

SPECIAL COUNCIL MEETING

COUNCIL AGENDA

Monday 3 September 2018

Council Chambers



John Brown
General Manager
Break O'Day Council
29 August 2018

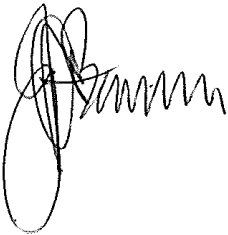
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NOTICE OF MEETING

Notice is hereby given that a Special Council Meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 3 September, 2018 commencing at 9.30am.

CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.

A handwritten signature in black ink, appearing to read 'John Brown', with a large, stylized initial 'J' and 'B'.

JOHN BROWN
GENERAL MANAGER
Date: 29 August 2018

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CONTENTS

NOTICE OF MEETING.....	3
CONTENTS	5
ACKNOWLEDGEMENT OF COUNTRY.....	6
SCM09/18.1.0 ATTENDANCE	6
SCM09/18.1.1 Present	6
SCM09/18.1.2 Apologies.....	6
SCM09/18.1.3 Leave of Absence	6
SCM09/18.1.4 Staff in Attendance	6
SCM09/18.2.0 PUBLIC QUESTION TIME.....	7
SCM09/18.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE	7
SCM09/18.4.0 PLANNING AUTHORITY	8
SCM09/18.4.1 DA 128-2018 – Mountain Bike Trail - Poimena to Swimcart Beach (Bay of Fires)	8
SCM09/18.4.2 DA 143-2018 - Stacked Loop Mountain Bike Trail	39

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the Tasmanian Aboriginals as the traditional custodians of the land on which we meet today, and pay respect to the elders past and present.

SCM09/18.1.0 ATTENDANCE

SCM09/18.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Margaret Osborne OAM
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Hannah Rubenach-Quinn
Councillor John Tucker
Councillor Janet Drummond

SCM09/18.1.2 Apologies

Councillor Kylie Wright

SCM09/18.1.3 Leave of Absence

SCM09/18.1.4 Staff in Attendance

General Manager, John Brown
Executive Officer, Angela Matthews

SCM09/18.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

SCM09/18.4.0 PLANNING AUTHORITY

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

SCM09/18.4.1 DA 128-2018 – Mountain Bike Trail - Poimena to Swimcart Beach - Bay of Fires Descent

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	James Ireland, West Tamar Council OBO Break O'Day Council
FILE REFERENCE	DA128-2018
ASSOCIATED REPORTS AND DOCUMENTS	Planning submission (<i>Circulated under separate cover</i>) Overview maps stages 1-8 (<i>Circulated under separate cover</i>) ECOtas report (<i>Circulated under separate cover</i>) Aboriginal Heritage Assessment (<i>Circulated under separate cover</i>) Reserve Activity Assessment (<i>Circulated under separate cover</i>) Forest Practice Plan (<i>Circulated under separate cover</i>) Traffic Impact Assessment (<i>Circulated under separate cover</i>) MTB Trail Network Maintenance Plan (<i>Circulated under separate cover</i>) Title details Representations x 29 ECOtas response to representations

OFFICER'S RECOMMENDATION

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Planning Scheme 1996 as amended Break O'Day Interim Planning Scheme 2013* that the application for PASSIVE RECREATION (MOUNTAIN BIKE TRAIL) on land situated between POIMENA AND SWIMCART BEACH (BLUE TIER FOREST RESERVE, STATE FOREST, DOCTORS PEAK FOREST RESERVE AND MOUNT PEARSON STATE RESERVE) be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 128-18 received by Council 4 July 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to the use commencing, road signage must be installed as detailed in the Traffic Impact Assessment by Midson Traffic submitted with the application.
3. Prior to the use commencing, warning signage for cyclists must be installed on the road crossing approaches of Gardens Rd and Ansons Bay Rd ('Road Ahead' – W6-8) to the satisfaction of the Works Operations Manager.

4. Prior to works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
9. Prior to the use commencing, a phytophthora bike washing station must be installed and operational as detailed in the application documents.
10. Prior to any works commencing, a construction management plan must be submitted for approval by the Planning Co-ordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene protocols as detailed below.
 - b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control* (DPIPWE). All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
 - c. A site supervisor that must inspect vehicles and machinery according to the sample washdown register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control* (DPIPWE).
11. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.

GENERAL

Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

NOTES

- a) Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

INTRODUCTION

Council received an application for passive recreation (MTB trail). As Council is the applicant (with Rebecca Green & Associates acting on its behalf), Council engaged West Tamar Council to assess the application. West Tamar Council has no stake in the proposal.

The application is discretionary and was notified. A total of 29 representations were received to this application. Five (5) were in support and 24 were not. Accordingly, the application must go to Council for a decision.

PREVIOUS COUNCIL CONSIDERATION

Not applicable.

OFFICER REPORT

1. The Proposal

The proposal is for a 46km of off-road mountain bike trail from Poimena to Swimcart Beach on the Bay of Fires. The trail commences at Poimena, a former mining town that is also the start of the Blue Tier MTB trail which runs west to Weldborough. Existing facilities at Poimena include vehicle access and a toilet. The trail includes new single track, existing mountain bike trail (500m of the Blue Tier trail), existing logging and access tracks and 1.5km of a disused water race. At Swimcart Beach there is an existing car park and camping area accessed via Gardens Road and Swimcart Beach Road. The trail has been designed by World Trail, the company responsible for the trails at Derby and others worldwide. The route of the trail has been determined, but specific micro-siting will take place on-site during construction. Except for a bike washing facility near the Ansons Bay Road junction, no other infrastructure except the trail is proposed – it will rely on the existing facilities at Poimena and at Swimcart Beach which is an existing camping and car parking area.

2. Applicable Planning Scheme Provisions

The following planning controls and discretions apply to the application:

ZONING	APPLICABLE	DISCRETIONS
Rural Resource	YES	Passive recreation use is no permit required. No other discretions triggered.
Environmental Management	YES	Passive recreation use is no permit required. Discretions triggered / performance criteria relied on: 29.4.2 Landscaping P2
CODE	APPLICABLE	DISCRETIONS
E1 BUSHFIRE	N/A	
E2 CONTAMINATED LAND	N/A	
E3 LANDSLIP	N/A	
E4 ROAD + RAILWAY	Applies	Relies on P1 at 4.7.1 Sight Distance.
E5 FLOOD PRONE	N/A	
E6 CAR PARKING + TRANSPORT	N/A	
E7 SCENIC MANAGEMENT	Applies	None. All applicable acceptable solutions are met.
E8 BIODIVERSITY	Applies	None. All applicable acceptable solutions are met.
E9 WATER QUALITY	Applies	Relies on P1 at <i>E9.6.1 Development and Construction Practices and Riparian Vegetation</i> and P1 and P2 at <i>E9.6.4 Access</i>
E10 RECREATION + OPEN SPACE	N/A	
E11 ATTENUATION IMPACTS	N/A	
E12 AIRPORTS IMPACT	N/A	
E13 HERITAGE	N/A	
E14 COASTAL	N/A	
E15 SIGNS	N/A	
E16 WASTE WATER	N/A	

3. Referrals

The application was referred to Council's Works Department. They required additional signage, the installation of which will be ensured by a permit condition.

4. Assessment

ZONE PROVISIONS

The subject site is partly in the Rural Resource zone and partly in the Environmental Management zone. An assessment against the provisions of both zones is provided below:

26 Rural Resource Zone

The purposes of the zone are:

To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

To provide for other use or development that does not constrain or conflict with resource development uses.

To provide for economic development that is compatible with primary industry, environmental and landscape values.

To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

26.1.2 Local Area Objectives

- | |
|---|
| <ol style="list-style-type: none">1) Primary Industries:
Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.
The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.
Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.2) Tourism
Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.
The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.3) Rural Communities
Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained. |
|---|

Objective 1) Primary Industries is not applicable as primary industries are not proposed nor are existing ones affected. In relation to 2) Tourism, the second part of this is most relevant. It is intended that this becomes an important local and – combined with the proposed ‘Stacked Loops’ trails and the existing trail running west from Poimena – regional tourist destination. The trails are intended to provide access to and promotion of environmental features and values, cultural heritage and landscape. This will occur in a way so that the long-term sustainability of primary industry resources is not unduly compromised. In relation to 3) Rural Communities, the intended increase in visitor numbers provides an opportunity for other parties to increase service provision, which can benefit the broader community.

26.1.3 Desired Future Character Statements

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

Rural landscape is not defined in the scheme. It is considered that the rural landscape comprises farm land, rather than undeveloped or forested land which is the nature of the subject site. Notwithstanding this, the visual impact of the proposal is not obtrusive. The nature of the trails themselves is that they wind through the vegetation – no plainly visible clearing will be required.

26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Not applicable. Only apply to discretionary uses and the proposal is no permit required.

26.3.2 Dwellings

Not applicable. No dwellings proposed.

26.3.3 Irrigation Districts

Not applicable. Not in an irrigation district.

26.4 Development Standards

26.4.1 Building Location and Appearance

Objective To ensure that the: a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and b) development of buildings is unobtrusive and complements the character of the landscape.	
Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: a) 8m for dwellings; or b) 12m for other purposes.	P1 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.
Not applicable – no buildings are proposed.	
A2 Buildings must be set back a minimum of: a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
Not applicable – no buildings are proposed.	

Acceptable Solutions	Performance Criteria
A3 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P1 No performance criteria.
Complies with the acceptable solution in so far as it is applicable. The purpose of the proposal is to provide tracks, although they are not walking tracks. It is impractical and counter-productive to provide walking track access to each component of a MTB trail.	

26.4.2 Subdivision

Not applicable. No subdivision is proposed.

26.4.3 Tourist Operations

Not applicable. Not classified as a tourist operation use.

29 Environmental Management Zone

The purposes of the zone are:

To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.2 Local Area Objectives

Not applicable. There are no local area objectives.

29.1.3 Desired Future Character Statements

Not applicable. There are no desired future character statements.

29.2 Use

The proposed use is classified as passive recreation. The use is 'no permit required'.

29.3 Use Standards

29.3.1 Reserved Land

Objective To ensure that development recognises and reflects relevant values of land reserved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	
Acceptable Solutions	Performance Criteria
A1 Use on reserved land is in accordance with a Reserve Activities Assessment (RAA) approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	P1 No performance criteria.
Complies with the acceptable solution.	

29.4 Development Standards

29.4.1 Building Design and Siting

Objective To ensure that the design and siting of buildings responds appropriately to the natural values of the site and causes minimal disturbance to the environment.	
Acceptable Solutions	Performance Criteria
A1 The curtilage for development must: a) not exceed 20% of the site; or b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P1 An area greater than 20% of the site may be used where the development is for a driveway or for the management of natural hazards.
Complies with the acceptable solution.	
A2 Building height must: a) not exceed 6m; or b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P2 Building height must blend with the surrounding landscape and not be individually prominent.
Not applicable – no buildings are proposed.	
A3 Buildings must be set back a) a minimum of 10m to all boundaries; or b) in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P3 Building setback must protect the natural values of the site or reduce the risk from natural hazards.
Not applicable – no buildings are proposed.	
A4 Buildings for a sensitive use must be set back a minimum of 200m to the rural resource zone.	P4 Buildings for sensitive use must be designed and sited to protect uses in the rural resource zone from likely constraint, having regard to the: a) locations of existing buildings; and b) size and proportions of the lot; and c) nature of the rural resources that are, or may potentially be conducted; and d) extent to which the topography or existing vegetation screening may reduce or increase the impact of the proposed variation.
Not applicable – no buildings are proposed.	
A5 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	P5 No Performance criteria
Complies with the acceptable solution insofar as it applies to the bike washing station – the galvanised finish will blend into the landscape.	

Acceptable Solutions		Performance Criteria	
A6	Reflective materials, excluding windows, must not be used as visible external elements in buildings.	P6	Reflective materials, excluding windows, with a high initial reflectivity must become non reflective within a period of 12 months from the date of installation or that the reflective materials will not be visible from off the site.
Not applicable – no buildings are proposed.			
A7	On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).	P7	On sites with a slope greater than 1:10, site benching through cut and fill greater than 20% of the site coverage of the proposed building(s) must ensure the site works are appropriate to the physical and environmental capabilities of the site having regard to:- a) The risk of erosion, and b) The stability of the land, and c) The visual impact of the building on adjoining sites.
Not applicable – no buildings are proposed.			
A8	Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.	P8	Alternative methods of dealing with rainwater runoff from roofs must avoid erosion, flooding, siltation, pollution or contamination of ground or surface waters.
Not applicable – no buildings are proposed.			
A9	Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.	P6	Additional lighting must be in a location and an amount that is appropriate to the needs of pedestrians and other building users and does not make the building visible from outside the site boundaries.
Not applicable – no buildings are proposed.			
A10	Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P7	No performance criteria.
Complies with the acceptable solution in so far as it is applicable. The purpose of the proposal is to provide tracks, although they are not walking tracks. It is impractical and counter-productive to provide walking track access to each component of a MTB trail.			
A11	Single unbroken walls are not to exceed 15m in length.	P8	The horizontal scale of elements must not dominate natural landscapes.
Not applicable – no buildings are proposed.			
A12	Roofs must be: i. pitched at an angle of less than 30 degrees and can be either hipped or gabled, or ii. curved at radius no greater than 12.5m.	P9	Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.
Not applicable – no buildings are proposed.			

