway intersection.



 $Looking \ south \ from \ northern \ side \ of \ Tasman \ Highway \ down \ Pittwater \ Road.$



Looking west towards Barilla Bay Oyster entrance from north of Pittwater Road, Tasman Highway intersection.