29.4.2 Landscaping

Objective To ensure that the natural values of the site are retained in a manner that contributes to the broader landscape of the area.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 Development must be accompanied by a landscape and site management plan that sets out how the entire site will be managed having regard to: <ul style="list-style-type: none"> a) any retaining walls; and b) retaining any existing native vegetation where it is feasible to do so or required to be retained by another provision of this scheme; and c) the locations of any proposed buildings, driveways, car parking, storage areas, signage and utility services; and d) any fencing; and e) vegetation plantings to be used and where; and f) any pedestrian movement paths; and g) ongoing treatment of the balance of the lot, if any, including maintenance of plantings, weed management and soil and water management.
Complies with the acceptable solution.	
A2 Development must be located on land on which the natural vegetation cover has been removed or significantly disturbed.	P2 New development must be located in a manner that minimises vegetation removal.
Does not comply with the acceptable solution, so must meet the performance criteria. Native vegetation removal is necessary to construct the trails themselves. It is difficult to precisely state how much removal will be required as it depends on the detailed design of the trails. The nature of mountain bike trails as designed by World Trails (example at Derby) is that vegetation removal is minimised by using trees as natural obstacles and essentially routing the trail around and between them. There is no attraction to a mountain biker of a straight cut, fully cleared pathway, so this is not the intention. Native vegetation removal will be in accordance with both the ecological assessment and the Forest Practices Plan (FPP) submitted with the application.	
A3 All new plantings must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site	P3 Where seeds or rootstock derived from provenance taken within the boundaries of the site is insufficient for the landscaping needs, seeds or rootstock may be used from other lots within the municipal area.
Not applicable. No new plantings are proposed.	
A4 Plants listed in Appendix 3 must not be used in landscaping.	P5 No performance criteria
Not applicable. No new plantings are proposed.	

29.4.3 Subdivision

Not applicable. No subdivision is proposed.

29.4.4 Provision of Infrastructure

Objective	
a) To ensure that development is provided with adequate and appropriate infrastructure and that the cost of providing infrastructure is not unnecessarily borne by the wider community.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution	P1 New roads must be designed to ensure safe movement of vehicles and pedestrians and that native wildlife is protected.
Not applicable. No new roads are proposed.	
A2 Footpaths and trails must be a minimum of:- a) 1m wide for walking trails. b) 1.5m wide where required for wheelchair access	P2 Footpaths and trails must be sensitively located to take advantage of landscape features without interfering with natural drainage patterns or water catchment areas.
Not applicable. The proposed trails are not intended for walking.	

29.4.5 Tourist Operations

Not applicable. Not classified as a tourist operation use.

CODES

The following codes apply:

- E4 Road and Railway Assets Code - applies as the proposal intensifies the use of an existing junction (Gardens Road and Swimcart Beach Road).
- E7 Scenic Management Code - applies as the proposal crosses a tourist road corridor (Gardens Road).
- E8 Biodiversity Code - applies as native vegetation will be removed.
- E9 Water Quality Code – applies as use and development is proposed within 50m of a watercourse.

E4 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
Not applicable – not a sensitive use.	
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Not applicable – the speed limit on Gardens Road is 80 and 100 km/h.	
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Complies with the acceptable solution. The TIA submitted with the application confirms that the traffic movements at the Gardens Road/Swimcart Beach Road junction will not increase by more than 10%.	

Acceptable Solutions	Performance Criteria
A4 Use serviced by a side road from a deficient junction (refer E4 Table 2) is not to create an increase to the annual average daily traffic (AADT) movements on the side road at the deficient junction by more than 10%.	P4 Use serviced by a side road from a deficient junction (refer E4 Table 2) must ensure the safety and performance of the road junction will not be reduced.
Not applicable – not located on or near a deficient junction.	

E4.7 Development Standards

Note that the following sections are not applicable:

- **E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways**
- **E4.7.2 Management of Road Accesses and Junctions (*no new access or junction*)**
- **E4.7.3 Management of Rail Level Crossings**

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

<p>Objective</p> <p>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p>The sight distance as the Gardens Road / Swimcart Beach Road junction does not comply with the acceptable solution so must meet the performance criteria. The TIA submitted with the application confirms the performance criteria are met.</p>	

E7 Scenic Management Code

E7.6 Development Standards

E7.6.1 Scenic Management – Tourist Road Corridor

Objective

- (a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
- i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
 - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
 - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
 - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
 - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

Acceptable Solutions	Performance Criteria
A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.	P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to: <ul style="list-style-type: none">a) the impact on skylines, ridgelines and prominent locations; andb) the proximity to the road and the impact on views from the road; andc) the need for the development to be prominent to the road; andd) the specific requirements of a resource development use; ande) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; andf) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual values of a touring route; andg) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; andh) the design and/or treatment of development including:<ul style="list-style-type: none">i) the bulk and form of buildings including materials and finishes;ii) earthworks for cut or fill;iii) complementing the physical (built or natural) characteristics of the site.
Complies with the acceptable solution.	

Acceptable Solutions	Performance Criteria
A2 Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.	P2 Subdivision that alters any boundaries within the areas designated as scenic management – tourist road corridor must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to: <ul style="list-style-type: none"> a) site size; and b) density of potential development on sites created; and c) the clearance or retention of vegetation in combination with requirements for hazard management; and d) the extent of works required for roads or to gain access to sites including cut and fill; and e) the physical characteristics of the site and locality; and f) the scenic qualities of the land that require management.
Not applicable – subdivision not proposed.	

E7.6.2 Local Scenic Management Areas

Not applicable – there are none in the municipality.

E8 Biodiversity Code

E8.5 Use Standards

Not used in this Scheme.

E8.6 Development Standards

E8.6.1 Habitat and Vegetation Management

Objective

To ensure that:

- a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and
- b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.

Acceptable Solutions	Performance Criteria
<p>A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;</p> <p>A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.</p>	<p>P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the:</p> <ul style="list-style-type: none"> a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
<p>Complies with the acceptable solution - clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan</p>	

Acceptable Solutions	Performance Criteria
<p>A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.</p>	<p>P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <ul style="list-style-type: none"> a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
<p>Complies with the acceptable solution - clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan</p>	

E9 Water Quality Code

E9.5 Use Standards

Not used in this Scheme.

E9.6 Development Standards

E9.6.1 Development and Construction Practices and Riparian Vegetation

Objective To protect the hydrological and biological roles of wetlands and watercourses from the effects of development.	
Acceptable Solutions	Performance Criteria
A1 Native vegetation is retained within: a) 40m of a wetland, watercourse or mean high water mark; and b) a Water catchment area - inner buffer.	P1 Native vegetation removal must submit a soil and water management plan to demonstrate: a) revegetation and weed control of areas of bare soil; and b) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and c) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.
Does not comply with the acceptable solution so must meet the performance criteria. Soil and water management that meets the performance criteria is contained across three documents submitted with the application – the Forest Practices Plan, Ecological Assessment and the Maintenance Plan. This particularly relates to a) and c) as stormwater run-off b) is not expected to increase significantly due to the nature of the proposal (no roofed or hardstand areas). As endorsed documents, the measures contained in these must be undertaken.	
A2 A wetland must not be filled, drained, piped or channelled.	P2 Disturbance of wetlands must minimise loss of hydrological and biological values, having regard to: (i) natural flow regimes, water quality and biological diversity of any waterway or wetland; (ii) design and operation of any buildings, works or structures on or near the wetland or waterway; (iii) opportunities to establish or retain native riparian vegetation; (iv) sources and types of potential contamination of the wetland or waterway.
Complies with the acceptable solution.	
Acceptable Solutions	Performance Criteria
A3 A watercourse must not be filled, piped or channelled except to provide a culvert for access purposes.	P3 A watercourse may be filled, piped, or channelled: a) within an urban environment for the extension of an existing reticulated stormwater network; or b) for the construction of a new road where retention of the watercourse is not feasible.
Complies with the acceptable solution.	

E9.6.2 Water Quality Management

Not applicable as this only applies to stormwater. No buildings or other runoff sources are proposed.

E9.6.3 Construction of Roads

Not applicable – no roads proposed.

E9.6.4 Access

Objective To facilitate appropriate access at suitable locations whilst maintaining the ecological, scenic and hydrological values of watercourses and wetlands.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 New access points to wetlands and watercourses are provided in a way that minimises: a) their occurrence; and b) the disturbance to vegetation and hydrological features from use or development.
No acceptable solution so must meet the performance criteria. The trails will cross watercourses (but not wetlands). There is no benefit to riders for a trail to cross watercourses more than necessary and the design of the trail will reflect this – only the minimum of crossings will be made. Exactly where watercourses will be crossed will be determined on site as part of the construction. Watercourses are typically small on the subject site. Mountain bike trails typically cross watercourses via stones placed in the stream bed. Riders expect to ride through shallow water and therefore lightweight raised bridges (without mid-stream piers) would only be required for the slightly larger watercourses. Both these options have minimal impact on hydrological features.	
A2 No acceptable solution.	P2 Accesses and pathways are constructed to prevent erosion, sedimentation and siltation as a result of runoff or degradation of path materials.
No acceptable solution so must meet the performance criteria. Management of erosion, sedimentation and siltation as a result of runoff or degradation of path materials performance criteria is addressed across three documents submitted with the application – the Forest Practices Plan, Ecological Assessment and the Maintenance Plan. As endorsed documents, the measures contained in these must be undertaken.	

E9.6.5 Sediment and Erosion Control

Not applicable as this only applies to subdivision and subdivision is not proposed.

E9.6.6 Water Catchment Areas

Not applicable as the proposal is not in a mapped water catchment area.

Representations

COMMENT: The S57 application was advertised for the statutory 14 day period with signs placed on site, in the Examiner Newspaper and Council offices.

A total of 29 representations were received to this application. Five (5) were in support and 24 were not. A full copy of all representations is provided as an attachment to this agenda item.

Some of the representations addressed both this application and the other mountain bike trails application (DA143-2018) for the 'Stacked Loops' MTB trails outside St Helens which was notified at the same time. If representations specifically addressed only one application, they are considered under the respective agenda item. Any that addressed both applications are considered in both agenda items.

Representations are addressed in three sections below:

- 1) Representations in support are addressed generally as they had much in common and do not require a specific response.
- 2) Most of the representations that were not in support (i.e, raised questions, concerns or objections) raised the same issues, so these are addressed as issues rather than repeatedly by representor.
- 3) If a representor raised a specific issue relating to their land it is addressed individually in this final section.

1) Representations in support

Five in support	
Reasons for support:	Planning Response:
<p>Summary of comments in support of the proposal:</p> <ul style="list-style-type: none">• Economic benefits• Health benefits• Expand visitor numbers• Jobs in construction and maintenance of trails.• Example of Derby – town has been re-invigorated.• The quality construction of the Derby trails and their low environmental impact• Useable year round, with corresponding boost to tourism in quieter months.• Will assist with limited employment and lack of activities in regional Tasmania.• Mountain biking is accessible.• Mountain biking in New Zealand has led to an increase in visitors.• Benefits to locals and other Tasmanians.	<p>The comments in support are noted. They do not require a specific response. They are consistent with the General Planning Scheme Objectives at Clause 3.1.1 in the planning scheme.</p>

2) Representations with questions / concerns / objections

Issues raised by a number of representations:	Planning Response
Spread of <i>Phytophthora Cinnamomi</i> (PC)	<p>This is an issue for many areas in Tasmania and the additional strategic importance of it in this location raised by a number of representations is accepted. The ecological assessment submitted with the application has a detailed section on the presence of PC and management of it. Further to this, Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark Wapstra. His response is provided as an addendum to the agenda item.</p> <p>I am satisfied with the response to the issue by Mark Wapstra, but have also included a condition relating to Construction Management to ensure the issue is managed during the potentially higher risk construction phase.</p>
Washing stations are 'flawed' because using them is voluntary.	<p>Many aspects of this proposal – and others – are voluntary. It is reasonable for the applicant and/or land managers to provide information, direction and enforcement as required.</p>
Various suggestions to relocate the beginning and/or end of the trail or to re-route the trail.	<p>Council must consider the application before it and approve or refuse it. Any substantially different proposal (i.e, with different start or end points) will require a new application. The ecological assessment recommended some minor re-routing of the trail. This is either already shown in the application or will be enforced via a permit condition (in addition to the ecological assessment being an endorsed document that must be adhered to).</p>
Impact on threatened species / loss of biodiversity.	<p>Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark. His response is provided as an addendum to the agenda item.</p>
Disturbance of sea eagles	<p>Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark Wapstra. His response is provided as an addendum to the agenda item.</p>
Aboriginal heritage assessment not adequate.	<p>The planning scheme does not require an assessment of Aboriginal heritage. Notwithstanding this, the applicant chose to submit an Aboriginal Heritage Assessment. A note on the permit will remind the applicant that any use or development which may impact on Aboriginal cultural heritage is subject to the <i>Aboriginal Relics Act 1975</i>. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. This is a separate regulatory process.</p>

Issues raised by a number of representations:	Planning Response
Oppose further spending until the 'real and long term costs and benefits' of the [existing] Blue Tier facility have been determined.	This is not a planning consideration. It is a matter for the applicant.
Financial costs / cost of providing and maintaining infrastructure / mountain bike trails do not provide an economic benefit.	This is not a planning consideration. It is a matter for the applicant.
Riders should pay to use the facility.	This is not proposed. This is a matter for the applicant and is not considered by the planning scheme.
Social costs	The representations raising this did not explain further so it is difficult to respond to non-specified social costs.
Litter	Littering is already illegal. Notwithstanding this, any littering on the trails is expected to be minimal simply because the amount of potential litter a rider can carry is limited. Rubbish bins will be provided at the trail head.
Erosion / may not comply with P1 at E9.6.1 Development and Construction Practices and Riparian Vegetation	Management of erosion is addressed across three documents submitted with the application – the Forest Practices Plan, Ecological Assessment and the Maintenance Plan. As endorsed documents, the measures contained in these must be undertaken.
Lack of car parking at start (Poimena) and end (Swimcart Beach) of trail.	The use is classified as passive recreation and the planning scheme does not require any car parking spaces be provided for this use. Notwithstanding, the nature of the trail is such that most riders will only require drop-off or pick-up (by a car or a bus) rather than longer term parking. The trail is one way, so riders will have to make shuttle arrangements. Whilst it is technically possible to park a vehicle at both ends of the trail, the logistical difficulties of doing this will make it a rare occurrence.
Opening Council up to litigation injuries.	This is not a matter that can be addressed in the planning scheme. It is a matter for the applicant.
Too much tourism already, this will add to it.	The planning scheme has as a specific objective to increase tourism, which this proposal is consistent with.
Impact of riders defecating on the Swimcart Creek.	Toilets are rarely provided for wilderness activities (for example, bushwalks). Riders will complete the trail in a matter of hours, not days, so are less likely to require toilets. Users are expected/educated to adhere to minimal impact practices and this would be the same for this proposal.
Mountain biking is a high impact sport that could have potential serious repercussions on BODC's natural assets.	Mountain biking is a lower impact sport than four wheel driving, motor bike riding, quad bike riding or horse riding to name some sports that take place in similar environments. The impact on natural assets is comprehensively addressed in the Ecological Assessment by EcoTAS submitted with the application.

Issues raised by a number of representations:	Planning Response
Strongly advise that a comprehensive, independent and integrated environmental, social and economic cost analysis be conducted before any construction of mountain bike tracks and their associated infrastructure commences.	To make a planning application, an applicant must address the requirements of the scheme. The applicant has provided a level of information that enables the assessment of the application against the provisions of the planning scheme.
Lack of consultation / consultation period too short.	The planning approval process requires notification as set out in the <i>Land Use Planning and Approvals Act 1993</i>. This process was followed. Any additional consultation is not addressed here.
Conflict of interest having Rebecca Green & Associates as the consultant for the applicant (Break o' Day Council) whilst also consulting to assess other development applications for the Council. Require an independent assessment.	Rebecca Green & Associates acts for the applicant, but is not involved in the statutory assessment of this application. Break O' Day Council have requested that West Tamar Council assess the application, as an independent body. This practice is common when a Council is also an applicant.
Do not understand how the proponent can also be the assessor.	This is not the case. See above.
Application documents not thorough enough.	A planning application must contain sufficient information for a decision to be made. It is considered that the applicant has provided this.
Reserve Activity Statement (RAA) prepared by Parks and Wildlife fails to take a precautionary principle approach to ensuring that important conservation values will be safeguarded.	A planning application such as this requires that an RAA be submitted. The nature of the RAA is a matter for Parks and Wildlife.
Some areas should be left untouched.	This is not a planning consideration. The proposal is not prohibited by the planning scheme and therefore an application can be made. The impact on the environment was assessed in the application and, subject to conditions, the proposal was supported. Any further action to leave areas untouched would be the responsibility of land owners / managers. This is not the case as they have consented to the application being made.
Tracks go through areas that DPIPWE and forestry agreed should be left alone.	I am not aware of this agreement. DPIPWE consented to the application being made which suggests they do not consider this to be an issue.
Questions about ongoing maintenance / monitoring once the trail is constructed.	A Maintenance Plan was submitted with the application. As an endorsed document, the measures contained in this must be undertaken.

Issues raised by a number of representations:	Planning Response
Impact on Terrys Hill Road which requires maintenance.	The trail crosses Terrys Hill Road but there is no intention for it to be used by vehicles associated with the proposal. It may be used (there is little that can be done to prevent this) but it would be by a very small number of people.
Suggestion of various changes to speed limits on surrounding roads.	Both the Department of State Growth and Council as road authorities have reviewed the application and have not required or recommended any speed limit changes.
Not enough 'family friendly' trails.	This is not a planning consideration. Notwithstanding, there is only one trail proposed and it is admittedly not suitable for young children due primarily to its length (46km). Although it is not subject of this application, the concurrent application for a number of trails outside St Helens (the 'Stacked Loops' proposal) has a greater variety of trail lengths and difficulty levels.
Impact on existing uses in the area, particularly walking.	Walkers do not have exclusive access to these areas, although that may have been the case by default in the past. Every effort is made to minimize conflict between users. It is understood that signage and information will be provided alerting them to the fact that some sections of the trail are multi-user.
Strain on existing medical facilities	This is not a planning consideration.
Various disparaging comments about mountain bikers in general.	This is not a planning consideration.

3) Specific issues raised by single representors are addressed below:

Forico	
Representor's Issue	Planning Response
Forico manages land to the south of the subject site and wants to ensure that the applicant (i.e, Break o' Day Council) is aware that this is a forestry plantation and the nature of forestry operations. The representor noted that they have no objection to the planning application, but wanted the applicant to understand the nature of forestry operations.	By accepting this representation, Council is made aware of the issues Forico raised.
4WD Tasmania	
Representor's Issue	Planning Response
Concerned that roads will be closed to vehicles, particularly Sun Flats Road. Also wants to ensure that all users are aware that roads are multi-user.	There is no intention to close roads as a result of this proposal. In the application some are referred to as 'impassable' but this is only a subjective physical assessment - access to roads is a matter for the landowners/managers. It is understood that signage and information will be provided alerting them to the fact that some sections of the trail are multi-user.

5. Mediation

Not required/requested.

LEGISLATION AND POLICIES:

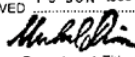
Break O' Day Interim Planning Scheme 2013;
Land Use Planning and Approvals Act 1993;
Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

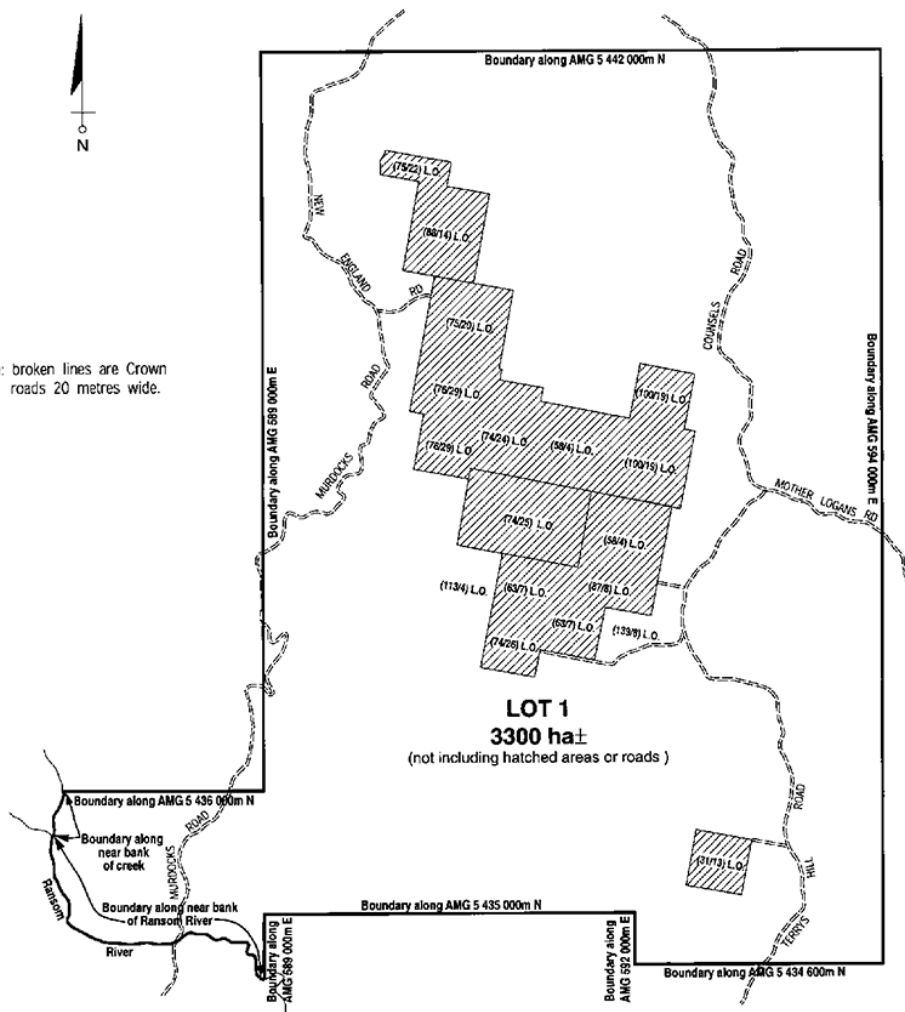
Not applicable to planning approval. Costs of the development are the responsibility of the applicant.

VOTING REQUIREMENTS:

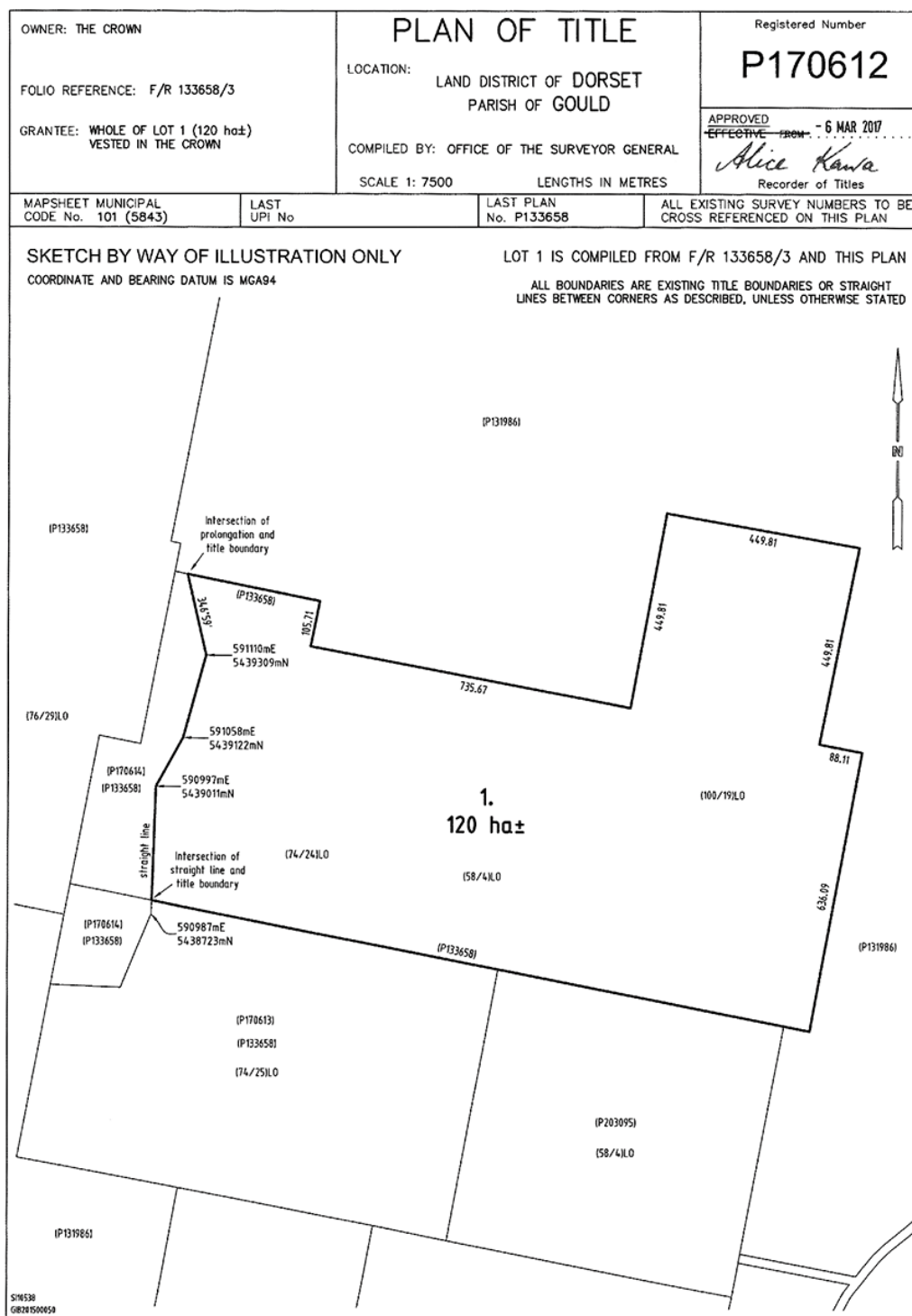
Simple Majority.

OWNER THE CROWN FOLIO REFERENCE OT 2522/10 F/R 212915/1 Sec 27A (C.156609) GRANTEE Whole of Lot 1, 3300 ha±, The Crown (including Lot 34005 (99.3.38) gtd to Ernest William Tucker)		PLAN OF TITLE LOCATION LAND DISTRICT OF DORSET PARISHES OF RANGA AND GOULD COMPILED BY FORESTRY TASMANIA SCALE 1 : 30 000 LENGTHS IN METRES		Registered Number P 131986 APPROVED 10 JUN 1999  Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 5843, 5844 (101)	LAST UPI No. 5800423	LAST PLAN No. (139/8) L.O.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

THIS PLAN HAS BEEN PREPARED UNDER SECTION 143A OF THE LAND TITLES ACT 1980 WHERE SOME BOUNDARIES HAVE BEEN DERIVED & SKETCHED FROM CADASTRAL BASE MAPPING ONLY.



LOT 1
3300 ha±
(not including hatched areas or roads)



Search Date: 25 May 2018 Search Time: 09:41 AM Volume Number: 170613 Revision Number: 01 Page 1 of 1

Department of Primary Industries, Parks, Water and Environment www.thelist.tas.gov.au

SEARCH OF TORRENS TITLE

VOLUME 131986	FOLIO 1
EDITION 3	DATE OF ISSUE 02-Jul-1999

SEARCH DATE : 25-May-2018

SEARCH TIME : 09.36 AM

DESCRIPTION OF LAND

Parish of GOULD, Land District of DORSET
Parish of RANGA, Land District of DORSET
Lot 1 on Plan 131986 (Section 27A of the Land Titles Act.)
Derivation : Whole of Lot 1 on Plan 131986 Gtd. to The Crown
Prior CT 212916/1

SCHEDULE 1

THE CROWN

SCHEDULE 2

C156609 Land is limited in depth to 15 metres, excludes minerals and is subject to reservations relating to drains sewers and waterways in favour of the Crown

C407569 Instrument Creating Forestry Right for The Trust Company (Australia) Ltd for a term of 57 years, 8 months and 21 days from 30th January 2012 and ending on the 20th October 2069 over the lands shown shaded on the Forestry Right Diagrams filed in "Plan-Related Documents" against the titleplan to the within land (together with ancillary rights) Registered 16-Jul-2012 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SEARCH OF TORRENS TITLE

VOLUME 170612	FOLIO 1
EDITION 1	DATE OF ISSUE 07-Apr-2017

SEARCH DATE : 25-May-2018

SEARCH TIME : 09.43 AM

DESCRIPTION OF LAND

Parish of GOULD Land District of DORSET
 Lot 1 on Plan 170612
 Derivation : Whole of Lot 1 (120ha) vested in The Crown
 Prior CT 133658/3

SCHEDULE 1

E73071 THE CROWN Registered 07-Apr-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SEARCH OF TORRENS TITLE

VOLUME 170613	FOLIO 1
EDITION 1	DATE OF ISSUE 07-Apr-2017

SEARCH DATE : 25-May-2018

SEARCH TIME : 09.41 AM

DESCRIPTION OF LAND

Parish of GOULD Land District of DORSET
Lot 1 on Plan 170613
Derivation : Whole of Lot 1 (58ha) vested in The Crown
Prior CT 133658/4

SCHEDULE 1

E73071 THE CROWN Registered 07-Apr-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	James Ireland, West Tamar Council OBO Break O'Day Council
FILE REFERENCE	DA143-2018
ASSOCIATED REPORTS AND DOCUMENTS	<p>Planning submission (<i>Circulated under separate cover</i>)</p> <p>MTB Trail Master Plan (<i>Circulated under separate cover</i>)</p> <p>Plans (<i>Circulated under separate cover</i>)</p> <p>Aboriginal Heritage Assessment (<i>Circulated under separate cover</i>)</p> <p>Reserve Activity Assessment (<i>Circulated under separate cover</i>)</p> <p>Forest Practice Plan (<i>Circulated under separate cover</i>)</p> <p>Traffic Impact Assessment (<i>Circulated under separate cover</i>)</p> <p>MTB Trail Network Maintenance Plan (<i>Circulated under separate cover</i>)</p> <p>Site & Soil Evaluation (<i>Circulated under separate cover</i>)</p> <p>Eagle Management Plan (<i>Circulated under separate cover</i>)</p> <p>Letter to land owner (<i>Circulated under separate cover</i>)</p> <p>Title details</p> <p>Constables creek & reserve</p> <p>Representations</p> <p>ECOtas response to representations</p> <p>Midson Traffic response to representations</p>

OFFICER'S RECOMMENDATION

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Planning Scheme 1996 as amended Break O'Day Interim Planning Scheme 2013* that the application for PASSIVE RECREATION (MOUNTAIN BIKE TRAILS) on land situated at FLAGSTAFF ROAD, LOILA TIER ROAD, SCAMANDER TIER AND TASMAN HIGHWAY, ST HELENS be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 143-18 received by Council 4 July 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to the use commencing, road signage must be installed as detailed in the Traffic Impact Assessment by Midson Traffic submitted with the application.
3. Prior to any works commencing, a site plan of the Loila Tier Road drop-off point must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail how the drop off point will function for cars, shuttle buses, riders and through traffic. Turning areas and parking spaces/turnout bays must be shown.

4. Prior to any works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
9. Prior to the use commencing, a phytophthora bike washing station must be installed and operational as detailed in the application documents.
10. Prior to any works commencing, a construction management plan must be submitted for approval by the Planning Co-ordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene protocols as detailed below.
 - b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*. All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
 - c. A site supervisor that must inspect vehicles and machinery according to the sample wash down register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*.
11. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.

GENERAL

Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

NOTES

- b) Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

INTRODUCTION

Council received an application for passive recreation (MTB trails). As Council is the applicant (with Rebecca Green & Associates acting on its behalf), Council engaged West Tamar Council to assess the application. West Tamar Council has no stake in the proposal.

The application is discretionary and was notified. A total of 25 representations were received to this application. Six (6) were in support and 19 were not. Accordingly, the application must go to Council for a decision.

PREVIOUS COUNCIL CONSIDERATION

Not applicable.

OFFICER REPORT

1. The Proposal

The proposal is for 66km of off-road mountain bike trails accessed from a trail head complex on Flagstaff Road.

The trails comprise ten loop trails, three descent trails and a town link between the trail head and St Helens (Parkside). All the trails are linked; any or all trails can be ridden from the trail head or St Helens. However, two of the descent trails and the longest loop trail (Loop 6) can also be accessed via a shuttle drop-off point on Loila Tier Road. The trails are designed by World Trails, who are also responsible for the trails at Derby, an established mountain biking centre. The loop trails are classified as cross country and vary in length from 330m to 22.8km and in difficulty from easy to more difficult. The descents by their nature are 'free ride' or downhill style – one is easy and two are 'most difficult'.

The trail head is a base area where most riders will start. They will arrive either by car (40 car spaces provided), by shuttle bus (6 spaces provided) or on their bikes from St Helens via the town link trail. The town link is a 3.52km long, wide, easy trail for access between St Helens and the trail head. The trail head has a toilet block, bike wash station, two BBQ shelters and a skills track (a short loop for riding practice). These are arranged around grassed areas with picnic benches. The trail head also serves as a staging point for shuttle buses.

2. Applicable Planning Scheme Provisions

The following planning controls and discretions apply to the application:

ZONING	APPLICABLE	DISCRETIONS
Environmental living zone	YES	Passive recreation use is no permit required. Discretions triggered / performance criteria relied on: P1 at 14.4.2 <i>Landscaping</i> .
Rural resource zone	YES	Passive recreation use is no permit required. No other discretions triggered.
Environmental management zone	YES	Passive recreation use is no permit required. Discretions triggered / performance criteria relied on: P2 at 29.4.2 <i>Landscaping</i> and P1 at 29.4.4 <i>Infrastructure</i> .
CODE	APPLICABLE	DISCRETIONS
E1 BUSHFIRE	N/A	
E2 CONTAMINATED LAND	N/A	
E3 LANDSLIP	N/A	
E4 ROAD + RAILWAY	Applies	Relies on P3 at E4.6.1 <i>Use of Road or Rail Infrastructure</i> , P2 at E4.7.2 <i>Management of Road Accesses and Junctions</i> and P1 at 4.7.1 <i>Sight Distance</i>
E5 FLOOD PRONE	N/A	
E6 CAR PARKING + TRANSPORT	Applies	Relies on P1 at E6.7.2 <i>Design and Layout of Car Parking</i> and P1 at E6.8.5 <i>Pedestrian Walkways</i> . No car parking is required but 46 spaces are proposed.
E7 SCENIC MANAGEMENT	Applies	None. All applicable acceptable solutions are met.
E8 BIODIVERSITY	Applies	None. All applicable acceptable solutions are met.
E9 WATER QUALITY	Applies	Relies on P1 at E9.6.1 <i>Development and Construction Practices and Riparian Vegetation</i> and P1 and P2 at E9.6.4 <i>Access</i>
E10 RECREATION + OPEN SPACE	N/A	
E11 ATTENUATION IMPACTS	N/A	
E12 AIRPORTS IMPACT	N/A	
E13 HERITAGE	N/A	
E14 COASTAL	N/A	
E15 SIGNS	N/A	
E16 WASTE WATER	Applies	Relies on P1 at E16.7.2 <i>Surface and ground water impacts</i> .

3. Referrals

The proposal was referred to Council's Environmental Health Officer. They had no comments.

4. Assessment

ZONE PROVISIONS

The subject site is partly in the environmental living zone, partly in the rural resource zone and partly in the environmental management zone. An assessment against the provisions of these zones is provided below:

14 Environmental Living Zone

The purposes of the zone are:

To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

To provide for a mix of low impact activities that is sensitive to the natural environment.

14.1.2 Local Area Objectives

Not applicable. There are no local area objectives.

14.1.3 Desired Future Character Statements

Not applicable. There are no desired future character statements.

14.2 Use

The proposed use is classified as passive recreation. The use is 'no permit required'.

14.3 Use Standards

Not applicable. No permit required use.

14.4 Development Standards

14.4.1 Building Design and Siting

Objective

To ensure that the design and siting of buildings responds appropriately to the landscape and natural values of the site, causes minimal disturbance to the environment and provide solar access and privacy for residents.

Acceptable Solutions	Performance Criteria
A1 No more than 4 hectares or 20% of the site, whichever is the lesser, is used for development.	P1 Site coverage and the proportion of the site used for development has regard to: a) the size of the site; and b) the need for driveways; and c) the management of natural hazards or environmental qualities of the site; and d) any constraints imposed by existing development or the features of the site; and e) the site coverage of adjacent properties; and f) the effect of the visual bulk of the building and whether it respects the landscape character; and g) the capacity of the site to absorb runoff; and

	<ul style="list-style-type: none"> h) the landscape character of the area and the need to remove vegetation to accommodate development; and i) consistency with the local area objectives, if any.
Complies with the acceptable solution.	
A2 Building height must not exceed 7m.	P2 Building height must: <ul style="list-style-type: none"> a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking.
Not applicable. No buildings are proposed in this zone.	
A3 Buildings must be set back a minimum distance of 10m from a frontage.	P3 Building frontage setbacks must have regard to: <ul style="list-style-type: none"> a) the prevailing setbacks of existing buildings on nearby lots and pattern of development in the surrounding area; and b) the visual impact of the building when viewed from the road; and c) retention of vegetation within the front setback; and d) consistency with the local area objectives, if any.
Not applicable. No buildings are proposed in this zone.	
A4 Buildings must be set back a minimum of: <ul style="list-style-type: none"> a) 10m to side and rear boundaries; and b) 200m to the Rural Resource Zone where a sensitive use is proposed. 	P4 Buildings must be set back adequately to protect: <ul style="list-style-type: none"> a) the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to: <ul style="list-style-type: none"> i) the impact on the amenity and privacy of habitable room windows and private open space; and ii) the impact on the solar access of habitable room windows and private open space; and iii) the locations of existing buildings and private open space areas; and iv) the size and proportions of the lot; and v) the extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and vi) local area objectives, if any; and b) agricultural uses on adjoining lots from likely constraint; and c) the impact of the proposal on environmental qualities of the site.
Not applicable. No buildings are proposed in this zone.	
A5 The combined gross floor area of all outbuildings on a lot must not exceed 81m ² and a maximum height of 5m.	P5 Outbuildings must be designed and sited so that there will not be unacceptable loss of sunlight or privacy to adjoining residential lots or adverse effects on the amenity of the locality.
Not applicable. No buildings are proposed in this zone.	
A6 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	P6 No Performance criteria

Acceptable Solutions		Performance Criteria	
Not applicable. No buildings or structures are proposed in this zone.			
A7	Reflective materials, excluding windows, must not be used as visible external elements in buildings.	P7	Reflective materials, excluding windows, with a high initial reflectivity must become non reflective within a period of 12 months from the date of installation or that the reflective materials will not be visible from off the site.
Not applicable. No buildings are proposed in this zone.			
A8	On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).	P8	On sites with a slope greater than 1:10, site benching through cut and fill greater than 20% of the site coverage of the proposed building(s) must ensure the site works are appropriate to the physical and environmental capabilities of the site having regard to:- a) The risk of erosion, and b) The stability of the land, and c) The visual impact of the building on adjoining sites.
Not applicable. No buildings are proposed in this zone.			
A9	Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.	P9	Alternative methods of dealing with rainwater runoff from roofs must avoid erosion, flooding, siltation, pollution or contamination of ground or surface waters.
Not applicable. No buildings are proposed in this zone.			
A10	Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.	P10	Additional lighting must be in a location and an amount that is appropriate to the needs of pedestrians and other building users and does not make the building visible from outside the site boundaries.
Not applicable. No buildings are proposed in this zone.			
A11	Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P11	No performance criteria.
Complies with the acceptable solution in so far as it is applicable. The purpose of the proposal is to provide tracks, although they are not walking tracks. It is impractical and counter-productive to provide walking track access to each component of a MTB trail.			
A12	Single unbroken walls are not to exceed 15m in length.	P12	The horizontal scale of elements must not dominate natural landscapes.
Not applicable. No buildings are proposed in this zone.			
A13	Roofs must be: i. pitched at an angle of less than 30 degrees and can be either hipped or gabled, or ii. curved at radius no greater than 12.5m.	P13	Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.
Not applicable. No buildings are proposed in this zone.			

14.4.2 Landscaping

Objective To ensure that the natural values of the site are retained in a manner that contributes to the broader landscape of the area by directing new development to land that is already cleared.	
Acceptable Solutions	Performance Criteria
A1 Development must be located on land where the native vegetation cover has been removed or significantly disturbed.	P1 New development must be located in a manner that minimises vegetation removal.
<p>Does not comply with the acceptable solution, so must meet the performance criteria. The trail head complex is located at the junction of Flagstaff Road and another unnamed road and makes use of the small cleared area that already exists here. Approximately 1.5 ha of native vegetation is still required to be cleared for the trail head. This area is minimised by the compact layout of the complex. No more vegetation will be removed than is required – the intention is for the trail head to sit in the forest, with the riders entering the forest on the trails as soon as they depart the trail head.</p> <p>Native vegetation removal is also likely to be necessary to construct the trails themselves. It is difficult to precisely state how much removal will be required as it depends on the detailed design of the trails. The nature of mountain bike trails as designed by World Trails (examples at Derby) is that vegetation removal is minimised by using trees as natural obstacles and essentially routing the trail around and between them. There is no attraction to a mountain biker of a straight cut, fully cleared pathway so this is not the intention.</p> <p>Native vegetation removal will be in accordance with both the ecological assessment and the forest practices plan submitted with the application.</p>	
A2 All new plantings must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site	P3 Where seeds or rootstock derived from provenance taken within the boundaries of the site is insufficient for the landscaping needs, seeds or rootstock may be used from other lots within the municipal area.
Not applicable. No new plantings are proposed.	
A3 Plants listed in Appendix 3 must not be used in landscaping.	P4 No performance criteria
Not applicable. No new plantings are proposed.	

14.4.3 Subdivision

Not applicable. No subdivision is proposed.

14.4.4 Tourist Operations

Not applicable. Not classified as a tourist operation use.

26 Rural Resource Zone

The purposes of the zone are:

To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

To provide for other use or development that does not constrain or conflict with resource development uses.

To provide for economic development that is compatible with primary industry, environmental and landscape values.

To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

26.1.2 Local Area Objectives

- | | |
|----|---|
| 1) | <p>Primary Industries:</p> <p>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</p> <p>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</p> <p>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</p> |
| 2) | <p>Tourism</p> <p>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</p> <p>The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.</p> |
| 3) | <p>Rural Communities</p> <p>Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.</p> |

Objective 1) Primary Industries is not applicable as primary industries are not proposed nor are existing ones affected. In relation to 2) Tourism, the second part of this is most relevant. It is intended that this becomes an important local and – combined with the proposed Poimena to Swimcart Beach trail and the existing Blue Tier trail running west from Poimena – regional tourist destination. The trails are intended to provide access to and promotion of environmental features and values, cultural heritage and landscape. This will occur in a way so that the long-term sustainability of primary industry resources is not unduly compromised. In relation to 3) Rural Communities, the intended increase in visitor numbers provides an opportunity for other parties to increase service provision, which can benefit the broader community.

26.1.3 Desired Future Character Statements

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

Rural landscape is not defined in the scheme. It is considered that the rural landscape comprises farm land, rather than undeveloped or forested land which is the nature of the subject site. Notwithstanding this, the visual impact of the proposal is not obtrusive. The trail head complex requires approximately 1.5 ha of land, nestled in the forest. The development here is restricted to a 112m² amenity block / bike wash down facility (5.2m high) and two small BBQ shelters, along with roads and parking. The nature of the trails themselves is that they wind through the vegetation – no plainly visible clearing will be required for the trails.

26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Not applicable. Only apply to discretionary uses and proposal is no permit required.

26.3.2 Dwellings

Not applicable. No dwellings proposed.

26.3.3 Irrigation Districts

Not applicable. Not in an irrigation district.

26.4 Development Standards

26.4.1 Building Location and Appearance

Objective

To ensure that the:

- a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and
- b) development of buildings is unobtrusive and complements the character of the landscape.

Acceptable Solutions	Performance Criteria
A1 Building height must not exceed: <ul style="list-style-type: none">a) 8m for dwellings; orb) 12m for other purposes.	P1 Building height must: <ul style="list-style-type: none">a) be unobtrusive and complement the character of the surrounding landscape; andb) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.

Complies with the acceptable solution. The tallest building in the proposal (the amenities building) is 5.57m high.

A2 Buildings must be set back a minimum of: <ul style="list-style-type: none">a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; orb) 200m where a sensitive use is proposed; orc) the same as existing for replacement of an existing dwelling.	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: <ul style="list-style-type: none">a) the topography of the land; andb) buffers created by natural or other features; andc) the location of development on adjoining lots; andd) the nature of existing and potential adjoining uses; ande) the ability to accommodate a lesser setback to the road having regard to:<ul style="list-style-type: none">i) the design of the development and landscaping; andii) the potential for future upgrading of the road; andiii) potential traffic safety hazards; andiv) appropriate noise attenuation.
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Complies with the acceptable solution. The proposal is setback a minimum of 250m.

Acceptable Solutions	Performance Criteria
A3 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P1 No performance criteria.
Complies with the acceptable solution in so far as it is applicable. The purpose of the proposal is to provide tracks, although they are not walking tracks. It is impractical and counter-productive to provide walking track access to each component of a MTB trail.	

26.4.2 Subdivision

Not applicable. No subdivision is proposed.

26.4.3 Tourist Operations

Not applicable. Not classified as a tourist operation use.

29 Environmental Management Zone

The purposes of the zone are:

To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.2 Local Area Objectives

Not applicable. There are no local area objectives.

29.1.3 Desired Future Character Statements

Not applicable. There are no desired future character statements.

29.2 Use

The proposed use is classified as passive recreation. The use is 'no permit required'.

29.3 Use Standards

29.3.1 Reserved Land

Objective To ensure that development recognises and reflects relevant values of land reserved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	
Acceptable Solutions	Performance Criteria
A1 Use on reserved land is in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> .	P1 No performance criteria.
Complies with the acceptable solution.	

29.4 Development Standards

29.4.1 Building Design and Siting

Objective To ensure that the design and siting of buildings responds appropriately to the natural values of the site and causes minimal disturbance to the environment.	
Acceptable Solutions	Performance Criteria
A1 The curtilage for development must: a) not exceed 20% of the site; or b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P1 An area greater than 20% of the site may be used where the development is for a driveway or for the management of natural hazards.
Complies with the acceptable solution.	
A2 Building height must: a) not exceed 6m; or b) be in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P2 Building height must blend with the surrounding landscape and not be individually prominent.
Not applicable. No buildings are proposed in this zone.	
A3 Buildings must be set back a) a minimum of 10m to all boundaries; or b) in accordance with a Reserve Activities Assessment approved under the <i>National Parks and Reserves Management Act 2002</i> or <i>Nature Conservation Act 2002</i> ..	P3 Building setback must protect the natural values of the site or reduce the risk from natural hazards.
Not applicable. No buildings are proposed in this zone.	
A4 Buildings for a sensitive use must be set back a minimum of 200m to the rural resource zone.	P4 Buildings for sensitive use must be designed and sited to protect uses in the rural resource zone from likely constraint, having regard to the: a) locations of existing buildings; and b) size and proportions of the lot; and c) nature of the rural resources that are, or may potentially be conducted; and d) extent to which the topography or existing vegetation screening may reduce or increase the impact of the proposed variation.
Not applicable. No buildings are proposed in this zone.	
A5 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	P5 No Performance criteria
Not applicable. No buildings or structures are proposed in this zone.	

Acceptable Solutions	Performance Criteria
A6 Reflective materials, excluding windows, must not be used as visible external elements in buildings.	P6 Reflective materials, excluding windows, with a high initial reflectivity must become non reflective within a period of 12 months from the date of installation or that the reflective materials will not be visible from off the site.
Not applicable. No buildings are proposed in this zone.	
A7 On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).	P7 On sites with a slope greater than 1:10, site benching through cut and fill greater than 20% of the site coverage of the proposed building(s) must ensure the site works are appropriate to the physical and environmental capabilities of the site having regard to:- d) The risk of erosion, and e) The stability of the land, and f) The visual impact of the building on adjoining sites.
Not applicable. No buildings are proposed in this zone.	
A8 Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.	P8 Alternative methods of dealing with rainwater runoff from roofs must avoid erosion, flooding, siltation, pollution or contamination of ground or surface waters.
Not applicable. No buildings are proposed in this zone.	
A9 Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.	P6 Additional lighting must be in a location and an amount that is appropriate to the needs of pedestrians and other building users and does not make the building visible from outside the site boundaries.
Not applicable. No buildings are proposed in this zone.	
A10 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	P7 No performance criteria.
Complies with the acceptable solution in so far as it is applicable. The purpose of the proposal is to provide tracks, although they are not walking tracks. It is impractical and counter-productive to provide walking track access to each component of a MTB trail.	
A11 Single unbroken walls are not to exceed 15m in length.	P8 The horizontal scale of elements must not dominate natural landscapes.
Not applicable. No buildings are proposed in this zone.	
A12 Roofs must be: c. pitched at an angle of less than 30 degrees and can be either hipped or gabled, or d. curved at radius no greater than 12.5m.	P9 Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.
Not applicable. No buildings are proposed in this zone.	

29.4.2 Landscaping

Objective To ensure that the natural values of the site are retained in a manner that contributes to the broader landscape of the area.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 Development must be accompanied by a landscape and site management plan that sets out how the entire site will be managed having regard to: <ul style="list-style-type: none"> a) any retaining walls; and b) retaining any existing native vegetation where it is feasible to do so or required to be retained by another provision of this scheme; and c) the locations of any proposed buildings, driveways, car parking, storage areas, signage and utility services; and d) any fencing; and e) vegetation plantings to be used and where; and f) any pedestrian movement paths; and g) ongoing treatment of the balance of the lot, if any, including maintenance of plantings, weed management and soil and water management.
Complies with the acceptable solution.	
A2 Development must be located on land on which the natural vegetation cover has been removed or significantly disturbed.	P2 New development must be located in a manner that minimises vegetation removal.
<p>Does not comply with the acceptable solution, so must meet the performance criteria. The trail head complex is located at the junction of Flagstaff Road and another unnamed road and makes use of the small cleared area that already exists here. Approximately 1.5 ha of native vegetation is still required to be cleared for the trail head. This area is minimised by the compact layout of the complex. No more vegetation will be removed than is required – the intention is for the trailhead to sit in the forest, with the riders entering the forest on the trails as soon as they depart. The trail head is designed and located in a manner that minimises vegetation removal.</p> <p>Native vegetation removal is also likely to be necessary to construct the trails themselves. It is difficult to precisely state how much removal will be required as it depends on the detailed design of the trails. The nature of mountain bike trails as designed by World Trails (examples at Derby) is that vegetation removal is minimised by using trees as natural obstacles and essentially routing the trail around and between them. There is certainly no attraction to a mountain biker of a straight cut, fully cleared pathway so this is not the intention. The trails are designed and located in a manner that minimises vegetation removal. Native vegetation removal will be in accordance with both the ecological assessment and the forest practices plan submitted with the application.</p>	
A3 All new plantings must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site	P3 Where seeds or rootstock derived from provenance taken within the boundaries of the site is insufficient for the landscaping needs, seeds or rootstock may be used from other lots within the municipal area.
Not applicable. No new plantings are proposed.	

Acceptable Solutions	Performance Criteria
A4 Plants listed in Appendix 3 must not be used in landscaping.	P5 No performance criteria
Not applicable. No new plantings are proposed.	

29.4.3 Subdivision

Not applicable. No subdivision is proposed.

29.4.4 Provision of Infrastructure

Objective To ensure that development is provided with adequate and appropriate infrastructure and that the cost of providing infrastructure is not unnecessarily borne by the wider community.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution	P1 New roads must be designed to ensure safe movement of vehicles and pedestrians and that native wildlife is protected.
No acceptable solution, so must meet the performance criteria. New roads are limited to 'internal' roads at the trail head (i.e, running off Flagstaff Road into the trail head complex). The trail head makes use of the existing Flagstaff Road and adds approximately 400m of gravel roads to create a loop and alternative vehicle route around the complex. The TIA submitted with the application confirms the roads are designed to ensure safe movement of vehicles and pedestrians. The impact on native wildlife is expected to be minimal due to vehicle movements almost entirely being during daylight hours (the only reason to be at the trail head is to ride a mountain bike and this can only effectively be done during daylight hours).	
A2 Footpaths and trails must be a minimum of:- c) 1m wide for walking trails. d) 1.5m wide where required for wheelchair access.	P2 Footpaths and trails must be sensitively located to take advantage of landscape features without interfering with natural drainage patterns or water catchment areas.
Not applicable. The proposed trails are not for walking.	

29.4.5 Tourist Operations

Not applicable. Not classified as a tourist operation use.

CODES

The following codes apply:

E4 Road and Railway Assets Code - applies as the proposal intensifies the use of existing junctions (Flagstaff Road/Tasman Highway and Basin Creek Road/Tasman Highway).

E6 Car Parking and Sustainable Transport Code – applies as car parking is proposed (note: the code does not require car parking for passive recreation use).

E7 Scenic Management Code - applies as one trail (town link) is located in a tourist road corridor (Tasman Highway).

E8 Biodiversity Code - applies as native vegetation will be removed.

E9 Water Quality Code – applies as use and development is proposed within 50m of a watercourse.

E16 On-site Wastewater Management Code – applies as wastewater infrastructure is proposed.

E4 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.
Not applicable – not a sensitive use.	
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Not applicable – the speed limit on Flagstaff Road, Basin Creek Road and Loila Tier Roads is 80 km/h.	
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
Does not comply with the acceptable solution, so must meet the performance criteria. The Flagstaff Road and Basin Creek Road junctions have very low traffic movements currently and the proposal will increase them by more than 10%. The TIA submitted with the application confirms that the proposal meets the performance criteria as follows: Criteria a) is N/A. In relation to criteria b), the proposal is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable. In relation to c), the junctions have sufficient sight distance, swept paths and access way width in order to have an adequate level of safety for all road users.	

Acceptable Solutions	Performance Criteria
A4 Use serviced by a side road from a deficient junction (refer E4 Table 2) is not to create an increase to the annual average daily traffic (AADT) movements on the side road at the deficient junction by more than 10%.	P4 Use serviced by a side road from a deficient junction (refer E4 Table 2) must ensure the safety and performance of the road junction will not be reduced.
Not applicable – not located on or near a deficient junction.	

E4.7 Development Standards

Note that the following sections are not applicable:

E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

E4.7.3 Management of Rail Level Crossings

E4.7.2 Management of Road Accesses and Junctions

Objective To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solutions	Performance Criteria
A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
Not applicable – the speed limit on Flagstaff Road, Basin Creek Road and Loila Tier Roads is 80 km/h.	
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: <ul style="list-style-type: none"> a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
A new access is proposed off Flagstaff Road, so the performance criteria must be met. Criteria a) and is not applicable. In relation to criteria b), the proposal is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable. In relation to c), the TIA submitted with the application confirms that the new access from Flagstaff Road maintains an adequate level of safety and efficiency for all road users.	

Acceptable Solutions		Performance Criteria	
A3	Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.	P3	Accesses must not be located so as to reduce the safety or efficiency of the road.
Complies with the acceptable solution.			

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.			
Acceptable Solutions		Performance Criteria	
A1	Sight distances at	P1	The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
a)	an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and		
b)	rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i> , Standards Association of Australia; or		
c)	If the access is a temporary access, the written consent of the relevant authority has been obtained.		
The sight distance at the Flagstaff Road junction complies with the acceptable solution. The sight distance at the Basin Creek Road junction does not, so must meet the performance criteria. The TIA submitted with the application confirms that the proposal meets the performance criteria as follows: the junction has been in use for many years for forestry and quarry operations and does not have an identified road safety issue. It is not on Council's list of deficient junctions. The junction will not provide primary access to the proposal. The road authority (Department of State Growth) did not identify a sight distance issue.			

E6 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Note: At table E6.1: Parking Space Requirements, the use passive recreation does not have a parking requirement. It is still proposed to provide car parking at the trail head on Flagstaff Road.

6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective To ensure that car parking spaces and access strips are constructed to an appropriate standard.			
Acceptable Solutions		Performance Criteria	
A1	All car parking, access strips manoeuvring and circulation spaces must be:	P1	All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
a)	formed to an adequate level and drained; and		
b)	except for a single dwelling, provided with an impervious all weather seal; and		
c)	except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.		
Complies with the acceptable solution.			

E6.7.2 Design and Layout of Car Parking

Objective To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.	
Acceptable Solutions	Performance Criteria
A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for a dwelling in the General Residential Zone) must be located behind the building line; and A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: <ul style="list-style-type: none"> a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
Does not comply with the acceptable solution, so must meet the performance criteria. In relation to a), locating the proposed 46 spaces behind the only building on the site – a small toilet and bike washing building – is not practicable or desirable. Even if they were behind the building line they would still be visible. In relation to b) and c), a key function of the trail head is to provide parking and the layout reflects this. It will be possible to see the car parking from the road. Criteria d) is not applicable, and in relation to e), the car park is located in a forested area with additional landscaping proposed.	
A2.1 Car parking and manoeuvring space must: <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	P2 Car parking and manoeuvring space must: <ul style="list-style-type: none"> a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
Complies with the acceptable solution.	

E6.7.3 Parking for Persons with a Disability

Objective To ensure adequate parking for persons with a disability.	
Acceptable Solutions	Performance Criteria
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	P1 No performance criteria.
Complies with the acceptable solution.	
A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities.	P2 No performance criteria.
Complies with the acceptable solution.	

E6.7.4 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions	Performance Criteria
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.	P1 For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.
Not applicable. Proposal is not a retail, commercial, industrial, service industry or warehouse or storage use.	

E6.8 Provisions for Sustainable Transport

E6.8.5 Pedestrian Walkways

Objective To ensure pedestrian safety is considered in development	
Acceptable Solutions	Performance Criteria
A1 Pedestrian access must be provided for in accordance with Table E6.5.	P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.
Does not comply with the acceptable solution, so must meet the performance criteria. The trail head is designed around riders and pedestrians rather than cars. Any through traffic will be very limited and is re-routed around the trail head. Users of 20 of the 46 spaces do not need to cross a road to access the trail head. The remaining 26 users cross the 6m wide internal road where cars and shuttle buses will be slow moving - it is restricted to 20km/h. The performance criteria is met.	

E7 Scenic Management Code

E7.6 Development Standards

E7.6.1 Scenic Management – Tourist Road Corridor

Objective

- (a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
- i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
 - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
 - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
 - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
 - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- (b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

Acceptable Solutions	Performance Criteria
<p>A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.</p>	<p>P1 Development (not including subdivision) must be screened when viewed from the road within the tourist road corridor having regard to:</p> <ul style="list-style-type: none">a) the impact on skylines, ridgelines and prominent locations; andb) the proximity to the road and the impact on views from the road; andc) the need for the development to be prominent to the road; andd) the specific requirements of a resource development use; ande) the retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; andf) whether existing native or significant exotic vegetation within the tourist road corridor is managed to retain the visual values of a touring route; andg) whether development for forestry or plantation forestry is in accordance with the 'Conservation of Natural and Cultural Values – Landscape' section of the <i>Forest Practices Code</i>; andh) the design and/or treatment of development including:<ul style="list-style-type: none">i) the bulk and form of buildings including materials and finishes;ii) earthworks for cut or fill;iii) complementing the physical (built or natural) characteristics of the site.
Complies with the acceptable solution.	

Acceptable Solutions	Performance Criteria
A2 Subdivision must not alter any boundaries within the areas designated as scenic management – tourist road corridor.	<p>P2 Subdivision that alters any boundaries within the areas designated as scenic management – tourist road corridor must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:</p> <ul style="list-style-type: none"> a) site size; and b) density of potential development on sites created; and c) the clearance or retention of vegetation in combination with requirements for hazard management; and d) the extent of works required for roads or to gain access to sites including cut and fill; and e) the physical characteristics of the site and locality; and f) the scenic qualities of the land that require management.
Not applicable – subdivision not proposed.	

E7.6.2 Local Scenic Management Areas

Not applicable – there are none in the municipality.

E8 Biodiversity Code

E8.5 Use Standards

Not used in this Scheme.

E8.6 Development Standards

E8.6.1 Habitat and Vegetation Management

<p>Objective</p> <p>To ensure that:</p> <ul style="list-style-type: none"> a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development. 	
Acceptable Solutions	Performance Criteria
<p>A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;</p> <p>A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.</p>	<p>P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the:</p> <ul style="list-style-type: none"> a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
Complies with the acceptable solution - clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan	

Acceptable Solutions	Performance Criteria
A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.	<p>P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <ul style="list-style-type: none"> a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment.
Complies with the acceptable solution - clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan	

E9 Water Quality Code

E9.5 Use Standards

Not used in this Scheme.

E9.6 Development Standards

E9.6.1 Development and Construction Practices and Riparian Vegetation

<p>Objective</p> <p>To protect the hydrological and biological roles of wetlands and watercourses from the effects of development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Native vegetation is retained within:</p> <ul style="list-style-type: none"> a) 40m of a wetland, watercourse or mean high water mark; and b) a Water catchment area - inner buffer. 	<p>P1 Native vegetation removal must submit a soil and water management plan to demonstrate:</p> <ul style="list-style-type: none"> a) revegetation and weed control of areas of bare soil; and b) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and c) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.
<p>Does not comply with the acceptable solution so must meet the performance criteria. Soil and water management that meets the performance criteria is contained across three documents submitted with the application – the Forest Practices Plan, the Ecological Assessment and the Maintenance Plan. As endorsed documents, the measures contained in these must be undertaken.</p>	

Acceptable Solutions	Performance Criteria
A2 A wetland must not be filled, drained, piped or channelled.	P2 Disturbance of wetlands must minimise loss of hydrological and biological values, having regard to: <ul style="list-style-type: none"> (i) natural flow regimes, water quality and biological diversity of any waterway or wetland; (ii) design and operation of any buildings, works or structures on or near the wetland or waterway; (iii) opportunities to establish or retain native riparian vegetation; (iv) sources and types of potential contamination of the wetland or waterway.
Complies with the acceptable solution.	
A3 A watercourse must not be filled, piped or channelled except to provide a culvert for access purposes.	P3 A watercourse may be filled, piped, or channelled: <ul style="list-style-type: none"> a) within an urban environment for the extension of an existing reticulated stormwater network; or b) for the construction of a new road where retention of the watercourse is not feasible.
Complies with the acceptable solution.	

E9.6.2 Water Quality Management

<p>Objective</p> <p>To maintain water quality at a level which will not affect aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.</p>	
Acceptable Solutions	Performance Criteria
A1 All stormwater must be: <ul style="list-style-type: none"> a) connected to a reticulated stormwater system; or b) where ground surface runoff is collected, diverted through a sediment and grease trap or artificial wetlands prior to being discharged into a natural wetland or watercourse; or c) diverted to an on-site system that contains stormwater within the site. 	P1 Stormwater discharges to watercourses and wetlands must minimise loss of hydrological and biological values, having regard to: <ul style="list-style-type: none"> (i) natural flow regimes, water quality and biological diversity of any waterway or wetland; (ii) design and operation of any buildings, works or structures, on or near the wetland or waterway; (iii) sources and types of potential contamination of the wetland or waterway; (iv) devices or works to intercept and treat waterborne contaminants; (v) opportunities to establish or retain native riparian vegetation or continuity of aquatic habitat.
<p>Complies with the acceptable solution c): roof water flows to rainwater tanks above ground and runoff from the bike wash flows to an underground tank. Both are used in the toilets, bike wash and landscaping. There is no mains water at the trail head so it is expected all the water will be used in this way.</p>	

Acceptable Solutions	Performance Criteria
<p>A2.1 No new point source discharge directly into a wetland or watercourse.</p> <p>A2.2 For existing point source discharges into a wetland or watercourse there is to be no more than 10% increase over the discharge which existed at the effective date.</p>	<p>P2.1 New and existing point source discharges to wetlands or watercourses must implement appropriate methods of treatment or management to ensure point sources of discharge:</p> <ul style="list-style-type: none"> a) do not give rise to pollution as defined under the <i>Environmental Management and Pollution Control Act 1994</i>; and b) are reduced to the maximum extent that is reasonable and practical having regard to: <ul style="list-style-type: none"> i) best practice environmental management; and ii) accepted modern technology; and c) meet emission limit guidelines from the Board of the Environment Protection Authority in accordance with the <i>State Policy for Water Quality Management 1997</i>. <p>P2.2 Where it is proposed to discharge pollutants into a wetland or watercourse, the application must demonstrate that it is not practicable to recycle or reuse the material.</p>
Complies with the acceptable solution.	
A3 No acceptable solution.	P3 Quarries and borrow pits must not have a detrimental effect on water quality or natural processes.
Not applicable. No quarry or borrow pit proposed.	

E9.6.3 Construction of Roads

<p>Objective</p> <p>To ensure that roads, private roads or private tracks do not result in erosion, siltation or affect water quality.</p>	
Acceptable Solutions	Performance Criteria
A1 A road or track does not cross, enter or drain to a watercourse or wetland.	P1 Road and private tracks constructed within 50m of a wetland or watercourse must comply with the requirements of the <i>Wetlands and Waterways Works Manual</i> , particularly the guidelines for siting and designing stream crossings.
Complies with the acceptable solution. 'Track' is taken to be a vehicular track.	

E9.6.4 Access

Objective To facilitate appropriate access at suitable locations whilst maintaining the ecological, scenic and hydrological values of watercourses and wetlands.	
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 New access points to wetlands and watercourses are provided in a way that minimises: <ul style="list-style-type: none"> a) their occurrence; and b) the disturbance to vegetation and hydrological features from use or development.
No acceptable solution so must meet the performance criteria. The trails will cross watercourses (but not wetlands). There is no benefit to riders for a trail to cross watercourses more than necessary and the design of the trail will reflect this – only the minimum of crossings will be made. Exactly where watercourses will be crossed will be determined on site as part of the construction. Watercourses are typically small on the subject site. Mountain bike trails typically cross watercourses via stones placed in the stream bed. Riders expect to ride through shallow water and therefore lightweight raised bridges (without mid-stream piers) would only be required for any slightly larger watercourses. Both these options have minimal impact on hydrological features.	
A2 No acceptable solution.	P2 Accesses and pathways are constructed to prevent erosion, sedimentation and siltation as a result of runoff or degradation of path materials.
No acceptable solution so must meet the performance criteria. Management of erosion, sedimentation and siltation as a result of runoff or degradation of path materials performance criteria is addressed across three documents submitted with the application – the Forest Practices Plan, the Ecological Assessment and the Maintenance Plan. As endorsed documents, the measures contained in these must be undertaken.	

E9.6.5 Sediment and Erosion Control

Not applicable as this only applies to subdivision and subdivision is not proposed.

E9.6.6 Water Catchment Areas

Not applicable as the proposal is not in a mapped water catchment area.

E16 On-site Wastewater Management Code

E16.6 Use Standards

E16.6.1 Use and lot size

Objective To ensure that use occurs in a manner that accommodates onsite water management.	
Acceptable Solutions	Performance Criteria
A1 Residential uses that rely on onsite wastewater management must: <ul style="list-style-type: none"> a) be on a site with minimum area of 2,000m²; and b) have four bedrooms or less. 	P1 Residential use on sites less than 2,000m ² or with more than four bedrooms that rely on onsite wastewater management must be able to accommodate: <ul style="list-style-type: none"> a) the proposed residence and associated buildings and structures; b) private open space; c) vehicle manoeuvring and car parking; d) hardstand and paved areas; and e) onsite wastewater management infrastructure
Not applicable. Not a residential use.	

Acceptable Solutions	Performance Criteria
A2 Non-residential uses that rely on onsite water management must be on a site with minimum area of 5,000m ² .	P2 Non-residential use on sites less than 5,000m ² that rely on onsite wastewater management must be able to accommodate: <ul style="list-style-type: none"> a) the proposed use and associated buildings and structures; b) any required private open spaces or other outdoor spaces; c) vehicle manoeuvring and car parking; d) hardstand and paved areas; and e) onsite wastewater management infrastructure (if required);
Complies with the acceptable solution.	

E16.7 Development Standards

E16.7.1 Onsite Wastewater Management

<p>Objective</p> <p>To ensure that development does not conflict with onsite wastewater management.</p>	
Acceptable Solutions	Performance Criteria
A1 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.	<p>P1.1 Buildings and structures must not be placed over onsite wastewater infrastructure; and</p> <p>P1.2 Buildings and structures within 3m of onsite wastewater infrastructure must not have a detrimental impact on the operation or integrity of the onsite wastewater management infrastructure; and</p> <p>P1.3 Onsite wastewater management must not have a detrimental impact on the foundations or footings of buildings or structures.</p>
Complies with the acceptable solution.	
A2 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and the following: <ul style="list-style-type: none"> a) hardstand and paved areas; b) car parking and vehicle manoeuvring areas; and c) title or lot boundaries; 	<p>P2 Hardstand, paved areas car parking and vehicle manoeuvring areas must:</p> <ul style="list-style-type: none"> a) not be located above or below each other; and b) have no detrimental impact on the operation or integrity of the onsite waste water management infrastructure.
Complies with the acceptable solution.	
A3 Private Open Space must not be used for surface irrigation of treated wastewater.	P3 No performance criteria.
Complies with the acceptable solution.	
A4 Onsite waste water management infrastructure must be on lots with an average slope of 10% percent or less.	<p>P4 Onsite waste water management infrastructure located on lots with an average slope of more than 10% must have no detrimental impacts:</p> <ul style="list-style-type: none"> a) through waste water seepage, or soil erosion; and b) on the foundations or footings of buildings or structures.
Complies with the acceptable solution (based on the trail head curtilage of approximately 1.5 ha, rather than the much larger trails site).	

E16.7.2 Surface and ground water impacts

Objective To ensure that onsite wastewater management has no detriment to surface or ground waters.	
Acceptable Solutions	Performance Criteria
A1 Onsite wastewater management infrastructure must have a minimum separation distance of 100m from a wetland or watercourse or coastal marine area.	P1 Onsite wastewater management infrastructure within 100m of a wetland or watercourse or coastal marine area must have no detrimental impacts on the water quality or integrity of the wetland or watercourse or coastal marine area.
Does not comply with the acceptable solution so must meet the performance criteria. The onsite wastewater management infrastructure is approximately 50m from the mapped head of a tributary that feeds into Basin Creek. A Site and Soil Evaluation and Onsite Wastewater System Design by Strata Geoscience and Environmental was submitted with the application. This concluded that the health risk of the proposed design was low. Furthermore, the proposal was referred to Council's Environmental Health Department who had no comment on the proposal. This is taken as advice that there will be no detrimental impacts on the water quality or integrity of the watercourse.	
A2 Onsite wastewater management infrastructure must have a minimum separation distance of 50m from a downslope bore, well or other artificial water supply.	P2 Onsite wastewater management infrastructure within 50m of a downslope bore, well or other artificial water supply must have no detrimental impacts on the water quality of the water supply.
Complies with the acceptable solution.	
A3 Vertical separation between groundwater and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	P3 Onsite wastewater management infrastructure separated from groundwater by less than 1.5m must have no detrimental impacts on the water quality of the groundwater.
Not applicable. No land in the vicinity has effluent applied to it.	
A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	P4 Onsite wastewater management infrastructure separated from the limiting layer by less than 1.5m must have no detrimental impacts on groundwater.
Not applicable. No land in the vicinity has effluent applied to it.	

5. Representations

COMMENT: The S57 application was advertised for the statutory 14 day period with signs placed on site, in the Examiner Newspaper and Council offices.

A total of 25 representations were received to this application. Six were in support and 19 were not. A full copy of all representations is provided as an attachment to this agenda item.

Some of the representations addressed both this application and the other mountain bike trails application (DA128-18) for the MTB trail between Poimena and Swimcart Beach which was notified at the same time. If representations specifically addressed only one application, they are considered under the respective agenda item. Any that addressed both applications are considered in both agenda items.

Representations are addressed in three (3) sections below:

- 1) Representations in support are addressed generally as they had much in common and do not require a specific response.
- 2) Most of the representations that were not in support (i.e, raised questions, concerns or objections) raised the same issues, so these are addressed as issues rather than repeatedly by representor.
- 3) If a representor raised a specific issue relating to their land it is addressed individually in this final section.

1) Representations in support

Six in support	
Reasons for support:	Planning Response:
Summary of comments in support of the proposal: <ul style="list-style-type: none">• Economic benefits• Health benefits• Expand visitor numbers• Jobs in construction and maintenance of trails.• Example of Derby – town has been re-invigorated.• The quality construction of the Derby trails and their low environmental impact• Useable year round, with corresponding boost to tourism in quieter months.• Will assist with limited employment and lack of activities in regional Tasmania.• Mountain biking is accessible.• Mountain biking in New Zealand has led to an increase in visitors.• Benefits to locals and other Tasmanians.	The comments in support are noted. They do not require a specific response. They are consistent with the General Planning Scheme Objectives at Clause 3.1.1 in the planning scheme.

2) Representations with questions / concerns / objections

Issues raised by a number of representations:	Planning Response
Spread of <i>Phytophthora Cinnamomi</i> (PC)	<p>This is an issue for many areas in Tasmania and the additional strategic importance of it in this location raised by a number of representations is accepted. The ecological assessment submitted with the application has a detailed section on the presence of PC and management of it. Further to this, Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark Wapstra. His response is provided as an addendum to the agenda item.</p> <p>I am satisfied with the response to the issue by Mark Wapstra, but have also included a condition relating to Construction Management to ensure the issue is managed during the potentially higher risk construction phase.</p>
Washing stations are 'flawed' because using them is voluntary.	Many aspects of this proposal – and others – are voluntary. It is reasonable for the applicant and/or land managers to provide information, direction and enforcement as required.
Impact on threatened species / loss of biodiversity.	Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark Wapstra. His response is provided as an addendum to the agenda item.
Proposal should have been referred under the Environment Protection and Biodiversity Conservation Act.	This is not a planning consideration and is the responsibility of the applicant. Notwithstanding, the applicant's ecological consultant is confident that referral was not required.
Disturbance of sea eagles	Mark Wapstra from EcoTAS was requested by Council to prepare a response to ecological issues raised in objections. This is a specialist area best addressed by a professional such as Mark Wapstra. His response is provided as an addendum to the agenda item.
Aboriginal heritage assessment not adequate.	The planning scheme does not require an assessment of Aboriginal heritage. Notwithstanding this, the applicant chose to submit an Aboriginal Heritage Assessment. A note on the permit will remind the applicant that any use or development which may impact on Aboriginal cultural heritage is subject to the <i>Aboriginal Relics Act 1975</i> . If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. This is a separate regulatory process.

Issues raised by a number of representations:	Planning Response
Oppose further spending until the 'real and long term costs and benefits' of the [existing] Blue Tier facility have been determined.	This is not a planning consideration. It is a matter for the applicant.
Financial costs / cost of providing and maintaining infrastructure / mountain bike trails do not provide an economic benefit.	This is not a planning consideration. It is a matter for the applicant.
Riders should pay to use the facility.	This is not proposed. This is a matter for the applicant and is not considered by the planning scheme.
Social costs	The representations raising this did not explain further so it is difficult to respond to non-specified social costs.
Litter	Littering is already illegal. Notwithstanding this, any littering on the trails is expected to be minimal simply because the amount of potential litter a rider can carry is limited. Rubbish bins will be provided at the trail head.
Opening Council up to litigation injuries.	This is not a matter that can be addressed in the planning scheme. It is a matter for the applicant.
Too much tourism already, this will add to it.	The planning scheme has as a specific objective to increase tourism, which this proposal is consistent with.
Mountain biking is a high impact sport that could have potential serious repercussions on BODC's natural assets.	Mountain biking is a lower impact sport than four wheel driving, motor bike riding, quad bike riding or horse riding to name some sports that take place in similar environments. The impact on natural assets is comprehensively addressed in the Ecological Assessment by EcoTAS submitted with the application.
Strongly advise that a comprehensive, independent and integrated environmental, social and economic cost analysis be conducted before any construction of mountain bike tracks and their associated infrastructure commences.	To make a planning application, an applicant must address the requirements of the scheme. The applicant has provided a level of information that enables the assessment of the application against the provisions of the planning scheme.
Lack of consultation / consultation period too short.	The planning approval process requires notification as set out in the <i>Land Use Planning and Approvals Act 1993</i>. This process was followed. Any additional consultation is not addressed here.
Conflict of interest having Rebecca Green & Associates as the consultant for the applicant (Break o' Day Council) whilst also consulting to assess other development applications for the Council. Require an independent assessment.	Rebecca Green & Associates acts for the applicant, but is not involved in the statutory assessment of this application. Break o' Day Council have requested that West Tamar Council assess the application, as an independent body. This practice is common when a Council is also an applicant.
Do not understand how the proponent can also be the assessor.	This is not the case. See above.

Issues raised by a number of representations:	Planning Response
Application documents not thorough enough.	A planning application must contain sufficient information for a decision to be made. It is considered that the applicant has provided this.
Reserve Activity Statement (RAA) prepared by Parks and Wildlife fails to take a precautionary principle approach to ensuring that important conservation values will be safeguarded.	A planning application such as this requires that an RAA be submitted. The nature of the RAA is a matter for Parks and Wildlife.
Some areas should be left untouched.	This is not a planning consideration. The proposal is not prohibited by the planning scheme and therefore an application can be made. The impact on the environment was assessed in the application and, subject to conditions, the proposal was supported. Any further action to leave areas untouched would be the responsibility of land owners / managers. This is not the case as they have consented to the application being made.
Tracks go through areas that DPIPWE and forestry agreed should be left alone.	I am not aware of this agreement. DPIPWE consented to the application being made which suggests they do not consider this to be an issue.
Questions about ongoing maintenance / monitoring once the trail is constructed.	A Maintenance Plan was submitted with the application. As an endorsed document, the measures contained in this must be undertaken.
Suggestion of various changes to speed limits on surrounding roads.	Both the Department of State Growth and Council as road authorities have reviewed the application and have not required or recommended any speed limit changes.
Strain on existing medical facilities	This is not a planning consideration.
Various disparaging comments about mountain bikers in general.	This is not a planning consideration.

3) Specific issues raised by single representors are addressed below:

Rep 1	
Representor's Issue	Planning Response
<i>We are formally requesting from Council as to what steps will be taken to mitigate and prevent inadvertent trespassing on our private land, i.e. signage/fencing/barriers?</i>	<p>The subject site is separated from the representor's property by another 70 ha privately owned property that is densely vegetated. A mountain biker would have to trespass more than 850m from the track through this dense vegetation to reach the representor's property. On this basis, it is not considered likely that a mountain biker would inadvertently trespass on the representor's property.</p> <p>More generally, the trail does pass close to private land. The trail will be clearly marked and signed. The nature of these trails is that they themselves are the attraction to mountain bikers due to the natural flow and features incorporated into them. They also provide the easiest and quickest route through what is often rough terrain that would otherwise be virtually impassable on a bike. There is little to be gained from leaving the trail. No fencing or barriers are provided. Also note that trespassing is a matter for the police and is not considered by the planning scheme.</p>
Rep 2	
Representor's Issue	Planning Response
Dust generated by vehicles on Flagstaff Road.	There will be an increase in traffic which is likely to increase dust generation. It should be noted that buildings on the representor's property are approximately 50m from Flagstaff Road, with approximately 40m of this being vegetation which will aid in filtering dust. In the absence of a trigger in the planning scheme relating to dust, it is suggested that if an environmental nuisance is caused, dust suppression be investigated. This takes place under a separate statutory process.
Impact on privacy. Request trees along road for privacy.	It is expected that only cars and mini buses will use Flagstaff Road. Riders and any walkers will use the town link to access the trail head, simply because it will be a more direct, safe and pleasant route. Flagstaff Road is already a trafficked road. There will be an increase in traffic, but each car will have no greater ability to impose on the representor's privacy than the existing cars on the road already do. It should be noted that buildings on the representor's property are approximately 50m from Flagstaff Road, with approximately 40m of this being vegetation. Planting trees in the road reserve would have very little effect.
<p>A. Griffiths, North East Excavations (NEE). Mr Griffiths submitted an initial representation but the amended it and requested the amended representation replace the original. The representor raised traffic issues (among other issues). These were referred to the applicant's traffic engineer, Midson Traffic as this is a specialist area of expertise. I have directly quoted his responses below in italics. I am comfortable with his responses from a planning perspective.</p>	

Representor's Issue	Planning Response
<p>Basin Creek Road and Loila Tier Roads are quarry access roads with truck movements of 10-30 per day, six days per week. They are currently unsafe for high volumes of traffic, vehicles unable to pass each other. They should be widened and suggest sealed.</p>	<p>[Midson response] <i>Basin Creek Road will be a secondary access for the development. The primary access being Flagstaff Road. The traffic generation peak that is likely to use Basin Creek Road will be in the order of 38 vehicles per hour, which is a Sunday when the quarry will not be operating. The Saturday peak is estimated to be 27 vehicles per hour – if 25% of the traffic generation utilises the Basin Creek access, then it equates to a peak of 7 vehicles per hour.</i></p> <p><i>If the quarry has a peak of 30 trucks per day, then a peak of 5 trucks per hour might be expected. The potential conflict between 7 cars and 5 trucks per hour is considered to be relatively low.</i></p> <p><i>The passage of light vehicles associated with the proposed development is likely to have relatively minimal impact on the road condition. Most road damage will be caused by trucks (ie. the quarry). Being an unsealed road, some wear and tear might be expected by traffic generated by the proposed development however. Again the actual traffic volumes using the road for the development will be quite low compared to the Flagstaff Road access.</i></p>
<p>Use of the Dianna Basin quarry is likely to increase in the future.</p>	<p>It is assumed that the Dianas Basin Quarry is the quarry accessed from Basin Creek Road that NEE has a mining lease over (22M 2003 and 1589P/M). The comment is noted, but the planning process cannot consider future plans such as these, particular without details. Traffic calculations are based on the current situation.</p>
<p>Dust generation.</p>	<p>As Midson Traffic outlined above, the impact of quarry vehicles will be greater than that generated by the proposal. I would suggest the same applies to dust. It should also be noted that there are very few houses in close proximity to Basin Creek Road that are currently or would be affected by dust. In the absence of a trigger in the planning scheme relating to dust, it is suggested that if an environmental nuisance is caused, dust suppression be investigated. This takes place under a separate statutory process.</p>
<p><i>NEE has maintained the haul road to the quarry without financial input from other road users. Future maintenance and upkeep requirements need to be identified and the impact of external users assessed.</i></p>	<p>It is assumed that the haul road is an unnamed road and not Basin Creek Road or Loila Tier Road. On this basis, the proposal will only use Basin Creek Road and Loila Tier Road and there will no reason for them to use any other roads.</p> <p>The representation received from the Department of State Growth also pointed out the presence of this exploration license (it being administered by another state government department, Mineral Resources Tasmania). Whilst they said NEE have every right to explore the entire license, they did note that a geological split occurs in the middle of the license and that the less exploitable resource is in the half of the license with the trails.</p> <p>Any extractive industry undertaken in the exploration licence would likely require planning approval. Having an exploration licence does not guarantee development rights under the planning scheme. Each development application is considered in turn.</p>

Representor's Issue	Planning Response
NEE has worked with State Growth on upgrading the intersection of with the Tasman Highway. Speed limit should be reduced here from 100km/h to 80.	Noted. This is not required for the proposal but The Department of State Growth have indicated that they intend to widen this junction, with associated tree removal and speed limit changes.
Concerned about trails running through exploration licence due to the spreading of <i>Phytophthora Cinnamomi</i> . Keeping NEE's resource free of this is important as gravel is used for tracks in National Parks.	Refer to response under 'Spread of Phytophthora Cinnamomi' in section 2 above.
Riders shouldn't be able to ride on Basin Creek Road.	This cannot be enforced as it is a public road. However, it is suggested that very few riders would do so. The road is long and steep and not suited to the type of bike most riders will have, which are not suited to road riding. Taking a shuttle is far preferable.
Roads will have to be controlled for blasting.	This is accepted.
Is any compensation going to be paid?	This is not a matter that can be addressed in the planning scheme. It is a matter for the applicant.
Suggest fencing off trails in the exploration licence area.	No fencing or barriers are provided. The trail will be clearly marked and signed. The nature of these trails is that they themselves are the attraction to mountain bikers due to the natural flow and features incorporated into them. They also provide the easiest and quickest route through what is often rough terrain that would otherwise be virtually impassable on a bike. There is little to be gained from leaving the trail.
Department of State Growth	
Representor's Issue	Planning Response
Traffic and road safety concerns on Basin Creek Road. These are not addressed in the TIA.	Midson Traffic provided an additional response to these issues specifically under the North East Excavations representation above.
No consideration of parking, pull-out bays or turning circles at the Loila Tier Road shuttle drop off.	This is accepted. A permit condition will require further details be submitted in relation to this, prior to works commencing.
Impact on mineral exploration, including fettering future exploration. An Exploration Release Area (ERA1106) in the vicinity of Copplestones Hill will be released September 2018.	Exploration Release Area 1106 covers part of the site. In total it covers 180km² and is 23km wide. No exploration licence has yet been issued in it. The representor notes that any development application (such as the one subject of this report) is granted before an exploration licence, the approved development must be taken into account in any exploration activity. Exploration Licence 18/2005 is examined under the North East Excavations (the licence holder) representation above.

6. Mediation

Not required/requested.

LEGISLATION AND POLICIES:

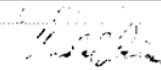
Break O' Day Interim Planning Scheme 2013;
Land Use Planning and Approvals Act 1993;
Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable to planning approval. Costs of the development are the responsibility of the applicant.

VOTING REQUIREMENTS:

Simple Majority.

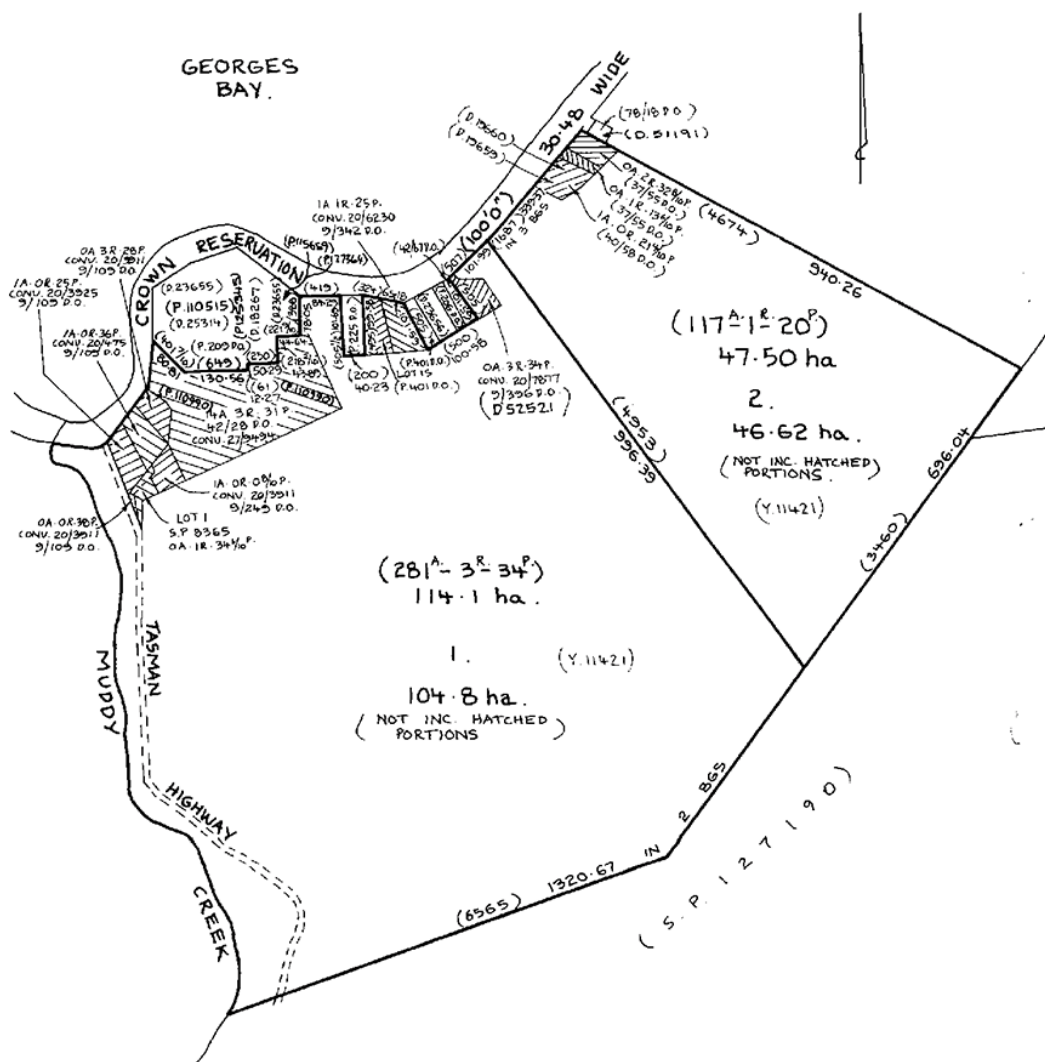
APPROVED 	CONVERSION PLAN	REGISTERED NUMBER: D.43185
RECORDER OF TITLES	CONVERTED FROM 55/3802	
FILE NUMBER Y. 11421	GRANTEE: PART OF LOT 301 (100A-OR-OP.), ROBERT VINCENT LEGGE PART OF LOT 302 (100A-OR-OP.), WILLIAM TALBOT & PART OF (128A-OR-OP.), WILLIAM TALBOT	DRAWN D. DANIELS 13-3-1990

05-6-2081

SKETCH BY WAY OF ILLUSTRATION ONLY

~~CITY/TOWN OF~~
LAND DISTRICT OF CORNWALL
PARISH OF MORIARTY
LENGTHS ARE IN METRES. NOT TO SCALE.
LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.

EXCEPTED LAND
LOT 15 (P.401 D.O.) CONV. 20/5650 1A-OR-OP.



SEARCH OF TORRENS TITLE

VOLUME 43185	FOLIO 1
EDITION 3	DATE OF ISSUE 15-Jan-2004

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 11.59 AM

DESCRIPTION OF LAND

Parish of MORIARTY, Land District of CORNWALL
Lot 1 on Diagram 43185
Being the land described in Conveyance No. 55/3802
Derivation : Part of Lot 301, 100 Acres Gtd. to R.V. Legge,
Part of Lot 302, 100 Acres Gtd. to W. Talbot and Part of 198
Acres Gtd. to W. Talbot
Prior CT 4648/64

SCHEDULE 1

MARGUERITE JOAN GEE

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
B946854 MORTGAGE to Primary Industry Bank of Australia
Limited Registered 09-May-1996 at 12.09 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.